

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 November 26, 2012.

MEMBERS PRESENT:

Leg. Kara Hahn, Chairwoman
Leg. Lou D'Amaro, Vice Chair
Leg. Sarah S. Anker
Leg. DuWayne Gregory
Leg. Edward P. Romaine (Absent)
Presiding Officer William J. Lindsay, ex-officio member

ALSO IN ATTENDANCE:

Leg. Wayne R. Horsley, Deputy Presiding officer
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk
Robert Lipp, Deputy Director/Budget Review Office
Laura Halloran, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Karen Slater, Economic Development & Planning
Tom Ryan, Aide to Legislator Hahn
Justin Littell, Aide to Leg. D'Amaro
Rick Brand, Newsday
Thomas Vaughn, County Executive Assistant III
Paul Perillie, Aide to Leg. Gregory

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 2:02 PM

CHAIRWOMAN HAHN:

Hello everybody. Welcome to the Legislature's Environment, Planning and Agriculture Committee. If we could all rise for the salute to the flag led by Legislator Anker.

SALUTATION

Thank you. Welcome everyone. We are going to begin with Director Lansdale. Were you prepared to talk today about the --

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

Oh, great, about the funding for the different programs and what remains? Thank you.

I'm sorry, we don't have any cards; correct? Would anyone in the audience like to speak? Great. There's some comments here about the numbers getting lower and lower.

DIRECTOR LANSDALE:

Good afternoon, members of the EPA Committee and Presiding Officer and others. Pleasure to be here.

CHAIRWOMAN HAHN:

Happy Thanksgiving. I hope you had a wonderful Thanksgiving. And everyone on the Committee.

DIRECTOR LANSDALE:

Likewise. At the last Committee meeting I was asked to report back the status of the Open Space Acquisition Funds for Suffolk County. And I have here with me today Karen Slater, who is within the Department of Economic Development and Planning, who has prepared the spread sheet that's before you today and who can quickly walk through these numbers.

CHAIRWOMAN HAHN:

Does BRO have copies as well? Good.

MS. SLATER:

Good afternoon. I guess your questions are with regard to whether we had sufficient funding to meet the acquisitions that we had presented. Primarily the Pay Go Open Space Program, which is the newest program that we have that replaced the bonded, we current have nine-and-a-half million dollars in appropriations in cash. We have currently 2,087,000 in contract with 10,923,000 in accepted offers; another 15 million 728 in negotiation, which leaves you a very large red number at the bottom of 19 million 185.

If we go through with all of those offers and negotiations, that would be a realistic figure. But according to the -- our usual acceptance rate is approximately 50% of those that we reflect in negotiation. So, we are currently in the process of preparing a resolution to appropriate the remaining actual sales tax revenues in the Quarter Cent Sales Tax for the Land Acquisition Program, which is about \$17,600,000 that would cover our needs for what we have in accepted offers as well as some of the negotiation amounts if they do become accepted figures.

LEG. D'AMARO:

Just a question. So that 17 million would be in addition to the 9.5 --

MS. SLATER:
That's correct.

LEG. D'AMARO:
On the yellow line?

MS. SLATER:
Yeah.

LEG. D'AMARO:
Okay.

MS. SLATER:
Yes.

LEG. D'AMARO:
That would exhaust the account?

MS. SLATER:
In other words if there was --

LEG. D'AMARO:
No. I'm saying that would exhaust that account, then?

MS. SLATER:
That would exhaust the account for the -- through the 2011 year end --

LEG. D'AMARO:
Right.

MS. SLATER:
-- actual figures. It does not include the estimated sales tax that we have for 2012.

LEG. D'AMARO:
Right.

MS. SLATER:
Roughly \$4.5 million.

LEG. D'AMARO:
So we'll appropriate everything we have Pay Go for 2011.

MS. SLATER:
That's our intent, yes.

LEG. D'AMARO:
Okay. Go ahead, please. Thank you.

P.O. LINDSAY:
I don't know whether I understand that.

CHAIRWOMAN HAHN:
Presiding Officer Lindsay.

P.O. LINDSAY:

So we have \$9 million.

MS. SLATER:

Correct.

P.O. LINDSAY:

But between accepted offers and in contract, we have another \$13 million we don't have the funding for; is that right?

MS. SLATER:

We have -- if you take the two million off of the 9.5, that would leave us with the 7,465,000. And the ten million -- 10.9 million we would have -- we would have a shortfall about 3,457,000 to meet our accepted offers at this point. So we need an appropriation to fulfill that need. And the balance of the appropriations we're requesting will move forward to those items in negotiation that do accept our offers and follow through 'til 2013 for additional offers.

P.O. LINDSAY:

I guess I'm dense this morning. How much are we actually short if every offer is accepted?

MS. SLATER:

If everything on my report is accepted, we would need \$19,185,000.

P.O. LINDSAY:

Okay.

MS. SLATER:

That red figure on the bottom that says available for future --

P.O. LINDSAY:

Okay. And we don't have any of that. That doesn't --

MS. SLATER:

Well, we have 9.5 million in cash appropriated.

P.O. LINDSAY:

Okay. So we don't need 19 million. We need ten million; right?

MS. SLATER:

Pardon me? I'm sorry.

P.O. LINDSAY:

Does the 19 million incorporate the nine million we have now?

MS. SLATER:

Yes. If you take the nine and-a-half and you take the two million 87, that would leave us with 7 million 465 to move forward with the accepted offers, which right there is \$3,400,000 shy of our need for accepted offers. And then we would need another fifteen seven twenty eight if all of the offers in negotiation were accepted. And that's how you arrive at the 19 million shortfall. But as Sarah was saying --

LEG. D'AMARO:

Can I re-ask my question?

P.O. LINDSAY:

If it helps to clarify, that would be great.

CHAIRWOMAN HAHN:

Lou, would you like to --

LEG. D'AMARO:

All right, let me -- look at the yellow line balance of accounts, 9.5 million; correct? Right?

MS. SLATER:

Yes.

LEG. D'AMARO:

How much more do we have available this year in addition to 9.5? Is that the 17?

MS. SLATER:

Yes, sir.

LEG. D'AMARO:

All right. So if we add 9.5 plus 17 million, we have \$26 million left for 2011?

MS. SLATER:

Correct.

LEG. D'AMARO:

We need 19 million 185 if everything's accepted. So we're basically in the black for 2011 even if everything got accepted but then only probably 50% of that would be accepted.

MS. SLATER:

That's correct.

LEG. D'AMARO:

So what you're saying is there's available appropriations of 17 million. When you add that to the 9.5 million, we're covered for 2011?

MS. SLATER:

That's correct.

LEG. D'AMARO:

Okay.

P.O. LINDSAY:

We were missing one of those numbers.

CHAIRWOMAN HAHN:

However -- right. I guess I want to go back and figure out where the 17 comes from because I would think that that would be reflected in yellow under Bonded Quarter Cent, but I'm probably wrong there. So where is the 17 -- where should that be reflected and what is that a sum of?

MS. SLATER:

Okay. In the bottom capacity for land acquisitions, the model that we've been working on for the last year or so, the most accurate figures that we have right now says that cumulative Pay As You Go Fund of 49,016,498. And currently we have already appropriated 31,372,537, which would leave us with 17,643,961.

LEG. D'AMARO:

All right. It's not reflected because until we appropriate the 17 million, it's not a balance in the account.

MS. SLATER:

That's in the --

LEG. D'AMARO:

Right.

MS. SLATER:

Right.

LEG. D'AMARO:

Right. It's sales tax that's out there, it's coming in. But until we actually put it into this account, it's not reflected on the chart.

MS. SLATER:

That's correct.

LEG. D'AMARO:

But you're anticipating another 17 million available in addition to the 9.5 for this year?

MS. SLATER:

Yes.

LEG. D'AMARO:

Okay.

CHAIRWOMAN HAHN:

And then that wipes out -- like wasn't there left over dollars from the bonded and --

MS. SLATER:

Bonded is a separate program. That's the column to the left, the Pay Go. That shows 11,308,000. That's your bonded program.

CHAIRWOMAN HAHN:

Right.

MS. SLATER:

That's fully funded. There's no bonds that need to be borrowed. We finished that off last year.

LEG. D'AMARO:

So --

MS. SLATER:

So, that's telling you that in the balance of the accounts, there's \$11.3 million and we have 9.1 in contracts with another 540,000 that are in the contract process. So at the end of all that, we have \$1,665,000 left, which would be dedicated to paying the ancillary costs associated with those closings and title insurance and the taxes, etcetera, etcetera.

CHAIRWOMAN HAHN:

Okay. So that -- we shouldn't even look at that 1.66 million at all.

MS. SLATER:

As we get closer to closing the contracts that are remaining, when we get a better feel for how much is going to be eaten up for the ancillary costs that happen after the closing, then we can use that money for a small acquisition moving forward.

CHAIRWOMAN HAHN:

So, in the end if we appropriate the 17 million and we add it to the 9 million, 26.5 million, so there's about 7 million, but we'll have a little bit more because – because we know negotiations won't come back a hundred percent.

MS. SLATER:

Right.

CHAIRWOMAN HAHN:

So seven plus. And then do we also have to then add in the 4.5 million that will come in next year?

MS. SLATER:

That's correct.

CHAIRWOMAN HAHN:

And that's all that'll probably come in is 4.5 million.

MS. SLATER:

11.1 million.

CHAIRWOMAN HAHN:

Right. Because most of it now goes to paying off the bonding costs.

MS. SLATER:

Yes.

CHAIRWOMAN HAHN:

Because we pulled it all forward and -- yeah, good. This is what we were all expecting. And it's coming sooner than we want it to and it looks like BRO wants to comment as well.

MR. LIPP:

You know, we get our data from Real Estate, from Karen. And we look at it a little bit differently. And we've done this for the last few years in our review. So, we consider that we have a little bit more money. We understand completely why they look at it the way they do. That being very simply they want to tie up the money so they don't allocate it to more than one property.

That being said, not only is there a projected 50% chance with properties in negotiation of whether or not we would close on them or not, but there's also -- it could take several years hypothetically that we would close even if we do. So that we'd like to look at all of the -- at the very least, the revenue coming in through at least the end of 2013 given that we're not likely to spend all that money.

So the point is that even though you may be wanting to tie it up, and that's the conservative way of doing it, and I get it, we think that there is probably about \$18 million if you go through 2013 and you project what the cash will be in terms of a net amount available. And then if you add in the reserves that we have from the previous program for Open Space and Farmland, you get up to like \$28 million. And that -- and that doesn't even include, I believe, the Capital Project close out? Is that true? Yes or no? Yes.

Okay, so that, you know, depending on how you look at it, there's a lot more money. We can even give you a spread sheet on that, too. So we look at it a different way.

CHAIRWOMAN HAHN:

Yeah, we'd probably like to see that; however -- however, the bottom line here is if we're talking about 7 million or if we talk about 18 million, all of that could go in one purchase. So we're facing what we've been talking about all year. And how are we doing with the prioritization of projects, although Presiding Officer Lindsay wanted to say something.

P.O. LINDSAY:

Well, along the same lines, is that -- just some advice, I think, to the Committee. First of all, I'm still shocked -- I'm not used to Budget Review saying we have more money than -- normally it's the other way around. But I think that without mentioning the "M" word, moratorium, because people get very nervous, we should be very, very careful on how we appropriate money moving forward into the New Year on individual purchases. Because simply we're going to run out of money, folks.

CHAIRWOMAN HAHN:

And we -- while we did not "M" word earlier in the year, we -- (laughter) -- we did ask the Department to do a review of the properties, to do a review of our Master Lists, to rate everything on the Master Lists, to give us a sense from environmental sensitivity. You know, we really want to get a hold of this, what's left to buy. And because we're down to our last 20 million, you know, 25 million, maybe -- which again could go in just one purchase, we are very much looking forward to the list that you're going to present us to at the next -- our next Committee meeting?

DIRECTOR LANSDALE:

It will be delivered on time as promised, which is -- in the resolution it says December 31st.

CHAIRWOMAN HAHN:

Okay, not the next Committee.

DIRECTOR LANSDALE:

So we are on track to completing it on time. Unfortunately, we won't be able to present it at the next meeting.

CHAIRWOMAN HAHN:

Okay.

DIRECTOR LANSDALE:

It's just not ready yet. And I'd rather present something fantastic.

CHAIRWOMAN HAHN:

Sure. And I just -- and I just want to reiterate how important this is. And we are going to have critical decisions to make when we see that list and when we see how many properties are so available, how -- excuse me -- their rating numbers. And we have to think through very important decisions on how we're going to spend these -- what amounts to be very few dollars in the near -- in the coming months and years. And we need to make sure we're spending it wisely and making the investment in environment and in our drinking water the way the voters intended. And Legislator D'Amaro has more to say.

LEG. D'AMARO:

The Chair -- I mean I'll use the "M" word, moratorium. There's a former member of this Committee that would use the "M" word all the time, as a matter of fact. But we're looking at some bills even today with the planning steps, I believe, where -- with the last Committee meeting, we were trying to put off as much as we could pending the outcome of the overall list for ranking for exactly this

purpose. And the Chair had the foresight earlier in the year to realize that we were going to get to this point.

So I want to just thank you for raising that earlier in the year, Kara. I think that was very effective. And also I appreciate and I look forward to seeing this list. Because it really, I think, will be a very helpful guide going forward, you know, as the resources are dwindling more and more. So I want to thank you for that.

The Legacy Fund, there's no activity, there's nothing in negotiation. What's that fund about? You have about, what is it, 20 million sitting in that account?

MS. SLATER:

Okay, with regard to the Legacy Fund, there was --

LEG. D'AMARO:

I'm sorry. Can you speak up?

MS. SLATER:

I'm sorry. The Legacy Fund, the last appropriation we had was in 2008. That was the third year of the program. And in May of that year the County Executive decided to freeze the funds that were in that program along with the other program Multifaceted where we also have appropriations. And we moved all of our acquisitions into the bonded program --

LEG. D'AMARO:

Right.

MS. SLATER:

-- to fund them from there. So there are appropriations there. They are frozen. There's bonds that can be issued if the County Executive desires to release it from its frozen state. But we have been told since the last four-and-a-half years not to touch that -- those funding sources.

CHAIRWOMAN HAHN:

Budget Review Office, we haven't yet bonded that?

MR. LIPP:

Yes.

CHAIRWOMAN HAHN:

So we haven't incurred the cost --

MR. LIPP:

Right. The real distinction is the -- the two that Karen was talking about before are Quarter Cent monies, either bonded or cash. These two programs that she's talking about, Multifaceted and Legacy, are General Fund programs. So if we were to issue bonds on them, that would be debt service to the General Fund. That's the real distinction.

CHAIRWOMAN HAHN:

And so that will be -- certainly will be one of the policy decisions we will be making in the very near future as to whether we want to incur that kind of debt for these purposes now or in the near future. Any other questions? Oh, Legislator Horsley and then Legislator Anker.

D.P.O. HORSLEY:

Yeah. Hi. Just a quick question. Relating to the Legacy and the Multifaceted dollars, my suspicion is what we've done is we've loaned them out to be borrowed against; is that -- or are we

actually -- if they are in that condition, in that state of being, are those -- are they receiving any interest on that money? How does that work?

MR. LIPP:

No. What happened is the funds were appropriated. So Real Estate is showing the money there. So basically it's like a Capital Project of any kind that we have not actually done the, say, construction or building, whatever. Here we have not purchased any land. So what would happen moving forward is if resolutions move forward to actually purchase land out of either of these programs, then after that perhaps several months down the road we would issue the bonds; and then the year after we issue the bonds the debt service would start.

D.P.O. HORSLEY:

That was after the County Executive several years ago put it into a bonded state. But there is no -- there are no dollars that are actually sitting back there.

MR. LIPP:

Right. We have not -- we have not --

D.P.O. HORSLEY:

Right?

MR. LIPP:

-- spent the money yet. Correct.

D.P.O. HORSLEY:

No dollars. Okay. There's nothing tucked away over there sitting there waiting for us to --

MR. LIPP:

You have the authorization to spend that money. Then you need to have a resolution to say, "okay, we're going to purchase this."

D.P.O. HORSLEY:

That's what I figured. But I just wanted to double check.

MR. LIPP:

Doesn't hurt.

CHAIRWOMAN HAHN:

And we need to have the willingness to incur the debt service out of our General Fund for this purpose. And it very well may come to that as we see what's left -- the environmental sensitivity of those lands, where they are, you know, what they mean to our water quality. It certainly, you know, it's something to be considered. And we will be having those discussions, I'm sure, after we see the list from the Department. And thank you to you, Laretta Fischer, for all of her work -- for all of your working on this. And I -- we very much look forward to seeing the results and your recommendations when you're done by December 31st. Okay. Oh, I'm sorry, Legislator Anker.

LEG. ANKER:

Okay. I got a couple questions. You mentioned in 2011 -- did you mean 2012 when you were going over this? You'll kept mentioning 2011 about some of the numbers on here? But this is for 2012; is that correct? I just want to confirm that.

MS. SLATER:

The monies that I was talking about, the 17 million?

LEG. ANKER:

Yes.

MS. SLATER:

That was sales tax revenue through 2011.

LEG. ANKER:

Oh. Oh, gotcha you.

MS. SLATER:

That's actual, the 17 million. The 2012 is estimated at 4.5 million. It's just an estimated figure that we've been working with for the last eleven months.

LEG. ANKER:

Okay.

MS. SLATER:

That's not reflected anywhere on my report; neither the 17 nor the four-and-a-half.

LEG. ANKER:

Okay. Actually those particular figures, to me, are extremely important in understanding the direction where we need to go as far as acquiring land. So I'm going to make a request. And, again, this sheet is very confusing. And maybe it's because I'm new and I'm trying to understand, again, Drinking Water, South Setauket, Multifaceted -- you know, I understand those programs. But I would -- I would like to see maybe a more simplistic type of chart showing, you know, the amount of money that we've spent, the amount of money that we have to spend, and what there is that we have purchased, that was completely closed on; and then what there are -- the properties that are -- we're in negotiations. And -- go ahead -- I'm sorry.

MS. SLATER:

Yes. I have a more detailed report that supports the totals only that you have. The 21 million 558 is what's closed. If you're looking at the Pay Go, that I can give you a description of --

LEG. ANKER:

Okay.

MS. SLATER:

-- what we closed on in 2012. The \$9.5 million is, if you go into the account, IFMS System, you'll see that there was nine-and-a-half million dollars left in the account. 2,087,000 I can detail for you those acquisitions that are -- have fully executed contracts. And the recently accepted number are acquisitions that have been accepted and their contract is going through the process of getting the signatures for all those, you know, that we need. So not yet fully executed or we're waiting for the authorizing resolution to move it forward to encumber the funds for that specific acquisition.

LEG. ANKER:

Okay.

MS. SLATER:

"In negotiation" is -- you know, a number that is -- doesn't have as much substance because we don't know who's going to accept, who's going to decline at this point in time. But those are offers that have been made to perspective sellers.

CHAIRWOMAN HAHN:

What is also not reflected here, and correct me if I'm wrong, planning steps that have passed but

you haven't yet done appraisals or any kind of ETRB, right?

MS. SLATER:

That's correct. Right --

DIRECTOR LANSDALE:

Right.

CHAIRWOMAN HAHN:

So there are more in the pipeline.

MS. SLATER:

Until an offer is made, I'm not aware of that.

CHAIRWOMAN HAHN:

Right.

MS. SLATER:

I get the offer --

CHAIRWOMAN HAHN:

There are probably a significant number that are -- it would be interesting just to know at least the number of acres, the number of parcels that are still in the pipeline, meaning that we've passed the planning steps, but they haven't made it so that you have any kind of idea on the cost. They haven't made it that far in the process.

LEG. ANKER:

Right. Again, I think the bottom line is to understand -- again, the prioritizing is so important. And that December 31st is going to be valuable information for us to decide where to go with land acquisition. But also to note where we are, you know, where are we really with land acquisition? You know, and this is great. This gives us the idea, you know, the tools that we can use to make the right decisions.

And, again, the other part was working with BRO, is there any way you guys can work together to give us better direction? You know, you guys have one set of numbers and you're over here with some other numbers.

MR. LIPP:

We don't -- at least I tried to explain this -- we don't have a different set of numbers in a limited sense. That is, they provide the data to us. And we're -- we speak to them with some frequency. So we are on the same page. It's just that we -- and we've written this up in our reviews for a while, that we take issue on how to count the beans that -- that, you know, that these sheets often will show when you take into consideration stuff in negotiation that it looks like, you know, we have a deficit, but we really do have a substantial surplus. This doesn't mean moving forward that we couldn't use more money. We're not saying that, though. And, you know, if you want, we could sit down with you and discuss, you know, maybe a way that you would like to see the presentation that will be more meaningful to you.

LEG. ANKER:

Again, it's just -- there are different ways of ending up at the end result. And the end result is we want to get the biggest bang for our buck. We want to make sure that the property that we're buying is the most valuable property out there. And on the limited resources that we have, which are becoming more and more limited, you know, again, maybe that's something we can look into in the future.

But, again, thank you for your work. And, again, I think what's important -- and think about this for the future: It would be nice if the Legislators could have some ballpark idea of how much the property costs. And I know you guys can't give it to us because you have to have appraisals and you have to an understanding of what that value of the property is. But is there a way that there could be a basic understanding of the value of the property before we vote to acquire it? I mean -- well, I mean even before -- even before -- yeah like --

MR. LIPP:

There in the acquisition resolutions there are -- this has to be -- there are dollars in there. So you can see how many acres and how many dollars and, therefore, dollars per acre that kind of stuff, if that's what you're referring to.

CHAIRWOMAN HAHN:

Yeah, and all that has to be off the record and -- like when we go to ETRB, it has to be in closed session when we're discussing -- when we're discussing dollar amounts because you can't -- you know, you can't put that out there on the record what the costs are, what we're willing to pay or what we -- before we begin the negotiations with the buyer. And it has to all be based on -- when you sit on ETRB, you realize how much those appraisers do in figuring out the value of the land. And it is really a complicated process. And it's very difficult when there's very little that gets sold like in recession type times like today. And -- so it would be very difficult to have any kind of understanding before we pass the planning steps. But that's the point of the planning steps is to allow the appraisals.

LEG. ANKER:

And, again, I think the most important thing is to understand the value. And that's what you tried to do a year ago. And, you know, I think we all appreciate that. And I'm hoping we can get to that point and hopefully we will have some, you know, decent funding left to really prioritize those land acquisitions, but thank you.

CHAIRWOMAN HAHN:

And if we did what we spent in 2012 and -- Robert, let me finish this point, if we look at what we spent thus far, so as of October 31st, 2012, if we spend that in 2013, you know, even if we're -- it's as good as Robert says in terms of the amount of money that -- cash that's available, you know, we're at a place where all that we're going to have is the 4.5 million that comes in from Pay Go at the end of next year. So -- or worse. You know, we won't even have that much because we'll have spent it already. So, you know, we have to -- if we do as well as we did this year in closing or better, you know, we're really facing the end of the money at the end of '13; right?

DIRECTOR LANSDALE:

(Nodding head in the affirmative)

CHAIRWOMAN HAHN:

Yes. Okay.

MR. LIPP:

So, just to add one thing about the Planning stuff, as Kara had -- Legislator Hahn had stated, you know, we can't say beforehand. That being said, we can use as a rule of thumb, which is like sort of like an average number, if you will, that most people tend to -- \$100,000 per acre. You know, some places it's more; some places it's less. But when you're looking at, you know, a certain parcel like let's say ten acres, and you say, okay, as a rule of thumb, it's going perhaps cost in the neighborhood of a million dollars; that being said, in certain areas it may be above the hundred thousand per acre number; and other areas less. But you could -- you could use that as a rule of thumb. And, of course, with farmland, you know, you buy the preservation rights and that's probably up to about, I think, like 90% of the full price these days, so.

CHAIRWOMAN HAHN:

Legislator D'Amaro, did you --

LEG. D'AMARO:

The other issue --

CHAIRWOMAN HAHN:

I'm sorry, Legislator Gregory did have -- I did have him on the list. I'm sorry.

LEG. GREGORY:

Thank you. What I would like to see is, if you have it available, where are we year to date? Last year -- last year, the beginning of the year, I know there was presentation of how much we have in the accounts. How much are we projecting to start off 2013 with as compared to last year? All of our numbers. Well, I guess, particularly Pay Go, yeah.

MS. SLATER:

In terms of available balances? From 2011 to 2012?

LEG. GREGORY:

Yeah. I think when we started it was around 27 -- if I remember correctly, something like that.

MS. SLATER:

With the Pay Go -- Pay-As-You-Go, this is the first year that we're acquiring property with the new Pay Go. And our first resolution was 26 million 742. That was resolution 997 of 2011. It came at the end of the year that got us to -- into the starter that we were able to move forward with encumbering the contracts; the fully executed contracts. So that was the first appropriation. And then there were subsequent --

LEG. GREGORY:

There was the North Fork Preserve or --

MS. SLATER:

Small amount appropriations throughout the beginning of the year also. And this one that we're reflecting at the yearend would be that lump sum appropriation to close out all the sales tax that was actual through 2011, that had accumulated from 2008 through 2011. Did I answer the question?

LEG. GREGORY:

Somewhere along the roadway the car veered off the road. I was understanding for a little bit. My question was, there was a presentation in January, maybe even February, that said we have "X" amount of dollars available and we kind of looked at each other and said "holy cow." Kara came out with her resolution, maybe we should, you know, re-rate Master List properties, etcetera, etcetera because we have so few available.

My question is how do we compare early in the year as to what we're projecting to start off with next year? We -- pretty much in the same -- same monies available or less? I know they're not higher, I don't think.

MS. SLATER:

We started off, like I said, the first appropriation -- and the sum of the remaining resolutions we have -- year-to-date 31,372,537 appropriated throughout 2012. Of the 49 million, that was -- the number that we had accumulated from 28 (sic) through the end of 2011. So that would leave you the balance remaining.

LEG. GREGORY:
And what was that?

MS. SLATER:
The 17 million.

LEG. GREGORY:
Okay. All right.

MS. SLATER:
Okay? We're only going into our second year of the new Pay Go Program.

LEG. GREGORY:
Right. No, I understand that. And then we're looking at probably about 11 million with the seven and the 4.5 --

MS. SLATER:
The remaining of the -- of the accumulated sales tax and the anticipated four-and-a-half million that's been accumulating for the calendar year 2012.

LEG. GREGORY:
Okay. So we're pretty much, you could say, we went from 17 to 11 roughly.

MS. SLATER:
(Nodding head in the affirmative)

LEG. GREGORY:
Okay. So based on those numbers, will your Department be coming out with any type of policy suggestion as far as acquisitions or --

DIRECTOR LANSDALE:
That will be part of the report.

LEG. GREGORY:
Okay, all right. Great. Thank you, Madam Chair.

CHAIRWOMAN HAHN:
One last question, Legislator Anker.

LEG. ANKER:
Okay, last question. Again, you show the amounts of each pool of funding. Do you take those amounts and combine it for land acquisition? Or there's certain parcels that can only be paid from a particular, you know, Drinking Water versus Bonded versus the Pay Go? Is there limitations on funding with certain pools of funding?

MS. SLATER:
The bonded program has been appropriated the full \$209 million for the Bonded Program. That's done. So they won't -- there will not be any more borrowing requests for that. What you see there is the end of the program. And the new program, we're back at Pay Go. And that's how we're appropriating funds when there's no borrowing or bonding issued. And that's where -- we're at the point where we have our first \$31 million throughout 2012. And moving forward with the accepted offers that we have now, we'll need additional funding to -- to meet the ten million nine that we show there. And that's why we're going to be requesting additional funding in that -- you know, in the very near future to meet those needs.

LEG. ANKER:

So basically there are no limitations on land acquisition for the upcoming funding comparatively speaking with the other funding available?

MS. SLATER:

Limitations with regard to -- in terms of going out there and making offers?

LEG. ANKER:

Yes.

MS. SLATER:

Well, that's not my job to say. The acquisition supervisor knows that she makes the offers and they trickle in at roughly 50%. So you make more offers than you know you're going to get acceptances. And it's kind of like a roller coaster -- where they're going to fall. So that's why sometimes it is not the right number you're looking at, oh, \$19 million; because we know that they're not all going to come to fruition. So we get the offers out there and then they either accept or reject. And with the planning steps they move forward with additional appraisals and offers and --

LEG. ANKER:

Has there ever been something that -- I don't think there's legislation, but is there something that provides the Legislator information about where a particular parcel that is in his or her district is at according to the -- according to your office? I'm just curious.

MS. SLATER:

That would be more Janet -- Janet Longo would probably be your --

DIRECTOR LANSDALE:

I can look into that and get back to you.

LEG. ANKER:

Okay. All right. Thank you.

CHAIRWOMAN HAHN:

Legislator D'Amaro, your last question.

LEG. D'AMARO:

I just want to pick up what Legislator Gregory was talking about. He was asking about prioritization after we get our study finished. But I just want to ask this: The Land acquisition Program has been in place for many, many years. And are we still achieving the objective of the program? I mean we've now -- you know, we have a track record. And as we go forward and contemplate these additional purchases after the program's been in place for many years, do we ever meet the goal? I mean, are we meeting the goals? How are we measuring the success of these acquisition programs?

I mean, I know we can point to land that we've purchased in environmentally sensitive areas. I guess the ultimate goal is to preserve open space and protect groundwater. But from what I'm hearing, the groundwater's good in Suffolk and on Long Island, but there's always concerns about it. But, you know, have we reached the point where, you know, further acquisition may or may not be warranted where -- are these goals achievable? I mean, these are larger questions than just dollars and cents here right now. You know, as we talk about all these limited resources, I think it would be foolish to continue blindly just purchasing property without at some point looking back and saying, "okay, what have we done so far? Have we met the goals of the program? And what are we achieving?" Any thoughts on that, Commissioner -- or Director?

DIRECTOR LANSDALE:

Those are all great questions and those will be part of the discussion at the yearend report. Very important to take a look back and see whether the goals that were outlined in the original program, where we are on those, and to take really a strategic look moving forward on the program.

LEG. D'AMARO:

Okay.

DIRECTOR LANSDALE:

And how best to use limited resources.

LEG. D'AMARO:

Okay. So, I'll hold that discussion until we read the report. But I appreciate you addressing that, only because, you know, it would be interesting -- you know, I'm not a scientist. I don't measure the impact of land acquisition. I don't know what's happening with our groundwater in the sense of scientifically what -- is it more polluted, less polluted? Is it not getting polluted? What's the trend? But I would be interested to know if we're pursuing the right course, you know, at this point given -- you know, we can't say it's a new program. We really don't know yet. I mean this has been happening since the '70's, I believe, with land acquisition --

CHAIRWOMAN HAHN:

Yes.

LEG. D'AMARO:

-- in this County? So, I'm looking forward to, then, seeing that aspect of your report. I appreciate that.

CHAIRWOMAN HAHN:

And, Legislator D'Amaro, I'm going to just disagree with you ever so slightly and call on once again the Health Department in coordination with your Department to finish the Comprehensive Water Resources Study and have that final report. Because there are indications in there that, while ever so small, you know, nitrogen levels are increasing. We heard -- in this Committee here we heard about the brown tides, red tides; there are all different rainbow tides going on all around Long Island. And we do have some serious questions about are we effectively protecting our water -- our water quality, our bays and our waterways and our drinking water.

And so we really do -- this is going to be an important question. And, Legislator Horsley, I look forward to working with your Committee on this as well and being more actively involved and thinking about, you know, sewerage -- where are we going to spend -- where does the money -- where is the money most effectively spent to protect our drinking water and our bays and our waterways. Yes.

DIRECTOR LANSDALE:

(Inaudible)

CHAIRWOMAN HAHN:

Yes, but the premise of what you said led me to believe you didn't think there were water issues. And there are. Okay. Good. So we're in agreement then. But there are -- and we all know it because this is -- we all know the value of the preserved land for our tourism industry as well. So there's -- there's a number of important reasons to preserve our land and continue our Land Acquisition Program. And these are going to be very interesting discussions as we have them moving forward. And I do believe we are making the right investment when we -- when we preserve these environmentally sensitive properties. And that's why I'm looking forward to that list of prioritization.

Can we move onto the agenda? Excellent.

TABLED RESOLUTIONS

Tabled Resolutions. **1759, Authorizing planning steps for the acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Lohwasser Nursery property Town of Brookhaven (SCTM Nos. 0200-675.00-02.00-021.001 and 0200-675.00-02.00-021.002)** Legislator D'Amaro, did you have a question?

LEG. D'AMARO:

I did for Counsel before we go ahead and make a motion on this particular bill. The prime sponsor of the bill is Legislator Romaine, who, I think, within the next 45 minutes is no longer a member of this body. I would assume. So, George, what do we do with bills sponsored by a Legislator who's no longer part of the body?

CHAIRWOMAN HAHN:

Thank you, Karen.

MR. NOLAN:

That's a -- that's a good question.

LEG. D'AMARO:

My thought on it is --

MR. NOLAN:

I do recall one time Legislators leaving and the Legislature actually acting on those resolutions after they left. I would suggest tabling this once so I can actually determine a definitive answer. Because actually he's the sponsor. He's not here anymore. So technically there's no sponsor for this resolution. So I would just table it so we can do the research between now and Tuesday to determine what we do with this.

P.O. LINDSAY:

Just make a suggest --

CHAIRWOMAN HAHN:

Yes, Presiding Officer.

P.O. LINDSAY:

If it's the case that the resolution can't be carried forward -- I mean the easiest thing to do would be just one of us remaining -- pick up the reso if we so wish to move it, you know. And if there isn't a wish, then it dies. We'll have pre-Romaine, post-Romaine eras and --

CHAIRWOMAN HAHN:

Yes. So let's talk about the merits of each one. And, Director Lansdale, did this make it through the Farmland Committee? Because I know there was like a postponed date and then it was tabled in the Farmland Committee and --

DIRECTOR LANSDALE:

Yes, it did make it through the Farmland Committee last Tuesday and it was approved and recommended to advance to this Committee. Does the Committee --

CHAIRWOMAN HAHN:

When I look at the map, if everybody wants to bring it up in front of you, it's -- talk to me about why -- this is, like, all greenhouses.

DIRECTOR LANSDALE:

Right.

CHAIRWOMAN HAHN:

Right?

DIRECTOR LANSDALE:

Would you like to see the rating form?

CHAIRWOMAN HAHN:

Yes, please.

DIRECTOR LANSDALE:

And then I can talk more about the property.

So this is -- this property is located within the hamlet of Manorville. It received a 10 out of 25 points. It received a point for some protected farmland near by, 3 points for a long road frontage and a small block of farmland as well as 3 points for the variety of soils on the property. And an additional 3 points for the approximate development rights value per acre.

We would like to recommend that -- that the -- pending how this is worked out, technically that if this resolution is to move forward, that there be some changes to it. The landowner has modified the offer of land to only include some of the lots in the initial resolution, not all of them. And the landowner has agreed to the Chairwoman's question about greenhouses, that they would remove some of the greenhouses to conform to Suffolk County's Chapter 8 Program, which dictates 15% lot coverage on the property. And that that would still be economically viable as a farm operation.

CHAIRWOMAN HAHN:

So, does -- okay. So does the -- this needs to be tabled to -- to edit it, to make those changes, correct?

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

Are you recommending -- you're not recommending -- because you're recommending everything be tabled until your study's done. However, would you want to pick up a sponsor? Would you want to change this to a County Executive recommended resolution for future consideration?

DIRECTOR LANSDALE:

I'm not in a position right now to answer that, but I can --

CHAIRWOMAN HAHN:

Okay. Well, we need to table it anyway.

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

So let's -- I'm going to make a motion to table 1759 because of these issues, seconded by Legislator

Lindsay. All those in favor? Opposed? Abstentions? It's tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSENT)**

Introductory Resolution 1841, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Tuccio property Town of Southampton) (SCTM No. 0900-248.00-01.00-110.003). (Schneiderman) This -- we have a motion to table by Legislator Gregory.

LEG. D'AMARO:
Second.

CHAIRWOMAN HAHN:
Seconded by Legislator D'Amaro. Did we have a partnership on this?

DIRECTOR LANSDALE:
No, not at this point.

CHAIRWOMAN HAHN:
Do you know if there's development pressure on this?

DIRECTOR LANSDALE:
Well, the property is already developed as a Trap and Skeet Range currently.

CHAIRWOMAN HAHN:
Right.

DIRECTOR LANSDALE:
And it is adjacent to Gabreski Airport, but it is in the Pine Barrens.

CHAIRWOMAN HAHN:
Correct.

DIRECTOR LANSDALE:
So it's protected land.

CHAIRWOMAN HAHN:
Okay. Okay. We have -- are there any other motions?

LEG. D'AMARO:
No. I would just suggest based on the fact that it's planning steps, as we did at the last meeting, just hold off.

CHAIRWOMAN HAHN:
So we have a motion to table and a second. All those in favor? Opposed? Abstentions? It's tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSENT)**

Introductory Resolution number 2028, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Avalon Bay property Town of Brookhaven (SCTM Nos. 0200-547.00-01.00-019.000, 0200-578.00-01.00-044.000, 0200-610.00-01.00-022.000, 0200-610.00-01.00-023.000, 0200-610.00-01.00-024.001 and 0200-610.00-03.00-002.000). (Browning)

LEG. GREGORY:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRWOMAN HAHN:

We have a motion to table and a second. On the motion.

DIRECTOR LANSDALE:

Would you like to see the rating?

CHAIRWOMAN HAHN:

Yes, please. Yes, please. This is in the Forge River area; correct? 172 acres. If that's times 100 then --

MR. LIPP:

So to get back to what we were talking about earlier, if you use the 100,000 as a rule of thumb, then it'd be 17.2 million. So, good news, bad news. Good news is it's a large parcel. So to the extent that it would receive a good rating, you'd be getting a big acquisition. Of course, it would use a significant chunk of change, assuming 100,000 per acre; 17.2 million.

DIRECTOR LANSDALE:

So this is a 170 acres. There are six tax lots, if you look at the map. Four of the six properties are actually located -- are identified previously by County Planning staff and included on the Master List. And those four properties are the largest ones in the middle and the one property to the north. The two that are excluded is the property to the east, which is -- looks like from the aerial that it's farmed. And then the small property on the southern side just north of Mill Road, that's between -- situated between two residential properties.

CHAIRWOMAN HAHN:

This got a rating of 36, which we don't know at the moment how that would fall on a prioritization list. There could be several that rate, you know, ten times higher. There might not be. This could be one of the highest out of all the properties we have yet to see.

DIRECTOR LANSDALE:

Right.

CHAIRWOMAN HAHN:

And given our limited funding and the large size of this property, it may be best to wait and see your list and -- do you know about development pressure on this, however?

DIRECTOR LANSDALE:

I can research that and get back to you. I don't -- I'm not aware of development pressure currently on the property. Four of the six parcels are on the Master List, which means that it doesn't need a resolution to move forward right now. And then the other two -- it's the farm and the small parcel on Mill Road.

CHAIRWOMAN HAHN:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just wanted to ask, do you know if -- who's the owner of this property? Avalon Bay, isn't that a developer?

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

It is. Do you know if any -- has there been a proposed subdivision or any permits or any process with respect to this property?

DIRECTOR LANSDALE:

There is a proposed subdivision. I'm not sure where it is in the planning process with the Town of Brookhaven. And that's one of my calls is to reach out to the Planning Commissioner there to identify any development pressure on this parcel.

LEG. D'AMARO:

So this was originally slated to be -- probably a residential subdivision, if I had to guess; right?

DIRECTOR LANSDALE:

I would imagine so, yes.

LEG. D'AMARO:

Ah-huh. And they've accepted the offer; is that -- we get to planning steps only after there's been initial inquiry with the owner?

DIRECTOR LANSDALE:

No.

LEG. D'AMARO:

Not at all.

DIRECTOR LANSDALE:

No.

LEG. D'AMARO:

So this is just a desired acquisition by the County. And you need the planning steps to reach out to the owner?

DIRECTOR LANSDALE:

That's correct, yes. I believe -- my understanding is that Avalon Bay has reached out to express their interest in selling this property to the County.

LEG. D'AMARO:

Right.

DIRECTOR LANSDALE:

And that Legislator Browning then introduced this resolution.

LEG. D'AMARO:

Okay. Okay. Well, again, at a minimum I would suggest we just hold off until the end of the year.

CHAIRWOMAN HAHN:

It's frustrating to have to wait for things; like 172 acres is a large swath of land and very well may be one of our top items. But if there's not a sense that there's pressure at the moment, I think, we should wait and find out where it falls. And we just have to wait a matter of weeks.

DIRECTOR LANSDALE:

Yes.

CHAIRWOMAN HAHN:

And hope, you know, the sooner the better. So, okay. So we have a motion -- do we have a motion? Yes, no motion. Yes, we do. We have a motion to table and a second. All those in favor? Opposed? Abstentions? It's tabled. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSENT)**

Introductory Resolution 2059, 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. GREGORY:

Motion to table.

CHAIRWOMAN HAHN:

We have a motion to table by Legislator Gregory and seconded by Legislator D'Amaro. This had a lower rating. Can you remind me of the rating on this? It's another planning steps with a 13 --

DIRECTOR LANSDALE:

Well, it has 13. And then there was a site inspection --

CHAIRWOMAN HAHN:

That's rare.

DIRECTOR LANSDALE:

-- where we identified some endangered plants, the common wintergreens specifically and which added four additional points to the rating. But it's below the threshold of 25. And it's -- I just want to point out that the Town of Brookhaven has acquired many of the properties adjacent to this. And they are putting together an assemblage themselves and they are --

CHAIRWOMAN HAHN:

And to make the purchase.

DIRECTOR LANSDALE:

They are interested in helping develop the property or to manage it. They have not yet to date offered to contribute any funds towards the acquisition.

CHAIRWOMAN HAHN:

Okay. We have a motion to table and a second. All those in favor? Opposed? Abstentions? **2059 is tabled. (VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSENT)**

Introductory Resolution 2108, Studying the preservation of sensitive properties damaged by Hurricane Sandy. (Browning) I'll make a motion.

LEG. ANKER:

On the motion.

CHAIRWOMAN HAHN:

Sure. I need a second.

LEG. D'AMARO:

I'll second.

CHAIRWOMAN HAHN:

Legislator D'Amaro will second for the purposes of discussion. Legislator Anker.

LEG. ANKER:

Can you give me a little bit more details on this resolution?

MR. NOLAN:

Well, it essentially directs the Department of Economic Development, Planning to study the feasibility of doing land swaps down in the Mastic Shirley area for -- people who live in environmentally sensitive areas experience damage, perhaps trading their property with the County. The County has holdings down in that area. So it just directs the Director to start that study, within 120 days come back to this Legislature and tell us if it's feasible.

LEG. ANKER:

Well, that study, will there be issues on contamination or -- will the Planning Department be able to evaluate that property accurately with maybe possible contamination issues? I don't know if Sarah, I don't know if you want to address that.

DIRECTOR LANSDALE:

I would have to look specifically at the resolution to see what it says, but I can look into that.

LEG. ANKER:

And you feel that the 120 days will be enough time to -- to at least give us some idea of what's going on in that area?

CHAIRWOMAN HAHN:

It looks like the Executive would like to weigh in through via Tom Vaughn. Tom.

MR. VAUGHN:

Hi, good afternoon. And, Legislator Anker, the question about contamination is certainly a good one. And personally not one when looking at this bill that I had considered, but I think it's certainly a valid point. I know that our office would at the very least like to see this possibly tabled for one cycle. If Real Estate is going to do such an analysis, we would like to see it be a more comprehensive analysis, as Mastic Beach is not the only area that has been impacted by the storm; but even that going forward we're not -- we don't necessarily have a problem with the idea of doing a study, but we would like to see what the results of that study are before, you know, making a final decision as how to proceed.

CHAIRWOMAN HAHN:

I'm sorry, Presiding Officer.

P.O. LINDSAY:

I just -- with all due respect, Mr. Vaughn, that doesn't seem to make sense. You want to evaluate what the study says before we authorize the study.

MR. VAUGHN:

No, I apologize, sir. No, that wasn't what I meant. What I meant was I understand the need for the study. But once the study would be completed would be when we would like to decide whether

or not this is a good idea to start swapping these properties. The idea of doing the study, we are fine with the exception of if we are going to do such a study, we would like it to be more comprehensive and not just include the properties in the Mastic Beach area.

P.O. LINDSAY:

You know, that's something that would have to be decided by the Executive branch, the extent of it that it wants to go. But, Director, do you feel you have the capability in your Department to do such a study?

DIRECTOR LANSDALE:

We've done these studies in the past.

P.O. LINDSAY:

Okay.

DIRECTOR LANSDALE:

And this specifically, though, directs the Division of Real Estate to do this study, not the Division of Planning and Environment. But we would be more than happy to help out wherever we could.

P.O. LINDSAY:

Okay.

CHAIRWOMAN HAHN:

Legislator Anker.

LEG. ANKER:

Can I -- I just want to make sure that you're comfortable, you have the time, you have the people power. Again, this is a very important issue because there are so many -- you know, the storm has caused so many problems. We're just trying to make people's lives better. I just want to make sure that you can -- your department would be able to be successful.

DIRECTOR LANSDALE:

Well, I can't speak for Jill Rosen-Nikoloff, who's the Director of Real Estate, but post December 31st -- because all of our resources right now are focused on delivering the report that's been requested of us previously. After that we can evaluate whether or not we have time to -- I mean whether 120 days is adequate or not for us to complete the report. But, again, it's the Division of Real Estate and Jill's not here nor has she had the opportunity to weigh in on this directly.

CHAIRWOMAN HAHN:

What kind of time sensitivity is there to getting this done? Is there a reason to maybe discharge without recommendation? Can the change be made in time for the next meeting if you talk to Legislator Browning and it becomes more comprehensive? Or is there a real need to table it a full cycle which is -- two weeks? Are we on back to back here?

LEG. GREGORY:

Yes.

CHAIRWOMAN HAHN:

I'm not quite sure how the sponsor feels about time sensitiveness, but, Legislator D'Amaro, can you speak to this?

LEG. D'AMARO:

Yeah, I would say we should pass this today or discharge without recommendation because you're dealing with folks -- I think the aim of the bill is to address people who have damaged homes or lost

their homes, probably looking for some kind of answer; not that they'll get it tomorrow, but at least if we begin the process, the sooner we begin the process, the sooner we may actually come up with a viable program where the County has certain real estate holdings and would be willing to swap out properties with people who experienced damage from the storm. So, you know, if it really needs to be tabled, we still have that opportunity to do it on Tuesday. But if it turns out that this is really a process that we should sooner rather than later, I'd rather just get it out of Committee today.

CHAIRWOMAN HAHN:

So a discharge without recommendation. We'll make that motion. And I'll make the motion.

P.O. LINDSAY:

I agree. It should get to the floor for the simple reason that it isn't going to make any difference in the timing because you folks aren't going to have the capacity to do it while everything else is going on anyway.

LEG. D'AMARO:

Right.

P.O. LINDSAY:

But at least we'll get it to the floor and maybe give some people some hope even if it might be a little false hope.

CHAIRWOMAN HAHN:

So does anyone want to second my discharge without recommendation motion?

LEG. D'AMARO:

Second.

LEG. GREGORY:

Second.

CHAIRWOMAN HAHN:

Second by Legislator Gregory. Sarah -- Legislator Anker, did you still have a comment?

LEG. ANKER:

Again, my concern is, you know, I definitely want to help people that are in need. My concern is will the County be responsible if this is like a Brownfield or if there are properties that have issues and that's why we'd be swapping it. Because would it be a financial issue for the County, you know? I'm picturing a devastated house and the oil leaking everywhere and there's gas and there's -- I don't know, you know, again, I just -- what are we getting ourselves into by approving the legislation? That, of course, in addition to helping people. I'm not saying that we're not here to help people, but it could be, you know, tens of millions if not more of dollars; again, I'm just not real clear with this legislation.

CHAIRWOMAN HAHN:

And that's a very good point. And hopefully the Executive and the Department will be prepared to answer that for us on -- those kinds of questions on Tuesday.

MR. VAUGHN:

Very good.

CHAIRWOMAN HAHN:

Okay? So we have a discharge without recommendation. Does that come before the table?

MR. NOLAN:

No, tabling goes first.

CHAIRWOMAN HAHN:

Tabling goes first. Oh, was it approval? Oh, I made a motion to approve. So, I'm going to withdraw that motion to approve and make the motion -- and I did already make the motion to discharge without recommendation. Okay. All in favor of discharging without recommendation? Opposed? Abstentions? Discharged without recommendation. **(VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSENT)**

Finally, **2162, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - Open Space component - for the New Hope Revival Church, Inc. Property - Town of Brookhaven (SCTM No. 0200-876.00-03.00-001.000). (Browning).** That's our final map in the packet. And do you have a rating form? Oh, you don't even have someone to hand it out. Ben used to do that, Tom. This is 12.6 acres. It had a 10 rating; is that true? Oh, it jumped.

DIRECTOR LANSDALE:

The rating is 18 for this property. The rating was updated in July, which added five points -- which added points for the Town's 25% acquisition partnership and because it was located within a swale area, you know, near the Carmans River.

LEG. GREGORY:

I'm going to make a motion to table.

CHAIRWOMAN HAHN:

I'll second.

LEG. D'AMARO:

On the motion, just, Director Lansdale, we had, I think, a prior discussion about your office having endorsed the acquisition even with the lower rating; is that correct?

DIRECTOR LANSDALE:

I'd have to look back at the -- what was said at this Committee. But this was endorsed by this Committee and by the Legislature for planning steps.

LEG. D'AMARO:

What do you mean? Oh, for planning steps?

DIRECTOR LANSDALE:

Yeah, this is now --

LEG. D'AMARO:

Yeah, this is now the acquisition where we had the rating -- even lower rating at the time.

DIRECTOR LANSDALE:

Yes.

LEG. D'AMARO:

And I think there was discussion at the time about, you know, the rating forms are a guide, but there is one or two cases a year, maybe three or four, where we really kind of toss the rating system aside because of the configuration of the property or what's surrounding it. And I thought this had been one of them. And I think that's why the planning steps went forward. Do you have any recollection on that? Do you? You need to use the microphone, please. Thank you.

MS. HALLORAN:

Yes, I checked that old Committee to find the rating. And it was endorsed. I actually have the -- I think I have the notes but it was endorsed by the --

LEG. D'AMARO:

Do you know the reason; what was cited?

MS. HALLORAN:

Yes, I have -- hold on.

LEG. D'AMARO:

This 630,000 and the Town's willing to put up 25% of the purchase price on a property that made it through the planning steps despite the low rating so I would just ask the Committee to take a little closer look at this.

MS. HALLORAN:

I did -- it said it was still a desirable property, Planning had mentioned, because it was in a critical watershed area. And he supported resolution.

LEG. D'AMARO:

Yeah.

MS. HALLORAN:

That's the summary.

LEG. D'AMARO:

Right.

CHAIRWOMAN HAHN:

Our motion is --

MS. ORTIZ:

Table.

LEG. D'AMARO:

Do you have any further comment, Director Lansdale, on this particular acquisition?

DIRECTOR LANSDALE:

It's near the Carmans River Watershed.

LEG. D'AMARO:

Right.

DIRECTOR LANSDALE:

Which is an important area and an area that the Town of Brookhaven has identified several properties within the Watershed for preservation.

CHAIRWOMAN HAHN:

I'm going to withdraw my second to the tabling and make a motion to approve.

LEG. ANKER:

Second.

CHAIRWOMAN HAHN:

Second by Legislator Anker.

P.O. LINDSAY:

Is the Town going to partner with us on this?

LEG. D'AMARO:

25%.

DIRECTOR LANSDALE:

Yes.

P.O. LINDSAY:

Okay. And would that qualify for Legacy Funds?

MR. NOLAN:

It's a different program.

P.O. LINDSAY:

Yeah, but what I'm saying is, yeah, we'd probably have to rewrite the resolution. But we're not spending any Legacy money at all mainly, I guess, because we don't have Town partners on anything anymore. But with this we have a Town partner. I mean it's a policy we would have to change.

LEG. D'AMARO:

I thought Legacy required 50? 50/50? Yeah.

P.O. LINDSAY:

I'm asking will the 25% qualify it for Legacy? Why don't we table it for one cycle and then find out if --

CHAIRWOMAN HAHN:

And then -- and then -- but a Legacy Fund purchase would also require the bonding and the debt -- incurring the debt service. Okay. And that would have to be a -- we'd have to decide we would be willing to do that if we're going to switch the funding -- the funding source.

P.O. LINDSAY:

Yes.

CHAIRWOMAN HAHN:

Okay. But we have to determine if it needs to be 50%. We're not sure at the moment. And -- is there a development pressure on this piece next to the clover leaf?

DIRECTOR LANSDALE:

I'd have to look into that.

LEG. D'AMARO:

But isn't that -- to the Presiding Officer, I don't want to lose the opportunity to get this to the floor in the event that -- the Legacy Fund that we're talking about, isn't that frozen in effect? I mean is that something that can be undone by the end of the year and move this into that program? You know, I'm just not sure if that's available just even procedurally.

MS. HALLORAN:

I think it's been a policy decision more to not use the Legacy or Multifaceted because it does use -- it

would involve debt service and all that entails. So we've been focussing on the Quarter Cent, which is sales tax funded.

LEG. D'AMARO:

Right, yeah. Okay.

CHAIRWOMAN HAHN:

So, could the source be switched if we determined it requires only 25%? If 25% would meet it, could we switch it? Like, if we passed it today and approved it and got it to the floor, could it be amended before the floor or is it too late?

MR. NOLAN:

If we amend it after today, it would have to be tabled on the floor.

P.O. LINDSAY:

I don't think it -- we can change the requirements to the program.

CHAIRWOMAN HAHN:

No, no, no, no.

P.O. LINDSAY:

But I'll I'm asking does the 25% qualify it for Legacy Funding?

CHAIRWOMAN HAHN:

Right. And that's what someone would have to research and determine before 5:00 today.

MR. NOLAN:

I think it's -- I think -- but I have to go find it. I think it's a 50% requirement.

CHAIRWOMAN HAHN:

Okay, so --

MR. LIPP:

I have that information now. It requires that other -- government entities or not-for-profit organizations would provide funding equal to or greater than the County's contribution. So it would have to be a minimum of 50% outside.

P.O. LINDSAY:

So forget what I said.

CHAIRWOMAN HAHN:

Okay. So we have a motion to approve. The tabling doesn't have a second; correct? All those in favor of approving? Opposed? Abstentions? **2062 is approved. (VOTE: 5-0-0-1. PO LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSENT)**

Seeing no more business before us, we are adjourned. Thank you very much.

**THE MEETING CONCLUDED AT 3:12 PM
{ } DENOTES SPELLED PHONETICALLY**