

**ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A meeting of the Environment, Planning & 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 March 19, 2012.

**MEMBERS PRESENT:**

Leg. Kara Hahn, Chairwoman  
Leg. Lou D'Amaro, Vice Chair  
Leg. Sarah S. Anker  
Leg. DuWayne Gregory  
Leg. Edward P. Romaine

**ALSO IN ATTENDANCE:**

Leg. Wayne R. Horsley, 14th Legislative District  
Leg. Robert Calarco, 7th Legislative District  
George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Ben Zwirn, County Executive's Office  
Laura Halloran, Budget Review Office  
Sarah Lansdale, Director/Department of Planning  
Tom Ryan, Aide to Legislator Hahn  
Justin Littell, Aide to Leg. D'Amaro  
William Shilling, Aide to Leg. Anker  
Paul Perillie, Aide to Leg. Gregory  
Ali Nazir, Aide to Leg. Kennedy  
Charles Cetas, Riverhead Open Space  
Stephen Searl, Peconic Land Trust  
Bob DeLuca, Group for the East End  
Nancy Gamby  
Marilyn England, The Open Space Council  
Richard Amper, Long Island Pine Barrens

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Diana Flesher, Court Stenographer  
Denise Weaver, Legislative Aide

**(THE MEETING WAS CALLED TO ORDER AT 2:20 PM)**

**CHAIRWOMAN HAHN:**

All members of the Environment, Planning and Agriculture Committee, please, report to the horseshoe. Please join us in the Pledge of Allegiance led by Legislator Sarah Anker. Thank you.

**SALUTATION**

Okay, welcome. Hope you're all enjoying the -- what is it? My car said 83 degrees outside, but I know it couldn't possibly have been 83 degrees today, but it was pretty nice at lunchtime.

We do have five cards. The first is from Charles Cetas. Charles, come on up to the podium. You do need to hold the button on the microphone the whole time you're speaking. And Charles will be followed by Stephen Searl.

**MR. CETAS:**

Okay. My name is Charles Cetas. I'm Chairman of the Riverhead Open Space Committee. And I'm here in support of preservation of the Long Island Beagle Club. The Riverhead Open Space Committee is one hundred percent in support of preservation as open space of the Long Island Beagle Club property. It is a 150 acre parcel located in the Hamlet of Calverton on the west side of Edwards Avenue about halfway between New York State Route 25 and Sound Avenue.

The Open Space Committee has been pursuing preservation of this property since the summer of 2008. Under our previous Chairperson, Sherry Johnson, we succeeded in getting the Beagle Club property listed by the New York State DEC and the State's 2009 Open Space Conservation Plan and helped to restart Suffolk County's effort to preserve this parcel.

The Open Space Committee visited the Beagle Club property several times and gave it a high rating score even though it does lack wetland habitat and mapped habitat inventory of this property was produced in December 2009 by one of our members, Mary Laura Lamont, a naturalist, in the Peconic Land Trust. This mapped habitat inventory was submitted to and taken into account by the Suffolk County Planning Department, which increased the County rating score for this property accordingly.

The Beagle Club property has several significant attributes that make it worthy of preservation even in these difficult economic times. It is one of the largest parcels available for preservation in the agricultural -- agriculture protection zone of Riverhead Town. It provides significant groundwater protection as it is a large, undeveloped parcel located in the Central Suffolk Groundwater Protection Zone and it is no longer used for agriculture.

It has multiple habitat types, pitch pine-oak forests, successional shrubland, successional red cedar woodland and successional old field. A protected plant species, Northern Bayberry, was identified in the shrubland and old field habitat areas of the property. Also, Northern Harrier, a New York State threatened bird species, Cooper's Hawk, a New York State special concern bird species and Field Sparrow, a declining grassland bird species, were sighted during Open Space Committee visits of this property.

The Beagle Club parcel provides important habitats for many other bird and animal species as well. It is adjacent to preserved farmland and not far from other preserved open space parcels to the north such as Riverhead Town owned Esposito property and the New York State DEC Fresh Pond Preserve on Long Island Sound. The Baiting Hollow Boy Scout Camp on Sound Avenue is in that area as well.

It has a well maintained trail system, ideal for nature walks and bird watching. It helps maintain the rural nature of the area and provides a scenic view along Edwards Avenue. It provides an

important buffer between the adjacent farmland and the residential community on the east side of Edwards Avenue.

For most of -- for these reasons and more the Open Space Committee believes the Beagle Club property meets the criteria of the Suffolk County Drinking Water Protection Program. We strongly urge the Environment, Planning and Agriculture Committee approve introductory resolution 1011 and continue Suffolk County's effort to acquire the Beagle Club property as open space. Thank you very much.

**CHAIRWOMAN HAHN:**

Thank you very much. Stephen Searl. He'll be followed by Bob DeLuca.

**MR. SEARL:**

Good afternoon. My name is Stephen Searl. I'm with Peconic Land Trust. I would like to urge the members of this Committee to pass IR 1011, authorizing the acquisition of the Beagle Club property in the Town of Riverhead. And I'd like to take this time today to highlight what I would consider the most important conservation values of this parcel and the primary reasons why this property should be preserved.

First its size. The Beagle Club property is 150 acres, making it one of the largest unprotected parcels left on Long Island. It's sheer size will help ensure habitat and wildlife diversity and provide other important public benefits including scenic view sheds and opportunities for passive outdoor recreation.

Second, if preserved, the parcel would complete a block of hundreds of acres of preserved land along the west side of Edwards Avenue. This is not factored into the current rating but should be a consideration. The unique mix of farmland and open space that would result if this parcel were preserved, would enhance the existing wildlife corridors and open space features that extend into the preserved parcels that border the Beagle Club.

Third, the property is located in a special groundwater protection area. As many of you know, these watershed recharge areas need to be preserved in order to maintain and continue to provide large volumes of high quality groundwater.

Finally, the Beagle Club property features four New York State recognized habitats including successional old field, which has seen a significant decline on Long Island. Only by preserving these habitats can we ensure the continued diversity of plant and animal species including those that may be considered endangered, threatened and of special concern.

Again, we urge this Committee to approve resolution 1011 today to preserve the Beagle Club property. Thanks for your time and consideration.

**CHAIRWOMAN HAHN:**

Thank you, Stephen. Bob DeLuca followed by Nancy Gamby.

**MR. DE LUCA:**

Good afternoon, Madam Chair, Members of the Committee. My name is Bob DeLuca and I serve as President of Group for the East End. I wanted to offer a few comments today on the Beagle Club as well.

First of which, regarding some of the comments that you had about the values of these properties, I know that the Committee has been interested in the credentials of people making those assessments. I've submitted to the Planning Department my own credentials and background so hopefully and -- just wanted to let you know that we're very willing on behalf of myself and staff

members to assist the County, if we can, in other parcels on the East End where we may have some knowledge or be able to provide voluntary assistance in your natural resources assessment.

I had the opportunity to visit this property on the 14th of March; did a walk-through with a number of other stakeholders. And, you know, cutting to the chase, I certainly would like to affirm the assessments that had been provided to you by the Peconic Land Trust, by Mary Laura Lamont, by John Turner. I know that there was a letter on record now from the Nature Conservancy. And in a sense the vast majority of those comments circle around the issue of the substantial habitat and passive recreational value of this site, which I would certainly concur with, as well as what was said today by the Town of Riverhead.

I would also ask the Committee to keep in mind as part of the Drinking Water Protection Program, the protection of drinking water. And one of the issues, which is, I think, very important to looking at this site, is the 150 acres of groundwater recharge, uncontaminated groundwater recharge, that would exist with the preservation of this parcel. Adjacent to this parcel are over 300 acres of agricultural land primarily with development rights taken off that land. Obviously, we love agriculture; it's part of our East End economy. But one of the downsides of agriculture is nutrient and sometimes pesticide pollution. And to the extent that we can provide buffer properties around agricultural properties, in that way we are diluting the potential impacts primarily of nutrients that are accumulated over time. You know, the County's own comprehensive water resources report tells us that the levels and concentrations of nitrogen in our groundwater are going up substantially. And one of the best ways to avoid that number going up even higher is the ability to try to buffer existing areas where nitrogen is getting into the groundwater. So, I ask you to please consider that.

And just couple of other things that I noticed while I was there. On the west side of this property there are significant stands of existing woodland, which would add to the habitat value, which has already been identified on this site. The contiguity of that resource to this protected land, if it were to be protected, is substantial and can be verified.

Also, with respect to the Harrier that was talked about or identified, I had the good fortune of seeing a Northern Harrier on my way into the property, using the southeast corner of the site, I can identify the portion of the area where that bird was seen. And I can tell you it was foraging and not flying mobile by the behavior because Harriers -- and this is easier for Harriers than some species, tend to -- low to the ground, tilting back and forth as they look for small mammals and things to eat. The bird was going on through that activity, went over the fence and onto properties to the south, but that value is there as well.

So summing up, I just -- I hope that you look very carefully and consider moving this resolution forward. I certainly thank you for your time. Be happy to answer any questions or provide any follow-up in writing.

**CHAIRWOMAN HAHN:**

With do have a question for you from Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. Good afternoon. Thanks for taking the time to come down. Appreciate it. You said nitrogen levels are going up substantially and I've been hearing that and reading about that as well. Why is that?

**MR. DE LUCA:**

For a couple of reasons.

**LEG. D'AMARO:**

Yeah.

**MR. DE LUCA:**

I mean, primarily you have the ongoing accumulation of nitrogen from domestic septic waste. You have the accumulation of nitrogen from agriculture, which is more of an issue for us on the East End than it is further west. And I would also venture a guess that we have a lot more people fertilizing and maintaining turf than we had historically and all of those things contribute.

**LEG. D'AMARO:**

Yeah, I know, we've tried to address some of that in the past with when you can apply fertilizer and things like that. But it begs the question are we losing the battle with our land preservation? Are we losing the battle against the groundwater pollution?

**MR. DE LUCA:**

Well, I guess when you're in my business, you spend an awful lot of time trying to do the best you can with the resources you have and the place that you are and the time that you have to do that work. So, I think that the County's progress on land protection has been substantially valuable to groundwater protection. I think more is better. You can't get everything.

**LEG. D'AMARO:**

Well, you know, I'd like to just explore that for one moment. I know we don't have much time here today, but how do we know that? How do we know that the Land Preservation Program is effective if we're seeing the pollution levels continue to rise substantially, as you say?

**MR. DE LUCA:**

There's a multiplicity of benefits that you get from land protection. Obviously, the County incorporates all of those in what it considers and you can try to value them as you will. I don't think there's any doubt, and I can provide you with data, that the protection of open land, which is undeveloped will create cleaner groundwater underneath it over time. It's a form of infrastructure, a natural infrastructure.

So, the evaluation as to whether we're winning or losing, I guess, is subjective to the individual taking a look. But I would say that every policy that this County implements from regulating fertilizer to the protection of land is based on the principle that doing the right corrective measures over time is probably the best and most sustainable way to protect the groundwater resources that we have for the future as well as through the regulatory system.

**LEG. D'AMARO:**

Yeah, I appreciate that. And I guess it is subjective. But, I feel like universally I'm hearing that the nitrogen levels are going up substantially. And, you know, I'm a major supporter of all the initiatives that the County has taken in the past, you know, before I got here and certainly to continue them going forward. But it seems to me that we need to do even more.

**MR. DE LUCA:**

No arguments from me.

**LEG. D'AMARO:**

Okay. So, we need solutions, though.

**MR. DE LUCA:**

Could buy the Beagle Club. No, I mean, I think you have to keep doing what you're doing and do it as well as you can, as long as you can and if we, down the road --

**LEG. D'AMARO:**

I don't really have that -- you know, I need a little more analysis than that. And I know this isn't the forum for it, but we're spending an awful lot of money and I've always supported doing that. But all I continuously hear from may entire tenure here is that we're losing this battle and so we need to do better somehow.

**MR. DE LUCA:**

I completely agree with you.

**LEG. D'AMARO:**

Yeah. Okay, thank you.

**CHAIRWOMAN HAHN:**

Are there any other questions for Mr. DeLuca? Thank you. Nancy Gamby.

**MS. GAMBY:**

Hello. I'm pushing it. Okay, good. All right. How are you? I have major concerns. First of all, we're in -- we're running a deficit and we don't have the money to buy up every piece of land that's out there. Also, I have some major concerns because the facts are while land order -- landowners they have -- we have a bundle of property rights. The most important are your developments rights. When you sign away these rights, you are no longer the dominant estate holder. You surrender your controlling interest to a partner and become a subservient to their demands.

The trust -- the land trust brokers are salespeople that have no legal obligation to disclose information that might discourage a sale of the conservation easements. The 9th Circuit Court of Appeals has held to the precontract promises, conversations, commitments, brochures and manuals even from the government are not binding. It's the contract itself that is binding.

Land trusts are usually flipped to make quick money. In one example, the Nature Conservancy paid \$1.2 million for an easement and promptly sold it to the Bureau of Land Management for \$1.4 million. This enabled the government to control the private property with no publicity and place the landowner under the scrutiny of the federal bureaucracy. Third party land trusts, non-profits and public agencies can attack or enforce the agreement you made for your land trust thereby changing the original agreement. Easement deeds use broad language that expands the trusts' controls, but very specific language that limits the landowner's rights.

Through mitigation banking your property becomes part of a databank condemned and used to offset environmental damage to another conservation eased property hundreds of miles away. The trust can be used, sorry -- the trust can then use your property for purposes that you never intended. Because the ownership rights are muddled between taxes, restrictions and best practices requirements, it can be difficult to find a buyer willing to pay a fair market price for the land or the promised tax deductions. This happens with a lot of the farmers out east. They've given up their developments rights and now they can't sell their property. Because they have -- they were paid for those development rights. But they've gone through that money and they can no longer now sell it because nobody wants it when you can't even put an extra building on and a lot of things change.

So, my main concern is that the amount of private property that is going from private hands to public hands is amazing. And I know you guys are getting loads of money from HUD, Department of Energy. I mean, there's tons of grants out there. And I know when they all work together, the bigger the money; at least on the local. Please be very careful.

**CHAIRWOMAN HAHN:**

Thank you. The next speaker is Marilyn England followed by Richard Amper.

**MS. ENGLAND:**

Okay. My name is Marilyn England. I'm with the Open Space Council. We are an environmental advocacy group working on land use issues in Suffolk County.

I'm here to speak on the Beagle Club property. The 150 acre Long Island Beagle Club property contains critical foraging and wintering habitat for the New York State threatened Northern Harrier, a hawk species that requires large areas for hunting and breeding. During the five years I studied the breeding biology and status of Harriers on Long Island, it became clear that the main threat to this declining species was loss of habitat. The Beagle Club property with its large areas of old field and scrub field and adjacent agricultural fields provides ideal habitat for both wintering and migrating Northern Harriers. Coupled with the adjacent agricultural fields that border the property, this area has become a stronghold for Harriers on Long Island.

In addition, because of the high habitat diversity found on the Beagle Club, many other species that are also declining on Long Island have been able to prosper. These include migratory songbirds that use these habitats as stopovers for resting and feeding during their long migrations to and from the tropics. These birds are of international conservation concern because of habitat loss on both breeding and wintering grounds. Sites like the Beagle Club are crucial to their survival.

Other once common species such as American Woodcock and Bobwhite Quail are becoming increasingly rare on Long Island as are some of our native sparrows including Field Sparrow and Grasshopper Sparrow; The latter listed as special concern in New York State. And it's hard to believe that the Eastern Box Turtle once so common is now listed as a species of concern as well. All of these declines are directly related to habitat loss. So as highly diverse sites like the Beagle Club are lost, many species go with them.

And finally, I know you are aware that the Beagle Club property lies in a Special Groundwater Protection Area. One of the site's highest functions is the discharge of clean rainwater into the underlying aquifer supplying our drinking water. This is a highly valuable service considering the development nearby, which discharges wastewater contaminated with nitrogen from septic systems and chemicals associated with landscaping and other activities. And yes, the nearby farms discharge water laden with materials associated with farming. So, the Beagle Club provides a vital free service; clean drinking water with no clean up fee.

Based on all these values, I urge you to move forward with this most important acquisition to protect not only our natural heritage but the very water we need for life. Thank you.

**CHAIRWOMAN HAHN:**

Thank you. Marilyn, would you mind submitting your written comments to the Committee?

**MS. ENGLAND:**

No. Also, Mary Laura Lamont wanted to be here today to make a statement. She had done some work on the site for the Peconic Land Trust and she had written a short statement. I don't know if you would mind if I read it for her.

**CHAIRWOMAN HAHN:**

You can submit that to the record or have someone who hasn't spoken fill out a card and read that.

**MS. ENGLAND:**

Okay.

**CHAIRWOMAN HAHN:**

Are there are any questions for Miss England? Thank you. Richard Amper.

**MR. AMPER:**

Yes, good afternoon. You should know that both Miss Lamont's and Miss England's commentary were supplied to you in writing by the Pine Barrens Society two weeks ago, so you should have that material. In fact, I would like to note for this particular Committee, that this has been an odd debate, the Beagle Club property. It enjoys but has needed more direct support from folks outside of government than almost any other acquisition. And there are few acquisitions that have ever been considered for possible reneging at the last minute.

So, that is raising larger concerns, which I've shared with you in other forums about what the intention of this Legislature is with respect to -- with respect to our open space programs going forward. I do hear everybody say that they aren't intending to shut those programs down. But when this Committee in particular, and with Ways and Means, table items that they have not previously tabled and do that on a regular basis, they are obtaining a de facto moratorium. We've had a 90-day moratorium on the Beagle Club because we just keep tabling it and so the Legislature through its committees is accomplishing what Legislator Hahn says that she's trying to do, but we've already spent three months not moving that particular acquisition ahead. And it is raising large concerns, not just with us in the environmental community, but the property owners now are beginning to get in touch with us and say "are we looking at a very serious policy redirection?"

I would also add that I see on the agenda that there are several additional items that are here for authorization today. And, there again, I think we'd be sending a bad message forward if we continue to stop unilaterally in committee those things that have historically been adopted and approved and which the environmental community can satisfy you beyond any reasonable evidence that these are worthwhile acquisitions and we are certainly as eager as this body is to advance them.

Just two quick questions -- or two quick responses on Legislator D'Amaro's question about the water situation. The water is getting worse. And where you can find out best about it is in the Suffolk County Health Department's own report. And it will also help you to find out where the water's getting worse, where this County has been vigilant in protecting land, especially in the Pine Barrens, you're looking at close to pristine water, better than almost 80% of the remaining water on Long Island. So you have had a great record in protecting water and that's evidence that you can get in front of you.

The other speaker whose name I did not get who was talking perhaps about some of the dangers associated with the land preservation programs, I would point out that Suffolk County environmentalists and you, members of the Legislature, have been leaders in protecting private property owners' rights by insisting that this be a strictly voluntary program and no use of eminent domain, you're not getting money from the federal government to do this, this is money that the public here in Suffolk County voted it referendum.

So, I just want to simply say to you that 99% of the money that you're spending on this is coming from the taxpayers who want this to continue and we hope it will.

**CHAIRWOMAN HAHN:**

Thank you, Mr. Amper.

That was the last card that I have. Is there anyone else in the audience who would like to fill out a card and speak at this time? Seeing none, that will be the end of the public portion. We don't have any presentations today. We're going to go -- we're going to move to tabled resolutions and I believe Sarah Lansdale is here with us, I'll give her time to come forward.

## TABLED RESOLUTIONS

Okay. We are up to, under tabled resolutions, **IR 1011 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Long Island Beagle Club No. II, Inc. Property - Town of Riverhead (SCTM No. 0600-078.00-01.00-002.000). (Romaine)**

**LEG. ROMAINE:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN HAHN:**

There is a motion and a second. On the motion, Sarah, do you have any -- there's been a lot of discussion on this so I want to give you the opportunity for anything --

**LEG. GREGORY:**

I'm going to make a motion to table.

**CHAIRWOMAN HAHN:**

And now we have a motion to table.

**LEG. ANKER:**

Second.

**CHAIRWOMAN HAHN:**

Seconded -- so we have a -- seconded by Legislator Anker. Miss Lansdale.

**DIRECTOR LANSDALE:**

So I do have -- there was a field site inspection conducted on March 14th. I do have information that I could distribute to the County. Thank you, Ben, for distributing it.

**CHAIRWOMAN HAHN:**

Thank you.

**DIRECTOR LANSDALE:**

It's a summary of the field inspection of which many of the previous public speakers summarize the meeting.

**CHAIRWOMAN HAHN:**

Okay. Does everyone have one?

**LEG. ROMAINE:**

Question.

**CHAIRWOMAN HAHN:**

Well, we have a list already.

**LEG. ROMAINE:**

Oh, okay.

**CHAIRWOMAN HAHN:**

I'm going to let --

**LEG. ROMAINE:**

Add me to the list please. Thank you.

**CHAIRWOMAN HAHN:**

Sarah, did you want to present on this or -- I'm sorry, I was waiting for you because I thought you --

**DIRECTOR LANSDALE:**

Sure. There were a number of -- I'll just summarize the March 14th field visit that was conducted if that's helpful. Following up on the last presentation made at the EPA. So there were a number of folks who did attend including Chairwoman, Legislator Hahn, thank you for attending this.

A couple of aspects that were highlighted during the site inspection included this -- and it's been made in previous testimony today, include that this site is located within the central Suffolk SGPA, which is a deep recharge area of the County. The property is large. It's 150 acres and will provide a significant amount of clean water recharge. I'm just recapping the points that were discussed during the field visit.

In addition, there's four habitats on the site and the four habitats on the site are key to providing important habitat diversity to a number of species including the Northern Harrier Hawk and the Sharp-shinned Hawk, Cooper's Hawk, American Kestrel and the Rough-legged Hawk. That's a summary of the key points in the site visit. There's more, but you have it in front of you.

**CHAIRWOMAN HAHN:**

Okay, so we have a list. Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. And, Director Lansdale, thank you very much for following up and making this site inspection. I appreciate that. And I know I've been -- we've been talking a lot about this over the last few cycles, about this particular acquisition. And as I stated from the beginning of the debate that we've been having, it was really not about the merits of this acquisition per se; it was more about the global picture of rating and where one property rates as against the other.

However, it seems at this point that through your inspection you've been able to confirm a lot of what we've already been told and I appreciate that. And, again, I've never really been opposed to the Beagle Club acquisition per se as a proponent of the Open Space Acquisition Program, but I felt that we needed time to give the Chairperson's legislation an opportunity to move forward. From my reading of that legislation, the way it stands today, this particular acquisition would be exempt even if it were in place right now, Legislator Hahn's bill.

So, at this point does the Department -- I mean, we have the revised rating now. Does Department -- does your Department have any specific objection to this acquisition at this time?

**DIRECTOR LANSDALE:**

No specific objection.

**LEG. D'AMARO:**

Okay, I appreciate that. Nor do I, nor do I. Except that I thought it would have been nice to rate this in the macroanalysis, so to speak, but it doesn't appear that that's going to happen even if we pass the Chairperson's bill.

So, I think at this point it would probably be in the County's best interest to move forward with the acquisition. And that's why I seconded the motion to approve.

**CHAIRWOMAN HAHN:**

Legislator Romaine.

**LEG. ROMAINE:**

Yes, this rated a 34?

**DIRECTOR LANSDALE:**

Yes, it did.

**LEG. ROMAINE:**

And all of the -- the issues put forward as to the value of the property, as to the attributes of the property that were questioned at the last meeting, those attributes have proved to be on reinspection by your Department; correct? Is that essentially true?

**DIRECTOR LANSDALE:**

Yes, in addition they've been verified by ornithologists and other professionals, yes.

**LEG. ROMAINE:**

Right. And you provided those qualifications as requested to Legislator D'Amaro; the qualifications of the ornithologists?

**DIRECTOR LANSDALE:**

Yes, they're in the packet that were received by all members of this committee. Yes.

**LEG. ROMAINE:**

All right. Thank you very much. Obviously, as I've said from the very beginning, this is an important piece of property for a variety of reasons. This is exactly one of the parcels that should be preserved in the County. And I'm happy to be supporting this resolution, and I would hope my colleagues would join me so this can move forward. Thank you again for your effort and your work on this.

**LEG. D'AMARO:**

Okay. Legislator Anker, please go ahead.

**LEG. ANKER:**

Originally I -- earlier I had second to table this. I'm not going to change my vote to approving this parcel and I'll tell you why. Previously Legislator Hahn had put out legislation to slow down the process so we could prioritize the parcels. We're now at the point where it's just the planning steps. So this particular parcel, the planning steps has past that point. We've had expert opinions that this is a very important parcel for groundwater preservation.

And I'd also like to comment to say, you know, the many years that I have been an environmentalist, and I will say I am absolutely an environmental advocate, you know, unfortunately the County has -- does not have the access to funds at this point. And we're going to do everything we can. And I hope we can continue to work with the environmental groups to look for funding, to look for creative ways of acquisition and also with this property in particular, let's see if we can find some public-private partnership in some way to bring in revenue so we can continue to maintain these properties and also acquire new properties.

Again, we have to be more resourceful and really think out of the box, you know, in some way for funding because unfortunately we don't have the funding but we have to continue to preserve land.

So, I will also support this resolution at this point and hope that this particular parcel will be one of many that we can go forward and, again, think of the public-private partnership to add funding.

Let me ask you, Sarah, are there ways that we can work on this particular parcel for some type of either active parkland or is this pretty much inactive land?

**DIRECTOR LANSDALE:**

It's currently -- the proposal before you is for passive recreation, open space acquisition, not for active.

**LEG. ANKER:**

Right. Well, I guess we'll go ahead and go forward with passive recreation. But, again, in the future we really need to look at -- the parcels that we are accepting, we're accepting a responsibility. And part of that responsibility is to maintain these parcels. And this is a huge parcel at, let's see, what do we -- 150 acres, you know. That's park police, that's Invasive Species. And maybe, again, this is issues that our environmental organizations can work with us, provide us volunteers, pull out those invasive species, help us patrol, help us find the endangered species that are there so we can continue to protect those species.

So, again, thank you, environmental groups, for fighting the good fight. I do admire Legislator Hahn's ability to try to make the right decision in a very realistic and practical way. And, again, I will support this because this is not a planning step. This is actually an acquisition. So, thank you.

**CHAIRWOMAN HAHN:**

I'm just going to -- this is no -- I don't want in any way put down or criticize the Department, but it's unfortunate the kind of way this went down with the rating changing at the last moment. And my kind of confidence in the rating has been a little bit shaken. You know, I believe in Laretta and yourself and the Department, but I just hope that we can get that figured out.

If you need more time -- like, I know that we kind of pressure you and the Department -- not you -- but to bring us the very first meeting after the bills are laid on the table to have everything rated and the maps prepared. And you know what? It should -- the ratings should be right so that we feel confident when we're here that we know what we're voting on in terms of the priorities and in terms of the objective, course and ranking. And so I'd rather you come here and say we just didn't have time to get there and analyze the points and we table one cycle than to, you know, have an expert swoop in at the eleventh hour and tell us they saw a bird and then we have to wonder did they really see the bird. You know, I know that's sounds -- but do you understand what I'm saying.

**DIRECTOR LANSDALE:**

Yes.

**CHAIRWOMAN HAHN:**

We'll understand if one property is a little more difficult to rate and we have to table it for a cycle. Please don't feel the kind of pressure to get it here and for her to, you know, be up late and not, you know, not really getting it right. And, again, Laretta, if you're listening, it's really not a hit at her; it's just the system and pressure that we're putting on you and that we don't have enough staff and everything.

So, thank you for all that you do. It was a valuable experience walking the property. Those trails will remain. I think that's the intention, or maybe we'll ask the Parks Department on another day. But I do believe it is a wonderful site. And if I lived across the street like that -- that community is going to have access to really a tremendous -- many, many habitats.

And I hope, I don't know if you brought it today, but I had asked Laretta to kind of pass out the

maps on the different habitats that are present on the property. And I was interested in, you know, we talked about the successional old field habitat and how there was talk about that being rare. And I was wondering if we knew how many acres in Suffolk -- across Town, County, State lands of that are preserved and is that something we have to be especially concerned about.

**DIRECTOR LANSDALE:**

We have pictures of the habitats in your packet towards the back documenting the old field and other habitats.

**CHAIRWOMAN HAHN:**

There was a map that Steven had. Oh, is that what I'm looking at here? Okay. Except for it's black and white. Okay. I think I kind of see it. Great. It'll be very valuable to -- I don't know if we can get a -- the projector at the General Meeting and that might be valuable for the full Legislature to see. But, thank you. Okay. So we have --

**LEG. ROMAINE:**

Madam Chairwoman, if I can comment briefly.

**CHAIRWOMAN HAHN:**

Legislator Romaine.

**LEG. ROMAINE:**

Thank you. First of all, this was not something that was done at the last minute. This was first tabled at the meeting in December. It is now March.

Secondly, I draw exactly the opposite lesson from this than you have done, which just shows the diversity of opinion on this panel. The fact that the Planning Department, when they were presented with information, was willing to change the rating when they realized that there was some things that they had overlooked, instills in me greater confidence in the Planning Department and their ability to rate properties to make sure that every component of every property is counted.

And furthermore, it instills in me confidence in those citizen groups who are concerned about our environment, who are willing to work with the Planning Department to bring information forward to say *hey, we saw the rating, you might have overlooked this or were you aware of this?*

So, if anything, rather than being critical of the Planning Department, I am complimentary of their willingness to take information and integrate it and provide us the most up-to-date information. And I am particularly pleased with those in the environmental community and the volunteers who have brought forward this information to share it so that the Planning Department can confirm it and integrate the latest data into their rating sheets. So, I say thank you to the Planning Department.

**CHAIRWOMAN HAHN:**

Thank you, Legislator Romaine. I know that Legislator Gregory wanted to -- had a few words.

**LEG. GREGORY:**

Thank you, Madam Chair. I am at this time going to withdraw my tabling motion. My personal position was to table all acquisitions whether in contract or not at the introduction of the Chairwoman's bill 1197, but I see it's the will of the body to move forward. I'm going to move forward. And, Madam Clerk, would you please list me as a cosponsor in 1011? I will be supporting it.

**CHAIRWOMAN HAHN:**

Okay. We have a motion to approve by Legislator Romaine and a second by Legislator D'Amaro. All in favor? Opposed? Abstentions? That passes. **APPROVED (VOTE: 5-0)**

**IR 1047, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Harbor Cove property - Town of Brookhaven) (SCTM Nos. 0200-977.60-04.00-014.001 and 0200-977.60-04.00-014.002). (Calarco)**

**LEG. GREGORY:**

Motion to table.

**CHAIRWOMAN HAHN:**

Second. There's a motion to table by Legislator Gregory, second by myself. All in favor? Oh, on the motion, sorry.

**LEG. ROMAINE:**

On the motion to table: Before we table this, since this is a new resolution, we haven't even seen the rating sheets.

**CHAIRWOMAN HAHN:**

Can we see the rating sheets, please?

**LEG. ROMAINE:**

Could we see the rating sheets first before we wish to table something?

**CHAIRWOMAN HAHN:**

Thank you.

**LEG. ROMAINE:**

What's the rating on this property, if I may ask?

**MS. LANSDALE:**

The rating sheets were distributed at the last Committee meeting. It's rated 33 out of a 100.

**LEG. ROMAINE:**

Thirty-three out of a 100. You know, I see the sponsor was here, Mr. Calarco, was here briefly. Is he still with us? Oh, he had to leave. Has anyone spoken to the sponsor whether he wishes this tabled or not or considered?

**CHAIRWOMAN HAHN:**

(Nodding head yes)

**LEG. ROMAINE:**

Could someone speak? I mean, you guys met last Friday, I mean --

**LEG. GREGORY:**

Well, it's our position to table any authorizing planning steps resolutions. So, the sponsor is okay with tabling the bill.

**LEG. ROMAINE:**

Okay, thank you.

**CHAIRWOMAN HAHN:**

Okay. We have a tabling motion on the floor with a second. All in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**LEG. D'AMARO:**

Opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **That is tabled. (VOTE: 3-2-0-0 Opposed: Legislator Romaine and Legislator D'Amaro)**

**IR 1049, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Schmeltzer property) Town of Brookhaven (SCTM Nos. 0200-300.00-01.00-004.000 and 0200-300.00-01.00-006.000). (Browning)**

**LEG. GREGORY:**

Motion to table.

**CHAIRWOMAN HAHN:**

Motion to table. I will second. Again, this is a tabled resolution. All in favor? Opposed?

**LEG. D'AMARO:**

Opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **IR 1049 is tabled. (VOTE: 4-1-0-0 Opposed: Legislator D'Amaro)**

**IR 1050, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Tuccio property) Town of Southampton (SCTM No. 0900-248.00-01.00-110.003) (Browning)**

**LEG. GREGORY:**

Motion to table.

**CHAIRWOMAN HAHN:**

Motion to table, second by Legislator Anker. On the motion, Legislator Romaine.

**LEG. ROMAINE:**

Yes, I would point out that Legislator Browning's original intent was to buy this as a potential skeet and trap range. It's 70 acres and they have a shooting range there now. I think there's a much more valuable purpose for this. This is in the Dwarf Pine Barrens. And also, probably we're going to hear from the FAA based on their testimony. So, this is a piece of legislation that maybe the purpose should be changed and we should reconsider this. Obviously this is a discussion to be had with Legislator Schneiderman since it's in his district. Thank you.

**CHAIRWOMAN HAHN:**

Thank you, Legislator Romaine. Okay, we have a motion to table and a second. All in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **It's tabled. (VOTE: 4-1-0-0 Opposed: Legislator Romaine)**

**IR 1059, Adopting Local Law No. -2012, A Local Law expanding the County's Farmland Development Rights Acquisition Program to include commercial equine operations. (Calarco)**

**LEG. GREGORY:**  
Motion to approve.

**CHAIRWOMAN HAHN:**  
Motion to approve.

**LEG. ANKER:**  
Second.

**CHAIRWOMAN HAHN:**  
Seconded by Legislator Anker. Sarah, would you like to weigh in on this one or does the --

**LEG. ROMAINE:**  
We had public hearing.

**CHAIRWOMAN HAHN:**  
Nope, okay.

**MR. NOLAN:**  
It's closed.

**CHAIRWOMAN HAHN:**  
Okay. Public hearing's closed. So, any discussion? All in favor? Opposed? Abstentions? **IR 1059 is approved. (VOTE: 5-0)**

**IR 1061, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Country View Estates property - Town of Brookhaven (SCTM Nos. 0200-290.00-01.00-008.003, 0200-290.00-01.00-000.013 and 0200-290.00-01.00-000.014). (Anker) Motion to table by Legislator Anker.**

**LEG. GREGORY:**  
Second.

**CHAIRWOMAN HAHN:**  
Seconded by Legislator Gregory.

**LEG. ROMAINE:**  
Again, could I ask the rating that this received?

**DIRECTOR LANSDALE:**  
Sure, it's 30 out of 100.

**LEG. ROMAINE:**  
Thirty out of 100. And this in the community of?

**DIRECTOR LANSDALE:**  
This is in the Miller Place -- in the Hamlet of Middle Island.

**LEG. ROMAINE:**  
Thank you.

**CHAIRWOMAN HAHN:**  
Okay. Motion to table. All in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **IR 1061 is tabled. (VOTE: 4-1-0-0 Opposed: Legislator Romaine)**

**IR 1064, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Gorman property - Town of Riverhead (SCTM No. 0600-007.00-03.00-043.000). (Romaine)**

**LEG. GREGORY:**

Make a motion to table.

**LEG. ANKER:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Anker.

**LEG. ROMAINE:**

On the motion.

**CHAIRWOMAN HAHN:**

On the motion.

**LEG. ROMAINE:**

Yeah, I would simply point out that this land is adjacent to the North Fork Preserve. It is undeveloped land and it is something that whenever you have an opportunity to add to a preserve, and this would be added to the northern half of that parcel, which is a preserve, it's something worthwhile. I understand where the Committee is going so I'll abbreviate my comments with that.

**CHAIRWOMAN HAHN:**

Thank you, Legislator Romaine. We have a motion to table and a second. All in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Opposed.

**LEG. D'AMARO:**

Opposed.

**CHAIRWOMAN HAHN:**

Okay, motion to table is approved. **It's tabled. (VOTE: 3-2-0-0 Opposed: Legislator Romaine and Legislator D'Amaro)**

**IR 1152, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Toppings Farm property - Town of Brookhaven (SCTM Nos. 0200-593.00-02.00-006.001, 0200-593.00-02.00-006.002, 0200-593.00-02.00-006.003, 0200-593.00-02.00-006.004 and 0200-593.00-02.00-006.005). (Romaine)**

**LEG. GREGORY:**

Motion to table.

**CHAIRWOMAN HAHN:**

Motion to table by Legislator Gregory, second by Legislator Anker.

**LEG. ROMAINE:**

On the motion.

**CHAIRWOMAN HAHN:**

On the motion, Legislator Romaine.

**LEG. ROMAINE:**

As I'm sure the Committee members can remember, there were a number of people that came forward at the last Committee meeting to speak about Toppings Farm, not the least of which was a John Turner who's an extremely knowledgeable guy, who spoke in great detail about this parcel and the benefits of acquiring this parcel at least starting the planning steps moving forward on this. This received a letter from the Town of Brookhaven in which they said they would share in the cost of this. And I just would remind my colleagues of that discussion. I understand where this is going so I will abbreviate my comments.

**LEG. D'AMARO:**

Got a question.

**CHAIRWOMAN HAHN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

What was the rating on this parcel? I just don't have it handy.

**DIRECTOR LANSDALE:**

Twenty out of 100.

**LEG. D'AMARO:**

It was 20; 20 out of a 100?

**DIRECTOR LANSDALE:**

Yes.

**LEG. D'AMARO:**

Okay, thank you. Has that been revised or anything?

**DIRECTOR LANSDALE:**

It has not been revised.

**LEG. D'AMARO:**

Go ahead.

**LEG. ROMAINE:**

If I may on redirect. Have you spoken with John Turner about this? Because obviously the Town of Brookhaven made this one of their highest acquisitions.

**DIRECTOR LANSDALE:**

The rating did receive points for partnership.

**LEG. ROMAINE:**

I'm not talking about partnership. I'm talking about the attributes of the property. You may want

to have a -- I would encourage you to have a discussion with John Turner again about some of the attributes of this property. I think he went for some time about that at our last Committee meeting. And that's -- if you could do that between now and the next Committee meeting, I would deeply appreciate that.

**DIRECTOR LANSDALE:**

I will do that.

**LEG. ROMAINE:**

Thank you.

**CHAIRWOMAN HAHN:**

Thank you. Any other comments? Okay. So, we have a motion to table, we have a second. All in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Opposed.

**LEG. D'AMARO:**

Opposed.

**CHAIRWOMAN HAHN:**

**It is tabled. (VOTE: 3-2-0-0 Opposed: Legislator Romaine and Legislator D'Amaro)**

**LEG. D'AMARO:**

Interesting. We're going to take another look at that property; is that correct?

**LEG. ROMAINE:**

Yes.

**LEG. D'AMARO:**

Okay. So, I'll oppose it for now, but we'll see what happens after.

**CHAIRWOMAN HAHN:**

**IR 1185, Adopting Local Law No. -2012, A Charter Law to amend Resolution No. 812-2011, A Charter Law to authorize the use of development rights for Municipal Fire, Ambulance and Police Districts in Suffolk County. (Schneiderman)**

**LEG. GREGORY:**

I make a motion to approve, but just an explanation from the Counsel, please, Madam Chair -- through the Chair.

**CHAIRWOMAN HAHN:**

Thank you. Yeah, so we have a motion to approve by Legislator Gregory. Do we have a second to that? Seconded by Legislator Anker. On the motion, Mr. Nolan.

**MR. NOLAN:**

Last year the Legislature passed a law that would allow the use of development rights that the County has derived over the years for land acquisitions. Right now we can only use it for affordable housing. Last year we passed a law that would allow it to be used for the expansion of fire, ambulance and police districts, the expansion of those entities. That's subject to a referendum that is going to occur this coming November. This law would expand that referendum question to include the expansion of library district facilities. And, again, it would tie it into a referendum. It is already scheduled to go to voters in November.

**LEG. ROMAINE:**

This would be added to the referendum?

**MR. NOLAN:**

Right, the library districts.

**LEG. ROMAINE:**

So, it'd be one issue for all of those things?

**MR. NOLAN:**

Right, to the voters --

**LEG. ROMAINE:**

And the people would have the right to vote on this or vote it down.

**MR. NOLAN:**

Correct.

**LEG. ROMAINE:**

Okay, thank you.

**CHAIRWOMAN HAHN:**

Okay. So we have a motion and a second. All in favor? Opposed? Abstentions? Okay. **That is approved, 1185. (VOTE: 5-0)**

**CHAIRWOMAN HAHN:**

**IR 1197, Adopting Local Law No. -2012, A Local Law to strengthen the land preservation program and maximize environmental protection. (Hahn)** I will make a motion.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Gregory. And on the motion.

**LEG. ROMAINE:**

On the motion, my understanding is that you drafted this law, Madam Chair Lady, directing Real Property to undertake rigorous and comprehensive review of all parcels presently targeted for acquisition by the County now to establish a priority rating system. When you say presently targeted by the County, would this be all of those things in which there were planning steps, they've moved forward, they've done all the steps, they've done appraisals, they've done the survey, they've accepted the price, they've signed a contract. Would it involve those? When I talk about the pipeline, I'm talking about those who have signed a contract and waiting for the County to sign its share of the contract.

**CHAIRWOMAN HAHN:**

My bill exempts any property that has been sent a letter with a price as an offer.

**LEG. ROMAINE:**

So that would mean anyone in the pipeline?

**CHAIRWOMAN HAHN:**

Well, we define -- you and I define the pipeline differently.

**LEG. ROMAINE:**

Differently. I try to define it. But anyone that accepted an offer would be exempted from this -- this legislation?

**CHAIRWOMAN HAHN:**

Yes. Would be exempted from the pause. They would be allowed to come before us for authorizing resolutions and we would be allowed to vote on them as we do all authorizing resolutions. So they, in effect, continue to --

**LEG. ROMAINE:**

So who would this affect then?

**CHAIRWOMAN HAHN:**

Those -- those -- those properties where planning steps have passed recently or haven't quite made it to an offer being sent to them.

**LEG. ROMAINE:**

So, even though they were rated and they passed this body, what you're asking them to do is to be re-rated?

**CHAIRWOMAN HAHN:**

Well --

**LEG. ROMAINE:**

Let me -- I'm just trying to understand the process.

**CHAIRWOMAN HAHN:**

Sure. What I'm asking the Department to do is to also rate the Master List properties because they were never rated. So that when we -- as you'll see today we have --

**LEG. ROMAINE:**

How many are on the Master List?

**CHAIRWOMAN HAHN:**

There are quite a few. That's why we need time. Because we bring Master List properties forward all the time and we cannot compare them to the other properties that we are asked to purchase in any real way. You know, we assume that the number on these Master List properties is high, but there's no number given to them in the rating --

**LEG. ROMAINE:**

I understand.

**CHAIRWOMAN HAHN:**

-- because they were never rated.

**LEG. ROMAINE:**

Wouldn't it be better just to eliminate all Master Lists and force all properties to go through the rating system? You're not eliminating the Master List. Why don't you just eliminate any Master List and say any property has to go through the same procedure, planning steps, on which it's rated, voted by the Legislature, etcetera. The Master List, as I understand, was created by the former County Executive and approved by this Legislature without rating. And I agree with you. I'm concerned about that as well. But probably the best way to approach it is just to eliminate the Master Lists entirely and then let those properties come forward one at a time and be rated. We've had this discussion.

**CHAIRWOMAN HAHN:**

Thank you.

**LEG. ROMAINE:**

Thank you.

**CHAIRWOMAN HAHN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Legislator Romaine, I hear you and I'm trying to work with you on this and think this through a little. But I think -- I don't think we're questioning the value of the properties on the Master Lists. We've already voted on them, as you pointed out. I think the rating that we're looking for is not so much the rating on the properties per se, but how they relate against one another and any other property subject to planning steps. So, I think the Master List serves a very useful purpose. It helps us to set priorities for what parcels we think should get a higher priority than perhaps others. But then adding the rating to them, I think, will really allow us to hone in on which parcels are going to come first.

So, I wouldn't want to eliminate the Master Lists because I think it helped us to set priorities, and I think it helps the Department also in determining what to look at first. But -- and the rating that we're looking for on these parcels is really so they can be fit into, I think, the larger or macro rating system that we're looking to create here given the limited pool of resources that we had. And I have more comments on this bill, but I'll yield back to Legislator Romaine.

**LEG. ROMAINE:**

Just one last question. I guess, this is for Sarah and it's your best estimate because I know you probably don't have -- unless you have numbers here, how many parcels are currently on the Master List and how many acres do they represent currently? I mean that's, I think, a fair question.

**CHAIRWOMAN HAHN:**

Well, that's part of what we have to do is so many --

**LEG. ROMAINE:**

Right, right.

**CHAIRWOMAN HAHN:**

-- I'm sorry, I'm going to let you answer. But so many have already been purchased or have already -- were lost.

**LEG. ROMAINE:**

Well, let's -- it would help me to understand that.

**DIRECTOR LANSDALE:**

Legislator, I don't have that information with me.

**LEG. ROMAINE:**

Do you have a guesstimate or something of that nature?

**DIRECTOR LANSDALE:**

I wouldn't feel comfortable providing a guesstimate right now.

**LEG. ROMAINE:**

The reason I raise that question, and I don't deal with this on a daily basis like you do, but I could

probably tell you there's probably several hundred properties on this list, probably involving not only thousands of acres, but tens of thousands of acres to comply with this resolution.

I mean, unless there's a magic bullet or we've cloned people, I mean the Real Estate Department would have to double or triple their staff to do this review in any sizeable amount of time. Because if you're asking for a review of every property on the Master List, and there's 100, 200, 300 parcels, which is totally possible, probably more on the Master List involving certainly thousands if not tens of thousands of acres, the amount of time to review that would be incredible, particularly when we're letting people off and there's vacancies all over this County.

There's no way that this law can be done unless, you know, we're not going to be acquiring anything on these lists soon. Because essentially what this does is say, *hey, you can't go -- why, we got to finish this Master List. Oh, there's three or 400 parcels involving tens of thousands of acres.* And we have Legislators, and I say rightly so, asking about the attributes of these properties. *Was this bird on this property? Was this animal on this property? Was this wetland on this --* you know, the review that this would entail is massive in scope. And the commitment of time, money, effort and staff, would probably be unprecedented in this County.

I mean, in all practicality, you know, this is something that the Division of Real Estate is not going to get done any time soon. And if we can't acquire anything on this list until this resolution is accomplished, essentially we're saying for the next year or two, you might as well shelve those acquisitions because they're not going to happen because we haven't rated all of them yet. I mean that's -- that's my concern.

I understand where Legislator Hahn comes from. Very right to create a priority ranking system to guide the County's land preservation decisions, very thoughtful in getting that point out. But the work involved in this, at least to the best of my knowledge, is massive at a time we're laying people off. This isn't going to get done any time soon. And what this is going to do will prevent the acquisition of anything on this Master List, not only this year, but probably next year, too. And that raises concerns to me because I think there's other ways that you can handle these policy questions without stopping the acquisition program dead in its tracks.

**DIRECTOR LANSDALE:**

May I respond?

**CHAIRWOMAN HAHN:**

Yeah, thank you.

**DIRECTOR LANSDALE:**

I've worked with my staff and I'm confident that we will be able to comply with the intention of Legislator Hahn's legislation in partnership with our environmental advocates who will lend their assistance, who have pledged to lend their assistance to this effort.

**MR. ZWIRN:**

And we have a 90-day period. It's not that this is open-ended. It's up to 90 days that this has to be done. So, if it can be done sooner, yes; if not, you'll know about it much sooner than an indefinite period of time.

**CHAIRWOMAN HAHN:**

Thank you. Legislator Anker.

**LEG. ANKER:**

I have to ask, I know Legislator Romaine that you're concerned about the timing and, again, Sarah Lansdale has given us a heads-up that she can go ahead and be successful with the foundation of

the Master Lists, so I am also very confident that there would be a practical and realistic view of the properties that are available.

But I have to ask you, where is this money coming from that you would like to invest in all the parcels? I mean, it's not like money's coming out of someone's pocket and it's going to go ahead and supply funding for every parcel that goes across our round table or our Legislature, you know, one at a time. We have to prioritize. We don't have the funds that we used to have. And I know, you know, we want to preserve every parcel that comes in front of us, you know, and that's your hopes, especially in your district, and you have some beautiful parcels, large quality parcels in your district that we need to take a fair and practical approach.

And to me I'm visualizing someone with money coming out of their pockets and throwing it up into the wind and waiting for it to land somewhere. We don't have that. We have to be realistic. We have to be practical. And this is why Legislator Hahn has created this legislation so we can preserve the most quality -- high quality parcels that we have with the small amount of funding that we have left. So, again, I give Kara a lot of congratulations to your resolution. You've worked with the environmental community and we're going to do the best job we can in a realistic perspective to preserve land.

**CHAIRWOMAN HAHN:**

Thank you, Legislator Anker. Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I agree. I think Legislator Hahn deserves our thanks. Frankly, I think that this is helping this program. I think it's helping the environmental community to meet its goals and its mandate to preserve the best properties that should be preserved given the limited resources that this County has going forward. It's an attempt to try and be respectful of the fact that we're spending taxpayers' money. So, it's striking a balance. And that's what we're supposed to do.

We're not supposed to say, let's -- you know, we can't get this done so let's just keep going through this with our eyes closed. We're supposed to ask the Commissioner if it can be done. The Commissioner -- or the Director has told us, yes, it can. Okay, so that's a practical consideration that we've met. And now we have a bill before us that, you know, maybe it doesn't -- in my mind it doesn't go far enough. I think we need to stop everything in its place if we're really going to safeguard those funds. But, look, you know, this is the art of compromise going on here, and I'm happy to see that.

This bill would stop in its tracks -- if I'm misspeaking, please let me know -- but it would stop in its tracks any planning steps from being approved from basically this Committee for a period of 90 days. It doesn't mean that you can't introduce them. You can still introduce them. You can still get them into the mix. All these properties need to be rated. We're told it can be done. And I think this is a very pro environmental, a very pro open space acquisition program type of legislation because it's fine tuning that particular program. And that's what we should be doing. I think it's a responsible thing to do.

And if the Commissioner or the Director came here today and told me, you know, *I need more than 90 days or we don't have the resources to do that*, which is some of the testimony that we heard this morning at the Health Committee, we would consider that as well. But that's not what I'm hearing here today. What I'm hearing is, *yes, it can be done. Yes, we can get a priority ranking system in place for all of these Master List properties. We can do it in 90 days. We have commitments from the environmental community to help out.* And that's very encouraging to hear that. And I don't see really a downside going forward to improving and enhancing this particular program.

So, again I -- even though I think it should have went a little further, I am fully intending to support this bill here today. And if it gets discharged from the Committee and we go to our regular meeting next Tuesday -- and, again, I think the sponsor should be commended for the fact of trying to do the right thing with this program in a very difficult economy. This did not stop -- this legislation would not have stopped the Beagle Club from being acquired, even if it were in effect today. It struck a compromise and said, *okay, if you already had an offer on the table, an offer from the County, or if you expended funds to mitigate the property or if you've already signed your contract and spent the time to review it and send it back to the County, we're exempting all of that.* That's all been exempted now.

So we can still continue to review those on an ad hoc case by case basis. We maintain some oversight. But the goal of trying to prioritize everything else that's left over is something that should be done, it can be done and I think we really owe it to taxpayers given the limited resources we have to get this done.

**CHAIRWOMAN HAHN:**

Thank you, Legislator D'Amaro. Legislator Gregory, did you have something you'd like to add?

**LEG. GREGORY:**

Thank you, Madam Chairwoman. A lot of what I wanted to say has already been said, but I wanted to commend you in your efforts and what you had intended to do. I think in light of -- it was my impression that the properties on the Master Lists went through some vigorous process of evaluation, and I'm less sure of that now. And I think it's proper at this point given the resources that we have, that some rating -- a rating is applied to these properties considering that there's a considerable amount of properties, and it's really those on the Master Lists, just go through the -- get expedited almost, if you will, through the process. I think it's important that they get a rating. So, I obviously will be supporting this legislation.

**CHAIRWOMAN HAHN:**

Thank you. Sarah or Ben, did you have anything more to add?

**LEG. ANKER:**

(Shaking head no)

**MR. ZWIRN:**

(Shaking head no)

**CHAIRWOMAN HAHN:**

Anyone else like to -- I just, you know, it's been a very -- it's been a tough couple of months on this one. Environmental community came to me with, you know, some issues of what we're going to face. And, Sarah, your Department was warning us of the money, you know, coming to Pay-go and just making sure that I really, again, as -- I'm taking my role as Chair of this Committee very seriously. And this was the top challenge that I felt really Suffolk County is going to be facing as I came on as Chair. And we're moving from the accelerated program to the Pay-go and I really sat down and tried to put together -- I mean, the -- you know, the Department wanted six months to a year to get it done. And we worked that out. And I believe -- well, now, again, it's taken a little while for this to roll through -- through committees and public hearings, etcetera.

So, hopefully you've been able to have some time. I know we have still submitted plannings steps, though, however. So -- but hopefully some of this time has been used towards this end. But in the end my -- my intention has been to protect the environment and make sure we're buying the most sensitive properties first. And so in the end, I think, we'll -- we'll be a little bit closer towards that goal.

And we do have a motion and a second. And all in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Abstain.

**CHAIRWOMAN HAHN:**

Okay, **1197 is approved. (VOTE: 4-0-1-0 Abstention: Legislator Romaine)**

Okay. Now, we are onto new introductory resolutions.

### **INTRODUCTORY RESOLUTIONS**

**IR 1204, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Maple Avenue property - Town of Brookhaven (SCTM No. 0200-983.60-01.00-005.001. (Calarco)**

**DIRECTOR LANSDALE:**

Madam Chair, would you like a report?

**CHAIRWOMAN HAHN:**

Yes, please. Thank you, I'm sorry, Sarah, thank you.

**DIRECTOR LANSDALE:**

So this property is located in the Hamlet of Blue Point, Town of Brookhaven. You should be receiving the rating. This property is 16.5 acres in size. It was the former site of an extensive greenhouse operation that has undergone some remediation.

This potential planning steps resolution is for active recreation. As such, we've scored it for active recreation and it has received 41 points out of 100. The minimum threshold is 25 points.

That is -- the Department would recommend that we evaluate the status of the remediation and identify any possible outstanding issues that could be associated with this property because of the use, the previous use of greenhouses and intense use. And that's the only issue that we've so far flagged for this property. Thank you.

**CHAIRWOMAN HAHN:**

Thank you.

**DIRECTOR LANSDALE:**

That's my report.

**CHAIRWOMAN HAHN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. All right, so under the spirit of the bill we just voted on, if that were in effect right now, we could really not take a vote, I believe, on a bill such as this. But, Director Lansdale, I want to ask, I'm looking at the rating form. And there's 15 points for accommodating recreational use, the accessibility and the site. And its proposed use will not compromise or reduce any environmentally sensitive natural habitats. There are three points each for that. Then you have four points for proximity to existing public recreational area, census CDP based on population density. The size of the property comes next. It's adjacent to private park recreational use and then ten points for intermunicipal management agreement. Do any of those factors protect groundwater?

**DIRECTOR LANSDALE:**

I would have to get back to you on that.

**LEG. D'AMARO:**

Okay.

**DIRECTOR LANSDALE:**

It doesn't seem that way.

**LEG. D'AMARO:**

Okay, that's my point. My -- again, we've been using this form and I support the use of the form. But again given the limited resources, given the fact that we only have so much we can spend, even in getting into planning steps, this is the type of prioritization -- I guess I asked the question to make the point, that we have to really seriously consider, and, I think that the Chair is most concerned about in leading this Committee. I'm not saying this is your -- you know, you didn't bring this bill forward, but I'm just saying for -- it doesn't matter whose name is on the bill. The fact is this County is not in a position any more, we don't have the luxury, I don't think, of preserving parcels just based on some of the criteria as opposed to the primary criteria, which in my mind is protecting the environment, protecting groundwater and perhaps even protecting endangered types of species. I think that's very important. That's what the program was designed to do. When I look at this form, I'm not sure that I see any of that being accomplished by this acquisition.

**DIRECTOR LANSDALE:**

This is for active recreation.

**LEG. D'AMARO:**

Right. But that's my point, it's active recreation, but do we even have the ability because when you have -- is there a partnership? There is an intermunicipal agreement. Who is that with?

**DIRECTOR LANSDALE:**

Yes, there is.

**LEG. D'AMARO:**

The Town?

**DIRECTOR LANSDALE:**

The Town of Brookhaven.

**LEG. D'AMARO:**

So, the Town would assume the responsibility of maintaining the active use of the property?

**DIRECTOR LANSDALE:**

Yes.

**LEG. D'AMARO:**

Okay, well that --

**DIRECTOR LANSDALE:**

They would handle all developments, maintenance and management of the park.

**LEG. D'AMARO:**

Okay. And that's a very valid point and that would certainly be something I would strongly consider because again, there's a cost to doing that, big cost, you know. So, I'm just using this as an

example. It's not -- I don't even know who the sponsor is on this bill, but -- who is it?

**LEG. ROMAINE:**

Legislator Calarco.

**LEG. D'AMARO:**

Calarco. Okay. We just really need to start to focus. Use this forum, I think it's a good -- I think it's a positive thing to use this forum, I think we have to pay attention to it. But I think we really have to start to think about what's our priorities here and this kind of highlights that for me.

**CHAIRWOMAN HAHN:**

Okay. Are there other comments? Okay. Do we have a motion? No, okay. Motion to table by myself.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Second by Legislator Gregory. All in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Opposed.

**CHAIRWOMAN HAHN:**

**It's tabled (VOTE: 4-1-0-0 Opposed: Legislator Romaine)**

Okay. **IR 1206, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the P. Procopio, M. Procopio and Gruhill Construction Corp. Property - Patchogue River Wetlands addition Town of Brookhaven (SCTM Nos. 0200-892.00-02.00-030.000, 0200-892.00-02.00-035.000, 0200-892.00-02.00-037.000, 0200-892.00-02.00-031.001, 0200-892.00-02.00-034.000, 0200-892.00-02.00-036.000 and 0200-892.00-02.00-038.000). (Co. Exec.)**

**LEG. ANKER:**

Motion to approve.

**CHAIRWOMAN HAHN:**

There's a motion to approve and I'll second. On the motion, if you would like to begin your presentation.

**DIRECTOR LANSDALE:**

Sure. This is a Master List II property so there's no rating associated with it. You're just receiving a map. This is part of an assemblage of properties. It's located on the south side of Woodside Avenue, north of West Woodside Avenue and west of West Woodside Court in the Hamlet of North Patchogue, Town of Brookhaven. It's 3.12 acres in size and it's composed of seven tax parcels. There are no structures on the site. And, again, it's on a Master List II. And it's a proposed addition to the Patchogue River wetlands. It's a tributary to the Patchogue River and includes extensive freshwater and wetlands associated with a stream corridor that flows into the Great South Bay. The County currently owns 84 acres in the Patchogue River wetlands watershed as identified in Master List II.

**LEG. ROMAINE:**

If I may?

**CHAIRWOMAN HAHN:**

Legislator Romaine.

**LEG. ROMAINE:**

Yeah, isn't this part of Canaan Lake?

**DIRECTOR LANSDALE:**

I would have to get back to you on that.

**LEG. ROMAINE:**

I'm pretty sure it's Canaan Lake here. So, it's probably -- if it's flowing into the Patchogue River, it's kind of indirect because it'd be probably flowing into the Canaan Lake area. For those who are familiar with Canaan Lake, it's a small lake in North Patchogue. There's a separate area; it's called Canaan Lake.

It would seem that it would be part of the Canaan Lake watershed to me. But if you could clarify that. And it's not rated because it's part of the Master List?

**DIRECTOR LANSDALE:**

Yes, Master List II. And I'll get back to you on the Canaan Lake status.

**LEG. ROMAINE:**

Thank you.

**CHAIRWOMAN HAHN:**

Question from Legislator Anker.

**LEG. ANKER:**

What's the cost on this?

**DIRECTOR LANSDALE:**

The cost is \$72,950.

**LEG. ANKER:**

Partnership with the Town, how much?

**DIRECTOR LANSDALE:**

No partnership.

**CHAIRWOMAN HAHN:**

Okay. There's a motion to approve and a second. All in favor? Opposed? Abstentions? **1206 is approved (VOTE: 5-0)**

**IR 1207, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Affenita property - Beaverdam Creek - Town of Brookhaven (SCTM No. 0200-961.00-03.00-018.000). (Co. Exec.)**

**LEG. ANKER:**

Motion to approve.

**CHAIRWOMAN HAHN:**

Motion to approve and I'll second.

**DIRECTOR LANSDALE:**

So, we're doing more with less and we're going to share this map.

**CHAIRWOMAN HAHN:**

Oh, wonderful.

**DIRECTOR LANSDALE:**

We have one map.

**CHAIRWOMAN HAHN:**

Do you have the rating?

**DIRECTOR LANSDALE:**

The rating is 39 points. It was rated as part of the assemblage of properties totally 105 acres. So, it's part of a larger acquisition. Once you see the map, and I apologize that I don't have copies, more copies, to share with you, but it's part of a larger assemblage of Beaverdam Creek parcels.

**LEG. ROMAINE:**

And we're acquiring this for clean water purposes; is that correct?

**DIRECTOR LANSDALE:**

That is correct, yes.

**LEG. ROMAINE:**

Okay. Everyone should know it's across the street from the Brookhaven landfill, which has polluted most of the area, including Beaverdam Creek and for which the Town has had to put water mains in the 1980's because it also contaminated a great number of wells in the area. So, I just want to point that out, it's directly across the street on Sunrise Highway from the Brookhaven landfill.

**CHAIRWOMAN HAHN:**

And the cost on this parcel?

**DIRECTOR LANSDALE:**

Uh, 12,500 for 25,000 square feet.

**CHAIRWOMAN HAHN:**

Okay. There was a motion to approve and a second. All in favor? Opposed? Abstentions?

**1207 is approved (VOTE: 5-0)**

**IR 1208, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the MLD Riverhead LLC, V & F Sasso Associates, LP and Frances Sasso as Trustee and Executrix of the estate of Edmund DeLea property- DeLea Sod Farm II - Town of Riverhead (SCTM No. 0600-017.00-05.00-004.008 p/o). (Co. Exec.)**

**LEG. ROMAINE:**

Motion to approve.

**CHAIRWOMAN HAHN:**

There is a motion by Legislator Romaine.

**LEG. ANKER:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Anker. On the motion. Do you have the number of points on this one?

**DIRECTOR LANSDALE:**

Yes, it's 18.25 points. It was approved by the Farmland Committee and that's 18.25 out of 25.

**CHAIRWOMAN HAHN:**

Out of 25. And the cost?

**DIRECTOR LANSDALE:**

The cost is -- hold on one second.

**LEG. ROMAINE:**

It \$2,023,700, which represents \$59,000 an acre for the sale of development rights. It's doing pretty good because they've sold for much higher in the past.

**CHAIRWOMAN HAHN:**

And the 18.25 points out of 25 is a fairly high ranking for farmland; correct?

**DIRECTOR LANSDALE:**

Yes, and the members of the Farmland Committee have looked at this. They're farmers themselves and thought it was a good acquisition.

**LEG. ROMAINE:**

I think 11 is the cutoff or something around there for farmland.

**DIRECTOR LANSDALE:**

Yes, that's right.

**CHAIRWOMAN HAHN:**

Okay. We have a motion to approve and a second. On the -- I'm sorry, on the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

All right, Commissioner, can you tell me why it's in the best interest of the County to acquire this property?

**DIRECTOR LANSDALE:**

Sure. It is -- it has scored points for a number of things. I'll go through it. One, it's --

**LEG. D'AMARO:**

I'm sorry, it's the development rights, not the fee.

**DIRECTOR LANSDALE:**

Right, these are --

**LEG. D'AMARO:**

Right.

**DIRECTOR LANSDALE:**

These are the development rights.

**LEG. D'AMARO:**

Is it under pressure for development? I mean, we're taking off the development rights, but is there a risk that this will be developed?

**DIRECTOR LANSDALE:**

That is a concern that was raised by the Farmland Committee. It does have the -- properties surrounding it are -- their development rights have been purchased previously.

**LEG. D'AMARO:**

The adjoining properties --

**DIRECTOR LANSDALE:**

Yes.

**LEG. D'AMARO:**

-- we've also acquired the development rights?

**DIRECTOR LANSDALE:**

Yes, that's right.

**LEG. D'AMARO:**

We have. Where is that map? Could I see that again? Is it floating around here?

**CHAIRWOMAN HAHN:**

Renee, do you have that map that we just --

**MS. ORTIZ:**

Yes.

**CHAIRWOMAN HAHN:**

And could you go through the points because we don't have rating forms in front of us; correct?

**DIRECTOR LANSDALE:**

Yes.

**CHAIRWOMAN HAHN:**

Can you tell us what we earned -- it earned points for?

**DIRECTOR LANSDALE:**

Sure. It earned five points for the purchase of development rights properties on three sides of the parcel, which is five points. It received five points for long road frontage as part of a large block of farmland, a 100 plus acres. So, it received the maximum amount of points in the vistas category. It received points, a number of points for the soil composition. It received 4.25 points for the mix of soil characteristics. It also received 3 points for the approximate development rights value per acre. There's different points assigned per value and it received the highest number of points, which is 3 points. It also received a point for being located in an existing certified agricultural district. I'll distribute this as well.

**CHAIRWOMAN HAHN:**

Thank you. And it's a sod farm.

**DIRECTOR LANSDALE:**

Yes, it is.

**CHAIRWOMAN HAHN:**

Just on an aside, I know it's very high points, but the sod farms they use a lot of pesticides and other chemicals that they -- you know, to help the sod grow. Does this sit in any special groundwater protection areas, etcetera?

**DIRECTOR LANSDALE:**

My notes don't indicate that it does. And this, I should mention also that this is part of a larger assemblage of farmland. This was part of resolution 284 in 2003 where -- which authorized the planning steps for the acquisition of approximately a 110 acres and over the years we've been buying parts of this assemblage.

**CHAIRWOMAN HAHN:**

Okay. Do we have any other -- Legislator D'Amaro.

**LEG. D'AMARO:**

I just wanted to ask, are we not going to get individual copies of rating forms or maps anymore or is this a one day thing?

**DIRECTOR LANSDALE:**

No, this is just a fluke for today. Apologies.

**LEG. D'AMARO:**

Okay. No, it's okay. I'm just curious. No, no, I'm just curious because I find it very helpful to have that in front of us. Okay.

**CHAIRWOMAN HAHN:**

Okay. We have a motion.

**MS. ORTIZ:**

Legislator D'Amaro, I'll be copying and distributing by -- via e-mail anyway. I'm getting copies of them now so you'll have them in your records.

**LEG. D'AMARO:**

Okay, thank you.

**CHAIRWOMAN HAHN:**

Okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions? **IR 1208 is approved. (VOTE: 5-0)**

**IR 1209, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Maratea property - Mastic/Shirley Conservation Area - Town of Brookhaven (SCTM Nos. 0209-033.00-03.00-006.000, f/k/a 0200-983.40-03.00-006.000). (Co. Exec.)**

**DIRECTOR LANSDALE:**

I have maps for this IR.

**CHAIRWOMAN HAHN:**

I'm going to make a motion. I'm going to make a motion to approve and it's seconded by Legislator Anker. And on the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

This is Master List II. It's located in the Village of Mastic Beach in the Town of Brookhaven. Maps are going around for this. Because it's a Master List II property, there's no rating sheet. The

property is .18 acres in size. There are no structures on the site. It's located in the Mastic/Shirley conservation area and it's located adjacent to County parkland. So, it's within extensive low lying flood prone area along the South Shore with extensive tidal wetlands and freshwater wetlands. These properties were identified on the County's Master List II for open space preservation.

**LEG. ROMAINE:**

I see that you own a number of adjoining properties around there.

**DIRECTOR LANSDALE:**

Yes. So, again, this part of an assemblage of -- a bigger assemblage of properties. And the Master List properties were identified for open space, which were smaller properties to be part of a larger assemblage.

**CHAIRWOMAN HAHN:**

Okay. We have -- any other -- on the -- any other comments on the motion? Okay. We have a motion to approve and a second. All in favor? Opposed? Abstentions? **IR 1209 is approved. (VOTE: 5-0)**

**IR 1210, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Omni Ventures Inc. property - Saw Mill Creek addition - Town of Riverhead (SCTM No. 0600-131.00-01.00-003.000). (Co. Exec.)** I will make a motion to approve, seconded by Legislator Anker. On the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

Sure. Again, this is part of Master List II. The property is located in the Hamlet of Riverhead in the Town of Riverhead. It's approximately 1.6 acres in size. There is a map going around. And, again, because it's part of Master List II there's no rating on this property.

It's a proposed addition to the Saw Mill Creek wetlands. The County currently owns 96 acres in the Saw Mill County wetlands. The Creek itself runs through the northern edge of the property and downstream where it enters into -- empties into Flanders Bay. New York State DEC regulated wetlands are on the property and it's located within the 100 year flood plain.

**CHAIRWOMAN HAHN:**

So just remind me, do we usually purchase properties with parking lots? Do we try to cut that out of it?

**DIRECTOR LANSDALE:**

The parking will be removed as a condition of closing. I checked with the Department of Real Estate on that.

**CHAIRWOMAN HAHN:**

Okay. So this will be all -- I mean, obviously it won't have trees but it won't be as full.

**DIRECTOR LANSDALE:**

Correct, that's my understanding.

**CHAIRWOMAN HAHN:**

Any other questions?

**LEG. D'AMARO:**

That's at the seller's expense?

**DIRECTOR LANSDALE:**

Yes.

**LEG. D'AMARO:**

It is?

**DIRECTOR LANSDALE:**

Yes.

**LEG. D'AMARO:**

That's in the contract?

**DIRECTOR LANSDALE:**

I can double-check that if you'd like.

**LEG. D'AMARO:**

This is authorizing the acquisition resolution; right?

**DIRECTOR LANSDALE:**

Yeah.

**LEG. D'AMARO:**

So, that means that the seller has already signed; is that correct?

**DIRECTOR LANSDALE:**

Yes, the seller signed the contract in December of 2008.

**LEG. D'AMARO:**

2008?

**DIRECTOR LANSDALE:**

Yes.

**LEG. D'AMARO:**

Oh, okay. Should I ask why it took this long? I don't know. But here we are.

**DIRECTOR LANSDALE:**

I could investigate that.

**LEG. D'AMARO:**

No, I just want to make sure that, you know, the County is not incurring the costs. I don't think we would be, but maybe we might want to look at the contract.

**CHAIRWOMAN HAHN:**

Would you feel better if we discharge without recommendation? And then she can confirm that for us before we vote in front of the full Legislature?

**LEG. D'AMARO:**

I think that would be a prudent thing to do. Sure.

**CHAIRWOMAN HAHN:**

And I'd like to withdraw my motion to approve and make it a motion to discharge without recommendation. And then Director Lansdale will have that or Ben will have that information for us at the meeting on Tuesday.

**LEG. D'AMARO:**

I'll second.

**CHAIRWOMAN HAHN:**

Thank you. Seconded by Legislator D'Amaro. Any other on the motion comment -- comments on the motion? No?

**MR. ZWIRN:**

I just have one question.

**CHAIRWOMAN HAHN:**

Sure.

**MR. ZWIRN:**

Was Legislator D'Amaro surprised by the speed of which this one is closing or by the length it's taken?

**LEG. D'AMARO:**

Sounds like an artificial moratorium to me.

**MR. ZWIRN:**

Four years I think we're -- we're flying.

**LEG. ROMAINE:**

Artificial moratorium. There's the word, boy.

**LEG. D'AMARO:**

Ed, I'm not afraid of the M word. I said that at the last meeting.

**LEG. ROMAINE:**

It's working behind the scene.

**CHAIRWOMAN HAHN:**

I think we're doing pretty good here today. Okay. I'm sorry, did we get the purchase price said on the record?

**DIRECTOR LANSDALE:**

The purchase price is \$472,000.

**CHAIRWOMAN HAHN:**

For how many acres?

**DIRECTOR LANSDALE:**

One point six.

**CHAIRWOMAN HAHN:**

One point six.

**DIRECTOR LANSDALE:**

Acres.

**CHAIRWOMAN HAHN:**

Okay. We are discharging without recommendation, that's the motion. We have a second. All those in favor? Opposed? Abstentions? That is discharged to the floor. **Discharged Without**

**Recommendation (VOTE: 4-0-0-1 Not Present: Legislator Anker)**

**IR 1211, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Rams Head Investors, LLC property - Lake Montauk - Town of East Hampton (SCTM No. 0300-012.00-02.00-003.000). (Co. Exec.)** I'll make a motion. Seconded. And on the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

Thank you for the opportunity. This is located east of Flamingo Avenue, west of West Lake Drive and south of East Flamingo Avenue in the Hamlet of Montauk, Town of East Hampton.

The property is .75 acres in size. There are no structures on the site as seen on the map. This is part of Master List III so there's a map being distributed to the Committee, but there's no rating.

This is an out parcel surrounded entirely by the Montauk -- Lake Montauk County Greenbelt. County currently owns 116 acres in the Lake Montauk County Greenbelt. And it also contains the site -- a buffer area for the New York State DEC regulated freshwater wetlands.

**CHAIRWOMAN HAHN:**

How does somebody wind up with a piece of property like this? I'm sorry, but it's -- for those in the audience and listening at home, we have a little red square in the middle of a very large County of Suffolk property that we seem to own and how do they wind up with that?

**DIRECTOR LANSDALE:**

My understanding was the offer was made to all of the residents in this area to acquire the property. At the time -- you know, people accepted at different times. So, as property owners became interested in selling, we acquired. It's part of a larger assemblage of properties.

**LEG. ROMAINE:**

So, this would be the last of this because it's the only out parcel I can see in the middle of this.

**DIRECTOR LANSDALE:**

Yes.

**LEG. ROMAINE:**

When was the contract drafted on this? When did we ask the landowner to sell or sign a contract?

**DIRECTOR LANSDALE:**

2006.

**LEG. ROMAINE:**

2006. We beat the last record. Wow. Okay. I guess that M word keeps on popping up again. Thank you.

**DIRECTOR LANSDALE:**

The purchase price is \$400,000 for .78 acres. Less than an acre.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you. Is there an access road or something that I can't -- that's not visible on this map?

**DIRECTOR LANSDALE:**

No, there's no access road.

**LEG. GREGORY:**

So, no access road. It's completely surrounded by County property. The property to nowhere. And we're going to pay a half million dollars.

**CHAIRWOMAN HAHN:**

Director, would it be okay to request a rating on this? Table and maybe know a little bit more about its environmental sensitivity and where it sits and the points it would acquire and --

**DIRECTOR LANSDALE:**

I would be happy to provide that.

**CHAIRWOMAN HAHN:**

So, I'm going to make a motion to --

**MR. ZWIRN:**

We would support a motion to table to get some more information on it.

**LEG. D'AMARO:**

I just -- you know, is there any development pressure on this property? It's kind of --

**MR. ZWIRN:**

I think that's what we should find.

**LEG. D'AMARO:**

Yeah, okay.

**MR. ZWIRN:**

It looks like it's landlocked right here, so maybe we can take a look at the appraisal. Maybe when the appraisal was done, the situation was different.

**LEG. D'AMARO:**

Okay.

**LEG. ROMAINE:**

We signed a contract six years ago.

**MR. ZWIRN:**

Again, you're saying we're moving too quickly on this? (Laughter).

**LEG. ROMAINE:**

Not we. The owner signed it six years ago.

**DIRECTOR LANSDALE:**

I misspoke. The Planning steps resolution was in 2006. The seller signed the contracts last November; November 16th.

**LEG. ROMAINE:**

Okay.

**LEG. D'AMARO:**

So it can sit for another couple of years then. (Laughter)

**CHAIRWOMAN HAHN:**

I think I put in a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator D'Amaro. And then I would like more information on that. Thank you. But all those in favor? On the motion to table? Opposed? Abstentions? Okay, that is tabled.

**(VOTE: 4-0-0-1 Not Present: Legislator)**

**Introductory resolution number 1212, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Harold E. Goodale, Jr., Harold E. Goodale and Gene E. Goodale property - Goodale Family Farm - Town of Riverhead (SCTM Nos. 0600-085.00-02.00-003.000 p/o and 0600-085.00-02.00-005.005 p/o). (Co. Exec.)**

**LEG. ROMAINE:**

Motion to approve.

**CHAIRWOMAN HAHN:**

There's a motion. I will second. And on the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

So, we have a map and rating sheet being circulated to members of the Committee right now. It's located on north -- north of Main Road east of Cross River Drive in the Town of Riverhead. It's 38.2 acres. This is for the purchase of development rights. The crop grown -- vegetables grow on this farm. It received a rating of 16 out of 25 points. And the Farmland Committee has reviewed this and has made a recommendation to advance this to this Committee for your consideration.

So, the parcels were approved by the Farmland Committee July 30th, 2002 and again in February of 2004.

**LEG. ROMAINE:**

So, this was originally approved by the Farmland Committee ten years ago essentially? And then again eight years ago?

**DIRECTOR LANSDALE:**

Yes, that's according to my notes.

**LEG. ROMAINE:**

Thank you, thank you.

**CHAIRWOMAN HAHN:**

So that's -- Riverhead PDR's are to the west. Suffolk County PDR's are to the east and then -- how many acres does that --

**LEG. ROMAINE:**

Thirty eight point two.

**CHAIRWOMAN HAHN:**

Well, no, I understand what the purchase is, but around it, do you have any sense -- and on the other side of Cross River Drive, do we own anything on that other side of the road, do you know?

**DIRECTOR LANSDALE:**

I could find out. I can maybe investigate this more if you like.

**CHAIRWOMAN HAHN:**

I don't think it's necessary for the vote today. But, go ahead, Legislator D'Amaro.

**LEG. D'AMARO:**

It's an interesting way to configure the acquisition because it would seem to me if you're trying to avoid development and then you give away the most value four acres of the site, which fronts on the Main Road, that that's probably anticipating future development there. It's like selling the large yard that you're not going to use anyway. So, what's the basis for the four-acre exclusion area?

**LEG. ROMAINE:**

Not necessarily. And I will explain to you why. Any smart farmer will do that because when you sell the development rights, you're extremely limited in what you're going to do. If you have a barn, or a family home on that operation, you have to exclude it because you cannot sell development rights with the family home on it and with the barn on it because you've given up your home and your family barn. Most farmers when they sell the development rights, they carve out where their house is, where their barn is, where any other type of work that would be done, processing the vegetables or anything else like that.

**LEG. D'AMARO:**

Ed, just hold on on that thought.

**LEG. ROMAINE:**

Yeah.

**LEG. D'AMARO:**

Isn't it when you purchase the development rights in the Farmland Program, any kind of development or use that augments the farmland use would be permitted, wouldn't it?

**DIRECTOR LANSDALE:**

When farmers sell their development rights, it's subject to then Chapter 8 of the Suffolk County Code. So -- which is -- has some restrictions to it in terms of lot coverage and requesting permits for deer fencing, structures like barns and others.

**CHAIRWOMAN HAHN:**

Is this a house? This is very zoomed out because it's a large parcel. What are the structures on what's excluded there? I mean, it looks like it could be a home and some garages or something back there. You wouldn't know because it's not part of what we're going to buy.

**LEG. ROMAINE:**

It is a house and they do look like storage structures off there, but the house is on the Main Road. That's 25. If you're familiar with the area, you know where County Road 105 is?

**CHAIRWOMAN HAHN:**

(Shaking head no)

**LEG. D'AMARO:**

My point was not even looking at the house and the storage containers, but there's a large tract behind that -- in white on the map where it's being excluded from -- from the development rights acquisition. And that almost looks like an anticipated expansion of the use of the property. So, it's like having it both ways. Let's buy the development rights on the large tract in the back, but probably the most valuable or developable piece, which fronts on the Main Road, is excluded. It's

kind of defeating our purpose, I would think.

**DIRECTOR LANSDALE:**

If you like, I can get more information on the reasons behind the exclusion for this Committee.

**LEG. D'AMARO:**

This was approved by the Farmland Committee?

**DIRECTOR LANSDALE:**

Yes, it was.

**LEG. D'AMARO:**

And the Farmland Committee, do they take verbatim minutes, do you know?  
They don't, Ed?

**DIRECTOR LANSDALE:**

No, they don't. It is -- there are recordings of the proceedings by tape.

**LEG. ROMAINE:**

Can you make those recordings available to Legislator D'Amaro?

**DIRECTOR LANSDALE:**

If the Committee wishes, yes, or the Legislator.

**LEG. D'AMARO:**

Well, I just was -- I would be curious into the rationale behind excluding that portion of the property.

**DIRECTOR LANSDALE:**

Sure.

**LEG. D'AMARO:**

And, you know, the Farmland Committee is extremely valuable and useful in making these recommendations. So, you know -- but, you know, looking at this without having any further information would just seem to me that it's counterproductive to the program.

**CHAIRWOMAN HAHN:**

It seems like -- and correct -- I have not claimed to have driven by this and really understand where it is, but it seems like the vista is more from Cross River Road than it would be from Main Road.

**LEG. ROMAINE:**

You are correct.

**CHAIRWOMAN HAHN:**

Because, you know, there's quite a few structures along Main Road. Looks like there could be treed areas. It's hard -- it's kind of hard to tell from this vantage point, but the real farm vista seems to occur from the Cross River Road. Explain a little bit, Legislator Romaine.

**LEG. ROMAINE:**

Kara, you ever drive County Road 58?

**CHAIRWOMAN HAHN:**

Probably.

**LEG. ROMAINE:**

That's where the Tanger Mall is and stuff like that.

**CHAIRWOMAN HAHN:**

Of course.

**LEG. ROMAINE:**

You keep on driving, when you get to the east end of Riverhead, it merges with -- 25 comes up to -- meets it and there's a light there. That light is County Road 105, Cross River Road. That's County Road 105. You cross that, and that's what you're talking about, just, you know, a couple hundred feet passed there, east of there, on New York State Route 25.

Let me just ask Kara, if I can, for a question. When most farmers set out to put their farms in a PDR, look for the purchase of development rights, do they exclude portions of their farmland? Almost, you know, my experience is almost universally they do this so that they can, if they wanted to build a second house for their kids, if they wanted to build a barn, if they wanted to put up some type of processing operation or store equipment, that it would not run up against Chapter 8. Is that not the case just about in most instances of PDR's?

**DIRECTOR LANSDALE:**

Yes, that's the case.

**LEG. ROMAINE:**

Okay. Thank you.

**LEG. D'AMARO:**

Of if they wanted to put in a flag lot in a four lot subdivision.

**LEG. ROMAINE:**

This is farmland. It doesn't really work that way. This is really not Babylon Town. I mean, it really doesn't work that way. And this is mostly the farm belt of Riverhead that we're talking about. So, there's plenty of lots that they can build residential on. They want to look to build on farmland because there's plenty of land out there that is more desirable than building a house in the middle of farmland because there's all types of problems between residential and farmers.

**LEG. D'AMARO:**

But today's farmland is tomorrow's shopping center, you know.

**LEG. ROMAINE:**

That's the beauty of this program.

**LEG. D'AMARO:**

Not when you exclude a part of it.

**LEG. ROMAINE:**

Well, you exclude it for that reason so that you -- you can have a house, you can have a barn, you can have a processing thing, you can have storage facilities. That's why they're usually excluded because Chapter 8 is extremely restrictive, extremely restrictive.

**LEG. D'AMARO:**

So, just so I'm clear on that, the Chapter 8 would restrict a building that would supplement the farm use?

**DIRECTOR LANSDALE:**

Yes, yes.

**LEG. D'AMARO:**

Okay.

**DIRECTOR LANSDALE:**

It has specific restrictions on how big the greenhouse can be on PDR property and how big the barn and all of the uses that complement agricultural production.

**LEG. D'AMARO:**

Let me just throw this out there. Would it -- in order to not -- to make this more palatable to the program itself, let's say you had the four-acre exclusion area, but in setting up this acquisition you also enter into a covenant with the owner, that the uses on the excluded parcel will be for -- and you delineate or enumerate the specific uses it could be put to, as opposed to just not buying it and let it be developed later on. You know, maybe, you can have broad language that talks about any building or structure that would complement the farming use or if you want to, as Legislator Romaine said, include, you know, a single family home for family use or -- we can't come up with the laundry list here, obviously we don't have the time, but it would just seem to me that if you're going to exclude such a large portion of the property, you want to make sure that in the future that most valuable portion is not developed in a way that's counterproductive to the acquisition behind it.

**LEG. ROMAINE:**

Could I make a suggestion, Legislator D'Amaro. Those are ideas that I think that you should commit to writing and seek the opinion of the Farmland Committee. If you can't make one of those meetings, if you could just send them a fax or a letter and say, *look, I had this idea, I think this has some validity, could I get your thoughts on this?* And I think that would be very valuable for the Farmland Committee to take a look at.

**CHAIRWOMAN HAHN:**

We're going to look to table it for one cycle. So, did I make the motion to approve? Oh, Legislator Romaine made the motion -- so, I'll make a motion to table.

**LEG. D'AMARO:**

I'll second.

**CHAIRWOMAN HAHN:**

And seconded by Legislator D'Amaro. The tabling motion come first. On the tabling motion, all those in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **That will be tabled. (VOTE: 3-1-0-1 Opposed: Legislator Romaine, Not Present: Legislator Anker)**

**IR 1213, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Delmonaco property - Forge River addition - Town of Brookhaven (SCTM Nos. 0200-750.00-03.00-032.001, 0200-750.00-03.00-032.002, 0200-750.00-03.00-032.003, 0200-750.00-03.00-032.004, 0200-750.00-03.00-032.005, 0200-750.00-03.00-032.006, 0200-750.00-03.00-032.007, 0200-750.00-03.00-032.008 and 0200-750.00-03.00-033.000). (Co. Exec.)**

I'm going to make a motion to approve for the purposes of discussion.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Gregory. On the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

Thank you. This property's located north of Sunrise Highway, east of Barnes Road and west of Forge River, located in the Hamlet of Mastic, the Town of Brookhaven. The property is 1.37 acres in size and composed of nine tax parcels. There are no structures on the site. The site is outlined in red on your map. It is Master List II so it's not -- it does not have a rating.

**LEG. ROMAINE:**

It's west of Barnes Road?

**DIRECTOR LANSDALE:**

East of Barnes Road.

**LEG. ROMAINE:**

It has to be west of Barnes Road. Barnes Road is the dividing line for my district. This is not in my district.

**DIRECTOR LANSDALE:**

I stand corrected.

**LEG. ROMAINE:**

Okay. No, I mean, you know, I don't see Barnes Road on this map and I happen to know where Franklin and Fenwick is, that's in Mastic. On the other side of Barnes Road is actually -- east of Barnes Road is Manorville.

**DIRECTOR LANSDALE:**

It's west of Barnes Road.

**LEG. ROMAINE:**

Thank you, yeah.

**DIRECTOR LANSDALE:**

The County currently owns 203 acres of property in the Forge River County Park. So, this would be, again, part of a larger assemblage and it's a proposed addition to the Forge River Watershed. It's Master List II and the County has been acquiring land for preservation and protection of this stream corridor for the past couple of years. That's what I have.

**CHAIRWOMAN HAHN:**

Yeah, we know how important the Forge River -- the corridor is. So it's --

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**DIRECTOR LANSDALE:**

So it's -- I'm sorry.

**CHAIRWOMAN HAHN:**

Oh, I'm sorry, I'm sorry. Please continue.

**DIRECTOR LANSDALE:**

It's 1.37 acres. The value is at \$125,000 an acre. The total price is \$171,250.

**CHAIRWOMAN HAHN:**

Okay. Any other discussion? Okay. We have a motion to approve and a second. All those in favor? Opposed? Abstentions? **1213 is approved. (VOTE: 4-0-0-1 Not Present: Legislator Anker)**

**Introductory resolution 1266, Accepting and appropriating 50% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality for the National Estuary Program. (Co. Exec.)**

**LEG. ROMAINE:**

Motion.

**CHAIRWOMAN HAHN:**

There's a motion and I will second. All those in favor? Opposed? Abstentions? **1266 is approved. (VOTE: 4-0-0-1 Not Present: Legislator Anker)**

**IR 1272, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Noto Property - Town of Brookhaven (SCTM No. 0209-018.00-01.00-009.000). (Browning)** I will make a motion to approve. Oh, I'm sorry --

**LEG. GREGORY:**

Make a motion to table.

**CHAIRWOMAN HAHN:**

-- planning steps. I'm going to make a motion to table. I will remove my motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Gregory. And, here we go, on the motion.

**DIRECTOR LANSDALE:**

So, this is located in the Village of Mastic Beach, Town of Brookhaven. The property is .3 acres in size. There are no structures on the property. The -- located to the south of the property across Homecreek is the William Floyd estate, an approximately 613-acre property managed by the US National Park Service. The rating for this is 25 out of 100. And there are tidal New York State DEC regulated wetlands on approximately half of the property.

**LEG. ROMAINE:**

What would that mean for the development of this property, the tidal wetlands? Would it restrict development on this property?

**DIRECTOR LANSDALE:**

It would, yes.

**LEG. ROMAINE:**

So, whether we bought this or not, would that mean that that property could not be built on or is there -- our expert on that would be Legislator D'Amaro, because I believe he served on a ZBA in Babylon Town, but could the ZBA somehow give variances that would allow some building to take place on this property?

**LEG. D'AMARO:**

Is that directed to me.

**LEG. ROMAINE:**

Well, you know, you chaired the ZBA in Babylon.

**LEG. D'AMARO:**

Legislator Romaine, I'd be happy to try and answer that question.

**LEG. ROMAINE:**

Okay.

**SIDEBAR CONVERSATION (LAUGHTER)**

**LEG. D'AMARO:**

But my answer would be to you, it looks like the wetlands only take up a portion of the property. And then there's a limit on how close you can get to the demarcation line there. But any relief to that, I would assume, would come more from the State and not from the Town.

**LEG. ROMAINE:**

The DEC.

**LEG. D'AMARO:**

That's right. However, it looks to me because you have substantial development in the area on what appears to be similarly sized and shaped lots, many of which may actually be substandard, you probably have a good shot with the Town and then you take your chances with the DEC. So, could it be developed? I'd say, perhaps, would be my best guess.

**LEG. ROMAINE:**

Thank you.

**CHAIRWOMAN HAHN:**

Okay. We have a motion to table and a second. All those in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Opposed.

**CHAIRWOMAN HAHN:**

That is -- **IR 1272 is tabled. (VOTE: 3-1-0-1 Opposed: Legislator Romaine, Not Present: Legislator Anker)**

**Introductory Resolution 1292, Reappointing Edward P. Romaine as a member of the Suffolk County Soil and Water Conservation District. (Pres. Off.)** I will make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator D'Amaro. On the motion. Okay. All those in favor? Opposed? Abstentions?

**LEG. ROMAINE:**

Please list me as a recusal.

Also, I should note that we are one Legislator short on the Soil and Water Conservation Board so we do need another appointee to be made. My other colleague, Vivian Vilorio-Fisher, retired in December so we've been without a second member from the Legislature. It would be great to get a second member on this board, someone that might have an interest in soil and water conservation.

This district serves a tremendous purpose. It's a great board to serve on. They do a lot of very good work so if any Legislator, particularly in the minority -- in majority, excuse me, I represent the minority, is interested, this would be a great board to serve on and I would encourage, maybe even if we can get a CN, so by the next meeting in April we could have someone attending from the majority side of the Legislature, it would be very helpful, again, so the board could be functional. Thank you.

**CHAIRWOMAN HAHN:**

We have been talking about it so we'll work it out with the County Executive. Thank you. That was approved. **1292 was approved. (VOTE: 3-0-0-1-1 Not Present: Legislator Anker, Recusal: Legislator Romaine)**

Okay. **IR 1294, Reappointing member to the Council on Environmental Quality (Richard Machtay). (Spencer)** I would like to make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **And that is approved. (VOTE: 4-0-0-1 Not Present: Legislator Anker)**

Okay. That is it for our agenda. No more business before us. I'm going to make -- we are adjourned.

**THE MEETING CONCLUDED AT 4:17 P.M.**

**{ } DENOTES SPELLED PHONETICALLY**