

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 April 30, 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:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ben Zwirn, County Executive's Office
Dennis Cohen, County Attorney
Robert Lipp, Deputy Director/Budget Review Office
Laura Halloran, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Pamela Greene, Director/Real Property Acquisition & Management
Janet Longo, Real Property Acquisition & Management
Michael Mule, Department of Planning/CEQ

(ALSO IN ATTENDANCE: Continued on next page)

ALSO IN ATTENDANCE: (Continued from first page)

Tom Ryan, Aide to Legislator Hahn
Justin Littell, Aide to Leg. D'Amaro
Lisa Keys, Aide to Leg. Romaine
Michael Pitcher, Aide to Presiding Officer Lindsay
Richard Meyer, AME
Rick Brand, Newsday
William Shilling, Aide to Leg. Anker
Tony Peck
Cindy Pikoulas
Siobhan Censi
Anthony Doroska
Andrew Pettersen
Jeff MacQuerrle
Stephen Searl, Peconic Land Trust
Howard Goodale
Terry Morrone
Paul Joseph
Richard Thorbjonja
Gary Gentile
Jim Pikoulas
Elie Tramantozzi
John Paul Whelan, appointee to Planning Commission
Kevin G. Gershowitz, appointee to Planning Commission

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 2:02 PM)

CHAIRWOMAN HAHN:

Okay. Can we all rise for the Pledge of Allegiance led by Legislator Anker.

SALUTATION

PUBLIC PORTION

We will begin today with the Public Portion. We have Paul Joseph followed by Terry Morrone. Is Paul Joseph here? Okay. I'm going to put that one to the side. Terry Morrone.

Please hold the button on the microphone and you may begin. You have to hold the button.

MR. MORRONE:

Hi. My name is Terry Morrone. I'm Professor Emeritus of Physics from Adelphi University. I came to speak about chem-trails. I came across -- you know, first evidence wide, chem-trails exist. I came across an article in Science Magazine, which is a very mainstream magazine. The title is "The Persistently Variable Background Stratospheric Aerosol Layer and Global Climate Change." It's in the August 12th, 2011 issue of Science.

CHAIRWOMAN HAHN:

You need to hold the button. Sorry.

MR. MORRONE:

Sorry. It says that the amount of sunlight getting to the atmosphere and hitting the ground is monitored every year and reported in scientific literature. And so what they've observed is that there's been about -- we've seen an increase in stratospheric aerosols from 2000 to 2010 of about seven percent per year, which implies a change in global radiative forcing of about point one watts per meter squared.

Now, at about the same time atmospheric CO₂ has been increasing by about point five percent a year. And that's resulting in approximately a radiative forcing of point 28 watts per meter squared.

What it boils down to is that chem-trails is reducing global warming by about 37 percent in the last ten years. In other words, it's cutting back on global warming. And that's why they say that they are doing it.

Now who says that? People who leak information out of the establishment. There's many leaks coming out of the government, the airlines and everything about chem-trails. And the justification for doing it, they say is a humanitarian one and that is to combat global warming.

Now, there's a few problems with that. It just happens to be a very convenient way for the military industrial complex for the oil companies and everybody to ignore the global warming problem by doing chem-trails. In order to fight global warming -- how much time do I have?

CHAIRWOMAN HAHN:

Three minutes. So your three minutes are up. Please wrap up.

MR. MORRONE:

All right. There's two ways to do it. We can spend trillions of dollars on wars and securing our oil supplies and dumping garbage into the atmosphere with terrible health effects or we can spend trillions of dollars on green solution with solar power and wind power and all this other stuff. The choice is ours. The forces behind a sane solution are tremendous. It's the whole establishment. The only way to fight it is a grassroots effort and we have to start at the local level. Hopefully the Suffolk Legislature. Thanks very much.

CHAIRWOMAN HAHN:

Thank you, Mr. Morrone. I'm going to call Paul Joseph again in case he's now in the room. And then if you stand at this podium and hold the button the entire time you're speaking, then we'll be able to hear you and you'll be on the record.

MR. JOSEPH:

Thank you. Thank you for allowing me the opportunity to speak. I'm certainly no scientist. I'm just a regular guy. I'm just a musician. If I wasn't here right now, I'd probably be out riding my bike, you know, looking up at the sky. You know, when I look up at the sky, what I notice is, I see these planes flying way overhead at very high altitudes. And they seem to be flying usually up, like at a 45 degree angle. And I wouldn't -- I couldn't even tell they're planes unless I saw these trails coming from them, these huge parallel lines. You can see these parallel lines coming from the -- must be coming from the wings because it's two lines. And then you can spot a little plane that's leading them.

And these trails just don't seem to dissipate like you think they would. They just hang there. And then I keep watching them and I notice that they start -- they start dispersing. They're going -- they start forming almost cloud-like formations. And then you notice a little more when they start coming closer to the earth, you know, the sky starts looking like it's painted with a brush. You see these lines, like an artist took a paintbrush and went, you know -- and sometimes it looks like water colors. Sometimes it looks like, you know, the paint was dabbed on with a brush.

So, these are very unusual things. And I didn't start noticing this until a couple of years ago -- couple of months ago even. This has probably been going on a longtime. But, you know, I just go on my regular routine. I don't pay attention to this stuff. And I heard about chem-trails the last couple of years, but I didn't really pay much attention. I started looking in the sky and it started bothering me. I said what's going on up there? And then, you know, I wondered, you know, I don't hear anything about it in the news. There seems to be no mention of it, but it's happening. And I'm just curious, has anyone here in the Legislature actually looked up in the sky and seen these things I'm talking about? Yes, no, maybe?

LEG. D'AMARO:

We don't answer questions. Just say what you have to say.

MR. JOSEPH:

Okay. Well, if you haven't, I would just say -- and that goes for anyone in the audience, too, if you just look up, we can see what's -- you see something's going on. The fact we don't know about it kind of -- one can extrapolate from that that something is -- something is wrong with the picture and we don't -- something's wrong with this picture. And whoever's doing it, which we don't really know who's doing it and why they're doing it, but whoever's doing it doesn't want us to know about it obviously. So, this is something that really should be looked into. We should try to, you know, spread information on it because -- I talked to friends about it and they're, like, "oh, yeah" -- they don't even -- they never realized it until they look up in the sky and they're like "yeah, I see that plane. Yeah, I see that trail."

And, you know, whatever's up there probably isn't too good for us. And we're all in this together, you know. I mean, I kind of think -- my first thought is what in the world are they doing? But then I think what in the world are we doing? You know, this is our world. We're all in this together. We're all breathing the same air. We're all taking in -- you know, this is our environment. And, you know, it's up to us. And that's why I commend groups like Long Island Sky Watch that actually -- yes, thank you. I commend groups like Long Island Sky Watch that actually bring it to our attention and are owning up to this responsibility that we all have to make sure that, you know, we're living in the kind of world that, you know, that's the best for us, for our families and for the rest of humanity. Thank you.

CHAIRWOMAN HAHN:

Thank you very much. Cindy Pikoulas followed by Richard Thorbjonja. I know I butchered that one, sorry. Cindy.

MS. PIKOULAS:

Hi.

CHAIRWOMAN HAHN:

You have to hold the button on the microphone and speak into the microphone, please.

MS. PIKOULAS:

Hi. I'm Cindy Pikoulas and I'm from Long Island Sky Watch. I wanted to come back and meet with everybody regarding the denial of the law in December because I did a lot of research with the EPA. And I disagree with a lot of the findings that were stated, why the law couldn't be passed.

As I delved deeper on this -- there's six criteria that the EPA investigates for: Sulphur, nitrogen, ozone, particulate matter 2.5 and particulate matter 10. In 2006 they went down to 2.5 because what they're finding is that the smaller of the particles the more serious damage it does to the lungs, to the environment and plants.

New York has been in non-attainment for particulate matter 2.5 since its inception. We have never passed attainment. Our acid rain problem, we average 4.3 to 4.6. Anything under 5.6 results in tree die-off and fish die-off and our ozone is in moderate to severe constantly.

So, we're already defunct in passing any sort of environmental regulations that we should be. In fact, I believe we also are under a -- I forget the terminology -- a plan to get ourselves up to par. What the geo-engineers are now proposing and the United Nations will be talking about this in July at their meeting in Rio, is to start small scale geo-engineering. Congress -- every country in the world is involved in this. And it's being funded by billionaires Bill Gates, Richard Branson.

This is not a conspiracy. This is not a chem-trail conspiracy. This is something that they are putting forth and they're going to seriously put it forth because now they're saying that the Arctic is melting; however, in -- ten years ago NASA said that the more -- that the contrails are actually increasing warming and they're increasing it in the Arctic. And how convenient that the military of every country is over there now trying to get to the resources. Geo-engineers have actually devised a way to have levitating aerosols so that they go to specific areas to warm it or to block the sunlight -- which 20 percent dimmer we are in the last ten years.

So, my question to you is how can we not investigate as a committee when we are already environmentally behind, cannot pass anything and they are proposing putting nano particles of sulphur which increases acid rain into the air that we breathe. I'm not even going to talk about whether or not it's happening. Because if you would like to step outside with me, they have covered our sky today. But this is what they're going to do. And then we're all going to wake up when it comes out in the news and "thank you for saving us from global warming."

And on that note 50 scientists from NASA sent something to President Obama three weeks ago saying "global warming is not a fact." As had the first scientist who worked for President Gore ten years has now rescinded what he said about global warming that we cannot prove it to be true. We have come to you numerous times. I have patents for fake clouds in the sky. I can give you any kind of documentation that you want to prove this is happening and that we are breathing this. For God's sake look at the trees. Please meet with me. I tried to meet with your office this week. I tried to meet with you, Legislator Hahn. Please listen to us. (Off the microphone)

(APPLAUSE)

CHAIRWOMAN HAHN:

Richard, followed by Anthony Doroska.

MR. THORBJORNJA:

Yes, I want to thank you for your time for listening to us today. I have -- I have been watching chem-trails for approximately three to four years. I've been filming it constantly on time lapse. There is definitely something going on. But this not only affects us and our children and our health it affects your children, your health. This needs to be addressed. There's something definitely going on. And like I said, the agriculture, the food, the die-off. You could drive down Route 24 in Riverhead and you could just see all the dead trees everywhere. This needs to be brought to the forefront. Like I said, this does not just affect us and our health it affects everybody's health on Long Island and it needs to be addressed. I challenge you to look up and wake up. Thank you.

CHAIRWOMAN HAHN:

Thank you. Anthony Doroska followed by Tony Peck.

MR. DOROSKA:

Hello. My name is Anthony Doroska. I reside in Riverhead and the last meetings I've come here and spoke about it -- I had something so forgive me I don't have anything written but I'm going to tell you about my experience.

Recently with the chem-trails or the persistent contrails, today me and my wife had stepped outside and when I looked up we saw the persistent contrails go from north to south and they were parallel all way across. And then my wife had said earlier she even see them going from east to west. But they do linger in the sky. They do spread out just as they all say. There are different websites. There's also a guy named {Dutchsinse} on the internet, as he goes by, it's not his real name. But he's out there. He's from Missouri. And he actually tells you to go to -- and IntelliWeather, I-n-t-e-l-l-i Weather.com and you could see in the Midwest how the frequencies are injected into storms and you could see them explode. But they block it out in Intellicast. Intellicast is manipulated so when you watch your weather on TV they don't show you this. But if you go to the other websites, and he shows other government websites, he can -- if you're a nonbeliever go to his website and research it. You will see that he talks all about how scalar squares and scalar circles and how they are frequently injected. There's things called GWEN towers. Ground Wave Emitting Network towers. They look like cellphone towers. But they're all over. I've seen them on Fresh Pond Road out in Calverton, there's one. There's others all over. Once you see one and you identify, then you can identify all the rest. I don't believe that we need all the cell phone towers as we need, but this is how they do it because their frequencies are being injected.

There also used to be a doctor called Rife, Dr. Rife and he used to heal people with frequencies so the body -- so they can even do brain washing or brain manipulating with these frequencies. They can -- they do a lot. Unfortunately, it does sound like a lot of, you know, it's hard to believe but they are out there. Look up GWEN towers. Look up what they are and research. Listen to, like I said, you can look up {Dutchsinse} on the web and there is definitely something going on. It's gone global and like I said everybody's noticing it. So we're not like conspiracies. Either we see something, unfortunately the government's got to say something, so if we see something, say something. Well, we're doing that. So someone's got to start paying attention.

I don't really have much more to say. So, thank you very much for your time.

CHAIRWOMAN HAHN:

Thank you. Tony Peck followed by James Pikounas.

MR. PECK:

Hello. I also came here today to remind everyone about how geoengineering is a real and present danger and I just want to say that even if there's a chance that this is affecting us, you, our

children, isn't that worth fighting for even if there's a chance? What we've become, I mean, what have we become when we're presented information that could affect all of us and we do nothing about it. Like have we really grown that apathetic as a human race that we're presented dangers to ourselves and we just do nothing about it and go about our daily lives?

As a human race we've pretty much grown to only react to immediate dangers. If there is some lunatic in this room with a rifle we would all react accordingly but because geoengineering is a slow kill and takes time and years to build up and affect us; we do nothing about it because we only react to immediate dangers.

Even if this is out of your jurisdiction or some rules we can't just stop there because it won't go away. A crime is a crime and it should be treated as such no matter who's committing it. Time for being spineless, I think, is over, we have to become real men and real women again and stand up and fight crimes that are being committed on all of us. Thank you.

*(*Applause*)*

CHAIRWOMAN HAHN:

Thank you. James Pikounas followed by Andrew Petersen.

MR. PIKOUNAS:

Hello. Jim Pikounas from Long Island Sky Watch. We're trying to have a dialogue and it's not working. We tried to have meetings with you guys one on one, which was what we were asked to do in this room about three months ago; you won't meet with us. It's a two-and-a-half month wait. Others won't even get back us. And so there's no dialogue and so for us to come here and have -- spew facts, it's not moving you and nothing else is moving because, I mean, we were in the newspaper for having this legislation tried to be passed on the South Shore Press so somebody's picking up on this, but we know that we're not getting much help here. And we would like help. If nobody's been succinct enough, the planet's being poisoned. I was here talking about tree die-off, right here in this room with my finger on this button three months ago, I said the DEQ can't identify a failing -- a dying tree. They're dying. I mentioned the Oak leaves will not drop. I mentioned water shoots coming off the bottom of these trees. So now the trees are down. We're having forest fires. And the conclusion on TV is spontaneous combustion. Well, if aluminum leaches out of the soil because A, they're dropping it on our heads and sulphur separates aluminum in the soil and the trees are dying from soil, I mean, excuse me, from aluminum in their roots and their seeds and everything and we have all this proof, nothing here is erroneous facts. We have everything you need to be aware and awake that something horrific is happening. The trees are dying so now we're going to deal with brushfires and then they're going to evacuate or maybe one of our houses will burn down. It was in my backyard.

So I know the trees are dying. I begged you guys months ago to just take a look at this and here I am again, different committee, I really appreciate you guys hearing us, but I'm not feeling it. I'm not feeling anybody cares. I am getting a couple of looks now; that's really nice, but we have a detriment to the health of every living species on this planet, every tree, every mouse, every human. Your kids are going to be affected; I guarantee you. Your grandkids; God help them, God help mine. This is a serious issue. We're being sprayed. It's not, we don't know who it is, trust me, we have the documentation. There's 400 patents of different cocktails that they spray. If they want to make it dry, they make it dry, If they want tornadoes, they get tornadoes. Funny how the record weather anomalies are happening this year as we're standing here begging you guys to realize they control the weather. It's not that hard. They figured it out in the 20's. I promise you if you guys would look into this. Call Long Island Sky Watch. Or, you know what, do your own investigation, don't trust us, we're just your constituents. Please, guys, take a look at this. Look at the sky and you tell your kids or anybody else because nobody will; that it's normal, because there's beautiful days and then when the planes come out, they're not so beautiful anymore. What a coincidence. Come on, please. I'm begging you, I have nothing else to say. Documents? We got them. Records? We have them. Dying people, statistics, they're there.

CHAIRWOMAN HAHN:

Please wrap up.

MR. PIKOUNAS:

So, please.

(*Applause*)

CHAIRWOMAN HAHN:

Thank you. Andrew Pettersen followed by Gary Gentile.

MR. PETERSEN:

Oh, okay, thanks. I thought I'd take a different approach, I've spoken at the other meetings. Thank you. I love you all for coming and listening and being our brothers and sisters in this. Just living life. I'm a lawyer, I live in Huntington. I live in a beautiful community. I love my life. And I just wanted to take a little bit of a different approach today.

First, I wanted to say I'm nervous because I never like speaking in public. I don't know if anyone else can relate to that. And it's often said that one of the greatest fears is other people, which is just a fact, it's something that's been researched. People fear other people even more so than war or nuclear radiation. This should not be the case.

I also come here in peace and love as your neighbor. How many of you have lost someone you love or are currently suffering or suffering yourselves from any of the following: Cancer, Autism, Asperger's, Parkinson's, ADD or ADHD? I know I've lost a lot of people to these and I still have people suffering. There's two people in my office that are currently suffering from cancer. And it's just amazing. I lost my father. I lost my uncle to Parkinson's Disease recently. So the first I'd like to do is just take a ten minute moment of silence if everyone would just to -- everyone if there's someone -- if you're suffering or if anyone's suffering, just ten seconds. (Off the microphone) -- moment of silence for (Off the microphone) -- that lost anybody from cancer or -- any of those diseases. I just want to send them love and peace.

These diseases I just mentioned were rare if not unknown a 100 years ago. We need to focus on prevention instead of just treatment. We need to figure out what's causing the diseases. We need -- we owe it to ourselves to help those we love and to prevent the diseases from hitting them. Look at the sky today. Geoengineering, by the way, is not a belief, it's a fact, if you look at this sky today. Adolph Hitler, his famous quote, one of them is, *the bigger the lie, the easier it is for people, the public, to believe it*. We should learn from this man. He was saying something that's actually occurring now. If you look in the sky, just go outside, it's something that's right in front of our eyes just like the Holocaust occurred and it breaks my heart to think of all those people who died because no one spoke out. And it's happening here because people just -- it's very difficult and I understand, it's difficult for people to see what going on. But I think we owe it to humanity, we owe it to ourselves and we owe it to everyone in our lives to just take part and look. I'd like to ask for everyone here to think of ways we can tackle this together as a team, I'm a lawyer, I'd be happy to help you and -- to figure out and test the {narrow} particles that are being dropped on us.

And I appreciate your help and thank you very much. And I am here, I am your servant, I'm your neighbor. If you need me, let me know. I have an e-mail address and a phone number.

CHAIRWOMAN HAHN:

Thank you. Gary Gentile followed by Jeff MacQuerrie.

MR. GENTILE:

My name's Gary Gentile. I'm a licensed landscape architect. I'm Vice-president of Long Island Native Plant Initiative. I'm here today to show support for the hiring of a Senior Assistant through the Suffolk County Parks Department.

Back in 2011 money was earmarked for the position and it was put in the Capital Budget. Over a period of time they realized that money could not be used for funding of a seasonal employee so the resolution that's on the table today we're asking that that money be put in the Parks Department for continued research.

Long Island Native Plant Initiative was established in 2007 for collecting native plant material to solve some of the problems on Long Island that has caused erosion, coastal erosion, water quality issues, degradation to the Pine Barrens as previously mentioned, some of the wildfires that we have. Polly Weigand who worked for Suffolk County Soil Conservation District started the program; unfortunately she's on the chopping block and we're trying to keep her dream going by hiring somebody to do the work as a seasonal employee. Long Island Native Plants has a grant from BP Solar to hire Polly to do additional work if necessary.

Some of the things that I want to bring up, the monies from the bond was not Suffolk County General Operating Fund. Layoff funding is not related to the hiring of seasonal employees. A progressive effort that prove economic stimulus to Suffolk County by providing plant material for nursery production, most of the plants that were produced by Long Island Native Plants, are necessary for wetland mitigation, restoration enhancement; violations that DEC required these plants that are no longer available in current nurseries and specialty nurseries produce these plants. Staffing is necessary to produce the program and keep it going.

And at this time I want to thank the County for A, starting the program and supporting it and I hope today that the resolution will be passed to continue these efforts. Thank you very much.

CHAIRWOMAN HAHN:

Thank you. Jeff MacQuerrie followed by Stephen Searl.

MR. MACQUERRIE:

Good afternoon. I was planning on coming here and bringing 20 copies of various sheets of documents and facts and figures and authors and internet links and all that and I realized that would have been a waste of time because the folks here from Long Island Sky Watch have done more than their due diligence in their research and their homework and try to point out what really is very obvious and I couldn't say it more clearly than what they've said already. So they look outside today. When I walked out to drive here and compared it to yesterday when I was planting my garden it was a beautiful blue sky and not a single cloud other than the puffy cumulus ones that we're always expected to see, and today we have a mush, an eggshell color, a new cloud formation actually they've created in the last, I think, ten years or so perhaps, to describe this artificial covering that we see here.

Now, I know we're just one County in a country full of millions of counties. I know you have limited jurisdiction. I know we have laws; Federal, State; to combat, however, I appeal to you also. Many of you here are old enough remember before this phenomenon existed. It's only been around since the 1990's that we see these planes leaving persistent trails. It's not water vapor. There has to be an added chemical either to the fuel or to some other distribution system in the plane. I'm not saying we can solve it here but we need to take a stand here. IR 2029 was a step in that direction and perhaps wasn't perfectly crafted. But nonetheless it's not our jobs as constituents to develop and navigate through Robert's Rules and Parliamentary Procedure. It's your job to do that to serve us when we bring issue up. We may have crafted an incorrect or improper piece of legislation but the issue is real. Simply take five minutes during your session here today and look outside and ask yourself, particularly if you're over 40 years old, *do I remember these clouds when I was growing up?* Or better yet, go to the Southern Caribbean, you won't see this sort of stuff down there either.

I just want to say I met with these people. I consider myself a friend of them, a colleague, and I think their research is sound. They're not crazy, they're hardworking normal folks just like you are -- aspire to be, perhaps. They're different professions and they all care. People were sharing their own personal health histories at the last meeting. I was there where a person shared how his

family has elevated aluminum levels in his childrens' blood. Of course, it can be cars, could be coal, it could be smokestacks, etcetera, etcetera. But I can tell what it probably is partly straight up in the sky there. Ask yourself, why are planes intermittently leaving persistent chemical or contrails as compared to water vapor, which would dissipate in just minutes? And ask yourselves that question because down the road someone might be asking you; what did you do about it when you knew about it? And that's all I really have to say. But thank you very much for your time.

CHAIRWOMAN HAHN:

Thank you. Stephen Searl followed by Harold Goodale.

MR. SEARL:

Good afternoon. I'm Stephen Searl with Peconic Land Trust. And I'm here to express our support for resolution 1212 authorizing the acquisition of development rights for the Goodale family farm in Aquebogue.

This property is contiguous with the preserved farmland on two sides, east and west of the subject property; and if preserved, would create a block of roughly 85 acres of preserved farmland in between Route 25 and County Road 105. Much of the property also consists of prime agricultural soils, which helped give the farm a rating of 16 points out of a possible 25.

I know there's been some concern with the four-acre reserve area on Route 25 and I'd like to take a moment to address this. Farmers have traditionally left out reserve areas to provide themselves with the flexibility necessary to improve and expand their existing farm operations.

In this particular instance, the reserve area appears to be consistent with the neighboring farm properties that consist of both preserved farmland and associated reserve areas to the north of Route 25. Moreover, there is a pre-existing residence within this reserve area, which requires per zoning a minimum of 40,000 square feet. I'll let a member of the family speak to their existing farm operation and plans for the future, but a reserve area of this size and in this zoning district could be used for future agricultural structures including barns, greenhouses, farm stands or even a winery as well as a future residence for family members involved in the farm, and even other complementary commercial agricultural uses.

This does not mean that the reserve area -- reserve areas can't be subdivided from the preserved farmland and sold separately. They can. But it's precisely this kind of flexibility that will help farmers and farming survive the ever-changing industry of agriculture.

Just to conclude, reserve areas continue to be an important part of preserving working farms and ensuring their long-term viability. Since its inception, the success of the Farmland Preservation Program is due in large part to its focus on preserving both the natural resources as well as the business of farming.

I'd urge this Committee to approve resolution 1212 and acquire the development rights on the Goodale family farm. Thank you for your time.

CHAIRWOMAN HAHN:

Thank you. Do you have remarks you can submit?

MR. SEARL:

Yes.

CHAIRWOMAN HAHN:

Would you mind submitting them?

MR. SEARL:

Sure. Actually, I just have handwritten, so I can -- I can submit, though.

CHAIRWOMAN HAHN:

Oh. We can copy that, if you want.

MR. SEARL:

Sure.

CHAIRWOMAN HAHN:

It would help our stenographer. I saw that you were reading.

LEG. ROMAINE:

Question.

CHAIRWOMAN HAHN:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

Yes. You're with the Peconic Land Trust?

MR. SEARL:

That's correct.

LEG. ROMAINE:

You've seen many of the acquisitions that have taken place under the Farmland Acquisition Program. Do the overwhelming majority of them usually reserve some land as a cutout so that they can do activities that would be restricted normally on preserved land?

MR. SEARL:

Yes, that is -- that does tend to be trend.

LEG. ROMAINE:

Was that the case also with -- was that the case also with Tuttle Vineyards, which we approved unanimously the last time that had several cutouts?

MR. SEARL:

Yes, that is correct. There's about a nine-acre, roughly, reserve area.

LEG. ROMAINE:

Right. I remember Sarah Lansdale, our Planning Director, introducing that said "if you like cutouts, you'll love Tuttle Vineyard because it has a ton of cutouts." Yet that was approved unanimously. So, cutouts are something that are normal in this case because of the extreme restrictions on preserved land that people want to cutout in case they want to put up a barn or some type of farm stand or house or something of that nature, that there is land set aside for that purpose; is that not the case?

MR. SEARL:

That's true; that is the case.

LEG. ROMAINE:

Thank you very much.

CHAIRWOMAN HAHN:

Thank you. Harold Goodale followed by Scott {Lan}? I'm sorry, I can't read the handwriting here.

MR. GOODALE:

Hi. Harold Goodale, representing the Goodale family on the piece we were just talking about in 1212 with a four-acre hold out. The family right now farms the land. It's approximately 40-acres

that are being farmed. Currently we're the only full-service dairy on Long Island with a license from New York State. And that's what we've been expanding tremendously in the last two or three years with the dairy operations. And the hold out is -- one, my father's residence is on the hold out with a barn. And if down the road we needed to expand our dairy operation for bottling and making cheese, we wanted to be able to do that in a certain spot. And that's the explanation to what we were looking at for the hold out.

CHAIRWOMAN HAHN:

Legislator Romaine.

LEG. ROMAINE:

First of all, thank you for coming. And I, as you know, am supporting this resolution. I'm going to be co-sponsoring this resolution. I would think now would be the appropriate time for any Committee member that had any questions about any cutouts to ask them.

LEG. D'AMARO:

All right. Thank you, Legislator Romaine for that introduction. I appreciate that. And I did have a couple of questions.

Mr. Goodale, thank you for coming down. I'm Lou D'Amaro, County Legislator, that has been questioning a portion of this acquisition. And I really appreciate that you came down to speak directly about it. That's very helpful to me.

We have this Preservation Program. It has certain -- it has a mission to preserve groundwater, promote farming, very -- I'm sure everything you and I would agree on, are all positive things for a program like this.

I was concerned, however, that -- I think it was the front four-acres that you're proposing to preserve or not to sell the development rights on to the County. It would seem to me, in my mind, very ripe for future development. Okay? And I know it's hard to predict the future. And I appreciate the business that you're in and what you're doing. And I never would want to stand in the way of your business. And I appreciate that it's continuing. But you don't know what the future holds.

So, my function and my job up here is when spending taxpayers' money, I have to make sure that we're going to reasonably meet the goals of this program. And that's where I'm coming from. That's my obligation.

Can you speak to, somewhat, what your future use of that front four-acres may be?

MR. GOODALE:

Sure. Actually this -- one of these pieces is part of a piece that went all the way --

LEG. D'AMARO:

Are you holding the button down? I'm sorry.

MR. GOODALE:

Yeah.

LEG. D'AMARO:

You can pull the mic up also, if it's helpful. Thank you.

MR. GOODALE:

One of these pieces -- actually all these pieces -- there's two parcels here -- were at one time continuous and went all the way to Northville Turnpike. And they were split when the County put in County Road 105. And we've already sold the development rights to the pieces on the other side

that go from 105 to Northville Turnpike. And the other ones around us have been sold, also.

And for our operations, we continue to farm. And a lot of this -- the reason we are offering them up for sale is part of estate planning and that they can stay in the family with the people that want to farm as to not -- not -- you know, it makes it reasonable for family members to stay there and continue farming. And, like I said, we're running a dairy. We want to continue running that dairy and would eventually need more space to do value added processing of the milk via cheese, bottling milk, that type of thing; where we're running out of existing structures now, but the need may arise to have another smaller facility on the property. And we want to be able to do that.

LEG. D'AMARO:

Okay. So, you're a willing seller, you're saying, for estate planning purposes, is the prime motivation for you to sell off the development rights at this point and to continue the farming use for members of your family, I think? I don't want to paraphrase. I want to understand what you're saying.

MR. GOODALE:

Yeah, we want to continue farming.

LEG. D'AMARO:

Right.

MR. GOODALE:

And --

LEG. D'AMARO:

Right. But you can continue farming without selling your development rights.

MR. GOODALE:

True. But -- I mean, my grandfather's 90-years-old. Once he passes -- I've got eight siblings that might have different ideas than we have --

LEG. D'AMARO:

Right.

MR. GOODALE:

-- as to what would get done with it.

LEG. D'AMARO:

All right. So, what you accomplish there is, if the County -- let's just talk about the back portion, the large portion. The County would purchase those development rights and that would ensure that that would continue to be farmed; is that what you're saying?

MR. GOODALE:

Yes.

LEG. D'AMARO:

Okay. Well, that's good. I appreciate that. And then I think speaking to the front four-acres, you were mentioning that there may be a future expansion that you're contemplating down the road? Is that what you're saying, with the dairy operation?

MR. GOODALE:

Yes. We have -- there's a residence there now that has -- has to be a 40,000 square foot for the house. And there's an existing barn, which hopefully we'd be able to utilize, but we would want to be able to accommodate whatever we need to do to -- whether it be for employees or, you know, a

sibling wanting to, you know, stay on the farm and have a house, something of that nature, in that area.

LEG. D'AMARO:

So, the four-acres, the cutout, would support the farming use as you're contemplating it now?

MR. GOODALE:

Yes.

LEG. D'AMARO:

Okay. Well, let me ask you this, then: As a condition to the County purchasing the development rights, would you be willing to place a covenant on the property that mandates that the front four-acres be used in connection with the farming use and with the parcel that we're buying the development rights from?

MR. GOODALE:

I don't know -- I don't know how that would affect any future purchases or anybody else going on it.

LEG. D'AMARO:

Well, it would certainly affect future purchases. It would inhibit your ability to sell that property for other uses that you'd be permitted as a matter of right to do under the current zoning code. So, it would have a substantial impact on the marketability of that property.

MR. GOODALE:

I understand. I'm talking about future purchases of other parcels or ones that have gone before. I'm kind of wondering why we're being asked --

LEG. D'AMARO:

Well, I'm talking to your parcel right now. I'm asking what your willingness is or if you would consider that?

MR. GOODALE:

I'd have to discuss it with, you know --

LEG. D'AMARO:

Yeah, I appreciate that. And I think you should discuss that. I'm looking at the interest of the County here. And the interest of the County is for the parcel to continue to be farmed, which it would be with the development right purchase. But also the broader goal of the Preservation Program would be met if we could ensure that the front portion is also used, if not for farming per se, at least to support farming.

MR. GOODALE:

Isn't that something, then, that should be put into every purchase for the future from here on end?

LEG. D'AMARO:

Well, I can have an esoteric debate with you, but I'm really trying to focus more on your property. Do you want me to give you an answer to that question? I'd say absolutely yes. And maybe this has gone on in the past. And I'm not singling you out, but I'm trying to do what I feel is best to promote this program. So, I'm not asking you to commit and I'm not asking for you to agree with me. I'm just trying to get a sense of what are you willing to do?

MR. GOODALE:

I mean --

LEG. ROMAINE:

Madam Chair Lady --

LEG. D'AMARO:

You know, I'm going to object to being interrupted right now. I'm having a dialogue and please let me continue.

CHAIRWOMAN HAHN:

Legislator D'Amaro, continue, but wrap it up if we can -- he's being put on the spot here and --

LEG. D'AMARO:

No, I'm specifically not. I completely understand you have to think about that.

MR. GOODALE:

No, but I mean, I would disagree, too. We are being singled out. I mean, you're asking me -- I'm the only person being asked to do this. The ones you passed over the last month weren't asked, nobody after me is being asked so I am being singled out.

LEG. D'AMARO:

Okay. Well, you don't -- all right. So you don't want to answer that question at this point or do you want to get back to me or --

MR. GOODALE:

I would say as long as the -- if there's guidelines that have been followed, then we would follow the guidelines that have been offered to everybody else.

LEG. D'AMARO:

All right. Well, okay. That's fine.

CHAIRWOMAN HAHN:

Thank you.

Next we have -- and I'm really sorry I've been struggling today reading some handwriting. So I'm going to read, I think it says Scott -- but it's at four -- someone from Oakdale from Long Island Sky Watch.

MS. CENSI:

S-i-o-b-h-a-n.

CHAIRWOMAN HAHN:

Siobhan. Sorry about that. Last name is?

MS. SIOBHAN:

Censi.

CHAIRWOMAN HAHN:

Okay. Thank you. Sorry, I couldn't read that.

MS. CENSI:

No problem. Not too common. Good afternoon everyone. This is not my first time here. Some of you might recognize me from the public hearing and I was also here another time to speak with you. So I'm not going to spit out facts, like I normally do, squeezing them in within the allotted timeframe. You guys have everything that we've sent you; I'm assuming. We provided lots of material. You can visit Long Island Sky Watch's website. LongIslandSkyWatch.com. Everything you could possibly need is there. You can visit mine, which is humanitytranscending.com. There's

also a page on geoengineering there where you can look up facts 'til your -- you know, your eyeballs are going to pop out of your head.

I'm basically here today just human being to human being. And I want to take it back to basics. I know that as public servants, civil servants, government officials, you all swear an oath to uphold the Constitution. And what you do when you do that is you take on duties and obligations to protect me. You took on duties and obligations to protect your kids, yourselves and everybody sitting in this room. I know that your oath requires you to have my well-being as your highest personal priority. And I think that the government, not only at the local levels, but also at the Federal levels and State levels has forgotten this very, very basic principle. It is I, it is we, who pay our public servants to protect us, to protect our unalienable God given rights including but not limited to my right to life. Everybody's right to life in this place; including you. You have a right to life. Are you protecting it like you swore to under penalty of perjury? I leave with you this question because it's a very important one and it matters. It matter what you said. It matters the duties you've taken on for yourself. And it matters that they get carried out properly.

So I know not everybody's hearing me, but hopefully this is on the record and for the record so you can look at it afterwards. I remember that where you are, you're there because you swore to protect me and I intend on reminding you every single time I have to come back here as nothing gets done about the geoengineering and the artificial cloud cover that covers up our skies almost every day. Dimming out the sun, infringing on my right to life, there's widespread Vitamin D deficiency, the whole global population is suffering from that. The trees are suffering. Our soil's are suffering. Just like Tony Peck said earlier, what are we going -- I mean, when are we going to stand up as men and woman and take responsibility for what we're allowing to take place? You know, we have nobody to blame but ourselves in the end.

So it's up to all of us, and to offer you my support as another, you know, fellow woman, your sister on this planet; let's do something about this. I will help in any way I can. Thank you.

CHAIRWOMAN HAHN:

Next speaker is Elie Tramantozzi.

MS. TRAMANTOZZI:

Can you hear me?

CHAIRWOMAN HAHN:

Yes, thank you.

MS. TRAMANTOZZI:

Hi. It's my first time up here so I'm a little nervous. Okay. My name is Elie. The reason that I'm up here today is because I can no longer look up at the sky and deny what I'm feeling. I feel victimized. Victimized because the persons responsible for spraying the toxic chemical particles into our atmosphere will not give us answers. So I must depend on other sources for my information like this particular article where it speaks about dimming recognized worldwide.

In the mid 80's when metrologist Gary Stanhill reported that a dramatic 22% reduction of sunlight had occurred in Israel between the 50's and 80's, the news hardly made a splash in the scientific community or in popular press, but Stanfield, Stanhill rather, was not alone in measuring such a drop when he combed the scientific literature. He found that other scientists had measured declines of 9% in Antarctica, 10% in areas of the US, 16% in parts of Great Britain, nearly 30% in one region of Russia. Global dimming finally gained the attention with pictures from NASA's Aqua satellite launched in 2002, began filling in details in the big picture of global dimming. Now, I realize there are other possible causes for what's going on in our skies. The truth is I believe that our leaders should lead by example and they are not doing so. So with the mounting evidence of just how human pollution has caused this global dimming, why does our government continue to spray toxic chemicals into our atmosphere, which serves only to exacerbate an already noxious situation? And

why won't they give us the explanation that we, the people, deserve?

And let me just close with this: We are all in this together. As one human to another please help us protect our planet and get our sun back. Thank you.

*(*Applause*)*

CHAIRWOMAN HAHN:

That was our final card for the day. Is there anyone else who would like to speak? Okay. We're done with public portion. Okay, Legislator Anker.

LEG. ANKER:

You know, I appreciate everybody coming out here talking about, you know, what's truly their, you know, their belief and their understanding of a health issue. And, you know, I've been in Environment and care and we've all been fighting a good cause for a long time. We have children. We have family. And we have, you know, you're right, we have lives to protect. And I recently read this article in Newsday, it says April 25th, "Suffolk Gets an F in Air Quality report." And this was about, again, the air quality in Suffolk County by the American Lung Association. And it's not even so much what we see; it's what we don't see. I know you guys are seeing the chem-trails, the contrails and, you know, it's a scary issue for you and it's very controversial. And it's not -- it's a very complex issue. And that's all I'm going to say on that.

But this is about air pollution, and it's about air quality. And it's about how the air protects or, you know, how we need to protect our health with this issue. You know, they talk about the smog coming over from the middle of the United States, the soot. They talk about the transportation, you know, the issues. There are a lot of issues out there that we need to focus on. And if you're going to call that more of the low hanging fruit or the invisible air particles, that might be where we need to start. And I know you're frustrated again. If there was more we could do with contrails, chem-trails, we would be doing it.

But at this point as, you know, as far as the -- air monitoring is an EPA and DEC issue. We can write letters. We can advocate. I know Legislator Romaine has been, you know, discussing this and meeting with you. And I plan to meet with you also. But, again, it's about air pollution, air quality and how it affects our lives and the people that we love.

And so, you know, again I will be meeting with you. But let's try to do something tangible. And I admire your passion, I admire your persistence because that's what environmental advocates do. But, you know -- and then don't give up. But please be respectful and be patient because we all want what you want; you know, we want to live in a beautiful world where, you know, the people that surround us are doing, you know, the right thing.

So, again, I just want to say thank you for coming out. We will continue to address this issue. And, you know, there's got to be a better way that we can address this; a productive way. And if we can all agree that there are air quality issues, and Newsday has it, American Lung Association has it, we all know that. Let's work together and focus on that. So, again, thank you for coming out.

CHAIRWOMAN HAHN:

Okay. If the Committee -- oh, Legislator Romaine.

LEG. ROMAINE:

Yes, if I could just make a brief comment. First of all, I want to thank Sarah for her comments and I certainly would encourage those people who spoke today to set up some time to meet with Sarah Anker. I mean, some of you have met with me, provided me with information in the past. I know there's a question of preemption, whether this is a State or a County issue. And I think Legislator Browning spoke to that issue at a Health Committee meeting last December.

Lastly, although our Counsel is not here, I want to raise a question that I think should be of a concern to this Committee. Oh, there he is.

CHAIRWOMAN HAHN:

Our Counsel's here.

LEG. ROMAINE:

Good. That's the legal Counsel I want to speak to. I read today, I read over the weekend that --

CHAIRWOMAN HAHN:

Legislator Romaine.

LEG. ROMAINE:

Yeah.

CHAIRWOMAN HAHN:

We're going to be bringing the Planning Director forward and going to --

LEG. ROMAINE:

This has nothing to do with the Planning Director. Has nothing to do with the Planning Director.

CHAIRWOMAN HAHN:

Okay.

LEG. ROMAINE:

It has to do with the legal response to a question I raised with the County Attorney regarding the Director of Real Estate. And what I was concerned about, since the Director of Real Estate is charged with managing all of the County's vast land holdings and managing the County's acquisition programs for multiple land acquisitions, farmland, etcetera, that -- and it is a position that is in our Charter. I was informed this week that the County Executive is de-funding, despite the fact we provided funding for that position in the budget, that the County Executive is de-funding that position, which sounds like he's unilaterally amending the budget without approval of the Legislature.

CHAIRWOMAN HAHN:

Legislator Romaine.

LEG. ROMAINE:

And that he's transferring those duties to an Assistant County Attorney. I obviously have questions about this new structure regarding how the Real Estate Department will operate in the future and this is the Committee. We can deal with resolutions, but I think this overshadows almost all resolutions regarding land acquisition in the County in management of our land resources, so I can get a better clarification. And I want to ask the legal Counsel if he concurs with this opinion that the County Executive can de-fund this position, which is almost like a unilateral budget amendment; and whether he can, in fact, transfer these duties to an Assistant County Attorney?

CHAIRWOMAN HAHN:

Legislator Romaine, I agree with you that this is the appropriate Committee for this discussion; however, we do have some appointments, individuals that are waiting on appointments here. I was going to be bringing forward the Director -- Director Lansdale to discuss where we are with some land acquisitions. And I think that discussion would be more appropriate then. I would like to bring forward --

LEG. ROMAINE:

I waive to your place in the Committee. But understand this is not a question for Commissioner Lansdale. This is a legal question that I'm asking our Legal Counsel.

CHAIRWOMAN HAHN:

Okay. We are going -- like I said, that's a question that can come to the Director. I believe she's the appointing authority over that position and we will discuss it when she's here at the table. I would like to --

LEG. ROMAINE:

I'm asking a legal question.

CHAIRWOMAN HAHN:

I would like us to wait for a more appropriate point in the agenda to discuss this.

LEG. ROMAINE:

If you give me an opportunity in the agenda I have no --

CHAIRWOMAN HAHN:

We will.

LEG. ROMAINE:

-- objection to that.

CHAIRWOMAN HAHN:

If the Committee doesn't mind, I would like to take out of order

IR 1473 to appoint member of County Planning Commission (Kevin G. Gershowitz) (Co. Exec.) so that he and the next appointee don't have to sit through our entire agenda. So, I would like to take that out of order. I make a motion to take out of order IR 1473, seconded by Legislator Anker. All in favor? Opposed? Abstentions? Okay. We have 1473 in front of us. Kevin, would you like to come forward?

MR. GERSHOWITZ:

You want me over here?

CHAIRWOMAN HAHN:

Yeah, come sit down. Get comfortable.

MR. GERSHOWITZ:

I don't have to press the button on this one; it's already done for me.

CHAIRWOMAN HAHN:

There may be one microphone up there that you don't have to press the button. You are right. Hopefully you have it, because I got to press the button here.

MR. GERSHOWITZ:

Okay, good afternoon.

CHAIRWOMAN HAHN:

Tell us a little bit about yourself, why you'd like to serve on this Commission. And then I'm sure we will have some questions for you.

MR. GERSHOWITZ:

I'm a resident of Suffolk County born and raised. My entire family is a resident of Suffolk County. We operate our business in Suffolk County. I looked at the opportunity and saw that it was a way that I could participate and give a little bit back with a voice. I have a small understanding from my perspective of future planning and I hope that I can be involved to help guide the betterment of Suffolk County.

CHAIRWOMAN HAHN:

Okay. Do we have any questions? Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. First things first. Did you leave a chem-trail on your way here?

MR. GERSHOWITZ:

No, but I did write down the website. I'm curious to look at it myself.

LEG. GREGORY:

Check it out. I just want to get an idea from you. I'm looking at Ben, are you all right, Ben?

MR. ZWIRN:

Yes, chem-trail got me.

LEG. GREGORY:

Every now and then I get one. What do you see as your role in -- I guess, more as your priority as a member of the Planning Commission?

MR. GERSHOWITZ:

Well, you know, my -- I'm a business person at heart, but my business is that of environment. I'm a recycler. And so our business is protecting the environment. So, I think I bring an understanding of a balance between development and business and at the same time protecting the environment. I think I have a commonsense approach to things. And I can take some of the gobbledygook out of it and -- can you write down "gobbledygook" there?

MS. FLESHER:

I'll try.

MR. GERSHOWITZ:

I can take some of that out and be clear in terms of a direction.

LEG. GREGORY:

All right. Thank you. No more questions, Madam Chair.

CHAIRWOMAN HAHN:

Any other questions for Mr. Gershowitz? Seeing none, I would like to make a motion to approve.

LEG. D'AMARO:

I'll second.

CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**

LEG. ROMAINE:

Please list me as a co-sponsor.

CHAIRWOMAN HAHN:

Thank you for being with us. You do not have to attend the General Meeting on Tuesday. Thank you.

MR. GERSHOWITZ:

Thank you. Thank you for your time.

CHAIRWOMAN HAHN:

Now I'd like to make a motion to take out of order **IR 1474, to appoint member of County Planning Commission (John Paul Whelan). (Co. Exec.)** So, a motion to take out of order by myself, seconded by Legislator Anker. All those in favor? Opposed? Abstentions? IR 1474 is before us. And I will make a motion to approve. And here he is. Welcome. Oh, seconded by Legislator Anker.

MR. WHELAN:

Thank you. Good afternoon.

CHAIRWOMAN HAHN:

Good afternoon. Tell us a little bit yourself.

MR. WHELAN:

Okay. Anyone who knows me, I tend to be a bit wordy as you might have seen in my too lengthy resume. But I -- I was born in Southampton Hospital in 1957. So I've been a full-time resident of East Hampton besides going away to college and graduate school. And I have a passion for planning that started -- as a child I grew up on a small farm out there and my father -- my mother was an artist and a schoolteacher and my father was the Town Attorney for East Hampton and the Planning Board Attorney. And in high school I was -- I guess I was a nerd, you could say, because I would actually go to Planning Board meetings and Town Board meetings. And I was interested.

My father had authored the Zoning Code for the Town of East Hampton. And at one -- it was actually by the State Attorney, he asked when it was being sent to be approved, if it could be used for a model for small towns. So, I remember that from high school. And I was proud of that. And I went on to study art and education thinking I'd become a teacher. And then I went back to graduate school at Virginia Tech School of Architecture and Urban Studies, so I was interested in planning certainly throughout graduate school; and had spent a year in Europe and college as well so I saw some of Europe as well.

And the reason in my resume -- I mentioned my political career. I ran for Town Counsel in East Hampton -- was that so much of my running for that position had to do with my passion for planning. I had previously spent a year working in the East Hampton Planning Department. And so I saw as -- besides being interested in public service and trying to set an example for my three daughters on getting involved, I was interested in learning as a board member to keep up the good planning of the Planning Department and of the Town of the Comprehensive Plan. So, at Stelle Architects, as a project manager, I continue to do a lot of that sort of work. And I'm a liaison to many of the governmental bodies and boards.

So, I guess I just really enjoy planning. And I would love to be a part of the Commission and hopefully could contribute to that position.

CHAIRWOMAN HAHN:

Thank you. Do we have any questions from the Committee? Any questions? No? Oh, one quick question from Legislator Gregory.

LEG. GREGORY:

I'll just make a statement. You come highly recommended and doesn't look like there's any opposition to a -- a little premature, but I'll say congratulations and wish you best.

MR. WHELAN:

Thank you. Thank you very much.

CHAIRWOMAN HAHN:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions? Okay. That motion -- that bill passes out of this Committee. It will go before the full Legislature. You do not

need to attend the full Legislature.

MR. WHELAN:

Okay.

CHAIRWOMAN HAHN:

Thank you for your willingness to serve.

MR. WHELAN:

Thank you very much. My pleasure.

CHAIRWOMAN HAHN:

Okay. CEQ resolutions.

CEQ RESOLUTIONS

MR. MULE:

Good afternoon. Ready?

CHAIRWOMAN HAHN:

Hello. Yes.

MR. MULE:

CEQ Resolution 23-2012, Ratification of Recommendations for Legislative Resolutions Laid on the Table March 27, 2012.

CHAIRWOMAN HAHN:

Motion.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **APPROVED (VOTE: 5-0)**

MR. MULE:

CEQ Resolution 24, Proposed Acquisition for Open Space Preservation Purposes Known as the Beaverdam Creek County Wetlands Addition - The Mallins & Estate of Entenmann Property, Town of Brookhaven (Unlisted Action, Negative Declaration) CEQ recommended classification as an unlisted action with a negative declaration.

CHAIRWOMAN HAHN:

Motion.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? It's passed. **APPROVED (VOTE: 5-0)**

MR. MULE:

CEQ Resolution 25-2012, Proposed EnXco Solar Carport Relocation Site - (Project Amendment), Town of Islip (Unlisted Action, Negative Declaration) CEQ recommended unlisted action with a negative declaration.

CHAIRWOMAN HAHN:

Motion.

LEG. D'AMARO:

I'm sorry, I'll second the motion. Just a quick question. What is the relocation site?

MR. MULE:

It is Suffolk Community College Brentwood Campus. They identified, I believe, six lots of the Campus to relocate the solar carports from Ronkonkoma Train Station.

LEG. D'AMARO:

Yeah, this is just the underlying SEQRA determination.

CHAIRWOMAN HAHN:

This is SEQRA determination.

MR. MULE:

This is just the underlying SEQRA; correct.

LEG. D'AMARO:

This is not on the merits.

MR. MULE:

Correct.

CHAIRWOMAN HAHN:

Correct.

LEG. D'AMARO:

Just to make that clear. I know we are -- we've discussed, I think, at the last full meeting at the Legislature the relocation. And I think we're going to discuss it going forward as well. But, again, this is just passing under the State law requirements.

MR. MULE:

Correct.

LEG. D'AMARO:

Yeah, okay. Thank you.

CHAIRWOMAN HAHN:

Legislator Romaine, did you raise your hand?

LEG. ROMAINE:

My only quick question, this is unlisted, which meant that you did not consider that it would have in any way a serious impact on the environment?

MR. MULE:

The negative declaration is the determination that it wouldn't have a significant adverse impact on the environment, correct.

LEG. ROMAINE:

And I assume that digging up these parking lots, putting up these solar panels, that's not going to have any impact on the environment at all vis-à-vis -- regardless of where they are located, now at the campus where there's -- there are currently no solar panels there, it's anticipated that this will not have impact on the environment?

MR. MULE:

The Environmental Assessment Form did identify several impacts. The EAF and the Council determined that none would be significantly adverse as outlined in SEQRA.

LEG. ROMAINE:

The reason I ask this is because when Brookhaven Lab put up their panels, I went there, I had some concerns. They explained that they were doing this as a scientific experiment because they were concerned that solar panels would, in fact, have an impact on the environment. And that they wanted to study those over the next ten years because their concerns of the impacts that those panels would have on ground temperature, on habitat, on a whole host of other things that they went through and there was a whole checklist that they went through, that's why you're coming now and saying, "well, we don't think they're going to have an impact." And I'm saying I'm not a scientist, but I think the people of Brookhaven Lab are and they raised a number of concerns that they have about those panels.

MR. MULE:

Yeah, I appreciate the concern. I believe that was because the BNL project was several hundred acres of forested land that they were clearing. And this is --

LEG. ROMAINE:

About 150, 200 acres altogether about 150 of which were forested.

MR. MULE:

Correct. And this is about, according to EAF, a 150 to 300,000 square feet of surface parking lot.

LEG. ROMAINE:

Right.

MR. MULE:

Reduced down from the negative declaration that was issued for Ronkonkoma Hub, which was 520,000 square feet. So, I believe that was the rationale for the neg dec compared to the Ronkonkoma Hub.

LEG. ROMAINE:

I just raised those concerns because Brookhaven Lab left me with the impression that there won't be -- that they were concerned that there might be an impact to a whole host of things that they checked off.

MR. MULE:

I believe it is just cause of the much larger scale and the undeveloped land on which it was built.

LEG. ROMAINE:

Thank you.

CHAIRWOMAN HAHN:

And the action is the relocation of the site.

MR. MULE:

Correct.

CHAIRWOMAN HAHN:

It's not the installation; it's the moving from one to the other.

MR. MULE:

Correct.

CHAIRWOMAN HAHN:

So the impacts had been --

MR. MULE:

And we mirrored the review from the project as a whole. And took evidence from the Environmental Assessment prepared for the project as a whole into consideration.

CHAIRWOMAN HAHN:

Okay. Thank you. Any other comments? Okay, we have a motion and a second. All in favor? Opposed? Abstentions? Thank you very much, Mr. Mule.

MR. MULE:

Thank you.

CHAIRWOMAN HAHN:

Okay, Director Lansdale. We're going to move to tabled resolutions, but I would also think now is a good time that we can talk about the budgeted money for land acquisition programs in addition to any other questions for you.

LEG. ROMAINE:

As Director Lansdale's coming up --

CHAIRWOMAN HAHN:

Legislator Romaine, I'm hoping that she can begin with what I asked her to come to speak on, which is the money that is in our -- remaining in our Land Acquisition Programs.

LEG. ROMAINE:

I am going to be afforded an opportunity --

CHAIRWOMAN HAHN:

Yes.

LEG. ROMAINE:

-- to raise my question with our Legal Counsel?

CHAIRWOMAN HAHN:

Absolutely.

DIRECTOR GREENE:

Madam Chairwoman, I'm certainly here to address any issues with the funding for the Division of Real Property.

CHAIRWOMAN HAHN:

Thank you. Director Lansdale, would you like Miss Greene to go through the chart with us? Is that what you had intended when you said before to go through the dollars on the chart that you're passing out? Is that okay with you?

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

Okay, thank you. Ben, I think you're supposed to be handing out the form.

MR. ZWIRN:

I'll be glad to.

CHAIRWOMAN HAHN:

Miss Greene, thank you.

DIRECTOR GREENE:

You're welcome.

CHAIRWOMAN HAHN:

Okay, I think we all have the handout.

DIRECTOR GREENE:

Renee, may I just confirm that what you're handing out is the same as what I have? Renee, may I just confirm that what you're handing out is --

MS. ORTIZ:

Absolutely.

DIRECTOR GREENE:

Good. I'll call your attention to the bonded Quarter Percent Drinking Water Fund where you see that we are now down to remaining \$1.59 million available for future negotiations. The reminder is already committed to existing offers. That's certainly no secret. We've had the discussion many times that there's been a successful completion and direction of the accelerated Drinking Water Protection Fund as directed by the Legislature and voted on by the voters at the referendum. So, all of that is already in committed offers with the exception of that 1.5; some of that will be needed for soft costs for closings at the time the acquisitions come to fruition with authorizing resolutions so that amount should, you know, be changing slightly in the -- in future presentations.

We'll next move over to the Quarter Percent Drinking Water Protection Fund. As you know, that amount has been partially appropriated with the \$26.7 million that was approved by this Legislature. And that is not the total amount that is available from what has been accumulating since 2008. So, in January the Division began to access the \$49 million in the Pay-go account that was accumulating since 2008. Of that, the 26.7 was appropriated by this Legislature. There's a remainder of \$22 million to be appropriated some time this summer; however, we would like to see more offers moving forward for us to be able to request future appropriations.

So, on that, while you are looking at the amount available after negotiations, in the bottom number in the red, pointing to \$9.54 million, it should be noted that that is covered by the 22 million that has yet to be requested. So, I would think important for this Legislature to understand is that at present there are eight planning steps that have been approved by this Legislature directing the Division to begin the process of conducting appraisals, making offers to interested sellers. And those have not yet had appraisals, so the information for this Legislature to be aware of, is that those past planning steps do not yet have a cost attached because they have not yet had appraisals.

However, it should also be noted that, as we've talked about in the past, for 2013 it is estimated that the amount available through Pay-go will be approximately \$5.3 million, and for 2000 -- did I say 2013? \$5.3 million in, you know, in next year's Pay-go amount. So, it is important to be cognizant of the fact that in passing planning steps, there's limited funds available for those purchases.

CHAIRWOMAN HAHN:

Pam, the amount in red is a negative number; correct?

DIRECTOR GREENE:

It is.

CHAIRWOMAN HAHN:

Does the 22,858,855 in black take into account the negative 9.542893 -- that's negative?

DIRECTOR GREENE:

Are you looking at the balance?

CHAIRWOMAN HAHN:

Yeah, that number in the bottom right corner. Twenty-two, eight, five, eight.

DIRECTOR GREENE:

No, that's the balance available. That's including the Multifaceted and the Legacy. That's -- that amount all the way over to the right is the total of all of the bottom column.

CHAIRWOMAN HAHN:

Yes, but it includes money we would have to bond for Legacy and Multi-faceted.

DIRECTOR GREENE:

Correct, correct.

CHAIRWOMAN HAHN:

Which there isn't really a willingness to do here.

DIRECTOR GREENE:

And I'm not arguing that.

CHAIRWOMAN HAHN:

I guess what I'm --

DIRECTOR GREENE:

What I think I was probably unclear with is that the amount in red, the 9.542 that you're seeing in red --

CHAIRWOMAN HAHN:

Is the -- a negative Pay-go if we take into account everything that's had appraisals done?

DIRECTOR GREENE:

That's in negotiation.

CHAIRWOMAN HAHN:

And that's in negotiation.

DIRECTOR GREENE:

Yes.

CHAIRWOMAN HAHN:

We are at a negative point as of today. Like if they all went to closure. Except that there's --

DIRECTOR GREENE:

Except there's an additional \$22 million.

CHAIRWOMAN HAHN:

Which is not reflected on this sheet.

DIRECTOR GREENE:

Correct.

CHAIRWOMAN HAHN:

Okay, got it.

DIRECTOR GREENE:

Because it has not yet been appropriated.

CHAIRWOMAN HAHN:

So 22 minus 9 is 11.

DIRECTOR GREENE:

Approximately 12 available for future negotiations for the remainder of the year.

CHAIRWOMAN HAHN:

Questions from the Committee? Legislator Gregory.

LEG. GREGORY:

I guess the next question would be out of the 9 million, if I understood your answer, what would be eligible for either the Legacy or the Multi-faceted Program?

DIRECTOR GREENE:

Legacy requires 50/50 partnership with another municipality.

LEG. GREGORY:

Right. What I'm saying in the plan -- I guess what I'm saying is of those in the 9.5 million that we're already -- we're in a process of planning steps, I guess to rephrase the question, how many of those planning steps are we looking at that are going to require 50/50 partnership?

DIRECTOR GREENE:

I don't know what -- you mean, ones that had the past planning steps? There are some past planning steps that, of course, the Division always tries to acquire with partners. But, again, it's been a policy decision not to move forward with Legacy, so I don't know that we have a 50% partnership pending.

LEG. GREGORY:

Okay. And I know some of the funds of the -- the CPF funds have been depleted and --

DIRECTOR GREENE:

Do we, Janet? Do we have any 50/50 partnerships pending?

LEG. GREGORY:

Okay. So, for my understanding just the 9.5 million that's --

DIRECTOR GREENE:

In the red?

LEG. GREGORY:

In the red.

DIRECTOR GREENE:

Right. Again, without the 22 that's still yet to be appropriated for the remainder of this year -- so, we're not putting that on the balance sheet because it has not yet been passed by this Legislature.

LEG. GREGORY:

Right, okay.

DIRECTOR GREENE:

It is in an account, if you will, a dedicated funding account.

LEG. GREGORY:

But I guess what I'm asking is, where would you anticipate getting those funds from? It would be the Quarter Cent? Would it be --

DIRECTOR GREENE:

It is the Quarter Cent.

LEG. GREGORY:

Okay, all right. That answers my question, all right. Thank you.

DIRECTOR GREENE:

Yeah. I'm sorry if I wasn't clear on that.

LEG. GREGORY:

No, no. Pardon my question.

DIRECTOR GREENE:

Again, in January the Division was able to access the 49 million in the Pay-go account that had been sitting while we were utilizing the accelerated program for the past four years.

CHAIRWOMAN HAHN:

Legislator Anker.

LEG. ANKER:

Okay. It looks like we're -- we've pretty much depleted our funds. I mean, basically that's the deal. My concern is, you know, there's -- as with what I've experienced with the budget, one department or one entity says this, the other says this and they are hundreds of millions of dollars apart.

My concern is when we get down to the wire and we're down to a property that's maybe \$10 million or \$5 million, even a million dollars, how are we going to know how much money we have before we sign the contract? In other words, how legally bound are we in purchasing real estate when we don't know exactly how much money we have?

DIRECTOR GREENE:

The Division does not send out contracts unless there are funds available to be cumbered to cover the County.

LEG. ANKER:

Okay, thank you.

DIRECTOR GREENE:

You're welcome.

CHAIRWOMAN HAHN:

We are fast approaching that place is what we are hearing today, however.

DIRECTOR GREENE:

Possibly.

CHAIRWOMAN HAHN:

Yes.

DIRECTOR GREENE:

Again, there are offers on the street that have not yet been accepted.

CHAIRWOMAN HAHN:

Yes. Depending on ones that get rejected. How many -- right, right. Okay. Anyone else from the Committee? No? Thank you.

DIRECTOR GREENE:

You're welcome.

CHAIRWOMAN HAHN:

Director Lansdale, would you like to add any information about what we just heard on the chart and the money and the funds, etcetera?

DIRECTOR LANSDALE:

Not at this time. Thank you.

CHAIRWOMAN HAHN:

Thank you. Ben?

MR. ZWIRN:

No.

CHAIRWOMAN HAHN:

No? Okay. We have a Legislator that was waiting to ask a question. Legislator Romaine, I think now is the time before we get to the full agenda.

LEG. ROMAINE:

Thank you, Madam Chairman -- Chair Lady. My question is to our legal Counsel: As you've seen back and forth, there was some back and forth with myself and Judge Cohen, our County Attorney, regarding the position of Real Estate Director. As you know, this position is provided in the Charter. As you further know, this Legislature funded this position in the 2012 budget. I was informed that this position is going to be de-funded. I'd like know how the County Executive can unilaterally amend the budget after it's approved without coming back seeking our approval. Number one.

Number two, I don't believe you can de-fund a position in the Charter and send the duties of this position to an Assistant County Attorney. And I am concerned that this is a circumvention of the Charter.

Number three, if this occurs, at our next meeting I certainly would like whoever the Assistant County Attorney is, to explain to me the new organizational structure of the Department of Real Estate. But let me start with my legal question, Counsel: Do you believe that this action by this Administration is within the law?

MR. NOLAN:

You know, what their action exactly is at this point, I'm not sure of. But I can tell you this: That the position Director of Real Estate, is established in the Administrative Code. So, the only way to really eliminate that position is by eliminating it by a Local Law in the Administrative Code. You can't eliminate the position through a budget amendment or through the budget process. So, in order to get rid of this position, it would have to be by a Local Law. But again, I'm not sure exactly what the County Executive is doing with this position.

LEG. ROMAINE:

Has a Local Law been filed to eliminate this position, Counsel, that you're aware of?

MR. NOLAN:

No.

LEG. ROMAINE:

Would it be appropriate for this Administration to de-fund a position that is funded in the budget without seeking first the approval of the Legislature?

MR. NOLAN:

No, any change to the budget would require the Legislature involvement.

LEG. ROMAINE:

So maybe this is --

MR. NOLAN:

But again, Legislator Romaine, I'm not certain that the position is being de-funded.

LEG. ROMAINE:

Well, this is -- I said, perhaps this is the time I turn to the representative of the Administration, my good friend there, Ben Zwirn.

CHAIRWOMAN HAHN:

Legislator Romaine, I also see that we have the County Attorney present.

LEG. ROMAINE:

Oh, do we have the County Attorney present? I'm sorry, I --

MR. COHEN:

I'm right here.

LEG. ROMAINE:

Oh, okay. Judge Cohen.

CHAIRWOMAN HAHN:

He is ready and waiting to discuss this.

LEG. ROMAINE:

I'm sorry. Okay.

CHAIRWOMAN HAHN:

And, Mr. Zwirn, you seem anxious.

LEG. ROMAINE:

Then let me direct this to Judge Cohen. I think that would be probably more appropriate, rather than put Ben on the spot.

CHAIRWOMAN HAHN:

Through the Chair -- through the Chair, we will -- whoever at the table would like to go first. Thank you.

MR. COHEN:

Legislator Romaine, the question that I had answered was that because the position is in the Administrative Code, could the position be de-funded? And my answer to that is yes. It can. The other part of that question was can someone from my office, if they meet the qualifications, become, in essence, the Acting Director? And, again, I say yes, they can. I'm not prepared at this point to answer the question as to how it was de-funded. I'm not aware as to what the mechanism was to de-fund it. I haven't seen that.

LEG. ROMAINE:

Neither have I, but nevertheless I've been informed that the position was de-funded. And that raises concerns because I, you know -- you want another Real Estate Director, whatever the

Administration wants that was within its power, that's fine and I have no objection to that. My problem is, I don't believe they're approaching this in a way that's consistent with law. And that's my concern. And, you know, comply with the law, I have no problem. Act professionally, I have no problem. Act knowledgeably about administrating County government, I have no problem. Fail to act in that way, I'm going to start raising questions, which is what I'm doing today. I don't know if Ben wants to chime in.

CHAIRWOMAN HAHN:

Thank you, Legislator Romaine. Mr. Zwirn had indicated to me that he does have some words to say. Thank you.

MR. ZWIRN:

Yeah, I think that -- in these tough economic times, I think we would have Legislator Romaine's support. I would presume that, and I don't like to presume too much. If we could have this position, and have it done by somebody who is already on -- in the budget working in the County Attorney's Office who meets the same qualifications, they could do the same spot, the same work and save, you know, a six figure salary toward the salary savings and trying to save money for the County, we have done that in this Administration in other matters. Paul Margiotta does labor negotiations; also is a Deputy County Attorney. So, we have tried to do more with less and this is one of those positions where I think we're going to try to do the same thing.

I will have to go back and review the restoration list when we had it because there were people that were on that list that were removed and de-funded and others that were -- and it may have been lost in the last minute negotiations and all the work that was going on before the Legislature at the last meeting. But if it has to be done by budget amendment, then, we'll be coming back to you. If we'll have to amend the budget we'll have to do that.

CHAIRWOMAN HAHN:

I'm sorry, did you say you know who it's going to be?

MR. ZWIRN:

No. It's just going to be somebody who meets the qualifications under the Administrative Code who can serve in that position. Not necessarily somebody who's just --

CHAIRWOMAN HAHN:

With real estate experience. But will they have other duties and responsibilities as part of the Department of Law?

MR. ZWIRN:

They very well might have other duties.

CHAIRWOMAN HAHN:

Okay, we have other questions here.

LEG. ROMAINE:

Madam Chair Lady, I wasn't finished with my questions. If I could just finish up and then we can go to other Legislators, if that's okay?

CHAIRWOMAN HAHN:

We do have other Legislators waiting.

LEG. ROMAINE:

Yes.

CHAIRWOMAN HAHN:

So, go ahead, continue.

LEG. ROMAINE:

Ben, I now know why you're invaluable to this Administration.

MR. ZWIRN:

You're the only one. (Laughter)

LEG. ROMAINE:

That was a wonderful explanation. But let me tell you, you presume a little bit too much. This position is key to me, as it should be to anyone that's concerned about the environment, because this position is a position that is in charge of our vast real estate holdings and this is the position which runs our land acquisition and farmland preservation programs. This is a key, key position in this County government. That's why it was put in the Charter.

I'm not about to do an end-run about the Charter because we have difficult financial times. We have good times, we have bad times, this is put in the Charter because it was recognized as a key position. I would not want to see someone do this as a part-time job with other duties and responsibilities. To me this is a very important position. I understand the economics of where the County is at. But for someone to de-fund a position without an appropriate budget amendment, for someone to transfer the duties of a position and circumvent the Charter -- if you want to do it, be upfront about it, come in with your budget amendment, allow it to be done, change the Charter. Then if you prevail, and believe me, the County Executive has a two-to-one majority in this Legislature, he can prevail any time he wants; but if that's the case, so be it. But do it the right way. Don't do it through the back door. Don't do it through circumventing the Charter. We have a Charter. That's why we have it. Someone's talked about the constitution before. But we also on a local level have a Charter. Let's adhere to the Charter. Let's uphold the rule of law --

CHAIRWOMAN HAHN:

Do you have a question?

LEG. ROMAINE:

-- and the appropriate administration. Thank you.

CHAIRWOMAN HAHN:

Ben, did you want to respond? Because I know we have -- Legislator D'Amaro has other questions.

MR. ZWIRN:

I don't think that was a question I could answer anyway.

CHAIRWOMAN HAHN:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Let me approach it from another direction and see if I can understand what we're doing here. The budget -- the Administrative Code, as our Counsel points out, has this position in it. And I agree with Legislator Romaine, that it's an extremely important position given the real estate business that we do in a day; if not a week, a month, in a year. If the position -- if the person in the position is terminated and the County Executive's Office decides not to fill that position, not to hire, okay, is that what we're calling de-funding?

MR. COHEN:

I think so. Although, I'm not sure what the Administration's intent was. I will say --

LEG. D'AMARO:

Well, let me just --

MR. COHEN:

-- the question you just --

LEG. D'AMARO:

Right.

MR. COHEN:

-- asked is exactly right.

LEG. D'AMARO:

Okay.

MR. COHEN:

If someone is removed from the position, laid off, whatever you're going to call it, we're not removing the position from the Administrative Code.

LEG. D'AMARO:

Right.

MR. COHEN:

And you certainly can appoint somebody as Acting Director --

LEG. D'AMARO:

Okay, I was going to get to that.

MR. COHEN:

-- to fill the duties.

LEG. D'AMARO:

Right.

MR. COHEN:

Now whether we're calling that a de-funding or not, I'm not sure at this point.

LEG. D'AMARO:

Right.

MR. COHEN:

But, you know, I don't think it's an end-run around the Charter or the Administrative Code.

LEG. D'AMARO:

Right.

MR. COHEN:

It's something that you certainly are permitted to do.

LEG. D'AMARO:

Okay. So, I'm tending to agree with that. So, let me just continue my thought. And I think BRO should be able to answer this question if you're prepared to do so. The salary funding for the Real Estate

Director, is that a specific line item in the budget or is it part of a general pool of salary funding?

MS. HALLORAN:

I believe they -- there is that position in the budget. And I don't believe -- I don't have the -- I don't know what the County Executive's terminology might be, but I think -- I don't know -- I don't think funding was removed from that position in any resolution.

LEG. D'AMARO:

No, I'm not asking that. The current budget --

MS. HALLORAN:

Yes.

LEG. D'AMARO:

-- is it a line item that states the salary or just simply the title position?

MS. HALLORAN:

It would be included in the salary line. There's a salary line for the Department and that position's funding would be included in that salary line.

LEG. D'AMARO:

Okay. That's what I wanted to know.

MS. HALLORAN:

In a pool.

LEG. D'AMARO:

So now we have, in effect, what we would -- or I would call in layman's terms a line item funding of that position. So, if the position becomes vacant for whatever reason and the position is not refilled, what would happen to that funding that's provided in the budget?

MS. HALLORAN:

It would be budgeted for the year. So if it was -- it would be, like, extra.

MR. LIPP:

I didn't hear the the entire dialogue so I might not know the question.

LEG. D'AMARO:

Would you like me to repeat it? Just very briefly.

MR. LIPP:

Okay.

LEG. D'AMARO:

There's a position Director of Real Estate. I'm trying to get at how is that treated in the budget? Is it funded as a line item or is it funded by title position and then the salary's paid out of a general pool of salary funding?

MR. LIPP:

There's one line item --

LEG. D'AMARO:

Okay.

MR. LIPP:

-- for all salaries in that Division or that unit or appropriation.

LEG. D'AMARO:

All right, I see. So, my question, then, is if that position becomes vacant and is not refilled, what happens to the funding that would normally pay that salary?

MR. LIPP:

It'll be turnover savings --

LEG. D'AMARO:

Okay.

MR. LIPP:

-- or, in other words, the large deficit we have would be that much smaller.

LEG. D'AMARO:

All right. So, then, Judge Cohen, just to get back to you, so we have now a vacancy that may or may not be filled. If it's not filled, the funding would revert back into the General Fund, which is my understanding. And I think that's what we may be calling de-funding.

So, the next part of my question is, that salary or remainder of that salary for the rest of the year, is that salary going to be utilized other than for turnover savings? Are you going to use that salary to pay someone additionally?

MR. COHEN:

Not as far as I know.

LEG. D'AMARO:

Okay. So, what you're saying, I think, then, and correct me if I'm wrong, is whoever is going to be Acting Real Estate Director, who will certainly meet the requirements in the Administrative Code and the position and is a full-time County employee right now, they will not be receiving any additional compensation for acting as Real Estate Director?

MR. COHEN:

Again, that's my understanding.

LEG. D'AMARO:

Okay. So, I think that's what we're calling de-funding. I don't know if it's the best term to be using here. I think really what it is is there's a vacancy being created. We're not refilling the vacancy. Someone else is going to be acting and taking on those responsibilities in the interim; right?

MR. COHEN:

Yes.

LEG. D'AMARO:

Okay. So, that doesn't affect the Administrative Code in any way?

MR. COHEN:

No, not as far as I'm concerned, no.

LEG. D'AMARO:

Okay. Thank you. Thank you, Madam Chair.

CHAIRWOMAN HAHN:

Thank you. Were there other questions here?

D.P.O. HORSLEY:

I have one.

CHAIRWOMAN HAHN:

Okay, go ahead.

D.P.O. HORSLEY:

Mine is very quick. So, let me just carry that one step forward. Mr. Cohen, do you have that position -- it's just going to be any Deputy County Attorney, is it going to be your Assistant County Attorney? Who's this person going to be that's going to have this bomb dropped on their lap and say "you are not acting as the County Real Estate Attorney as well"? So, how does that fall? How do you do that?

MR. COHEN:

Well, I don't have the power to appoint. Actually it's the Commissioner of the Department of Economic Development. So, between, I guess, the Administration and that Commissioner, certainly if they're seeking to utilize one of my attorneys, I assume they'll come to me and let me know. What I said, is, you know, when we discussed this before Tuesday was I know that I have attorneys on my staff who meet the qualifications, because there are certain qualifications under both the Administrative Code and Civil Service Law that have to be complied with.

D.P.O. HORSLEY:

So, Ms. Minieri is going to just say, "Dennis, I like that one"? (Laughter)

MR. COHEN:

She may.

D.P.O. HORSLEY:

Okay. Just curious.

CHAIRWOMAN HAHN:

So, Mr. County Attorney, not knowing who's it going to be, but -- I just, you know, want to make sure, I think we got rid of some County Attorneys earlier this year, some with real estate experience. I do, you know, want to make sure that the individual that is in this very, very, very important job has, you know, not just the qualifications but the real experience and doesn't have a tremendous amount of other duties and responsibilities that they have to shoulder. I don't know if that's worded properly as a question, but hopefully if you can just --

MR. COHEN:

I mean since -- since those earlier layoffs occurred, you know, I've been in constant communication with the Real Estate Department. I'm very confident in speaking with the Acting Bureau Chief that the work is getting done, which I knew it would. And, again, you know, without knowing exactly who's going to be asked to do the job, I can't really answer that question other than say I will make sure that my Department runs effectively.

CHAIRWOMAN HAHN:

Who is the Acting Bureau Chief?

MR. COHEN:

It's Bob Braun.

CHAIRWOMAN HAHN:

And, yes, Legislator D'Amaro has a followup because I think we lost the Real Estate Bureau Chief in those --

MR. COHEN:

We did.

CHAIRWOMAN HAHN:

We did. And -- okay. But we have an Acting now?

MR. COHEN:

Yes, we do.

CHAIRWOMAN HAHN:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yeah. You know, my prior questioning was more about procedure. Now if we talk a little bit about the policy of whether or not it's prudent to transfer those responsibilities even on an interim basis -- well, I mean certainly if there's a vacancy, you always have an interim basis, but something that would become more permanent with an Assistant County Attorney or a Deputy County Attorney that has other responsibilities, I'm not sure -- I'm not convinced that having no idea who you're intending to appoint and how much time is going to be spent in the Department as opposed to maybe some other responsibilities, that's a concern that I have.

It would not be a concern to me if you were basically telling me that one of the Assistant County Attorneys was going to be acting as the full-time Director of the Department of Real Estate. That would be a good starting point for me. I'd need to be convinced that if it was something less than full-time or had other responsibilities, that someone is really in a position to do all of this in a day. So, that's the policy decision, I think, you have to make.

My other question -- my question, though, is to our Counsel. I wanted to know if the Real Estate Director position would require an appointment to -- that title requires Legislative approval?

MR. NOLAN:

No. As was mentioned, it would be the Department head, who was responsible for appointing --

LEG. D'AMARO:

Okay.

MR. NOLAN:

-- the Director.

LEG. D'AMARO:

Okay. All right. So, then we don't have that hurdle to think about. But I just would be -- I agree with Legislator Romaine and with the Chair Lady that there's an awful lot of real estate going on. And, you know, I think we have to be a little careful in making it into a part-time position. I'm not sure that it's conducive to that. But, you know, we can have that discussion.

CHAIRWOMAN HAHN:

Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. I think Legislator D'Amaro brings up some very valid concerns or points. How many people are in this office, this acting person who's going to be supervising?

MR. COHEN:

I was just advised that there are 20 people in the -- in that Division. (Laughter)

LEG. GREGORY:

I don't know if that was coincidental or -- okay. Through the Chair.

DIRECTOR GREENE:

Notwithstanding the awkwardness of this entire conversation, I'm very happy to answer the question that right now today there are 33 employees in the Division. There are seven units, five of which

are going to be laid off in July, myself included.

LEG. GREGORY:

Five units or five personnel?

DIRECTOR GREENE:

There are 33 people, seven units.

LEG. GREGORY:

I got that. And you said five of which are going to be laid off. So, I wasn't sure if you were talking people or units.

DIRECTOR GREENE:

People.

LEG. GREGORY:

Oh, okay. So, 28 will be remaining. Okay. Okay. All right. So, you have 33 personnel, various units and you're going to have a part-time acting person, of which you don't know who that may be. What are the requirements, Dennis?

MR. COHEN:

One of the requirements is that it be an attorney. I believe it requires -- I want to say eight years real estate experience, at least part of which has to be for a -- the government, I think, is part of it. I think it might be four years of governmental experience with eight years real estate.

LEG. GREGORY:

Okay. And this acting -- just one last -- this acting person would be -- I imagine if the Director is responsible for agreements, as far as, I guess, the redemption process, is that -- I know she's involved in that, the auctions. So, this person would be a signatory to any agreements for someone who -- for, I guess, for 215's and any properties that have been taken or foreclosed upon?

D.P.O. HORSLEY:

72h's.

MR. COHEN:

Yeah, whoever would be appointed Acting Director would have all the duties and all the requirements that the current Director has.

LEG. GREGORY:

All right. Thank you.

CHAIRWOMAN HAHN:

Any other -- Deputy Presiding Officer Horsley.

D.P.O. HORSLEY:

Just real quickly: Now this person, I'm assuming you're losing that person, then, right? That person will go over physically and be in charge of these 27 people? You're not going to have 27 people running around without a boss. I don't want to bring this down to its lowest level, but how is this going to work? I mean, is this going to be running out of your shop, Dennis, I guess, is what I'm asking or is it going to be run out of Joanne's?

MR. COHEN:

Again, I'm not sure that's been decided at this point. You know, when it comes to me as to who they may want for that position, you know, I'll be part of the decision-making process as to how that's going to work. I do know there's a lot of compatibility between my Real Estate Bureau and the Director of Real Estate in that --

D.P.O. HORSLEY:

Being lawyers and stuff?

MR. COHEN:

Right, being lawyers and things like that. You know, I know we're very much involved in what goes on over in that Division. So, I mean, it certainly is compatible. I'm not sure on a day-to-day basis how it's going to work, because, you know -- at least it hasn't been brought to my attention yet as to who that's going to be and exactly what the mechanism is to do that.

D.P.O. HORSLEY:

Okay. I can see that.

CHAIRWOMAN HAHN:

Okay. I think the takeaway here is that this Committee is very concerned and will want to follow up on plans and policy decisions as we move forward. We'd like to hear more about how this is happening as we move forward. Ben, if you can bring that back to the Administration, we are very concerned. And thank you.

TABLED RESOLUTIONS

Okay, so now we're on the agenda and the Tabled Resolutions. Back to the agenda.

Introductory Resolution 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) I'm going to make a motion.

LEG. ANKER:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator Anker. Anyone on the motion? All those in favor? Opposed? Abstentions? **IR 1047 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 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) I'm going to make a motion to table.

LEG. ANKER:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator Anker. All those in favor? Opposed?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? **1050 is tabled. (VOTE: 4-1-0-0)**

Introductory Resolution number 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. ROMAINE:

Motion.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

We have a motion and a second. All those in favor? On the record, Legislator Gregory, did you --

LEG. GREGORY:

Explain this to me. We're supposed to have a Parks representative here to discuss this bill?

CHAIRWOMAN HAHN:

Thank you. Do we have a representative from Parks here on this one? I asked at the last meeting there were two resolutions that we wanted Parks representatives here for.

MR. ZWIRN:

I understand that Commissioner Dawson is meeting with his staff today about the people who are being laid off and that's why -- he was going to try to get here if he got through with that meeting. And I don't see him here. So, if you want to pass over it, maybe he'll be here later on, but I'm not sure. I'm know it's going to be a difficult day in the Parks Department today as it is in many Departments in the County.

CHAIRWOMAN HAHN:

Okay. You don't know if he's coming?

MR. ZWIRN:

I will check.

CHAIRWOMAN HAHN:

Okay, we'll pass over it for the time being.

MR. ZWIRN:

I'll get word.

CHAIRWOMAN HAHN:

Okay. With the Committee's indulgence we will pass over that one. And, I believe, actually, 1211 was the same situation. The one is **Introductory Resolution number 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 believe -- on this one, as well, we were waiting to hear from the Parks Department. So, let's just skip over this one as well and we'll come back at the end. You'll remind me, good.

MR. NOLAN:

I'll remind you.

CHAIRWOMAN HAHN:

You'll remind me, good. **Introductory Resolution 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:

Motion to approve by Legislator Romaine. I'm going to second that. Anyone on the motion?

LEG. D'AMARO:

Just on the motion, I again want to thank the owner for coming down and sharing information with us. I do believe that the acquisition, the way it's structured, is counterproductive to the program itself. I think that it's not uncommon at all when doing planning to have covenants placed on properties to ensure that the goals of the program are met. And that I think a covenant here is very much warranted where the intention is to continue farming, that's fine; that's one of the purposes and goals of the program.

But to ensure that, we should make sure that the front four-acres is married to the back larger portion. And on that basis, I'm not going to support this acquisition. I think that we should ask the Real Estate Department or the Planning Department to go back to the owner of the property and see if that can be negotiated.

So, other than that, I think, you know, I've always supported the Preservation Program, but I think this is a perfect case where we really need to think ahead a little bit and make sure that we are promoting the very goals of that program.

CHAIRWOMAN HAHN:

Legislator Romaine.

LEG. ROMAINE:

Yes. Not that consistency is always a virtue, but Legislator D'Amaro in the past has voted continuously for farmland purchases where there have been cutouts. I understand his point. I think the best way for him to address it is to put in a resolution that would condition all future farmland purchases on that premise.

But to select one farmland -- in fact, at the last meeting, if I'm not mistaken, we can certainly get our verbatim minutes out, our Planning Director started that off with the Tuttle Vineyards by saying, "boy, if you like cutouts, you'll love Tuttle Vineyards because they have a lot of them." And Legislator D'Amaro voted for that; never raised a question. But he is raising a question about Goodale and it raises in my mind a little bit of inconsistency.

Also, while trying to respect his point, I obviously don't agree with it, but while respecting his point, I would say to him, you want to ensure that farmland in the future is covenant in terms of the non-protected areas? I mean, you can introduce a resolution, seek the support of your colleagues and apply that standard. But for you to comply that standard inconsistently, and I assume you're going to be voting against every other acquisition that's coming up today, because they all have cutouts, you can even take a stand and say from this point forward, I'm not going to be doing this. But to choose and pick, and it doesn't seem to make sense to me, I would certainly encourage you, if you believe that and everyone's entitled to their beliefs, and I understand the basis of it, introduce a resolution to that effect. Thank you.

CHAIRWOMAN HAHN:

Yes, Legislator D'Amaro would like to --

LEG. D'AMARO:

Yeah, I'd like to respond to that, Legislator Romaine. The best part of this Committee is that we can consider things case by case. I do not believe we need a blanket policy. In fact, I think that would be contrary to what we're trying to do here. I don't need your suggestion as to when I should introduce a resolution or legislation. Because the work of this Committee is to review each

of these acquisitions or planning steps on a case by case basis and make a determination.

So, I am not setting a blanket policy here today. I am not putting in legislation to make a blanket policy. I'm going to continue to consider these acquisitions on a case by case basis. And if you find inconsistency in that, well, you know, all I can say to that is that I'm doing what I'm supposed to be doing. So, with that --

CHAIRWOMAN HAHN:

Okay. Anyone else like to speak on the record or have any questions? No? Okay, we have a motion to approve and a second. All those in favor? Opposed?

LEG. D'AMARO:

Opposed.

CHAIRWOMAN HAHN:

Abstentions? Motion is approved. **(VOTE: 4-1-0-0)**

INTRODUCTORY RESOLUTIONS

Introductory Resolution 1365, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Fish Thicket Preserve property - Town of Brookhaven (SCTM Nos. 0200-895.00-04.00-015.001, 0200-895.00-04.00-014.001, 0200-895.00-04.00-014.002, 0200-895.00-04.00-006.000, 0200-895.00-04.00-007.000, 0200-895.00-04.00-008.000 and 0200-895.00-04.00-009.000). (Calarco) And so we now have -- all of the members of the Committee have in our e-mails the maps for these. Ben is handing out the rating sheets, but we have our maps in front us on our computers so that the Planning Department did not have to print color maps for us. So, give us a moment just to pull this one up, Fish Thicket, page two in what was sent us by Loretta Fischer. Director Lansdale?

DIRECTOR LANSDALE:

Thanks. This property is located on the south side of East Woodside Avenue in the -- and west of Hospital Road in the Hamlet of East Patchogue in the Town of Brookhaven. It's approximately three quarters of a mile north of Sunrise Highway and Swan River is approximately a quarter mile from the property. The property is 5.6 acres and it contains seven contiguous lots. There are no structures on the site. And it's predominantly wooded, undeveloped area consisting of pitch pine and scrub oak.

The Planning Department reviewed the property and assigned it eight points. It's adjacent to 105 acres of land that's been preserved by the Town of Brookhaven and has been designated as a Nature Preserve known as the Fish Thicket Nature Preserve. The Patchogue-Medford High School uses this as an outdoor research and natural habitat study area. And it's part of an open space stewardship program.

The Planning Division respectfully recommends that although these are parcels that are within the watershed of Swan River, the acquisition would actually be more appropriate for the Town to acquire these last remaining parcels and their assemblage due to the extensive Town ownership in the area. The Town ownership on the map that was e-mailed to you is -- the parcels are outlined in purple that are owned by the Town. That's the end of my report.

CHAIRWOMAN HAHN:

Okay. I'm going to make a motion to table.

LEG. ANKER:

I'll second.

CHAIRWOMAN HAHN:

Seconded by Legislator Anker. On the motion is Legislator Gregory.

LEG. GREGORY:

Thank you. Director, I'm a little confused. It appears that the rating is low because it's surrounded by Town acquisitions?

DIRECTOR LANSDALE:

Specifically on the rating sheet, there are opportunities to provide points for County parkland, for instance, under Physical Characteristics, Section C, Location, there are seven points that could be given if it was adjacent to other County parkland. There are no point values associated with other holdings, nature preserve holdings, i.e., State or Town parcels. We give points right now for County parkland.

LEG. GREGORY:

Is there a little inconsistency? I mean, the purpose is to preserve land for whatever respective reason, whether -- I would think, whether it's County, State, Town or whatever, but we only allocate points in that instance if it's County preserved land. But you're saying there could be additional seven points if we were -- if there were County lands that are preserved in that area?

DIRECTOR LANSDALE:

That's correct. There's also a -- in Physical Characteristics, C, point eight, *site is adjacent or near private open space*. That's -- that's also -- but it's not right now. The land is not adjacent to private open space. Again, this is a form that the Legislature did approve and we have not changed the form in any way. And we applied this rating consistent across all of the other open space acquisitions.

LEG. GREGORY:

Right. Okay. But as of now it's an eight --

DIRECTOR LANSDALE:

Yes.

LEG. GREGORY:

-- until we find the grasshopper sparrow or something, then, it'll probably go up, but this is --

LEG. D'AMARO:

I demand another inspection.

CHAIRWOMAN HAHN:

Legislator Anker.

LEG. GREGORY:

(Laughter) All right. Thank you, Madam Chair.

CHAIRWOMAN HAHN:

Legislator Anker.

LEG. ANKER:

Again, I question this form only because eight out of a hundred -- I'm looking at the map now. It's surrounded by a lot of open space. It's near -- near Swan Lake, you said? It's near a water body?

DIRECTOR LANSDALE:

Near Swan River.

LEG. ANKER:

Swan River. Which doesn't seem like this corresponds -- and also there's -- I believe there's a 50/50 partnership with the Town on this particular piece?

DIRECTOR LANSDALE:

I don't have that information in terms of the partnership. I don't have documentation of that.

LEG. ANKER:

I think they were hoping for 50/50.

CHAIRWOMAN HAHN:

If it got documentation of a partnership, then it would earn five points.

LEG. ANKER:

Yeah.

CHAIRWOMAN HAHN:

But if the sponsor has not provided that documentation, it wouldn't earn them points until that was provided; correct?

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

Okay. So, at this time it has eight points. And at this time -- Legislator D'Amaro.

LEG. D'AMARO:

Yes. I just want to point out that there are times, and I think many of us have been here when the rating system doesn't exactly match maybe the merits of the acquisition, and we do look at that because we are reviewing these on a case-by-case basis. And I think this might be a case where I don't know if it would get a 50 rating in my mind, but it seems to me just looking at the aerial map that there is an encroachment on at least two or three sides of development. And it seems to me that this would be more ripe for preservation than what the rating form is indicating.

I wanted to ask the Director, I apologize if you already spoke to this, but which program is this under? This would just be preserved in its natural state, this property? It's for open space?

DIRECTOR LANSDALE:

Yes, for open space.

LEG. D'AMARO:

It's for open space. Okay. And, again, I realize on the form that it speaks to what I always think is a priority, the actual environmental merits to preserve a property or a parcel, and it's getting zeros right across the board. But just looking at the encroachment on all sides, it seems to me that that's something that maybe is not contemplated. We usually see that more as a consideration in the western part of the County. And perhaps here -- where are we? In Brookhaven, right? But, nonetheless, we do see development just about surrounding this parcel. And in my mind that may merit preservation or at least give it a few points in my mind. Any response to that?

DIRECTOR LANSDALE:

Yes. The rating sheet is a guide and shouldn't be -- it should merely be a guide to informed discussions for members of this Committee and the Legislature.

LEG. D'AMARO:

I mean, it's certainly -- the acquisition, if it did go through, would supplement what the Town has done to the south and to the southwest as well, where there's extensive holdings, it looks like, as

you mentioned, by the Town. So, obviously the Town has determined that there is a reason for preservation in this area. And I don't think that this parcel, which is directly adjoining the Town holdings, would be any different. So, I'm going to oppose the tabling resolution at this time.

CHAIRWOMAN HAHN:

Okay. Anyone else on the record? Okay. We have a motion to table and a second. All those in favor of tabling? Opposed?

LEG. D'AMARO:

Opposed.

CHAIRWOMAN HAHN:

Abstentions?

LEG. ROMAINE:

I'm in favor of the table.

CHAIRWOMAN HAHN:

Okay, so, it is tabled. **(VOTE: 4-1-0-0)**

Introductory Resolution 1368, donation and dedication of certain land now owned by Ciro and Nancy Noto to the County of Suffolk (SCTM No. 0209-018.00-01.00-009.000).

(Browning) That needs to be tabled for CEQ review. I will make a motion to table, seconded by Legislator Anker. All those in favor? Opposed? Abstentions? That will be tabled. **(VOTE: 5-0-0-0)**

LEG. ROMAINE:

Again, Madam Chair Lady, why are you tabling 1368?

CHAIRWOMAN HAHN:

Counsel?

MR. NOLAN:

An EAF was prepared. It has to go through CEQ.

LEG. ROMAINE:

Thank you.

CHAIRWOMAN HAHN:

Introductory Resolution 1373, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) Open Space component - for the C. Barnes and K. Barnes property Aspatuck Creek Town of Southampton - (SCTM No. 0900-359.00-01.00-012.002). (Co. Exec.) I will make a motion to approve.

LEG. ANKER:

Second.

CHAIRWOMAN HAHN:

And seconded by Legislator Anker. Director Lansdale, on the motion?

DIRECTOR LANSDALE:

Thank you. This property is part of a larger assemblage of properties. At the last Committee meeting we did approve -- you did approve the parcel that's outlined in yellow, which is County acquisition in progress. The parcel in question today is the one outlined in red. It's less than an acre in size. It's point 96 acres. There are no structures on the site.

The property is located in the north/south flight path for landings and take-offs from Gabreski Airport. And the overall rating for the assemblage is 46 points. So, that's taking into account all of the parcels in the assemblage. Would you like more information or is that -- I'll be happy to answer any questions.

CHAIRWOMAN HAHN:

For now we'll begin with questions. Legislator Anker?

LEG. ANKER:

Looking at the price, almost an acre for 375,000, is that the going price right now?

DIRECTOR GREENE:

The contracts were signed by the seller last November. So, they would have been the subject of an offer that was made probably last summer. So you still are looking at a current real estate value.

CHAIRWOMAN HAHN:

Any other questions? We have a motion and a second. All in favor? Opposed? Abstentions?

1373 is approved. (VOTE: 5-0-0-0)

Introductory Resolution 1381, Appropriating funds in connection with the Environmental Quality Geographic Information and Database Management System (CP 4081). (Co. Exec.)

MR. ZWIRN:

Madam Chair, could we have this one tabled for the time being? I think we're going to need a vote on the 5-25 waiver before we can address this.

CHAIRWOMAN HAHN:

I will make a motion to table, seconded by Legislator D'Amaro. All those in favor? Opposed?

Abstentions? **1381 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1384, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Hughes property - Hubbard County Park addition Town of Southampton - (SCTM Nos. 0900-149.00-02.00-035.000, 0900-149.00-02.00-041.000 and 0900-149.00-02.00-042.000). (Co. Exec.) I'm going to make a motion to approve, seconded by Legislator Anker. On the motion, Director Lansdale.

DIRECTOR LANSDALE:

Thank you. This property is 1.1 acres. It's comprised of three parcels. There are no structures on the property. The rating for this is 33 points. The property contains New York State DEC regulated tidal wetlands, which is a high marsh habitat and is located within FEMA's hundred year A zone flood plain. Goose Creek is located nearby to the east and within Hubbard County Park.

CHAIRWOMAN HAHN:

Any questions.

DIRECTOR LANSDALE:

Would you like me to go through the specific rating sheet?

CHAIRWOMAN HAHN:

It's got 33 points?

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

I don't think -- does anybody need her to go through -- no. Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? **1384 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1388, Reappointing member to the Suffolk County Water Authority (Jane R. Devine) (Spencer) I will make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? **1388 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1389, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Bivona property - Pine Barrens Core - Town of Southampton (SCTM Nos. 0900-277.00-08.00-020.000 and 0900-279.00-01.00-002.000) (Co. Exec.) I will make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro. On the motion, Director Lansdale, do you need --

DIRECTOR LANSDALE:

The acquisition includes two parcels of land totaling 3.24 acres. They're located within the Pine Barrens Core area, west of Gabreski County Airport and south of Sunrise Highway in Westhampton, Town of Southampton.

The area is known as the Dwarf Pine Plains globally rare woodland habitat as identified by the New York State Natural Heritage Program. The County owns over 1,000 acres in this environmentally sensitive area. If you look on the map, all of the parcels outlined in green are owned by the County. The proposed acquisition is outlined in red.

CHAIRWOMAN HAHN:

Okay. Legislator Romaine.

LEG. ROMAINE:

Yes. Quick question. Does the County buy land in the core Pine Barrens?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

The reason I ask is obviously this land can't be developed; is that correct?

DIRECTOR LANSDALE:

Yes.

LEG. ROMAINE:

So, what would be the purpose of purchasing the land? I'm voting for this; I'm supporting this. But I just want that on the record because several people with Pine Barrens holdings have approached me, and I've been discouraged from pursuing that by people telling me, "well, the

County isn't going to be buying land in the Pine Barrens."

MR. ZWIRN:

If you look at the purchase price on this versus the other acquisitions, this is over three acres. And the purchase price is \$68,000. So, you can see the lack of development on this is reflected --

LEG. ROMAINE:

Right.

MR. ZWIRN:

-- in the -- in the actual evaluation of the property. But your point is well taken. But if there's anything going on this property, we would prevent it by making sure it can't happen.

LEG. ROMAINE:

No, I'm in favor of putting this under County ownership, as I am as much of the Pine Barrens is -- as practically possible. But thank you very much.

CHAIRWOMAN HAHN:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? That was -- **1389, that's approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1396, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Mikros Psari, LLC property - Town of Brookhaven - (SCTM No. 0200-903.00-01.00-012.002). (Browning)

DIRECTOR LANSDALE:

So, the property is 8.84 acres in size. There are no structures on this property. It's mostly wooded and it's a pitch pine oak forest habitat situated between a church facility to the east, residential properties to the west and a historic cemetery to the south. The Planning Department reviewed the property. And there's a property outlined on your map in yellow that the County's currently in progress of acquiring. The proposed acquisition is outlined in red. The Planning Department went through the rating sheet and looked at all of the characteristics of the properties and assigned it seven points out of a maximum of a 100.

CHAIRWOMAN HAHN:

I'm going to make a motion to table.

LEG. ANKER:

I'll second.

CHAIRWOMAN HAHN:

Seconded by Legislator Anker. Legislator D'Amaro, did you have a question?

LEG. D'AMARO:

No.

CHAIRWOMAN HAHN:

Sorry. Did anyone have any questions on the motion? Okay, we have a motion to table. We have a second. All those in favor? Opposed? Abstentions? **1396 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution number 1403, Approving planning steps for the acquisition of Farmland Development Rights - February 2012. (Co. Exec.) I will make a motion to approve, seconded by Legislator Anker. On the motion --

LEG. ROMAINE:

Question.

CHAIRWOMAN HAHN:

We're going to get the presentation first, if you don't mind, Legislators. Director Lansdale.

DIRECTOR LANSDALE:

Sure. Madam Chair, would you like me to go through all of the specific farms that are associated with this?

CHAIRWOMAN HAHN:

Why don't you begin by just reviewing for everybody Chapter Eight and what we're doing here.

DIRECTOR LANSDALE:

Sure. So, as required by Chapter Eight, the amendments were voted back in 2010 and 2011; started the reforms to Chapter Eight requiring the County Farmland Committee to adopt earlier this year in 2012 a Preservation Priority List. So, what you have in front of you today is the result of that work. The County Farmland Committee, reviewing all of the properties that were submitted and nominated to the Planning Division and the County Planning Division along with the Farmland Committee developed the Preservation Priority List. So what you have are nine proposed farms representing 177 acres.

CHAIRWOMAN HAHN:

And this is approving planning steps on all of them, that you can go forward and negotiate. So, this isn't authorizing the money because --

DIRECTOR LANSDALE:

No, this is merely planning steps.

CHAIRWOMAN HAHN:

-- the question, based on what was said earlier, kind of gets us -- we do have a number of Legislators who have questions. Legislator Romaine was the first to tell me he had something to say and then Legislator D'Amaro.

LEG. ROMAINE:

Actually it's a question. I certainly support each of these acquisitions. How many of the nine farms have cutouts?

DIRECTOR LANSDALE:

All of them.

LEG. ROMAINE:

All of them. Thank you. I'll be supporting all of them.

CHAIRWOMAN HAHN:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I cannot process as fast as Legislator Romaine so I need to go through it a little slower than that. But, Director, I'm just looking at the maps. The first one would be John Stell or Steel; is that the first one?

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

Stile. All right. So, that's a 16.3 acre exclusion. How many are there -- how many maps are there; four altogether for this? Or is it more than that?

DIRECTOR LANSDALE:

Let me check.

LEG. D'AMARO:

Oh, it looks like --

DIRECTOR LANSDALE:

If you'd like, I can go farm by farm just so that all of the members --

LEG. D'AMARO:

All right. Well, you know, I want to go as quick as possible. First of all, just a general question, why are these coming all bundled together as opposed to separate --

DIRECTOR LANSDALE:

Sure. They're coming altogether because of the amendments to Chapter Eight, which required the County Planning Department, along with the members of the Farmland Committee, to create a Preservation Priority List. So, this represents -- this bundling of all of the Farmland Development Rights represents that work and the -- and we're following the process that's outlined in Chapter Eight.

LEG. D'AMARO:

I have to disagree. I really have to disagree. I mean, can't the Committee establish a priority list but then not give me an all-or-nothing vote? I don't understand why that has to follow through here for seven or nine parcels. I mean, it's wonderful that they have a priority and a ranking and we can be told what that is. But, you know, now I have to -- if there's one objectionable or two objectionable to me as opposed to -- I mean now I have an all-or-nothing vote. Why is that Committee dictating the procedure here? Or am I missing something?

DIRECTOR LANSDALE:

These were reforms that were enacted under Chapter Eight.

LEG. D'AMARO:

But not reforms for the committee process here.

LEG. ROMAINE:

Oh, yes.

LEG. D'AMARO:

Are you saying that the law or the Code would prohibit us from considering these independently?

DIRECTOR LANSDALE:

I'd have to look into that, but my understanding of Chapter Eight is that it creates a Preservation Priority List and requires the Planning Division to recommend that Priority List in totality to the Legislature.

LEG. D'AMARO:

I'm not familiar with the Code. I don't know if Counsel's even prepared to address this, but I'm not sure that that mandates that we vote on a priority -- on a Priority List, or it mandates that these be bundled together. I mean, certainly the Committee could report back to this Committee or the full Legislature as to what the priorities are. But I'm perplexed as to -- if that's what the law requires, you know, certainly we can -- we'll abide by that. I would, of course, and I'm sure everyone else would. Maybe we would change it, but I don't see how it's changing the process here. I don't

understand that.

MR. NOLAN:

You know, it was a big overhaul, Chapter Eight, so I'd have to look at it. But I don't believe there's a requirement that all the -- that you bundle multiple proposed acquisitions in one resolution. I don't think that's required, but I'd have to review the Code to make sure of that.

LEG. D'AMARO:

I mean, are these properties contiguous?

DIRECTOR LANSDALE:

No, they're not.

LEG. D'AMARO:

They're not.

DIRECTOR LANSDALE:

They're all throughout Suffolk County.

LEG. D'AMARO:

So, it's an all-or-nothing vote. I'm looking at one as I go through my maps here that there's cutouts of -- portions of these parcels that are undeveloped or, perhaps even -- there's another one where the cutout is part of the farm with no -- no structure on it. It's funny how the cutouts always seem to border right on the main roads, which is kind of interesting. And I'm looking at the Irene {Vity} property, {Vity} Farm, for example. It doesn't appear from the aerial map that the 3.7 acre exclusion has any structure on it; looks like part of the farm. So, you know, not even getting to the merits of any of these, I really have to strongly object to being asked to consider these on an all-or-nothing basis. I really do. And I would recommend to the Committee that until we have an answer to that, I think these should be separated into separate resolutions.

CHAIRWOMAN HAHN:

Legislator Gregory had a question. But can I just quickly intercede here? How many applications did you receive and how many farms were not included -- like were rejected by the Farmland Committee?

DIRECTOR LANSDALE:

We received more than two dozen applications. So, there's nine proposed farms before you today.

CHAIRWOMAN HAHN:

Legislator Gregory.

LEG. GREGORY:

Thank you, Madam Chair. I have some of the same concerns that Legislator D'Amaro has. I looked at the maps. And looking at all of the exclusions -- I mean you have one where -- I think Legislator D'Amaro mentioned the 16 acres. I saw one where it's 6.9 acres. You know, I think under previous discussions where the assumption was, well, you know, you want to leave room for the property owners to put a house and, you know, things like that, I think 16 acres is probably a little excessive to do that. But who am I to judge that? But it's certainly those types of exclusions of that size do raise concern. So, you know, I would rather vote on this on a piecemeal basis looking at each planning step on its own merits and then going from there.

CHAIRWOMAN HAHN:

Legislator Anker, did you have a question?

LEG. ANKER:

Again, I'd like to look into more of what -- how -- what the revisions were in Chapter Eight, specifically, what was the main -- what were the main changes?

DIRECTOR LANSDALE:

There were many changes in Chapter Eight. The main one was creating an annual review and an annual Preservation Priority List, and making sure that all of the purchase development rights were done in an orderly way where we could review all of the parcels against one other rather than looking at them in a singular fashion.

LEG. ANKER:

Okay, I didn't want to go there, but I will. The funding for TDR, the farming TDR, what is that source?

DIRECTOR LANSDALE:

The funding that's identified in this resolution is the Pay-go Fund, the Quarter Percent.

LEG. ANKER:

And that's the Drinking Water funds?

DIRECTOR LANSDALE:

Yes, it is.

LEG. ANKER:

My concern, again, I brought this up earlier today, is that when we spend hundreds of millions of dollars on farmland and we're not asking for some -- or are we, maybe this is a question for you, are we asking for some concessions to pesticide applications with the farmland because this is directly linked to, you know, water preservation?

DIRECTOR LANSDALE:

No, we're not.

LEG. ANKER:

Does that directly affect the acquisitions if we were to ask for some type of concessions with pesticide applications? Would that directly impact the acquisition of farmland?

DIRECTOR LANSDALE:

I'd have to look into that further and report back.

LEG. ANKER:

Okay. If you could, that would be great. Thank you.

CHAIRWOMAN HAHN:

Legislator D'Amaro.

LEG. D'AMARO:

Just one more point. Director Lansdale, you were here during the last discussion where the Committee voted out of Committee today the other parcel where I opposed based on the fact that I believe that if we're going to promote the Farmland Preservation Program and have its best interest at heart, then, I believe that we should be considering and negotiating covenants to marry the out parcels to the farming and the farming use. A covenant is not permanent. In the future the party that benefits from the covenant, which here would be the County, could lift the covenant; come back to the Legislature, if at a future date someone felt there was a legitimate reason to lift that covenant, we would consider that and vote on that as well.

But if I were running this program, or if I had any input into the program, and this is a very common planning tool in my mind, and I'm sure you're familiar with this, it is not uncommon to put covenants on properties as a condition of purchase to ensure that the government purposes are being met and will be continued in the future. And I don't think it's unreasonable at all to say to someone who's farming and we're paying tens of millions of dollars to, in some instances, to say, "look, we want to make sure that the out parcel is married to the farming use." And I would highly recommend that that be something -- that that's something that should be considered in the negotiation process.

It doesn't appear that it has been so far, which I think creates a real potential for this to be counterproductive to the Farmland Preservation Program. I'm sure many people that farm do use those out parcels for the farming use. And I don't question that. I'm not questioning the intention of anyone and I'm not saying anyone has made a misrepresentation when they came here and asked the County to purchase their property.

But the fact remains that over time circumstances change. And if we want to ensure adherence to the policy goals of that particular program, I would highly recommend the use of a covenant and the negotiation of a covenant to marry those parcels -- the out parcels to the farmland use. So, just a suggestion from me. And that's another reason why I don't think that we should be doing this as an all-or-nothing vote either. Because just taking a very cursory look through the maps here on the computer screen, I can see that there are some I would have the same objection to while others I would not.

So, again, I would ask that we research whether or not this has to be done in an all-or-nothing vote; and if not, I would ask that they be separated.

DIRECTOR LANSDALE:

Thank you for your suggestions. I'll look into that.

LEG. D'AMARO:

Thank you. I appreciate that.

CHAIRWOMAN HAHN:

Questions? Are there questions? Legislator Anker.

LEG. ANKER:

I'm going to withdraw my second to approving.

CHAIRWOMAN HAHN:

Okay. Legislator Anker is going to withdraw her second to my approval.

LEG. ROMAINE:

I'll second it.

CHAIRWOMAN HAHN:

So, now we have a motion by Legislator Romaine. So, we do have a motion to approve and a second. Motion to table by Legislator Anker, seconded by Legislator Gregory. We have a motion to approve and a second and we have a motion to table and a second.

LEG. D'AMARO:

Just one further point. I don't oppose the priority ranking in all of that; just so I'm very clear. And I appreciate the work of the Committee in bringing this here and I think we should be voting on that list as the law requires. I just don't think the intention of that revision to Article Eight was that we had to do planning steps in an all-or-nothing vote. That's my purpose for supporting the tabling.

CHAIRWOMAN HAHN:

I would like to say that I know a lot of time has been spent in changes to Chapter Eight in this Committee. Now the farmers have to wait for an annual review, correct. There has been a large amount of time expended to review these parcels, to, you know, pick the top 9 out of 24, and to recommend them to us as parcels to be preserved. And I -- you know, if we're going to table, it's a two-week delay, but I think that, you know, we really should -- can we bring in members of the Committee to talk to us about what they went through in determining the priority of these farmland parcels?

DIRECTOR LANSDALE:

There are waiting sheets associated with each parcel and I'd be happy to go through parcel by parcel, if you'd like.

LEG. D'AMARO:

Could I address that issue? I appreciate that, but it still doesn't change the fact that at the end of the day, we'd have to vote all-or-nothing. And I just want to make it clearer that the priority -- if you brought these in as separate resolutions today, then what you could say to us is the next 9 resolutions constitute the priority ranking of the -- what is it, the Farmland Preservation Committee? The Farmland Preservation Committee. And when we do the first parcel, *this was number one on the list and this was number two*; that's all I'm asking. I'm not saying don't do the ranking, don't tell us about it, don't present all the parcels for acquisition of development rights, that's all fine. All I'm saying is that it takes away our opportunity to discuss them individually and then vote on them individually. And I think it's very easy to just separate them out. That's all I'm saying. Okay.

CHAIRWOMAN HAHN:

Okay. The motion to table takes preference. We have a motion and a second. All those in favor of tabling? Opposed?

LEG. ROMAINE:

Opposed.

CHAIRWOMAN HAHN:

I'm opposed. Abstentions? Okay, motion is tabled. The bill is tabled. Resolution is tabled. Sorry. **(VOTE: 3-2-0-0. LEGISLATORS ROMAINE AND HAHN OPPOSED)**

Introductory Resolution 1438, Appointing Sarah S. Anker as a member of the Suffolk County Soil and Water Conservation District. (Pres. Off.)

LEG. ROMAINE:

I'd like to make that motion as a member of the Soil and Water Conservation District Board.

CHAIRWOMAN HAHN:

And I will second. All those in favor? Opposed? Abstentions? Recusals? She can vote on it, okay. **1438 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1441, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Buckner property - Town of Huntington) (SCTM No. 0400-212.00-02.00-041.000). (Stern) I will make a motion to approve.

LEG. ANKER:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator Anker. Director Lansdale.

DIRECTOR LANSDALE:

This parcel is about three acres in size. It's located in Elwood in the Town of Huntington. It's a -- there's a residence on the property that would be removed prior to acquisition. It received 19 points. It's located within hydrogeologic Zone One, which is a deep recharge aquifer area. And it is bordered on three sides by a County park.

LEG. ROMAINE:

If I may?

CHAIRWOMAN HAHN:

Legislator Romaine.

LEG. ROMAINE:

Just to go over this again, this received only 19 points where usually 25 is the cutoff for this Committee. People have mentioned that in the past. This has a house on it?

DIRECTOR LANSDALE:

(Nodding in the affirmative)

LEG. ROMAINE:

How large is the house? Are you aware of that?

DIRECTOR LANSDALE:

I don't have information on how large the house is.

LEG. ROMAINE:

How much of this parcel is disturbed in the sense that it's cleared? Since we're buying it, I assume, for many other reasons, one would be for recharge.

DIRECTOR LANSDALE:

I don't have the information on how much is disturbed; but just looking at the aerial, it looks like about a third is disturbed.

LEG. ROMAINE:

A third of the area is disturbed. It's not in its natural state. It has a house on it. It rated 19. Thank you very much.

CHAIRWOMAN HAHN:

Legislator D'Amaro.

LEG. D'AMARO:

Is there a motion pending on this acquisition? Planning steps, rather?

CHAIRWOMAN HAHN:

Yeah, I made a motion to approve and there was a second.

LEG. D'AMARO:

There is.

CHAIRWOMAN HAHN:

Is that what you're asking?

LEG. D'AMARO:

Yes.

CHAIRWOMAN HAHN:

Yes. I just did.

LEG. D'AMARO:

Okay.

CHAIRWOMAN HAHN:

Correct? We have a motion and a second? Correct? Yes. Okay, any other comments on the motion?

LEG. D'AMARO:

Yeah, I just want to point out although the rating is low and Legislator Romaine is correct, we use as a guide a 25 threshold for acquisition, at least for as long as I've been here it's been that way; there are times, as I stated earlier, two in one day, that especially on the western portion of the County where perhaps the rating forms should really be taken as a guide and not necessarily set in stone. And I think this is another case where although it's a 19, at least it's not a 9, it's a 19, it's closer to the threshold. And at the same time -- this seems to me that it would complete much of the County's holdings in that area. Director Lansdale, is that accurate just looking at the map?

DIRECTOR LANSDALE:

Yeah.

LEG. D'AMARO:

Yeah. So, you can make all the arguments that are normally made here about it's important to have these contiguous parcels and these in parcels included for security purposes, maintenance purposes and things like that. So, in my mind, again, that would give it a few more points and I would support the acquisition, or at least the motion at this point.

CHAIRWOMAN HAHN:

Okay. We have a motion and a second. All those in favor?? Opposed? Abstentions? **1441 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution, Reappointing Philip Schmitt as a member of the Suffolk County Soil and Water Conservation District. (Pres. Off.)

LEG. ROMAINE:

I'd like to make that motion for approval.

CHAIRWOMAN HAHN:

Motion by Legislator Romaine. I will second the motion. All those in favor? Opposed?

LEG. ANKER:

Which one?

CHAIRWOMAN HAHN:

1442. All those in favor? Opposed? Abstentions? **1442 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1444, Amending Adopted Resolution No. 1116-2011, amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the Long Island Native Plant Initiative (CP 8713), and amending the 2012 Adopted Operating Budget. (Romaine)

LEG. GREGORY:

Motion to table.

LEG. ROMAINE:

I'd like to make a motion on this. And I'd also like to get the opinion of our Planning Director on this resolution.

CHAIRWOMAN HAHN:

There's a motion. I will second. Director Lansdale? And there was a motion to table by Legislator Gregory.

LEG. D'AMARO:

I'll second the motion to table.

CHAIRWOMAN HAHN:

And a second by Legislator D'Amaro.

MR. ZWIRN:

We would support a tabling motion at this time, especially in light of last Tuesday's vote. We want to take a good hard look at this to see if this is something we want to use the money for. We lost people who had 477 funding. We just want to take a good hard look at this. So, we would ask you to table it at this time, if you could.

LEG. ROMAINE:

I would ask the Planning Director what your intentions are regarding this resolution.

DIRECTOR LANSDALE:

I'd have to look into the specific details of this and respond to you.

LEG. ROMAINE:

Would the Clerk please withdraw this resolution?

CHAIRWOMAN HAHN:

Okay. IR 1444 is withdrawn.

We have done 1473 and 1474, so we are going to go back to --

MR. ZWIRN:

Madam Chair, I did call the Parks Department and Commissioner Dawson will not be attending today's meeting. He just can't get here so --

CHAIRWOMAN HAHN:

Can you extend an invitation to him for our next meeting?

MR. ZWIRN:

Yes, I will.

CHAIRWOMAN HAHN:

Thank you. We have -- 1211 has been withdrawn. We're on IR 1064, so I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? **1064 is tabled.**
(VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED)

And I believe that completes our agenda for the day --

LEG. ROMAINE:

Please list me in opposition to the tabling.

CHAIRWOMAN HAHN:

Tabling. Thank you.

I believe that completes our agenda so I'll make a motion to adjourn. All those in favor?
Opposed? Abstentions? We are adjourned. Thank you over.

THE MEETING CONCLUDED AT 4:36 PM

{ } DENOTES SPELLED PHONETICALLY