

**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 May 24, 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  
Laura Halloran, Budget Review Office  
Sarah Lansdale, Director/Department of Planning  
Janet Longo, Real Property Acquisition & Management  
Michael Mule, Department of Planning/CEQ  
Frank P. Castelli, Environment Projects Coordinator/DEE  
Tom Ryan, Aide to Legislator Hahn  
Marge Acevedo, Aide to Presiding Officer Lindsay  
Michael Pitcher, Aide to Presiding Officer Lindsay  
William Shilling, Aide to Leg. Sarah S. Anker  
Justin Littell, Aide to Leg. D'Amaro  
Ali Nazir, Aide to Leg. Kennedy  
Ron James Sorenson  
Joseph Baier  
Michael Maraviglia, Economic Development & Planning  
Peter Quinn  
Richard Meyer, AME  
Tom Markwat, Town of Islip

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 2:07 PM**

**CHAIRWOMAN HAHN:**

Will all Legislators report to the horseshoe for the Environment, Planning and Agriculture Committee?

Okay, will all rise and please join us in the Pledge of Allegiance led by Legislator D'Amaro.

**SALUTATION**

Please remain standing so that we can have a moment of silence for our troops serving overseas and in memory of all those who have served our Country throughout the years, and this as we approach Memorial Day.

**MOMENT OF SILENCE OBSERVED**

Okay. Welcome to the Legislature's Environment, Planning and Agriculture Committee.

**PUBLIC PORTION**

We do have one card. The first card is from Joseph Baier. If Joseph would like to approach the podium, and just state your name for the record and hold down the button on the microphone the entire time you are speaking.

**MR. BAIER:**

Okay.

**CHAIRWOMAN HAHN:**

Okay? And speak into the microphone, if you don't mind. Thank you.

**MR. BAIER:**

Is that coming through?

**CHAIRWOMAN HAHN:**

I believe it is.

**MR. BAIER:**

Okay. My name is Joe Baier. And I'm a retired a County employee. In fact, at one point I was the Director of Environmental Quality for the Department of Health Services. And so I was planning to come here today to plead for the positions which are being cut in Environmental Quality, but actually I have to thank you because I read the press release today that you are restoring some of these positions. And for that I thank you because that is a great service to restoring and continuing a lot of the programs that I myself was involved in and started -- felt was a thing to do for our groundwater for our environment.

But there's also a "but." And that is the fact that there's still some positions that are being cut. And I just would like to bring to your attention at least some of the things that may occur as a result of that. You know, even though I've been retired, I do keep in touch with the people in the Division, so I sort of hear what's going on and what's going to happen. So, I thought I'd just bring some of that to you.

Really, the main impact of the remaining layoffs is going to be in what is known as the Waste Water Unit. And there are two affected areas. One is in Permits, where any new construction has to get a Waste Water Sanitary Permit from the Health Department. And then that group, they are losing

three engineers and two sanitarians. Not only do they review the applications, but they also inspect the construction.

The second aspect is in sewage treatment plants. I don't know if you're aware, there are 190 sewage treatment plants in Suffolk County. Not like Nassau, which has three or four. We have 190. And it's that same group that does the inspections on these plants. And they're the only people that keep them straight, to be honest with you, because most of them are private and money is a big concern. And if they don't have to do something, they're not going to do it. And if there's nobody -- if the fox is not guarding the chickens, or if the hen house is open and the fox can get in to guard the chickens, that's what's going to happen.

And so I would urge you, if you can, and if it's at all possible, to try to see if there's something that be done to restore these things. There may be opportunities where maybe we can fund them, there may be permit fees that could be instituted to offset the cost of the program. There are possibilities. There are ways.

**LEG. ROMAINE:**

Questions.

**MR. BAIER:**

Once again, I thank you for your efforts in the past and hope you all continue your efforts. Thank you.

**LEG. ROMAINE:**

Question.

**CHAIRWOMAN HAHN:**

Yeah, Legislator Romaine.

**LEG. ROMAINE:**

Yes. Joe, what was your position in the Health Department?

**MR. BAIER:**

Yes, I was the Director of Environmental Quality.

**LEG. ROMAINE:**

You were the Director of Environmental Quality?

**MR. BAIER:**

Before -- Vito Minei, which many of you might know, was -- succeeded me.

**LEG. ROMAINE:**

Right.

**MR. BAIER:**

And Walter Dawydiak, who's the Division --

**LEG. ROMAINE:**

-- succeeded him.

**MR. BAIER:**

Succeeded him, yes.

**LEG. ROMAINE:**

Right. So, you were the Director of Environmental Quality for Health Department. In what years were you the Director, sir?

**MR. BAIER:**

From about '91 to 2000, when I retired.

**LEG. ROMAINE:**

To 2000. So about nine years.

**MR. BAIER:**

Yes.

**LEG. ROMAINE:**

How many years did you have overall in the Health Department, sir?

**MR. BAIER:**

About 30.

**LEG. ROMAINE:**

Thirty years. You're contending based on some of the numbers that you've seen -- I assume, you got those numbers from somewhere, maybe my office provided them, maybe they did, I don't know.

**MR. BAIER:**

No.

**LEG. ROMAINE:**

No. I assume you got them from somewhere. But you would say based on the layoffs that you see in the various -- I think the Health Department was getting about 128 layoffs, maybe a little bit less. But based on those layoffs, you feel that the ability to give Waste Water Permits would severely be hampered; is that correct?

**MR. BAIER:**

It's always been a concern of the building industry. Because when a builder/developer wants to do something, they like to do it as soon as they can. And there's always been delays. When you send your application in, it may be four weeks, six weeks before you hear back. That's presently what it is now. But when they lose the engineers, who are really the people that review the applications --

**LEG. ROMAINE:**

Assistant Civil Engineers.

**MR. BAIER:**

Yes, these are -- yeah. They're assistant -- Assistant Engineers, that's their title, yeah.

**LEG. ROMAINE:**

Assistant engineers. When they lose them -- right now I know I had someone that was waiting for a Health Department Permit and it took eight weeks. And they were going to build something and -- I believe they were building a house.

**MR. BAIER:**

Residentials, that's what they are now. They'll be affected as well.

**LEG. ROMAINE:**

Right. And then I heard from someone else that was involved in commercial construction, and they

were waiting far more than eight weeks. And they had asked me, and I couldn't give them an answer, and I still can't get an answer, these layoffs, you think, would lengthen the time period for home construction, for residential and industrial construction?

**MR. BAIER:**

Absolutely.

**LEG. ROMAINE:**

And, you know, I used to teach Economics, but what impact would that have on the Suffolk County's economy if there were delays in construction in industrial, residential and commercial?

**MR. BAIER:**

What often happens sometimes is the person who wants to do the building says "I can't wait that long. I'll go somewhere else, because they got sewers", for example.

**LEG. ROMAINE:**

Right.

**MR. BAIER:**

"And I can just come in and renovate the inside of the building and I'm ready to go."

**LEG. ROMAINE:**

So any place that has sewers, is that an advantage? And every place that doesn't, is that a disadvantage under --

**MR. BAIER:**

Yes.

**LEG. ROMAINE:**

-- if they need a Waste Water Permit because they'll be a lengthened period of time before those permits are given?

**MR. BAIER:**

Yes, yes.

**LEG. ROMAINE:**

Okay. And the other concern you had is, I know we have 23 Municipal Sewer Districts that Suffolk County runs. But we have well over 180, you said, 190 privately-owned sewage treatment plants. Usually these are the small sometimes inefficient packages, plants that populate this Island for condominiums or shopping centers or the like, but aren't near sewers. They have to be inspected to prevent improper management, leakage, whatever. What are some of the problems that you noticed that some of these plants might have that inspectors look at?

**MR. BAIER:**

One of the things that maintenance -- for example, if a compressor is not working, well, they don't necessarily fix them right away. Well, that's how you get the air for the sewage treatment. Things like that, that -- ordinary maintenance, and that an inspection will pick up right away. Often their effluent samples are not up to speed. They do have to sample.

**LEG. ROMAINE:**

And some of these plants -- many of these plants, if I'm not mistaken are tertiary plants, they discharge into groundwater; is that correct?

**MR. BAIER:**

I think probably now almost 80 to 85% of them are all denites, as we call them.

**LEG. ROMAINE:**

Denitrification --

**MR. BAIER:**

That's right.

**LEG. ROMAINE:**

-- which would be -- they would be ground recharge?

**MR. BAIER:**

Which is a tertiary treatment, yeah.

**LEG. ROMAINE:**

Right, tertiary, recharge basins that they would have. So, if there -- if for some reason they're not monitored more carefully, they could be discharging far more nitrogen into the groundwater than a normal sewage treatment would be allowed under DEC regulations; is that correct?

**MR. BAIER:**

That's correct.

**LEG. ROMAINE:**

Well, that's disconcerting news, cause that could create a problem. Joe, you'll be happy to know on June 5th, I'll be laying on the table the Sewage Pollution Right-To-Know Law, that will require certain things from the Health Department in terms of publicly indicating those plants that are not in compliance, posting them, informing the Legislature, things of that nature. It's been backed by the New York State League of Conservation Voters. And obviously this law becomes even more important in light of your testimony. I appreciate the time. I know you come from the East End. I appreciate the time that you made to kind of educate us about some of these issues that we're going to confront, if and when these layoffs go forward. Thank you very much.

**MR. BAIER:**

I still do care for the environmental programs and for the environment of Suffolk County. Any other questions? Thank you.

**CHAIRWOMAN HAHN:**

Thank you. That was the only card I had. Was there any other member of the public that would like to speak here today?

Seeing none, we will move onto the agenda. We actually do not have a presentation today. That was removed from the agenda. Hopefully the agenda that's out front doesn't have a presentation on it, but we were going to hear from the Suffolk County Department of Health Services about the environmental functions given the staff layoffs. That will be heard during the Health Committee next week because the Commissioner was having some kind of dental surgery, so it wasn't possible for him to come today. Legislator Romaine.

**LEG. ROMAINE:**

Yes. Considering Mr. Baier's experience, he left now, but as the former Head of the Environmental Health Division of the Health Department, I would appreciate it if we could get an excerpt of his statement to the Health Commissioner because by this request I am, as a member of the Health Committee, asking the Health Commissioner to respond to Mr. Baier's comments. Clearly, he's raising two areas of alarming concern that I think the Health Commissioner needs to address fully

and frankly. Thank you.

**CHAIRWOMAN HAHN:**

Yes, absolutely. Madam Clerk, if you could make a note that this Committee would like to receive the transcript from the presentation that will be taken forth at the Health Committee next week on these layoffs and the Environmental Division, that we could receive them as soon as they are ready. Thank you.

**CEQ RESOLUTIONS**

Okay, CEQ resolutions, Mr. Mule.

**MR. MULE:**

Good afternoon.

**CHAIRWOMAN HAHN:**

Hello. Thank you for being here.

**MR. MULE:**

**CEQ Resolution Number 27 - 2012, Ratification of Recommendations for Legislative Resolutions Laid on the Table April 24, 2012.** CEQ's recommendations were included in the left-hand margin of the attached document.

**CHAIRWOMAN HAHN:**

Okay. Motion.

**LEG. ANKER:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? And approved.

**(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution 28 - 2012, Ratification of Recommendations for Legislative Resolutions Laid on the Table May 8, 2012.** Same comment, CEQ's recommendations were in the attached document.

**CHAIRWOMAN HAHN:**

Okay. Motion? I'll make the motion, seconded again by Legislator Anker. All those in favor?

Opposed? Abstentions? **(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution 29 - 2012, Proposed Improvements to SD #5-Strathmore Huntington (Capital Project 8115), Town of Huntington (Type II Action)** CEQ recommends classification as a Type II Action.

**CHAIRWOMAN HAHN:**

Okay. I'll make the motion, seconded by Legislator D'Amaro. All those in favor? Opposed?

Abstentions? **(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution 30 - 2012, Proposed Improvements to Sewer District Number 7-Medford (Capital Project 8150), Town of Brookhaven (Type II Action).** CEQ recommends

classification as a Type II Action.

**CHAIRWOMAN HAHN:**

Okay, I'll once again make the motion, seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution Number 31 - 2012, Proposed Improvements to Sewer District Number 10-Stony Brook (Capital Project 8175), Town of Brookhaven (Type II Action).** CEQ recommends classification as a Type II Action.

**CHAIRWOMAN HAHN:**

Once again, I will make a motion to approve, seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution Number 32 - 2012, Proposed Improvements to Sewer District #11-Selden (Capital Project 8117), Town of Brookhaven (Type II Action).** CEQ recommends classification as a Type II Action.

**CHAIRWOMAN HAHN:**

Once again, I will make a motion, seconded by Legislator D'Amaro. All those in favor? Opposed? Abstentions? **(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution Number 33 - 2012, Proposed Rehabilitation of Browns Creek Bridge (Capital Project 5850), Town of Islip (Unlisted Action, Negative Declaration) 2012.** CEQ recommends classification as an unlisted action with a negative declaration.

**CHAIRWOMAN HAHN:**

I'm going to go with same motion, same second, same vote. Thank you. **(VOTE: 5-0-0-0)**

**MR. MULE:**

**CEQ Resolution Number 34 - 2012, Proposed Median Improvements to CR46-William Floyd Parkway (Capital Project 5116), that should be Town of Brookhaven (Unlisted Action, Negative Declaration)** CEQ recommends classification as an unlisted action with a negative declaration.

**CHAIRWOMAN HAHN:**

Okay, same motion, same second, same vote. **(VOTE: 5-0-0-0)**

**MR. MULE:**

And finally **CEQ Resolution Number 35 - 2012, Proposed Authorization of Drilling Wells on County Parkland for Firefighting Purposes (Unlisted Action, Negative Declaration)** CEQ recommends classification as an unlisted action with a negative declaration.

**CHAIRWOMAN HAHN:**

Once again, same motion, same second, same vote. Thank you very much. **(VOTE: 5-0-0-0)**

**MR. MULE:**

Thank you very much.

## TABLED RESOLUTIONS

### CHAIRWOMAN HAHN:

Okay, we will move onto Tabled Resolutions. We'll have the Director here. We have **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)**

### LEG. D'AMARO:

Motion to table.

### CHAIRWOMAN HAHN:

We have a motion to table. I will second that. All those in favor? Opposed? Abstentions? **It's tabled. (VOTE: 5-0-0-0)**

**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)** Do we have any representatives from the Parks Department here today? We had invited them down again for the second time, because -- do you want to give a little review, Director Lansdale? This was property next to the -- adjacent to the North Fork Preserve County Park.

### DIRECTOR LANSDALE:

Yes. It's 5.1 acres in size. There are no structures on the site. It is adjacent to the passive recreational portion of the 302 acres of the recently acquired North Fork Preserve property. There is a freshwater wetland on the northern portion of the site as identified by the Town of Riverhead. The rating for this -- for open space is 26 points.

### CHAIRWOMAN HAHN:

And one of our Committee members should have received maps from Laretta Fischer, so you can be looking along on the maps on your laptops, if you'd like. Okay. I still wanted to hear from the Parks rep about how they felt about adding this onto the Parks. So I'm hoping to hear from them. Do we have a motion yet? I will make a motion to table.

### LEG. D'AMARO:

I'll second.

### CHAIRWOMAN HAHN:

Seconded by Legislator D'Amaro.

### LEG. ROMAINE:

Discussion.

### CHAIRWOMAN HAHN:

On the motion, Legislator Romaine.

### LEG. ROMAINE:

Yes, Madam Chairwoman, I understand your urgency to get some comments from the Parks Department, but it's almost a month since we met last. What I would recommend that either you or -- if this is a burden on your staff, that our Planning Director correspond, one or both, with the Parks Commissioner, Mr. Dawson, and ask for their comments on this acquisition. I don't like to table properties when I think it's important. I think this property is important, but I am prepared to allow tabling and vote for it under the condition that we just don't say "ask someone from Parks"

because I guarantee you, if I got Greg Dawson on the phone, he would tell me "no one's ever called me about this." So --

**CHAIRWOMAN HAHN:**

We've reached out several times --

**LEG. ROMAINE:**

You have?

**CHAIRWOMAN HAHN:**

-- asking them to attend and tell us about their --

**LEG. ROMAINE:**

They don't have to attend, per se. I mean they can do e-mails to all the Committee members or all the Legislators.

**CHAIRWOMAN HAHN:**

And they haven't done that.

**LEG. ROMAINE:**

All you have to do is hit the A button, "all" comes up and you're ready to send an e-mail. So, what I would say --

**CHAIRWOMAN HAHN:**

You certainly would think that would be easy for them to do, but they haven't done that, so.

**LEG. ROMAINE:**

Okay.

**CHAIRWOMAN HAHN:**

We'll ask for that.

**LEG. ROMAINE:**

If you want, I can ask him. But I'd prefer it come from yourself as Chairperson or from our Planning Director since, you know -- I'd like to see his comments on this addition. I'm prepared to table this for one cycle.

**CHAIRWOMAN HAHN:**

It's a short cycle, right?

**LEG. ROMAINE:**

Yes.

**CHAIRWOMAN HAHN:**

So, yeah.

**LEG. ROMAINE:**

I'm prepared to table this, as I said, as long as someone says "here's the e-mail, I'm going to send it to Greg Dawson, I'm going to copy every member of this Committee and we'll wait for his response." And then at our next meeting in two weeks, we'll have his comments and then people can cast their votes as such may be the case.

**CHAIRWOMAN HAHN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, I support this resolution. I do want to hear from Parks. I just want to ask the Chair, just so it's clear in my mind, has the Parks Department been requested to appear at this Committee meeting today?

**CHAIRWOMAN HAHN:**

Yes.

**LEG. D'AMARO:**

And was there a reason given why they could not appear?

**CHAIRWOMAN HAHN:**

Not to my knowledge.

**LEG. D'AMARO:**

Was it indicated that they wouldn't appear or that they would send a representative? What was their response? Just curious why the Parks Department's not interested in helping us on this resolution.

**CHAIRWOMAN HAHN:**

They said they would try to send someone.

**LEG. D'AMARO:**

This is the third time. I think Legislator Romaine is correct. It's been tabled. I think we support it, yet the Parks Department doesn't want to come in and just answer some simple questions. I just don't understand that. I'm just curious through the Chair whether or not we received -- maybe there's a reason why they don't want to come down here and talk to this Committee about this acquisition.

**CHAIRWOMAN HAHN:**

Nick Gibbons was supposed to attend the last meeting. You know, I didn't ask why he didn't come. And then they said they would try to send someone this time and they didn't. So, if we can take care of it via e-mail and we all feel satisfied that all of our questions are answered, then that would do the trick. If not, we'll wait for them to attend.

**LEG. ROMAINE:**

Can I give you -- offer up a suggestion?

**CHAIRWOMAN HAHN:**

Of course.

**LEG. ROMAINE:**

We have members of this Committee that may have questions regarding this property. I believe they should e-mail all the questions, either yourself or Sarah Lansdale, and those questions should be forwarded to Greg Dawson. I think that would be the best way to get the answers. Again, I did not deal with Mr. Dawson on this property. I dealt with Mrs. Bellone, who indicated to me that she was very interested in acquiring this property, if it was available. And I checked around. And the owner said he was willing to entertain an offer from the County. And that's why I put this resolution in because Parks had told me they wanted to add this to the North Fork Preserve because of wetlands and the sensitive nature of the property. And I said "I don't have a problem with that."

But this is at the request of the former Deputy Parks Commissioner Tracey Bellone. So, I have no problem tabling this as long as -- maybe someone could -- anyone that has any questions here -- I have none because I went out and looked at the property and I met with Mrs. Bellone about this

property and I have no questions. I think it's a worthwhile acquisition to our Parks and -- but some of my colleagues may have valid and interesting questions. I think they should ask them.

**CHAIRWOMAN HAHN:**

We will do that. Thank you.

**LEG. ROMAINE:**

Thank you.

**CHAIRWOMAN HAHN:**

Sure, Legislator Anker.

**LEG. ANKER:**

Again, I'm really disappointed about our Parks Commissioner. You think out of -- how many people are in the Parks? Hundreds? Hundreds of -- he could at least send a representative. Ben, do you think you could contact the County Executive and just see if there's some type of prodding you can do to try to get representation of our -- you know, for our Parks so we'll have a better understanding of what we're voting on?

**MR. ZWIRN:**

Yes.

**LEG. D'AMARO:**

Well, and also in addition to that --

**LEG. ANKER:**

Thanks.

**LEG. D'AMARO:**

-- this is an acquisition that's adjoining County Park. It's a very important parcel. I support the acquisition, at least on its face without hearing from the Parks Department. But, you know, given the limited resources that we have these days, it would be nice to know whether or not the Department of Parks in Suffolk County supports this particular acquisition. I don't feel that I have to put my questions in writing; what I feel is that if the Committee Chair requests the presence of a representative of the Parks Department, that they should be here and extend us that courtesy.

**MR. ZWIRN:**

I agree, Legislator D'Amaro. If the Committee wanted to entertain -- discharge it to the floor and ask that the County Executive make sure that the Parks Commissioner is at the General Meeting on June 5th and -- that's something --

**CHAIRWOMAN HAHN:**

There's also another property that we wanted input on. I don't remember the name of it. The one that's completely surrounded by --

**MR. ZWIRN:**

I agree, it shouldn't be held up because someone in the Parks Department is not here to answer your questions.

**LEG. D'AMARO:**

There could be a perfectly reasonable explanation but --

**MR. ZWIRN:**

I don't know what it is.

**LEG. D'AMARO:**

-- no one's communicating with us.

**CHAIRWOMAN HAHN:**

The Rams Head Realty LLC property, that one in Montauk. We also had questions for the Parks Department so --

**MR. ZWIRN:**

If the Committee desires, I will have the County Executive direct the Parks Commissioner -- I mean he was here the last time we had a General Meeting. He stayed for the entire evening. I mean, he was here all day, so I'm sure there's probably some -- either miscommunication or something's that caused him not to be here today. But if you want to have him for the General Meeting, you can move it forward and we'll have him there answering your questions.

**CHAIRWOMAN HAHN:**

Okay. We have a motion to table and a second. Does anybody want to make a motion to approve? Okay, motion to table and a second, all those in favor? Opposed? Abstentions? **It's tabled. (VOTE: 5-0-0-0)**

**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).**

**LEG. D'AMARO:**

I'll offer a motion to table, I believe, at the sponsor's request.

**CHAIRWOMAN HAHN:**

I will second. And this also had a rating of eight.

**DIRECTOR LANSDALE:**

Yes.

**CHAIRWOMAN HAHN:**

Okay. We have a motion to table and a second.

**LEG. ROMAINE:**

At the request of the sponsor?

**LEG. D'AMARO:**

Yes.

**LEG. ROMAINE:**

Thank you.

**CHAIRWOMAN HAHN:**

All those in favor? Opposed? Abstentions? **IR 1365 is tabled. (VOTE: 5-0-0-0)**

**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).** This has to be tabled to go through CEQ. So, I'll make a motion to table, seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **IR 1368 is tabled. (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.)**  
I'll make a motion to approve.

**LEG. D'AMARO:**  
Second.

**CHAIRWOMAN HAHN:**  
Seconded by Legislator D'Amaro.

**LEG. ANKER:**  
Co-sponsor.

**CHAIRWOMAN HAHN:**  
Bear with me. Okay, all those in favor? Opposed? Abstentions? **1381 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution Number 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)**

**LEG. D'AMARO:**  
Madam Chair, this parcel received, I believe, a seven rating. I'm going to offer a motion to table once again.

**CHAIRWOMAN HAHN:**  
I will second that motion to table. Any discussion? All those in favor? Opposed? Abstentions? **1396 is tabled. (VOTE: 5-0-0-0)**

**Introductory Resolution 1403, Approving planning steps for the acquisition of Farmland Development Rights - February 2012. (Co. Exec.)**

**LEG. D'AMARO:**  
Motion to table.

**LEG. GREGORY:**  
Second.

**CHAIRWOMAN HAHN:**  
There's a motion to table by Legislator D'Amaro and a second by Legislator Gregory.

**LEG. D'AMARO:**  
On the motion.

**CHAIRWOMAN HAHN:**  
On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**  
Just to Director Lansdale, I believe at the last Committee meeting, we were discussing whether these could be broken out into separate resolutions. Is there any -- anything further to report on that request?

**DIRECTOR LANSDALE:**

Yes. At the request of this Committee, we have independently submitted all of the resolutions on May 15th.

**LEG. D'AMARO:**

Oh, so they were --

**CHAIRWOMAN HAHN:**

They'll be laid on the table.

**LEG. ROMAINE:**

Submitted the resolutions to whom?

**DIRECTOR LANSDALE:**

To the County Executive's team.

**LEG. ROMAINE:**

How long is that going to take to get through the process?

**MR. ZWIRN:**

It has to go through Budget. They -- I don't know why --

**LEG. ROMAINE:**

Well, I'll make it simple.

**MR. ZWIRN:**

They've been working on it. The Budget Office has been working around the clock trying to come up with all sorts of things with layoff lists and transfers.

**LEG. ROMAINE:**

I'm sure they're not finished by any stretch of the imagination?

**MR. ZWIRN:**

No, but I think that's part of the problem, is that they -- they haven't done the analysis -- even though the analysis was done on all of them, now they have to break it down individually, but it should be coming shortly.

**LEG. ROMAINE:**

Can I make an offer to help the Budget Office?

**MR. ZWIRN:**

Certainly.

**LEG. ROMAINE:**

I will ask the Clerk to submit all nine resolutions on my behalf. Okay? So that will -- they'll be laid on the table on June 5th and before us at our next meeting. And we will lay all nine on the table. They don't have to go through the County Executive. I make a personal request to lay each of these on the table. I'll be the sponsor. Would that solve the problem; relieve the Budget Office?

**MR. ZWIRN:**

I don't think that that will solve the problem. I think it's being done, so what you can -- the work that has been done would be --

**LEG. ROMAINE:**

I'll tell you what: If they get it in on time, I'll withdraw all of mine. And that way they can consider it as if -- from the County Executive. Otherwise, I'm going to request the Clerk, these resolutions have already been drafted as one. If you break them up and submit them as nine separate resolutions under my name, I certainly would appreciate that. And I'm sure they can be laid on the table in time.

**CHAIRWOMAN HAHN:**

Okay. Director Lansdale, this is an important -- there have been some important questions that have been raised about cutouts through these -- this particular resolution. I'm just wondering if, you know, there's been any discussion at the Farmland Committee about this? Has there been any additional, you know, proposing of solutions that -- or some new way we could proceed that could help us overcome the concerns that Legislator D'Amaro and some of the other Legislators have about this? Because I don't want to see future farmland properties held up. And I'm hoping that, you know -- I think we all understand the reasonings for the cutouts because of how restrictive the PDR process is. And we hope we can get through this. So, I'm just wondering if anything has come up with the Farmland Committee recently?

**DIRECTOR LANSDALE:**

Sure. And thank you for participating in discussion about the Chapter 8 update. There's a couple of key things moving forward. There's an effort to update Chapter 8, which is the Code that administers the Purchase of Development Rights Programs. There's an effort to streamline the permitting process and make it more farmer-friendly. So, there's been two meetings held so far to update Chapter 8. And I would anticipate that the farm cutouts would be a discussion item in the future.

There's also -- the Legislature passed a resolution, a CN, to allow the Department of Economic Development and Planning to submit a grant application to the New York State Department of Agriculture and Markets to update the 1996 Farmland Protection Plan in that process. We are going to look at the cutout issue there as well.

In addition, the Farmland Committee met earlier this week on May 22nd where there was a Request For Information on the status of the Farmland Preservation Priority List that was approved by them earlier this year in January. So they just wanted to know what the status of that was. And through the discussion, it was brought up that there was some issues or some discussion at this level about cutouts. And the Farmland Committee passed a resolution to reaffirm the Farmland Committee's longstanding thirty-year policy on cutouts, so of -- parts of -- the cutouts of parcels being acquired through the County's Farmland Protection Program. Does that answer your question?

**LEG. D'AMARO:**

Madam Chair, can I --

**CHAIRWOMAN HAHN:**

Oh, Legislator D'Amaro.

**LEG. D'AMARO:**

I just want to explore that a little bit more. I appreciate you addressing the issue of the cutouts. It is something that I'm concerned about, not only with this resolution 1403, which is going to involve probably ten or twelve, somewhere around there, parcels that we've looked at preliminarily and have some cutouts on them. But when you say that the Farmland Committee has stated its policy, what you're really saying is there is no policy, I believe. The Farmland Committee, you're telling me, despite the size, shape, whether or not a farm has a cutout that needs to support it, they're not interested in ever affecting in anyway the cutout portion of a TDR parcel?

**DIRECTOR LANSDALE:**

I'm not saying that. I'm saying that they're open to -- there is just --

**LEG. D'AMARO:**

Well, can you read the resolution?

**DIRECTOR LANSDALE:**

Sure.

**LEG. D'AMARO:**

The operative part of the resolution.

**DIRECTOR LANSDALE:**

Yes. In the First Resolve Clause, it says that the Committee hereby reaffirms the County's Farmland Committee's longstanding policy of no restrictions on cutouts of parcels being --

**LEG. D'AMARO:**

So, they're making a blanket policy statement without even reviewing it on a case-by-case basis, parcel-by-parcel basis where the preservation of that cutout may actually enhance and promote farming. This is our own Farmland Committee that took it upon themselves to do this. I wasn't invited to the meeting. Was this matter even on the agenda? Did anyone know about it? Who was involved in the debate?

**DIRECTOR LANSDALE:**

It wasn't a formal part of the agenda, no.

**LEG. D'AMARO:**

So, it was just brought up. It was just brought up. You know, we recently had a debate at this horseshoe involving one particular parcel and the cutout. And that promoted this issue. But I don't really -- I see this as the Farmland Committee being irresponsible, frankly. I mean, we're talking about a major policy consideration for a massive program in this County that is spending hundreds of millions of dollars of taxpayer money to promote farming. And our own Farmland Committee has just made a blanket policy that they will never consider whether or not a cutout parcel should promote the farming purpose where we're spending that taxpayer money. That's irresponsible. And I intend to hold that Farmland Committee completely accountable for taking that irresponsible position.

**LEG. ROMAINE:**

Madam Chair Lady, if I may?

**CHAIRWOMAN HAHN:**

Legislator D'Amaro, are you done?

**LEG. D'AMARO:**

Yes.

**CHAIRWOMAN HAHN:**

Legislator Romaine.

**LEG. ROMAINE:**

From the other side of the world, obviously I have a different point of view having worked with farmers and having most of the farms in Suffolk County in my District. To transfer -- when we purchase a development rights, the County comes in and buys the farm -- in the beginning, actually, we bought everything. In the early days. That's why, what I would encourage you to do, and I

need you to give me a call when this is done, is go and pull all the files from all the years that this County has been in existence. We started the purchase of development rights in 1975 with County Executive Klein. And take a look, because -- someone said, "why are you buying everything? You're buying their house, you're buying their barn. You can't do that. That's not, you know, their house has nothing to do farming, their garage has nothing to do with farming."

So, what happened is, then we would only buy that farm and cut out the residential section or where the barn was, where any structures were, and that would be disallowed. And then we slowly but surely put in strong restrictions of what you could do with preserved farmland. You can't build a farm stand on preserved farmland. You can't build a barn unless you seek permission from the Farmland Committee. So, that's why the County eventually adopted -- Mr. D'Amaro wasn't here in the '80's, but I was -- where we adopted a policy of cutouts to ensure that we only bought the land where farming was done. We didn't buy the land where anything else was done. And because we made such strict provisions, we did not include the house or the garage or the barn or anything else. And most farmers who have a 100-acre farm would carve out two, three, four acres to ensure that they could do other activities on that land that would not have to pass before the review of the Farmland Committee.

So, this has evolved. This has been the County policy. Legislator D'Amaro obviously doesn't think it should be County policy. That's fine. Let's have a debate. But to claim that it was never the County policy is not so. And certainly the records of this County will support that fact, that there was a lot of debate and we came to the policy and it became our policy to do cutouts over the years. You want to change the policy, that's fine. That's why we have Legislators and elect different ones different years. And we have votes and we change policy. But up until this time, that has been more or less the policy.

Tell me a little bit, Planning Director, about our Farmland Committee. Who are these people? Just so everyone knows.

**DIRECTOR LANSDALE:**

I don't have the specific biographies on each member but --

**LEG. ROMAINE:**

I understand, but how do they get there? They don't drop out of the sky? How do you get appointed to a Farmland Committee?

**DIRECTOR LANSDALE:**

I don't know the specific answer of that. I can tell you that they are represented by -- they represent different Towns. And --

**LEG. ROMAINE:**

Is there a representative from each Town on the Farmland Committee?

**DIRECTOR LANSDALE:**

Yes.

**LEG. ROMAINE:**

Including Huntington?

**DIRECTOR LANSDALE:**

Yes.

**LEG. ROMAINE:**

Okay. There's a representative from each of the ten Towns. And you have no idea -- Ben, do you

have any idea how they get there?

**MR. ZWIRN:**

I don't know.

**LEG. ROMAINE:**

I believe they are appointed by the Legislature.

**DIRECTOR LANSDALE:**

I can look into that. Hold on. I have Chapter 8 in front of me.

**LEG. ROMAINE:**

Why don't you take a second and find out how we get these people here.

**LEG. D'AMARO:**

I have the operative provision in front of me.

**LEG. ROMAINE:**

Okay.

**LEG. D'AMARO:**

If you'd like it.

**LEG. ROMAINE:**

Yeah.

**LEG. D'AMARO:**

What did you believe? I'm sorry.

**LEG. ROMAINE:**

No, I didn't believe anything because I don't know --

**LEG. D'AMARO:**

Oh, I thought you said you believe they were appointed by the Legislature.

**LEG. ROMAINE:**

In absence of any other knowledge, I don't know how they're appointed. That's why I'm asking the question.

**LEG. D'AMARO:**

Oh, I thought you said they were appointed by the Legislature.

**DIRECTOR LANSDALE:**

I have the --

**LEG. D'AMARO:**

All right. It says the Committee shall consist of 19 members, nine of whom shall be appointed by the Suffolk County Executive with the approval of the Suffolk County Legislature and shall serve at the pleasure of the Suffolk County Executive; and ten of whom shall be designated one from each Town within the County and shall serve at the pleasure of the respective Town Boards. So, they serve at the pleasure of the County Executive and the respective Town Boards.

**LEG. ROMAINE:**

There's an excellent point of view. I don't believe there's anything that would prohibit, by the way,

the Farmland Committee from adopting resolutions of that Committee and forwarding them to the Legislature to let us know their opinions. But if you disagree with the current resolution, you certainly can lobby our current County Executive to replace members of the Farmland Committee, which is your privilege. I'm not going to lobby to replace anyone because --

**LEG. D'AMARO:**

Well, I don't want to replace anybody. I wanted at least to have an opportunity to participate in the debate before they make that type of policy pronouncement, Legislator Romaine, which was not on the agenda. I mean, how are we operating? If this Legislature acted like that, it would be deemed inappropriate, and maybe even illegal.

**LEG. ROMAINE:**

You cut me off, but that's okay.

**CHAIRWOMAN HAHN:**

Through the Chair.

**LEG. ROMAINE:**

I understand your desire to discuss this topic. What I would say is, I'm sure Miss Lansdale can give you the date of the next Farmland Committee and you can certainly get in your car and go out and attend that Committee, I'm sure they would welcome you.

**CHAIRWOMAN HAHN:**

And I also think, Legislator Romaine, if you don't mind, I know that we're working on changes to Chapter 8. And there are considerations for loosening or a little more flexibility with -- on PDR properties. And you're right, this program has evolved over the years. I believe what the intention of Legislator D'Amato is, you know, to really -- to help improve farming so that, you know, I don't know if maybe in the end, we'll have a second tier whereby we spend a little more money on the cutout property and we buy -- we take away the right for development that's unrelated to farming, but we leave the right for things like farm stands and processing plants and parking for farm stands, etcetera, all the kinds of things that can't happen now.

But over the years, Legislator Romaine, even, you know, the eight, nine, however many years I've been here, I have seen a four-acre cutout on a hundred acres. But one here is a 3.9 acre exclusion on a 13.9 acre total, which is -- that's unusual.

So, there certainly has been an evolution. And I think these are important questions. And I think we do have to have a discussion and figuring out where the proper place for that is and making part of it be part of the Chapter 8 changes that are coming and part of it be part of the negotiations with the landowner asking, you know, can we have covenants on these pieces that are excluded so that they really do forever support the farming that's happening on the property we are preserving.

We do want to make sure that forevermore in perpetuity, these acres are farmed. And if -- if the excluded areas are one day many years from now sold off and built upon and can't support the farming purposes, then, we haven't done all we can to protect the farming industry. So, I do believe there is legitimate intent here. There's legitimate issues here. And I do believe there are solutions that we can come to that can really actually move us in a positive direction.

**LEG. D'AMARO:**

And, Madam Chair, if I may --

**LEG. ROMAINE:**

Since you cut me off, can I finish?

**LEG. D'AMARO:**

Go ahead.

**LEG. ROMAINE:**

And then I'll finish and I'll --

**CHAIRWOMAN HAHN:**

Legislator Romaine; then Legislator D'Amaro.

**LEG. ROMAINE:**

-- right, I'll relinquish. I would simply say dealing with farmers for a longtime, you can pass whatever program you want to pass, you can have any intent you want to have. But if you don't entice farmers, they will not participate in this program. If you are going to start to restrict their abilities on lands that you don't purchase, or if you're going to -- I would have a problem with the financial impact of trying to control land that we don't own and have to pay for land we don't own, but, I mean, you can set up any policy you want. I'm in the minority. I'm not going to be able to pass a lot of legislation. The majority will. But I will tell you now that farmers will not participate in this. This is not -- this is something that you should think about. And I would encourage, Legislator D'Amaro, and yourself to attend the next Farmland Committee. If you want, I'll be happy to attend.

**LEG. D'AMARO:**

I would like to have attended when this policy was actually discussed there, but it wasn't on the agenda and no one knew that was going to happen.

**LEG. ROMAINE:**

A lot of times they have informal discussions.

**LEG. D'AMARO:**

That pass resolutions?

**LEG. ROMAINE:**

This is an advisory committee.

**LEG. D'AMARO:**

That wind up in a formal policymaking resolution that has far reaching implications for a multi-million dollar taxpayer funded program? I don't think so.

**CHAIRWOMAN HAHN:**

Let's not argue across the horseshoe.

**LEG. ROMAINE:**

I didn't try to interrupt too many people. I'd just like to finish and say I hear your concerns and I would simply tell you a resolution that reaffirms what has been the policy of this County is not a departure, but a restatement of what the current policy is. You may disagree with it, you may not like it, you may wish to change it. But the farmers here are saying when they heard about the debate over the cutouts, they're saying, "what is this? This hasn't been the policy of the County. And we're going to reaffirm what we understand is the current policy of this County."

Now, if you want to change that, be my guest, draft legislation. But I will tell you that what you may find is that the farmers may not participate. And that's a legitimate policy debate that you would be drafting legislation that would kill farmland preservation. And I think that would have implications even on the West End because there are people throughout this County that want to see agriculture thrive and farmland preserved. Thank you, Madam Chair.

**CHAIRWOMAN HAHN:**

Thank you, Legislator Romaine. And I just want to remind you that we are talking about a purchase of development rights whereby we are telling people on land we don't own, because we don't own the underlying property, we own the development rights, what they can do with that land. So, Legislator D'Amaro.

**LEG. D'AMARO:**

You know, I need to respond to some of that. And I appreciate Legislator Romaine and your opinion that this would kill the Farmland Development Program, or hinder it or impede it. But shouldn't there have been an examination of how these cutouts are affecting the program before the Farmland Committee made the vote? How do they know if these cutouts are not, in fact, impeding the program itself. Number one.

Second of all, the fact that the County used to purchase all of the property shows exactly my point: That you need to have the support services in order to have a farm.

Number three: Would farmers be discouraged if we tell them, "you know what, when we buy your 50 acres for \$10 million, the other four acres you can live on it, you can do other activities related to farming, you can have your tractors there, you can do everything you need to do to support that farm because that's what this program's about," You think they're going to walk away from that? They're farmers. That's what they do. How far could you have an objection as a farmer to having the support parcel for your own farm? Unless your intention is otherwise and not to continue the farming use.

So, what I'm trying to do here is support a Farmland Preservation Program and enhance that program to ensure that when this County spends this kind of money on preserving farms, that we're going to take the best shot at the negotiating table to ensure that the out parcel or the cutout parcel is going to support that farming use. That is common sense. And I take real objection to the Farmland Committee hearing about a debate, hearing about a debate -- from whom? Not from me. Maybe the people who oppose the 1980's and the 1970's policy. My job is to question those policies. I don't live in 1974. I don't live in 1980, Legislator Romaine, when you were here. I'm living in 2012, when I'm handing out hundreds of millions of taxpayer dollars to preserve farms and taking the best portion of that parcel and letting the farmer sell it to somebody else and walk away from that farm. Yeah, I have a big problem with that.

And for this Committee to hear about this debate, not participate in it, not be invited, not to hear all sides, and then to pass a resolution declaring this 1974 policy, the only policy that needs to be considered, is outrageous. And I question any committee that operates like that, any committee without notice, without it being on the agenda, without the public being aware that a policy pronouncement, a formal pronouncement is about to be made. I got a big problem with that.

**LEG. ROMAINE:**

First of all, the policy --

**CHAIRWOMAN HAHN:**

Legislator Romaine.

**LEG. ROMAINE:**

-- in '74. Yes, if I may. The policy in '74 was to buy everything. And then they realized that was a mistake and it changed. Okay? What I would suggest you do is direct Miss Lansdale to get you all the policy documents about cutouts that exist in the files from the Planning Department and you can review them.

Secondly, I just want to clear up the misapprehension this wasn't on the agenda. Chapter 8 was

listed on the agenda of the Farmland Committee, that was sent to every Legislator. Part of Chapter 8 is your discussion at our last committee meeting about cutouts. And that's one of the things that the people who met, and I think you were at that meeting, Miss Hahn, that one of the discussions at that meeting was cutouts. So, when Chapter 8 was listed on the agenda, that was one of the things that was discussed.

**LEG. D'AMARO:**

The resolution was not listed, Legislator Romaine. This Legislature cannot vote on a resolution unless it's on our agenda. And there's a procedure to get it on the agenda. I don't care if Chapter 8 was on that agenda. The resolution wasn't listed.

**LEG. ROMAINE:**

I would ask you, please, not to interrupt me. I'm just going to finish quickly.

**CHAIRWOMAN HAHN:**

Please, let's finish.

**LEG. ROMAINE:**

I'm just going to say this. Obviously you seem to have a problem with the actions of the Farmland Committee. I get it. Ben Zwirn is a representative of our County Executive. They're all appointed by the County Executive. Let's see if this County Executive shares your concerns. And if he does, these members will be replaced with maybe the people that have your philosophy in mind. And if he doesn't, I think that's a very clear message. Thank you.

**LEG. D'AMARO:**

I think that's completely irrelevant to this debate, Legislator Romaine. I mean, it's just completely irrelevant. It doesn't hinder me in any way shape or form, any kind of veiled threat about replacing members of a Committee.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

Yes, thank you Madam Chair. And, Legislator D'Amaro touched on a little bit of what I wanted to mention, and that was, has there ever been a survey or an assessment of one of those cutouts? Are they continued to -- what are the uses that are being employed today? And of the Farmland Preservation Program, how many -- what percentage of farms have gone fallow? And also, just a third point, how many farms are utilizing, you know, water quality friendly practices, you know, are they -- you know, pesticide management, you know, practices that are, you know, that address the water quality concerns that we all have.

**DIRECTOR LANSDALE:**

There has been no survey to my knowledge of how many farms have -- of the 10,000 acres that the County currently has, where we've purchased the development rights. But we can look back and do that research if this Committee wants us to do that. We'd be more than happy to look at that. In terms of the ongoing agriculture practices, the Real Estate Division is tasked every year with looking at the parcels that we have acquired and verifying that agricultural production does, in fact, continue to occur on that. And if you'd like, I can look into that more and report back on that. And in terms of the farms -- the number of farms utilizing, you know, Best Management Practices with regards to water quality, I don't have that answer right now with me, but I can look into that and see.

**LEG. GREGORY:**

Okay. Thank you.

**CHAIRWOMAN HAHN:**

Thank you. That would be useful to come back with that. I think we're also going to have someone on the agenda next -- at the next meeting to talk about pesticide management, etcetera, so that'll work right in.

Legislator Romaine, I am going to acknowledge you but you're promising me one quick question.

**LEG. ROMAINE:**

Only one question. Sarah, does the Planning Department work with farmers to establish where the cutouts should be? Do you work with every farmer to establish where the cutouts should be before the resolution is brought to this body?

**DIRECTOR LANSDALE:**

Yes.

**LEG. ROMAINE:**

Yes, you do. Thank you. So, everyone should know that the farmers don't make that decision. Let me just clarify that. Farmers do not make that decision independently. They work with the Planning Department to determine if there should be cutouts and where those cutouts should be; is that correct?

**DIRECTOR LANSDALE:**

Yes. Along with the Farmland Committee, yes.

**LEG. D'AMARO:**

I'd like to ask one question, also.

**CHAIRWOMAN HAHN:**

Okay, one question from Legislator D'Amaro.

**LEG. D'AMARO:**

I have a question because --

**CHAIRWOMAN HAHN:**

We do have a motion and a second, correct, Madam Clerk?

**LEG. D'AMARO:**

Director Lansdale, when you work with the farmers on the cutouts, does the County ever ask or inquire about a covenant or restriction that would tie the cutout parcel to the farming use to support the TDR property?

**DIRECTOR LANSDALE:**

I don't have a definitive answer. But I will guess that we do not right now.

**LEG. D'AMARO:**

So, there's no -- that's not a consideration as far as you know right now. We don't know whether farmers would agree, disagree, what the input would be, their response. In your experience that's not being done?

**DIRECTOR LANSDALE:**

Yes, that's right.

**LEG. D'AMARO:**

Okay. That is the intent of what I am trying to do. Okay. Thank you.

**CHAIRWOMAN HAHN:**

Thank you. We have a motion to table and a second to the motion to table. All those in favor? Opposed?

**LEG. ROMAINE:**

I am opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **1403 is tabled. (VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED)**

### **INTRODUCTORY RESOLUTIONS**

Onto the new resolutions, **Introductory Resolution 1481, Amending Resolution No. 1027-2006, accepting and appropriating 80.1% State grant funds from the New York State Department of Environmental Conservation to the Suffolk County Department of Health Services for the support of the Peconic Bay Estuary Program. (Co. Exec.)** I'll make a motion.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN HAHN:**

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

**LEG. ROMAINE:**

List me as a co-sponsor. Thank you.

**CHAIRWOMAN HAHN:**

**IR 1481 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution Number 1490, 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) (Schneiderman)** This was the one that we also wanted someone from the Parks Department present to discuss. Can you -- yes, this map, I believe, it's at the end of the maps that were e-mailed to you, page sixteen of seventeen of the PDF.

**LEG. D'AMARO:**

Okay, thank you; I have that.

**CHAIRWOMAN HAHN:**

Do we have a motion anybody? There's no motion yet.

**LEG. D'AMARO:**

I'm going to offer a motion to approve. And I'll explain that if you get a second.

**CHAIRWOMAN HAHN:**

Okay. Do we have a second?

**LEG. ROMAINE:**

I'll second it.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Romaine.

**LEG. D'AMARO:**

If I may on the motion?

**CHAIRWOMAN HAHN:**

Of course.

**LEG. D'AMARO:**

I know that this is a re-file. When we originally looked at this, we figured there's no sense in buying property that's surrounded. But since then I believe there is some form of access to this property, number one. And the Planning Department makes the argument about having continuity to take care of the property, protect the property. But the real question in my mind is in order to purchase that continuity, what possibly could be the value of this property? And we're paying -- what's the purchase price on this?

**CHAIRWOMAN HAHN:**

400,000 for point 78 acres.

**LEG. D'AMARO:**

Wow? (Laughter)

**CHAIRWOMAN HAHN:**

Director Lansdale, does the Department have recommendations on this property? I know we've heard it before.

**DIRECTOR LANSDALE:**

Yes, we have previously provided a rating. The property is point 75 acres surrounded by Lake Montauk County Greenbelt. The County currently owns 116 acres in the Lake Montauk County Greenbelt, which is contiguous to this property. It's included in Master List III. And there is a rating form. Would you like me to distribute that now to the members?

**CHAIRWOMAN HAHN:**

Just if you could give us a number -- the score for this, you know, this area here, that would be useful.

**DIRECTOR LANSDALE:**

Sure. There were two ways that we looked at this.

**MR. ZWIRN:**

Do you want me to hand this out?

**DIRECTOR LANSDALE:**

Sure.

**MR. ZWIRN:**

That's my job.

**DIRECTOR LANSDALE:**

There were two ways that we looked at this. We looked at this on its individual merits. And then -- and we did a rating on that. And then we looked at it as part of a larger assemblage, which we've done in the past with other properties. So, if we looked at this site individually, as a separate parcel, not connected to anything else, we assessed the property and gave it 25 points.

If we looked at it as part of a larger 116 acre assemblage of properties, as we've done in other parcels in the recent past, the assemblage received a rating of 47 points. And I can pass out -- there's two different rating forms. I'm not sure which one you've just received. The 47 one. Here's the one that's just looking at the property on its own merits. And, again, this is just a tool to help guide your decisions. It's not a -- just so that you can make an informed decision either way. It's an advisory opinion.

**LEG. D'AMARO:**

So it goes on a Master List, Director Lansdale?

**DIRECTOR LANSDALE:**

Yes, Master List III.

**LEG. D'AMARO:**

It goes on a Master List. And because we -- the County looking at the tax map, we own everything surrounding this.

**DIRECTOR LANSDALE:**

We do.

**LEG. D'AMARO:**

You get a much higher rating when you do the collective review of the property.

**DIRECTOR LANSDALE:**

Yes.

**CHAIRWOMAN HAHN:**

Anyone else? There's a motion to approve and a second. Legislator Anker.

**LEG. ANKER:**

Has this been recently appraised?

**DIRECTOR LANSDALE:**

I would imagine so if this -- but I can double check when the appraisal occurred. I'm not --

**MR. ZWIRN:**

The appraisal is current. I mean it's -- we do an appraisal -- sometimes with the real estate market, it would change. And there are some properties like Boys Harbor out in East Hampton that we had appraised would have been different -- by the time the purchase was made, it would have been less. But the appraisal was the one that the owner was given at the time and this still would be in effect at this time.

**LEG. ANKER:**

Do you know what year that was?

**DIRECTOR LANSDALE:**

I don't have that information with me.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

And I do recall, too, maybe I'm wrong, but with the recent brush fires, there was some mention that if this lot were to be developed in the middle of the park, that that would be a concern as well, so.

**DIRECTOR LANSDALE:**

Yes, that was raised at a previous committee meeting, that if --

**CHAIRWOMAN HAHN:**

And that's why I invited the Parks Department to talk about this one. I wanted to -- you know, it is a lot of money. And I wanted to really hear it from them, the facts about, you know, fire, you know, brush fire prevention and one little lot in the middle and how -- you know, burns, and are they really going to do burns? And I wanted us to really think about this if we're going to spend this kind of money. That's why I invited the Parks Department to come and talk about it. I'm going to make a motion to table. Do we have a second?

**LEG. D'AMARO:**

Well, I'll withdraw my motion to approve and second the tabling motion.

**CHAIRWOMAN HAHN:**

Okay. So now we have a motion to table and a second. Can we move forward on that? All those in favor? Opposed?

**LEG. ROMAINE:**

Opposed.

**CHAIRWOMAN HAHN:**

Abstentions? **1490 is tabled. (VOTE: 4-1-0-0. LEG. ROMAINE OPPOSED)** Legislator Anker?

**LEG. ANKER:**

Sarah, will we be able to get the information, the appraisal maybe the next time around?

**DIRECTOR LANSDALE:**

Yes, definitely.

**LEG. ANKER:**

Okay, thank you.

**CHAIRWOMAN HAHN:**

**Introductory Resolution 1493, Amending the Adopted 2012 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2012 Capital Budget and Program, and appropriating funds in connection with the Islip Regional Shellfish Hatchery (Capital Project 7180) (Co. Exec.)**

**LEG. GREGORY:**

Make a motion to table.

**CHAIRWOMAN HAHN:**

Motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator D'Amaro. All those in favor? I'm sorry, on the motion.

**LEG. GREGORY:**

My motion to table is because it's my understanding that the Town of Islip's supposed to commit a

50 percent match. And I wanted to know if all the publicized -- recently publicized cuts in the Town of Islip, are they still willing partners?

**CHAIRWOMAN HAHN:**

Frank, thank you.

**MR. CASTELLI:**

Hi, Frank Castelli. The Town of Islip has committed by Town Resolution to provide 50 percent of the costs. This project was approved by the Water Quality Committee back in June of 2011 -- was recommended by the Water Quality Committee. In fact, it was part of a much larger project. This was -- the Water Quality Committee agreed to fund Phase I of this project. And the -- like I said before, the Town has committed to 50 percent cost share on it. And they will also commit to enter into an inter-municipal agreement with the County for this project.

**LEG. GREGORY:**

Madam Chair.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

You said the County has -- the Water Quality Committee has committed to financing Phase I?

**MR. CASTELLI:**

Yes, yes. The total -- the application as it was presented to the Committee last year was for funding of about \$1.7 million. And due to the lack of sufficient funding to fund a project of that magnitude, the Committee decided that they would approve or recommend funding for Phase I. This resolution, as it stands, is just for the planning, the design of a new hatchery. And that's in the amount of 125,000 -- no, I'm sorry -- excuse me -- it's 150,000 for the first Phase, which is a planning of the new Shellfish Hatchery.

**LEG. GREGORY:**

Okay, my next question is how many phases -- how many planning phases are there and when does the Islip -- the Town of Islip's portion fund share kick in? And have we recently spoken to them and reaffirmed their commitment?

**MR. CASTELLI:**

Yes. The Town of Islip is committed to a full 50/50 cost share for this first Phase. And I've spoken to them recently. In fact, I have -- there are people here today from the Town that specifically came down to speak to this project.

**LEG. GREGORY:**

Okay. So, I misunderstood you. I thought we were paying complete costs for the Phase I but that's a 50/50 split?

**MR. CASTELLI:**

Yes, it's a 50/50. This type of project, since it's not currently a County project, requires a 50/50 cost share on every aspect, every phase. So, the Town has committed to at least 50 percent of the planning phase.

**LEG. GREGORY:**

All right. Thank you.

**LEG. ROMAINE:**

Motion.

**CHAIRWOMAN HAHN:**

Motion to approve by Legislator Romaine. And --

**LEG. GREGORY:**

I'll withdraw my tabling motion.

**CHAIRWOMAN HAHN:**

And the withdrawal of the tabling motion by Legislator Gregory. And I'm going to second the motion to approve. And then Legislator D'Amaro, if you can just -- I just had one question for Frank. And if the Town of Islip's representatives would like to come forward and reiterate their support, that would be wonderful. But this is using 477 dollars? And, Ben, you may need to jump in here as well. But I know we've committed and worked hard with -- in a refreshing way we've worked with the County Executive to come up with, you know, behind the scenes, taking recommendations from Legislators, he's negotiated with Legislators and compromised and found a way -- found a solution without our -- you know, without -- this is refreshing, the way that we can find solutions nowadays, so.

However, the 477 dollars will be used for that. Now, I believe we were told that all previously approved projects through the 477 Committee, Water Quality Committee would still have their funding, but I just want to hear from you that us moving forward on this project wouldn't in any way endanger the well drillers and the other water quality positions that we are hoping to fund with 477.

**MR. ZWIRN:**

Thank you, Madam Chairwoman. That's a good question. And there were changes made to accommodate a number of those positions that were Water Quality positions. And the Legislature and yourself had a lot of input into doing that. In the past it has been the position of the Legislature not to use 477 money or Hotel/Motel Tax money to fund positions as to -- they'd rather see them used for brick and mortar projects because of the economic hardships and the hardships on the Department and hardships on individuals.

Every effort was made to try to find money in recurring revenue areas that was not on the General Fund property tax base. And that was the case. And the Legislature weighed in and said that we would support that -- that you ladies and gentlemen would support a transfer of those positions into 477.

There was a fund balance in the 477 account, which we -- can be used over the next several years to do the projects, if there is a shortage in revenue otherwise. And that's -- we will use that. So, this project, there is funding for this project and others going forward so you can get those positions restored and also move forward on a project such as this.

**CHAIRWOMAN HAHN:**

Thank you, Ben. Legislator D'Amaro, you had a question?

**LEG. D'AMARO:**

Yes, thank you Madam Chair. I had a few other questions. This is an existing Capital Project indicated in my notes here, Capital Project 7180. And I would just like to know a little bit more about that project. What's the total funding? Why are we doing a Capital Budget amendment to move another \$150,000 into that Capital Project? Was it not sufficiently funded? And if not, why not?

I don't have objection to using the 477 funding. I think it's appropriate. And I don't really

necessarily object to the project itself; although, I would like to know a little bit more about it. But I'm just curious from a budgetary standpoint why this Capital Project 7180 does not have the funding in it now in order to -- in order to go forward with the planning.

Was this a decision that was made by the Legislature in enacting the Capital Budget to not fund this going forward? And here we are, you know, into the year now halfway almost and we're injecting another \$150,000 into the Capital Project. So why was there not sufficient funding in the project?

**MR. CASTELLI:**

Well, this -- the Capital Project's fund that the money is going into is really what they call Pseudo Capital Project Code. It's -- the 477 funding is placed -- transferred from the fund 477 in the operating funds to a Pseudo Capital Project's Code. As far as I know, there was no 7180 for this -- there was none -- no Capital Project money for this project. This is just the --

**LEG. D'AMARO:**

So how is the County funding the project, our 50 percent?

**MR. CASTELLI:**

Our 50 percent comes out of the Quarter Percent 477 funds.

**LEG. D'AMARO:**

But wouldn't it have to be a Capital Project? What's our mechanism to fund? I'm confused.

**MR. ZWIRN:**

Legislator D'Amaro, I believe it had a Capital Project number, but it was zero funded because the money was always anticipated to be coming from the 477 in the event that it was approved by the Water Quality Review Committee. So, that's why there's a transfer into the Capital Budget to pay for it.

**LEG. D'AMARO:**

Okay. So, this is not something that came to a cost overrun or where a policy decision was made not to fund the project; it's just the mechanism of how we fund it that I'm hitting up against.

**MR. ZWIRN:**

Yes.

**MR. CASTELLI:**

That's correct.

**LEG. D'AMARO:**

Okay, no more questions. That's fine. Thank you.

**CHAIRWOMAN HAHN:**

Any other discussion? Okay, now we have a motion to approve and a second. All those in favor? Opposed? Abstentions? **IR 1493 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 1500, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the Mallins and estate of Entenmann property - Beaverdam Creek - Town of Brookhaven (SCTM No. 0200-974.00-02.00-011.000) (Co. Exec.)** I'll make a motion to approve.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Gregory. Director Lansdale.

**DIRECTOR LANSDALE:**

So, the property is outlined in red on the map. It's in the lower left-corner of the page. This is part of a larger assemblage of properties known as the Beaver Dam Creek County Wetlands. Property is 8.3 acres in size. There are no structures on the site. The County currently owns 225 acres in the Beaver Dam Creek County Wetlands. This is one of the last remaining parcels identified for acquisition in this area. So, the rating for this is 39 points. The site was rated as part of an assemblage of properties totally 105 acres specifically in the Beaver Dam Creek Watershed.

**CHAIRWOMAN HAHN:**

Can you tell -- I mean, was this mined previously? What is that? It looks like most of the property is cleared.

**DIRECTOR LANSDALE:**

So a large portion of the property was cleared prior to 2006. However, there's been a successional old field habitat now; exists on most of the site. And it's bordered by pine oak woodlands. The 1957 through 1969 aerials reveal that the property consisted of a farmland. It was then allowed to go fallow and woodland vegetation occupied the entire parcel.

**CHAIRWOMAN HAHN:**

Do you know what's adjacent to it on the eastern side, that triangle lot that's not part of this purchase?

**DIRECTOR LANSDALE:**

My records don't have that information. I can certainly provide that to you in the future.

**CHAIRWOMAN HAHN:**

I'm just curious. Anyone else have any questions? And the Department is recommending the addition?

**DIRECTOR LANSDALE:**

Yes.

**CHAIRWOMAN HAHN:**

Excellent. So, we have a motion and a second to approve. All those in favor? Opposed? Abstentions? **IR 1500 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 1516, Amending the Adopted 2012 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2012 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to Watchogue Creek (Capital Project 8240) (Co. Exec.)**

**LEG. D'AMARO:**

Now that I understand it, motion.

**CHAIRWOMAN HAHN:**

There is a motion to approve and I will second.

**LEG. GREGORY:**

I have a question.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

I just had the same question, I guess, with the previous Islip project. Are they still committed? If we have someone that could speak to it? Is Islip still committed to their 50 percent share?

**CHAIRWOMAN HAHN:**

Frank.

**MR. CASTELLI:**

Yes, they are. And, in fact, someone is here today to --

**CHAIRWOMAN HAHN:**

Would you like -- we didn't bring them up before. I'm sorry about that. Would you like the Islip representatives to step forward and state that commitment for us?

**LEG. GREGORY:**

Sure. As long as you guys have done your due diligence and there is a commitment. I mean --

**MR. CASTELLI:**

Definitely, yes. The Town of Islip passed through a resolution of the Town Board to commit to a 50 percent cost share on this project. Like I said, I've spoken to them recently. In fact, there is someone here today to voice that commitment.

**LEG. GREGORY:**

Okay.

**CHAIRWOMAN HAHN:**

Thank you. Make sure you state your name on the record and hold your finger down on the button. Legislator D'Amaro. Okay.

**MR. MARKWAT:**

Okay, my name is Tom Markwat. I'm a Principal Planner from the Town of Islip, Planning Department. I'm here today just to reiterate the Town Board's support for this project. They have committed to fund this resolution by their own Town Board Resolution. And they are committed to providing that funding.

I just want to reiterate we are in the stages of completing Watershed Management Plan for the Gray Cove Area. And that one of the Capital Projects in this plan is this bio-retention pond in the Watchall Creek area, which will improve water quality.

**CHAIRWOMAN HAHN:**

Excellent. Thank you. Legislator D'Amaro?

**LEG. D'AMARO:**

I have something to ask after the agenda.

**CHAIRWOMAN HAHN:**

Okay, thank you very much. Okay, we have a motion to approve and a second. All those in favor? Opposed? Abstentions? **Introductory Resolution 1516 approved. (VOTE: 5-0-0-0).**

Okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Yeah, thank you. Just while we have Director Lansdale here, I just wanted to ask one more question that was on my mind about that prior debate with the cutouts. I just wanted to ask you, Director, the resolution that was passed by the Farmland Committee reaffirming the longstanding policy that we don't tie cutouts to TDR property, was that resolution prepared in advance?

**DIRECTOR LANSDALE:**

No, it was not.

**LEG. D'AMARO:**

It was not. So, it was prepared at the meeting?

**DIRECTOR LANSDALE:**

Yes, it was.

**LEG. D'AMARO:**

Okay, thank you.

**CHAIRWOMAN HAHN:**

Thank you. Is there any other business before the Committee? If none, we're adjourned. Thank you.

**THE MEETING CONCLUDED AT 3:29 PM  
{ } DENOTES SPELLED PHONETICALLY**