

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 February 23, 2015.

MEMBERS PRESENT:

Leg. Kara Hahn, Chairperson
Leg. Al Krupski, Vice Chair
Leg. Sarah S. Anker
Leg. Thomas F. Barraga (excused absence)
Leg. Thomas Muratore (excused absence)
Presiding Officer DuWayne Gregory

ALSO IN ATTENDANCE:

Leg. Jay H. Schneiderman, Second Legislative District
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Jason Richberg, Chief Deputy Clerk of the Legislature
Laura Halloran, Budget Review Office
Katie Horst, County Executive's Office
Sarah Lansdale, Director/Department of Planning
Lauretta Fischer, Department of Planning
Michael Pitcher, Aide to Presiding Officer
Alyssa Turano, Aide to Leg. Hahn
Catherine Stark, Aide to Leg. Krupski
Amy Ellis, Aide to Leg. Anker
Brendan Chamberlain, Aide to Leg. Muratore
Rick Brand, Newsday
William Shilling, Aide to Leg. Calarco
Leslie Kennedy, Aide to District number 12
Ali Nazir, Aide to District number 12
Richard Martin, Director of Historic Services
Richard Dawson, Commissioner/Parks Department
Robert Braun, County Attorney's Office
Sammy Chu, appointee to Planning Commission
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:03 AM

CHAIRPERSON HAHN:

Welcome to the Legislature's Environment, Planning and Agriculture Committee. If we could all rise for the Pledge of Allegiance led by Legislator Anker.

SALUTATION

Do we have any cards today?

MR. RICHBERG:

No cards.

CHAIRPERSON HAHN:

No cards. Anybody in the audience who would like to address the Committee? Seeing none, we'll move forward.

Yes, we have two excused absences today. Legislator Barraga and Legislator Muratore both have excused absences today.

INTRODUCTORY RESOLUTIONS

Okay, I would like to make a motion to take **IR 1116** out of order, **To appoint a member of the County Planning Commission Samuel Chu. (Co. Exec.)** Because I believe that we shouldn't make people wait when they're here for appointments. So if I can make that motion, take it out of order. Anyone want to second that?

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. All those in favor of taking it out of order? All those opposed? Abstentions? Okay. IR 1116 is before us. And I'll make a motion, motion for **Introductory Resolution 1116, To appoint member of County Planning Commission Samuel Chu. (Co. Exec.)** So if you would like to come up and sit down before us, Mr. Chu. I'm sorry. Did I mumble? I did, I made a motion. Sorry to the stenographer. I'm so nasal with a second cold I've had in a month. Hello, welcome.

MR. CHU:

Thank you for having me this morning.

CHAIRPERSON HAHN:

Thank you so much. If you'd like to tell us a little bit about yourself, which feels kind of funny but --

MR. CHU:

Sure.

CHAIRPERSON HAHN:

Most of us know you.

MR. CHU:

Most of you are familiar with me. I think all of you are familiar with me as the previous County Labor Commissioner among other roles I filled during my paid tenure at the County as an employee. I recently resigned my post after making a very long decision based upon several factors, but primarily, you know, personal factors based upon the fact that -- and I don't have to tell all of you

that the demands of public service are great. And I know each one of you, some better than others, but I know how much time and energy you put in and the hours and the unpredictability of daily routine. And that sometimes, many times, it is incompatible with, you know, your personal priorities. You know, it's up to each one of us to weigh whether or not those personal priorities, you know, whether that's acceptable.

And my -- I have two little children, which are not -- who are getting less little by the day, who are 9 and 7 and soon to be 10 and 8. And I found in a 3-year period, particularly due to the fact that we had -- and we're all familiar with the impacts of Superstorm Sandy, that I reached a point where I realized, I took a step back, tried to reach a moment of self-awareness, realized that the thresholds to which my personal obligations were being impacted, reached a level that wasn't acceptable to me. So I made a very difficult decision, because I very much love serving this County, I love serving the Administration, I love working with the Legislature, to benefit the residents of our County through very difficult times.

Throughout that process, you know, I, of course, had to re-exam what I would be doing with my life, you know, recognizing that I needed to make some changes to make sure that I could be more attentive to my personal needs. And I very much squarely wanted -- was very, very -- early on it I became certain that I wanted to return to the energy sector, which I worked extensively with Legislator Anker, both when we were up-and-comers to address what I feel our serious needs here on the Island. So I'm very glad to report I'm very -- I'm doing very well in my next -- my next professional venture in the private sector.

But one of the things I did have to -- I did want -- I did have to reconcile with myself was that public service is extremely important to me. And having been here at the County through a -- as I earlier -- I mentioned earlier through difficult times, I recognize how much work there needs to be done. And having had the benefit of seeing the threats to the life that we love here on the magnificent place we call Long Island here in Suffolk County, it is very apparent to me the two most critical issues that we need to address before we can even consider a lot of the others, economic development is one.

We are faced here -- I just did a -- I just enjoyed my first vacation where I almost didn't return a phone call, though one exception being to Legislator Hahn's office asking for my attendance. And to visit family members as far away as North Carolina, Massachusetts and some in between. We passed by friends; we passed by States. We did a license plate game of collecting -- in fact, we laughed if anyone watched the Walking Dead, they had a similar exercise last night in the episode, where we were scoping out with the kids all the different license plates from 50 states. We managed to get 41 including Washington DC. And it was a fun game, but it was sad because we recognized in so many of those license plates friends of ours and family members that had left Long Island to go to these places. Because Long Island's a hard place to make it. So it's very apparent to me that economic development, smart growth here on the Island is critical as it's ever been. And we've known this for many decades. And that's one of the reasons why I would be honored to have the opportunity to serve on the Planning Commission to help address that need.

The other serious consideration and the other existential threat that we have here on the Island is the fact that we live on a very environmentally sensitive place. We -- you know, Sandy was an eye-opener for many. It was an opportunity for me certainly to understand aspects of it. I've been very familiar with energy issues and carbon emission issues. But it was an eye-opener for me as we delved into facts, the impacts of the storm, the impacts of density on the Island without management for -- without proper environmental management for that density over time; the impact that that's had environmentally on the Island, particularly on our water. This is, again, falls -- something that falls under the purview of the Planning Commission. The Planning Commission is a body that can essentially help to be a stop -- protection against making sure that we do not threaten any of these things.

So that's why I come back to you offering to serve, albeit in a very different fashion. This is a

volunteer position, but I understand that there's commitment. I understand that there's workload. I've had a conversation with Chairman Dave Calone so -- and I'm familiar with the Commission from my previous position here, so I understand the commitments and I don't take it lightly.

So that's why I'm here. I'd be glad to answer any further questions, but I hope that goes a bit of the way in explaining why I'm interested in continuing to serve this County.

CHAIRPERSON HAHN:

Okay. Legislator Anker.

LEG. ANKER:

I want to thank Sammy for coming here today and talking about some of your past work experience. And I do have to advocate for you because you were so dedicated in the Town of a Babylon with energy efficiency programs and solar energy programs. And I think that's where Long Island needs to go.

So as far as your experience in the Planning Commission, do you have some ideas of how we can facilitate these programs and, you know, not only, you know, try to save in creating energy efficiency -- energy efficient buildings, but also advocate for renewable energy projects. And, again, we have to start -- well, continue -- I won't say start -- we have to continue to try to, you know, stabilize the tax base, reduce the tax base if we can, but also promote affordable energy because we're just getting socked by so many issues. And, like you said, the kids are leaving. They're not coming back, the young adults. And the seniors are starting to go. And, you know, we're losing the residential base to keep our economy going. So just maybe -- just a few ideas as far as advocating for these ideas, renewable and then energy efficiency.

MR. CHU:

Certainly. Thank you, Legislator Anker. I remember -- if -- forgive me if you mind me telling the story. I remember when we had -- we had green homes up and running in Babylon for a few months. And we were -- we were hot stuff for the time. Legislator Anker, when she was in Brookhaven, came in. And even then super gracious, came in with a big bag of bagels, cream cheese, fed us all and listened attentively for, I think, hours and absorbed and was able to do that in Brookhaven. So thank you for being a leader as well early on.

Yes, I do have many ideas on how we can do that. It's an exciting time. When we -- you know, when we were first trying to push the limits on energy efficiency finance in Babylon and Brookhaven back then, there were many obstacles, many unanswered questions. Some of them still remain. But I've -- I'm very glad to report I'm back in the energy sector, something you know I'm extremely passionate about. And things have evolved, particularly in the areas of energy finance. You know, solar -- solar is in a place where, you know, life at PSEG is in a position where they're close to being able to sunset, you know, rebates, which is -- people see that as a negative, but -- and in some ways it's negative, but it's a positive sign because that means we're -- we're getting to a place for renewables here on the Island where we're reaching market parity, which is the place that California's in, where it just makes sense economically. So that's exciting.

On the energy efficiency side, some of the most exciting things that are happening on the energy efficiency side are new methods to measure. Something that nobody heard of just a few years ago was an IP thermostat like Nest. That's a manufactured brand, but there are others that are similar to it that allow an understanding of how people actually use their home, so -- as opposed to understanding just the static nature of the home, you can actually understand the occupancy and the behavior in the home. What that's going to lead to is an ability for the use of tools that allow for energy efficiency to be better used for demand response.

Now, here we understand energy -- purchasing energy is one of the toughest things because here on the Island we don't have to build generation for what we need. We have to build generation for

what we need at the worst possible time. And in that moment that's what we have to account for. So energy efficiency as a tool for demand response, being a more effective tool for demand response, will not only be able to help us environmentally, but can very much go a long way towards controlling future cost of generation here on the Island. And that's extremely encouraging. And I am confident that those solutions are going to evolve to have a very big impact over the next several years. And that's encouraging.

LEG. ANKER:

And I just want to say how important it is to have someone with your knowledge on the Planning Commission. Because as we move forward with deciding, you know, how government is part of the process, you have to have the professionals. You have to have the people that really understand. And you had just said it: New ideas and new technology. I mean we went from, you know, solar panels that were massive and weighed a ton to -- I recently saw a couple days ago they're now making pieces of glass. And, you know, they put a die in there. And they're coming up -- bless you -- they're coming up with different ways to make solar energy out of very light material. So if we can implement that into, you know, what the government does and, you know, and be a leader in renewable energy projects, I think we're headed in the right direction. But, thank you, Sammy.

MR. CHU:

Now just because I'm excited about it, you know, there were some recent new stories about the Tesla batteries, which the ability for technologies to be leveraged against one another to allow for storage to allow for -- to accommodate for grid, you know, sensitivities, is a huge deal, particularly on the East End, you know, where there's -- where there's issues that are specific to the grid out there. And the Town of East Hampton's been very forward with their commitments. And, I -- you know, I also serve as Chair of the Long Island Chapter of the US Green Building Council and our East End Committee chaired by Frank Dalene, who's been particularly active out there in promoting -- in promoting them getting completely off, amongst others, we realize as well, about getting off the grid entirely which, you know, which -- I know it's easy to be a skeptic about, but certainly would be -- would be a terrific thing to see.

LEG. ANKER:

And, again, just one more -- one more idea as far as the solar, you know, it's frustrating because, you know, there are so many developments that are being introduced, you know. My advocacy for the community, of course, you'd have to make sure the community's good with those sitings, this is the large solar rays, specifically in Shoreham. But, you know, my concern with a lot of this energy efficiency, these large projects, where is the local benefit? Where is the local financial benefit? Because they're going to be paying 22 cents extra per kilowatt for the renewable energy projects. And the benefit is, well, we're going to reduce our carbon footprint, which is important, but there's got to be a better way. And it's going to be people like you that really understand what energy and what electricity is all about to facilitate, you know, good forward change that is so much needed. So thanks.

MR. CHU:

Thank you for the compliments.

LEG. ANKER:

No question.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. So I have a question for you, if I may. When you're -- I was very disappointed when the woman that you're -- you know, you were put up to replace decided not to serve the County any more in that capacity. There's five at large members on the Suffolk County Planning Commission.

And, you know, Glynis Berry, I spoke to her about this. And she's from Orient. And out of the five at large members, none of them are from the East End. And -- so I think this is a -- this is a great concern to me, and certainly to everyone on the East End. We do have representatives from the local towns. But the five at large members are all people from the west. And there's nothing wrong with that. And you certainly -- because all those -- the other four members who are there are certainly qualified. You, yourself, are certainly qualified to serve the County in that capacity. That's -- that's not -- you know, when your name was mentioned, it's not -- that's not the issue at all.

I did like what you had to say about the, you know, the environment being very important. Because on the East End the economy is the environment. And I would like to hear, you know, what you have to say in recognition of that. The -- you know, the economies are different from the west to the east. They're -- they're both -- you know, they both have their strengths certainly and they both are ticking along in a lot of respects, but they're -- on the face of it, they look very different. You know, you have small businesses. You have traditional industries, which are -- which are still very viable. Agriculture, its ever-changing form; aquaculture, in its ever-changing and strengthening form. And I'd just like to see, you know, recognition of that from the Suffolk County Planning Commission and to see that in the decisions that are made and brought out to the East End Towns with those things kept in mind.

CHAIRPERSON HAHN:

Can I just clarify one thing? I'm pretty sure there are three at large members. If the Counsel could just clarify that for a second.

MR. NOLAN:

That's correct.

CHAIRPERSON HAHN:

Three at large. Go on, you can answer the rest --

MR. CHU:

And I'm pretty sure I'd be the largest at large member. (Laughter) I don't know how many there are. Legislator --

LEG. KRUPSKI:

We're counting to five or three here. We're not sure which.

MR. BRAUN:

Legislator Krupski, if I may, there are three at large members; one member representing villages of under 5,000; one representing villages of over 5,000. That's five. And ten towns. So that's the fifteen.

LEG. KRUPSKI:

Thank you.

MR. CHU:

So I certainly understand your sensitivity, Legislator. And you -- that's just a sign that you're a great steward for your district and your constituents. I -- you know, something I became fond of saying during my tenure here, as I got to understand the intricacies of Long Island, you know -- you know, we're in Suffolk County. We're a niche in Suffolk County, but what you become -- you come to realize more and more is that, you know -- and I've become fond of telling people, we're on an island, which means -- that's two -- it's a big island, but it's too small for us to escape each other's problems.

The East End is a treasure. We -- the entirety of the Island from the border of Queens out to the end, as we affectionately call it, benefits greatly from the agriculture, the tourism and the beauty of

-- and the reputation of the East End, which in and of itself has distinct -- distinct areas. I would like to think that my time here as a County official, being responsible to serve all of Suffolk County -- certainly I make no -- I'm not shy about my Babylon roots. But my time here at the County certainly served to broaden my understanding and my appreciation for the needs and the benefits that the East End -- that are important to the East End.

Environmentally, you know, we have to address this. I think -- and I think the East End has been such a great place for leadership, you know. I had mentioned earlier what they're doing out in East Hampton is terrific. You know, I've had a couple conversations with the Mayor. I intend to get out there to discuss a number of things with him. South Hampton's been a leader environmentally. The things we did from energy efficiency to issues of water. So, I understand your sensitivity. What I would offer is that I would like to particularly see the issues that are important to you. And, Legislator Schneiderman, I'd be glad now that I do have some more -- some more time, I'd love to come out and see those firsthand and meet with both of you and any other officials you'd like to collect and hear those firsthand. Because, again, I understand this is a commitment. It's a volunteer position but I understand that -- and part of that commitment is understanding the scope of your responsibilities and certainly the East End needs to be priority.

LEG. KRUPSKI:

Thank you. I appreciate that. And I have seen you in Peconic. But what you said, does that translate into that you're moving to Orient; is that what I heard?

MR. CHU:

No, my answer is I moved from the Orient many years ago. And, so, no -- but I have no plans on moving to the Orient, but I'm in the private sector so we'll see how that goes. I might be in a financial position at some point to do that. And you'll be the first to know. I'll give you a call and you could help me house hunt.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Presiding Officer Gregory.

P.O. GREGORY:

Thank you, Madam Chair, and thank you, Mr. Chu, for your willingness to serve the County in this capacity. I just wanted to ask a simple question. And that is how do you see your role as a member of the Planning Commission and the role of the Planning Commission here in Suffolk County?

MR. CHU:

Well, I also have the benefit of having been a municipal official in the Town of Babylon. So I understand -- and I've also been in the world of private contractor. I've spent many years in construction. So I have an understanding. And also with my work with USGBC, I have an understanding of how much work time, effort, consideration and thought goes into submissions before they even arrive at the Commission. And that's something that I think's very important to recognize. Because we -- we're placed here on -- to echo some of the sentiments of Legislator Krupski -- Long Island, sometimes for better, sometimes for worse, but we're a place that very much values the sovereignty of our municipalities and their ability to make decisions for themselves and prioritize for themselves.

So I think the role as a Planning Commissioner is one to be in a position to introduce new ideas. I think the Planning Commission has been its best in -- from what I've been able to see -- you know, I had the pleasure of working with the Planning Commission on a couple -- a couple projects prior to my time in the County; one being the Unified Solar Initiative. That was an example where the Suffolk County Planning Commission was able to introduce policy that was able to transcend the

borders of the towns and villages and offer up something that can have regional benefit. So I think that was a great example of the County taking into account the regional need.

But I also think as a Planning Commissioner, it's very -- it's very critical to understand and respect the needs, the wishes of the municipalities and understanding that those people were elected, understanding that those are people that have the trust of their constituents. And in all but the rare instance when, as a Planning Commissioner, from my perspective, I feel obligated to offer something that I see in a submission that would threaten the regional -- the regional needs.

So to be clear, I think, we must -- we must be very careful to respect municipalities in our role and responsibilities to make sure that those submissions coming through, either through conversation, affirmation -- in rare instances of, you know, opposition, are consistent with the greater needs of Suffolk County. I hope that answers your question.

P.O. GREGORY:

Yes. Thank you.

CHAIRPERSON HAHN:

Legislator Schneiderman.

D.P.O. SCHNEIDERMAN:

First, thank you, Madam Chair, for giving me the opportunity. I don't sit on this Committee but I'm here today on a bill.

MR. CHU:

Always happy to see you.

D.P.O. SCHNEIDERMAN:

And I get a chance to see you, Sammy. I know you won't be in front of the full Legislature so I get a chance to query you here a little bit. Thank you for your willingness to serve. It's a volunteer position. You had mentioned economic development as a big concern and the environment as kind of your two overarching concerns. Having been an elected official at the municipal level like Legislator Krupski, I in East Hampton and Legislator Krupski in Southold, one of the other things we struggle, besides preserving our environment, you know, we understand that that tends to drive the cost of the remaining land up and that leads to problems with affordably-priced housing. So workforce housing issues are quite serious throughout Suffolk County where wages don't match the cost of housing, whether it's a ranch or homeownership.

One of the things the Planning Commission does is review zoning changes. And when a municipality -- and it's not easy because when you decide to place affordable housing somewhere, it usually requires a zone change because of that higher density. And it's controversial. And, you know, people come out to oppose it. And if you get the majority vote to get that zoning change in place, it still has to go before the Planning Commission. If the Planning Commission says no, it comes back, and now you need a supermajority to override it, which sometimes is going to be impossible. So I kind of wanted to get your take on the affordable housing issue.

MR. CHU:

Sure.

D.P.O. SCHNEIDERMAN:

Workforce housing issue, you know, I think it's been called lately because I guess it's more politically correct than affordable housing. But to me it's a critical issue and I want to make sure it's something that you're focused on on that Planning Commission so that we don't see projects die on the vine.

MR. CHU:

So as with all of the issues, all the issues that we deal with on the Commission, they're not isolated, right? So I think this is where a comprehensive approach is important. And what are some of the reasons for density out on the East End? Transportation is tough, right? And I think, you know, that ties right into this. And you've been an advocate for transportation. I know what an advocate you've been for transportation on the East End. And from my perspective with the USGBC, we understand how important it is to make sure that we're promoting, you know, better transportation.

I think the answer -- again, this is where -- this is the number one -- what you're highlighting is the number one issue -- the nexus of the -- the two issues that make the number one issue. How do we grow Long Island sustainably? It's a very simple question. How do we grow Long Island sustainably? My reflexive -- my reflexive response is, one, to support density for workforce housing. My reflexive instinct is also to support protection of the environment. Through my history of service, both in the non-profits and government, I have experienced that those two things don't have to be incompatible; that if you approach things properly, if you have the right people in the room, and you have cooperation amongst jurisdictions and stakeholders, that you can accomplish both of those things. And quite simply our ability to accomplish that, to maintain that compatibility or to achieve that compatibility between density growth and environmental sustainability is largely going to be -- is largely going to impact how we -- how we prosper as a County.

So my short answer is, I can't say yes or no how I would vote because I don't know the specifics. What I would tell you is that is a problem. That is the problem, that I am interested in joining the commission for.

D.P.O. SCHNEIDERMAN:

As long as you recognize the issue. You know, and it's two sides of a coin. You know, economic development, you want companies to come here. You know, they're going to look at what they have to pay their employees in order to live here. You know, affordable housing pieces interconnected. And the more we grow the economy, the more money people will have to afford some of the rents. So they're -- you know, they're very closely related. You can't really do one without the other.

MR. CHU:

All I can recognize is that I -- to me that is -- if I had to put in a number one slot, that is the number one question.

D.P.O. SCHNEIDERMAN:

Can I just ask you, you know, with understanding -- I know you're working -- you have a new job now.

MR. CHU:

Yes.

D.P.O. SCHNEIDERMAN:

I don't really know what it is. I just want to make sure that new position won't conflict with your work on the Planning Board.

MR. CHU:

Sure. I started not too long ago as a Vice President of {FIS} Development for an enterprise called Powersmith Home Energy Solutions. I'll take a moment to tell a story since you asked.

When I was in Babylon as Director of Long Island Green Homes Program, the program attracted an individual named Dan {Carsman} from the west coast. He was working for a place -- a company called Sustainable Spaces at the time, which was recognized as a leader in energy efficiency nationally. And he was from New Jersey so he decided he wanted to come back -- excuse me -- to the East Coast and start a home performance company, which is in the industry is what we call

energy efficiency contracting, you know, insulation, you know, upgraded equipment. He had heard, as many had, about the program that we had in Babylon, that it addressed the financial barriers to homeowners getting improvements. And he decided to start his company in the Town of Babylon. Actually I think he started -- he was in Bay Shore originally.

So over this past year when I was -- I didn't expect to take a position with them, but I was very much interested in getting back in the energy sector. Dan was one of the -- was one of the folks I went to for advice because I had been focusing on many other things for the last few years. And he -- him and I got to talking, and he was very interested in having me come aboard and it worked out. And for me it's very gratifying because I'm able to come back to -- you know, it's almost -- it's serendipitous in a way because it was something that I had an opportunity to tackle the obstacles that the public sector faced from a policy side and be involved. And now it's an industry that is, I think, coming to a point where the private sector is going to be able to stand on its own two feet.

So I'm a person that believes in government, that public investment in private industry yields the fruit of private prosperity. And it's very gratifying to see that now we're getting to a place where the private sector can take over where the public sector wasn't in a position to very much help, assist and get through some very, very tough barriers.

D.P.O. SCHNEIDERMAN:

Any potential conflicts that could arise?

MR. CHU:

It's single-family residential homes, which on the Planning Commission is not generally something that's under its purview. I would say I have -- there's other -- there's other ventures that I may get involved in. I'm not limited. But I also am quite understanding of the responsibility that I would have to recuse myself if it became an issue.

D.P.O. SCHNEIDERMAN:

Okay. Thank you.

CHAIRPERSON HAHN:

Any other questions? Okay, thank you so very much. I believe we have a motion and a second.

MR. RICHBERG:

Yes, we do.

CHAIRPERSON HAHN:

All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 4-0-0-2. PO GREGORY INCLUDED IN VOTE. LEGISLATORS MURTORE and BARRAGA EXCUSED ABSENCE)** Thank you very much. You don't need to come on Tuesday to the General Meeting.

MR. CHU:

Thank you very much. It's been a pleasure to see you all. Thank you.

CHAIRPERSON HAHN:

Yeah, thank you for your willingness to serve. Okay, we are onto Tabled Resolutions.

TABLED RESOLUTIONS

Introductory Resolution 2179 - 2014, Making a SEQRA determination in connection with the proposed Historic Trust recommendation concerning the dedication of Montauk County Park and associated buildings and sites to the Suffolk County Historic Trust. (Pres. Off.) I see that we have Richard and Commissioner Dawson here. If you'd like to come forward, I believe you're here or this matter; correct? Yes. Do we want to make a motion? I'll make a motion for purposes of discussion. Second -- second by Legislator Anker. So on the motion, Legislator

Schneiderman.

D.P.O. SCHNEIDERMAN:

Just because this is in my district, I thank you, Commissioner, and Richard. This designation -- because we've had some -- this is a park that basically has been underutilized for many, many years, at least 20, but we have been making significant investments into rebuilding the -- you know, restoring the main building there. We -- the GATR site, which was, I guess, a World War II type of site, we've done -- we've converted that into a building for our parks or DPW.

I am just a little bit concerned that by putting everything into this historic designation, we're going to run into conflicts such as, you know, at one point we looked at siting -- the Montauk Observatory had looked to go there. At one point we were talking about setting an 800 megahertz tower there for emergency communications at the GATR site. A lot of groups are now looking towards using this facility. Just a little bit concerned that, you know, it might complicate things; though certainly some of these things are genuinely historic. So maybe you guys could comment on how this will affect the use of the park and future uses in particular.

MR. MARTIN:

Sure. What the dedication to the Historic Trust will do will protect the parkland from development that we don't want to see happen, but it doesn't preclude development. And the number one priority here for the dedication is to recognize the significance of Indian Fields. The park is a thousand acres. And this was the last area that the Montauk Indians lived in in Montauk. And so there has been archeological sites, the Pharaoh Village discovered within this parkland and actually throughout the park there's a possibility that we could find archeological sites. So this brings to everyone's attention by formally dedicating that this could be an issue. So that we would do archeological work before we did any new construction, but it would not preclude new construction.

D.P.O. SCHNEIDERMAN:

Don't we routinely do that now? We require at least, I think, stage I archeology if I --

MR. MARTIN:

Yes. Under our -- under our guidelines the park has already been viewed as an historic and was actually declared eligible to the National Register in 1997. For this reason -- and the buildings were also declared eligible to the National Register. So we do follow all those guidelines now. This is just formalizing it. The Historic Trust Committee has asked me to complete the process of the Historic Trust dedication so there's no question in the future that this is an historic property.

D.P.O. SCHNEIDERMAN:

Just lastly, how will this affect the Lindley House, which is basically just deteriorating? We own it. We haven't done a thing to it since we took possession of it.

MR. MARTIN:

This dedication would require the Parks Department to maintain that building under the historic designation.

D.P.O. SCHNEIDERMAN:

So that would make monies available to repair it or --

MR. MARTIN:

Well, there is a possibility of grant funds. We do have it declared eligible to the National Register already so we did receive \$80,000 State grant to restore the Third House, but we would be open to additional funds as an historic site.

D.P.O. SCHNEIDERMAN:

Okay.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. So just to get a better idea, you said that -- you referenced Lindley House and that you would be required to restore it. So what -- first -- and I would like to get back to that. What's the inventory of structures that we're talking about here? And then the second part of that is, when you say you're required to restore it -- I mean we're facing a big budget deficit here. We got, you know, some financial challenges that need to be met. I'm sure this Lindley House, we seemed to have owned it for decades and haven't done anything to it. I'm kind of wondering why this is a priority. Like why is it a priority today? Why is it on the agenda today? Because, you know, things don't -- it just didn't randomly get there.

MR. MARTIN:

The Historic Trust Committee has asked me to complete the process on the Historic Trust dedications. Like I said, this already was reviewed by the CEO. Actually the first time was in 1990. And there was a Master Plan as a result of that that was done by a community, group of citizens and parks' officials that came up with a Master Plan in 1995. And within this Master Plan they're requesting the County to -- to put the park on the National Register. So it's an ongoing process, but the historic significance of the park has been recognized, you know, for decades. And right now it's just a formality in a sense -- we still follow those guidelines because of all the studies that have been done. And already the Legislature has approved it, in a sense by approving the plan here. But the cost could be worked in over time. It's not like it all has to be done at once. And what it's asking us is to maintain the building until the funds are available in an historic manner.

LEG. KRUPSKI:

Well, that doesn't really -- well, let's go back to the first question, what's the building inventory on the site itself?

MR. MARTIN:

Okay. The -- I don't know if everybody has the resolution, but attached to it is the list of buildings. And the main building there is Third House. And that building was restored in 2006. We spent \$800,000 to restore that building. And that's the largest and most historic building on site. And we also spent \$200,000 on the cabins. There's eight -- a group of eight cabins that sit behind Third House that have been restored already. So we spent a million dollars on that project. And we spent over a million dollars to convert the GATR site, which is at the top of the hill within the park to the County Parks Maintenance Facility. And that's already been completed. So what's -- the additional work that's needed is to bring Third House to code for public assembly, which we do have funds in our budget to do that project and then to continue on with both the bunkhouse behind Third House, which needs interior repairs and the Lindley House.

LEG. KRUPSKI:

Do you have a -- see -- you said -- you're referencing a 20-year-old document there. And obviously the recommendations then were to restore all this and -- so the question, again, I'll go back to why is this on the agenda today? And do you have a -- like a cost estimate for the proposed work? Because you're saying it could be done over time, well over the course of 20 years. You know, you mentioned some of it had been done. What's the -- why is it on the agenda today? And do you have a cost estimate for the rest -- for what you're proposing?

MR. MARTIN:

It's on the agenda today at the request of the Historic Trust Committee to move this forward. And I -- we don't have a full budget for all projects in there, but the code work to the Third House we have \$500,000 in the budget now to proceed with that and \$50,000 for planning. And then we're looking to get additional funds, like I said, for the bunkhouse and for Lindley House.

LEG. KRUPSKI:

And what would we do with the bunkhouse and Lindley House if it were restored?

MR. MARTIN:

There's proposals now to use the bunkhouse for -- it was a Indian museum for a while. So that's one possibility to revert to that use, but it also can be used for public office space or programming on the site. And the same for the Lindley House. It's still being discussed if that should remain as residential use or to be opened to the public for public use.

LEG. KRUPSKI:

Are there -- and I've heard there's some challenges there at the Lindley House. Are there utilities servicing that house?

MR. MARTIN:

Right, there are issues. It's a standalone structure that would need utilities brought to it; or to be self-sufficient on-site with a well.

LEG. KRUPSKI:

I'm -- you know, I'm kind of -- I'm kind of reluctant to write -- to give out a blank check here for something that's sort of an ongoing maintenance problem, which we're faced with throughout the whole county on a lot of historic structures that seem to languish and there's a little effort made and then they languish a little -- I'm not sure what the -- I'm not sure, you know, what the -- how to -- I'd like to see like a priority list. You know, we have all these historic structures and we have all these structures that aren't historic but the County uses, the Parks Department uses as, you know, facilities where the public uses or else workers use. I'd like to see that done before we -- we move forward to something that's going to require us to fix something to a standard that we probably don't have control over.

MR. MARTIN:

We do have a priority list for the County historic buildings that we work down on the list. And the Third House is on that list so -- to be completed. And, again, we just do these projects over time. The historic designation is not telling us we have to do it immediately; it's saying we need to maintain the building, especially the roof, until the County can restore the building so we don't lose the building. That's the requirement. Which we would do whether it had the historic designation or not. The basic maintenance we do on the buildings already.

LEG. KRUPSKI:

The last question I have is on the -- if it is, in fact, designated as a historic building, are there -- who sets the standards as to how the restoration's to be completed?

MR. MARTIN:

We have an Historic Trust Manual that the Council of Environmental Quality adheres to. And we have a Historic Trust Committee that actually meets at these historic sites to review the restoration work. And I'm the Director of Historic Services so I supervise the jobs within the Parks Department. And that's the levels of supervision that we have.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Legislator Anker, did you have a question?

LEG. ANKER:

No.

CHAIRPERSON HAHN:

Anyone else questions? Okay. We have a motion and a second.

LEG. KRUPSKI:

I'll make a -- I'll make an additional motion to table. I'd like to see a priority list. I'd like to make sure that our inventory of Parks buildings where the public goes, including Cupsogue, where the public goes and where County workers go are maintained first before we -- we embark on another project.

CHAIRPERSON HAHN:

Okay. We have a motion to table. Do we have a second for the motion to table? Okay, no second. We're going to move forward on the motion to approve. All those in favor? Opposed?

LEG. KRUPSKI:

Opposed.

CHAIRPERSON HAHN:

One opposition. DuWayne, are you voting?

P.O. GREGORY:

Yes.

CHAIRPERSON HAHN:

I'm sorry, Presiding Officer Gregory is voting. And abstentions? Okay. It is approved. Thank you.
(VOTE: 3-1-0-2. PO GREGORY INCLUDED IN VOTE. LEG. KRUPSKI OPPOSED. LEGISLATORS MURATORE and BARRAGA EXCUSED ABSENCES)

INTRODUCTORY RESOLUTIONS

Next, we'll move onto Introductory Resolutions. And thank you, Commissioner Dawson and Mr. Martin, thank you for being here. You may need to be here on Tuesday as well if the same kind of questions come up on Tuesday, I would imagine.

Okay, Introductory Resolutions. IR 1104, Amending the 2015 Adopted Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program and appropriating funds in connection with the effect of the Millstone Nuclear Power Plant on the temperatures of the Long Island Sound, Capital Project 8710 (Schneiderman). I'll make -- for the purposes of discussion, I'll make a motion to approve; seconded by Legislator Anker.

D.P.O. SCHNEIDERMAN:

Actually I'd almost prefer just to discharge without recommendation.

CHAIRPERSON HAHN:

All right.

D.P.O. SCHNEIDERMAN:

And I'll explain why. So by our own rules, 477 Water Quality must go through the Water Quality Committee before they can be approved by the Legislature. The Committee's meeting this Friday. This happens to be a time-sensitive issue because this power plant that uses the Long Island Sound to cool its nuclear reactors, their permit to do that expires in September.

I reached out to SOMAS, the School of Marine Atmosphere Sciences at Stony Brook on this issue to look at the effect that it's having on the Long Island Sound over time. The Sound's been warming up at about one degree per decade since the plant started operating, which is significantly warmer

than what global warming would predict.

A new five-year permit would allow obviously additional heat to go into the Long Island Sound. They have to go through the Clean Water Act to get a permit. And it's issued by the Connecticut Department of Energy and Environmental Protection. And that would happen roughly in September. Stony Brook needs four months to do this computer model that will determine how their heat discharge is affecting not only the Long Island Sound but the Peconic Estuary, and what the ecological consequences of that may be over time.

We've already found that the Long Island Sound is too warm for our lobster population, our eelgrass population, our winter flounder population. So there has been dramatic impacts. This is an issue that is plaguing nuclear power plants across the nation that use this type of cooling system, where they are warming up the water bodies that they discharge into. There is a different method of cooling these reactors called cooling towers. It puts the heat into the atmosphere and not the water body. It's something that given the right information, Connecticut Department of Environmental Protection might pursue that route. So getting the data, getting this computer model developed is really essential in terms of the future health of the Long Island Sound, Peconic Estuary. I'm just asking that it has a chance if it gets out of Water Quality Committee, that it would go before the Legislature on March 3rd.

CHAIRPERSON HAHN:

You're right. I should withdraw my motion to approve and make it a motion to discharge without recommendation because of the fact that it hadn't gone through the Water Quality Committee. So, I'll do that.

LEG. ANKER:

Second.

CHAIRPERSON HAHN:

Make a change to that.

D.P.O. SCHNEIDERMAN:

So that's basically it. If it gets out of Committee, it goes to the Legislature on March 3rd. That would give enough time for the contracts to be developed and then the study to be done. The data obviously has to be compiled before September. So according to Larry Swanson, who's heading the team at SOMAS, that would give them ample time to do it.

CHAIRPERSON HAHN:

So I have a question about 477 dollars that -- now I can see your face. I wasn't sure who was sitting over there. (Laughter) You were behind the computer screen. Can you tell us what we have left --

MS. HALLORAN:

Ah, yes.

CHAIRPERSON HAHN:

The surplus for the fund?

MS. HALLORAN:

There is a fund balance in fund 477. It should be based on adopted figures, which are subject to change, but it should be approximately 5.3 million. And some employees are funded out of that fund so we have had a problem where the fund balance is not increasing unless we close out Capital Projects pretty much so --

CHAIRPERSON HAHN:

The 5.3 million -- I'm sorry -- I just want to be clear that I understand you, does that -- is that after the salaries are taken out?

MS. HALLORAN:

That is a fund balance. So pretty much around nine million came in and nine million goes out, almost, with exception of 170 something thousand dollars. All the money that came in last time went out for operating expenses. So we do have a fund balance but it's not increasing. And it could decrease if, say, more employees were filled out of that fund and expenses increased or if --

CHAIRPERSON HAHN:

-- that's because we fund Capital Projects.

MS. HALLORAN:

If the money didn't come in as was budgeted. If sales tax doesn't come in, then you have less revenue coming in. So if there's less revenue or higher expenses, that fund balance could start being drawn down. So the Water Quality Review Committee has been taking that into consideration when they look at projects for review.

CHAIRPERSON HAHN:

Okay. So after we pay the salaries, we have this fund balance of 5.3 million. That has gone up because we closed out some Capital Projects.

MS. HALLORAN:

Correct.

CHAIRPERSON HAHN:

Because I remember that being a much lower number.

MS. HALLORAN:

Yes. I think we closed out about 1.3 million in projects last time around.

CHAIRPERSON HAHN:

Okay.

MS. HALLORAN:

So that's why it increased.

CHAIRPERSON HAHN:

Okay. I know we had a bunch of questions on the --

D.P.O. SCHNEIDERMAN:

One more on the fund balance. So there's two things that are also affecting that fund balance, too. One is -- and this is really for next year. The bill that will send -- that we approved the reimbursements from those positions back to Water Quality, which will be about \$300,000 into that section that can be spent on water quality, and then the lawsuit settlement as well, which now requires us to dedicate a certain amount of money towards these water quality projects. I don't remember how much that is, but it was somewhat significant.

MS. HALLORAN:

I'm not sure how they're going to handle that lawsuit settlement, if that's going to be a separate thing. I'm not sure yet how they --

D.P.O. SCHNEIDERMAN:

Okay, well, I just wanted to put that on the record, too, because that will make some more

additional funds available for water quality projects.

CHAIRPERSON HAHN:

Okay. We have a question from Legislator Krupski.

LEG. KRUPSKI:

Thank you. So we talked about \$5.3 million. Is that money that's available for water quality projects that are being reviewed right now?

MS. HALLORAN:

I'm -- I'm pretty sure they're not going to make that all available because we really do need a cushion because of all the expenses we need. And also I know like the last resolution there was some first instance funding of a State grant that we have to first instance -- I think it was almost 800,000 that the County has to first instance fund to receive State grant. So, you know, I'm not sure, you know, what they consider available.

LEG. KRUPSKI:

Well, that's what -- I mean I think that's the question because we can say, you know, that much comes in. And if it's not all available, then it's really -- it doesn't -- that number doesn't really help the Committee, I know, when they review these projects. Do you know how many projects have come in and-- requesting funding under this program? Can I ask Director Lansdale to come up? Thank you. Good morning.

DIRECTOR LANSDALE:

Good morning. I looked at an initial list this morning. And there were approximately two dozen projects, applications that we received.

LEG. KRUPSKI:

And what's the total ask on those two dozen projects?

DIRECTOR LANSDALE:

It's south of three million -- or south of four million.

LEG. KRUPSKI:

Now -- and I've been to the last few Water Quality Committee meetings in the last couple of years. And I know they do their due diligence in deliberating on how the money's spent. And, of course, there's very little money. Could you comment on how much money's available? Actually available? Because if this -- I'm sorry -- first of all, is the Water Quality Committee going to meet on Friday?

DIRECTOR LANSDALE:

Yes, the Water Quality Committee is meeting on Friday; this Friday.

LEG. KRUPSKI:

And will they have a number that they are going to work with?

DIRECTOR LANSDALE:

Yes, we're currently coordinating with the Budget Office to provide that information to the members. At this time I don't have that information available, but I'd be happy to share it with members of this Committee as soon as I have it.

LEG. KRUPSKI:

Is this -- is this really unusual that a project would seek to gain traction at a committee level before it goes before the Water Quality Committee?

DIRECTOR LANSDALE:

It's the first time in my recollection, but that's not to say that it hasn't happened before. The Water Quality Committee has been meeting for years prior to me joining the County. So I'd want to research that in full before I gave you a complete answer.

LEG. KRUPSKI:

Thank you. I mean, I don't know -- you know, I've heard about the timeliness and all. And I think that as far as us letting the thermal exchange it in water, and also the thermal pollution from a nuclear water plant, it's had to have been studied quite a few times in the past.

Something for the sponsor here, a question. Is this -- a four-month study obviously is going to show you very little because you're not studying the full length of at least one season of thermal pollution and how it impacts the water. And if you're familiar at all -- if you lived -- I guess if you lived on the North Shore, you'd -- really with the dynamics of Long Island Sound and how the water moves and how it moves differently throughout different seasons, in a four-month study, is this -- are they sampling the water temperatures or is this strictly a literature review?

D.P.O. SCHNEIDERMAN:

Really neither. I mean, there are large banks of data that will be used from NOAA and from DEC and Connecticut and Millstone Environmental Lab. But this is really a predictive model. It's a computer model that's being developed that looks at how heat is transferred throughout the body. So, you know, they won't -- I don't believe they'll have to go and take very many measurements. I think we have that data. It's really developing this hydrodynamic model that will, you know, take some time and some real serious expertise so they can kind of predict what -- you know, we're not talking about a small amount of heat. Fifteen million BTUs an hour are going into the Long Island Sound. But how that heat is moving and how that's affecting the ecology of both the Peconic Estuary and the Long Island Sound is critical. This is really what's being discharged really at the mouth of both water bodies. It's only maybe fifteen miles from Montauk, which is a very important commercial fishery. But also, you know, the tides whether it's from, you know, the Plum Gut or from the Race that really move this water very dramatically about. That can all be modeled within this, you know, this computer model that they're developing.

LEG. KRUPSKI:

Wouldn't this be the responsibility of a Federal regulatory agency that's going to renew a permit?

D.P.O. SCHNEIDERMAN:

Well, what's been studied in the past is primarily this -- what they call the zone of influence. It's a two -- two-mile radius around the plant. Nobody's really looked at this larger impact. And I think it's largely been missed. I see it in the data from the plant laboratory when I look back 50 years. You can clearly see there's a trendline that, you know, it's one degree per decade. Global warming predicts ocean temperatures to go up one degree a century. We see one degree a decade. So I -- you know, I can't say what the study will find, but it -- it may find that the Sound can't tolerate any more large dumping of heat, using it as a heat sink. So, yes, of course, I'd love to see the Federal government doing this. I'd love to see the State DEC doing this, but nobody has done it so far. And the Sound, obviously, is critical to Suffolk County. It borders a large, you know -- a lot of our coastline is Long Island Sound. So I mean -- what happens on the other side of the Sound we might not think affects us, but in this case I think it is affecting us. And I think it's critical that we put in the hands of regulators, who are going to make this decision, any data that we can gather that could affect that decision.

LEG. KRUPSKI:

I went to an annual Farm Bureau meeting, not this winter but last winter. And they had a scientist from Cornell. And he spoke about global warming. And he spoke about it in terms not what your opinion was or my opinion was, but the fact that in the northeast, we're kind of -- in agriculture's kind of position to take advantage of the warming because the climate's going to moderate

somewhat and that we should be ready for longer seasons. All right.

To suggest that the regulatory agencies, who should be responsible for this, aren't going to do this, you know, that's pretty discouraging. To suggest that we're going to take what little money available we have here in Suffolk County for water quality improvements and do the work of the Federal government is really discouraging. And to suggest that a four-month study of existing literature review, basically is what this is, to me it's just a waste of the small amount of resources that we have here to work with.

We've done -- in the past three decades Town, County, State have done a big job in trying to improve water quality on the East End. And I've seen that and I've worked with all those different levels of government to the point where water quality's improved to the point where shellfish -- underwater lands are being reopened. And to -- if we have a very little amount of money that's available to do more water quality improvements that we can quantify, that we can help the economy by -- and help the quality of life by opening up more underwater lands, we should be doing that. It's the old saying, I think, if you don't want to do something, you should study it.

D.P.O. SCHNEIDERMAN:

If I can respond. A -- and I've said this before -- it's not a literature review. It's a computer model. And B, in terms of County funds, I mean we just gave 477 funds a different piece of the pie. We gave \$8 million to Riverhead, which could have said -- you know, that sewer treatment facility, you know, they should be getting only Federal money, but, no, we gave County taxpayer dollars for that project for water quality improvements. You know, we're spending a lot of money on various environmental projects that -- this is actually -- and I need to correct this -- it's a \$72,000 request, not a 112,000, because there are some indirect costs that Stony Brook had projected that the Water Quality Committee said that we're not eligible for funding. So I need to modify that.

But to spend 72,000 on, you know, looking at what's going on in the Long Island Sound and what the potential effects of continued heat discharge, to me is really critical. These are like the lobster population. There used to be 4 million pounds of lobster in the Long Island Sound. Now it's down to virtually nothing. These are critical fisheries that affect, you know, our economy. We cannot continue to lose, you know, things like our winter flounder population. It's devastating. So to me this is not a lot of money considering the -- the vast impact it could have on the, you know, potential future of the Long Island Sound and the Peconic Estuary.

LEG. KRUPSKI:

I think that's why you need to -- I would not like to send this on, to discharge it at all. I'd like to table it and let the Water Quality Review Committee do its work and decide how to spend those few dollars that we have left on water quality improvements that are going to be quantifiable and that are actually going to help the environment. It's doubtful we're going to spend \$72,000 on a study, whether it's a computer model study or some other study, that the Regulatory Commission is going to say, well, we should shut down Millstone.

CHAIRPERSON HAHN:

Legislator Anker.

LEG. ANKER:

I just wanted to double check. Legislator Schneiderman had mentioned that there's a time issue with this, and that's why we're facilitating this; is that correct?

D.P.O. SCHNEIDERMAN:

That's correct. The study will take three to four months to complete. So if we don't get it out of committee now, should Water Quality approve it, we won't be able to vote on it in March and we might as well not do it at all. So this is it. This is its only chance. I don't know what Water Quality Committee will do, but I'd like -- I think it's an important issue that deserves a fair hearing in Water

Quality. And if it is approved, a chance to actually do this study.

LEG. ANKER:

Would Stony Brook be able to come to the General Legislature to talk about the study and maybe, you know, give some insight into why this study needs to be done?

D.P.O. SCHNEIDERMAN:

I can ask. You know, Larry Swanson is involved with this. Chris Gobler's involved. I think you're familiar with both of those individuals. But I could ask if they could come. I think first we have to see if it gets out of Water Quality. There is no, I guess, requirement that it's approved by Water Quality, but I think everybody would feel better about it if it is approved by that committee. They're going to review a lot of proposals. And if it survives, then I think that they have then shown that this is important.

CHAIRPERSON HAHN:

Director Lansdale, I think the first question that Legislator Schneiderman asked you was about the dollar value for all the projects that are going before Water Quality. Would you mind repeating the answer to that question? Going before the Water Quality Committee on Friday?

DIRECTOR LANSDALE:

Sure. It's approximately -- it's less than \$4 million.

CHAIRPERSON HAHN:

Okay, thank you. All right. Any other questions? I have a motion to discharge without recommendation and a second.

LEG. KRUPSKI:

I have a motion to table until the Water Quality Review Committee can act on this.

CHAIRPERSON HAHN:

And we have a motion to table. Do we have a second for the motion to table? We have no second so I'll vote on the motion to discharge without recommendation. All those in favor? Opposed?

LEG. KRUPSKI:

Opposed.

CHAIRPERSON HAHN:

One opposition. Absentions? It is discharged without recommendation. **(VOTE: 3-1-0-2. PO GREGORY INCLUDED IN VOTE. LEG. KRUPSKI OPPOSED. LEGISLATORS MURATORE and BARRAGA EXCUSED ABSENCES)**

Okay, moving on, Introductory Resolution **1109, Making a SEORA determination in connection with the proposed Northeast Branch Nissequogue River Restoration Project, Town of Smithtown and the Village of the Branch. (Pres. Off.)** I'll make a motion to approve.

LEG. ANKER:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 4-0-0-2. PO GREGORY INCLUDED IN VOTE. LEGISLATORS MURATORE AND BARRAGA EXCUSED ABSENCES)**

Introductory Resolution 1113, Authorizing additional time period for completion of negotiation process in connection with proposed acquisition of Farmland Development

Rights Wade Property. (Co. Exec.) I'll make a motion to approve; seconded by Legislator Anker. On the motion, Presiding Officer Gregory.

P.O. GREGORY:

Thank you, Madam Chair. This resolution is to -- I guess, last fall the Legislature approved the planning -- preservation of farmland of Gus Wade of Colonial Springs Farm, which is, in my Legislative District, it's the last farm in the Town of Babylon. I think even in the Town of Huntington. I'm not sure. One of the last few in the Town -- in the West End of Suffolk. It hasn't progressed along as I certainly would have liked. There was -- in connection with the preservation of this farm, we're only preserving part of the farmland and part of it the property owner is developing and has been in talks with the Town of Babylon for over ten years. And part of the delay is over those discussions with the development of the other part of the land. And the Town had requested Mr. Wade to do some further studies, which delayed the, you know, moving forward with the purchase of development of the farmland.

The Town of Babylon, the Supervisor and the Planning Commissioner have sent a letter to the County requesting a delay to -- or an extension, excuse me, to May 7th of this year until they do all the environmental studies to meet the Town's requirements and then to proceed forward. And that's what this resolution asks of the Legislature.

I ask for your support. And I hope that I have your support. And with that, I guess, I'll ask just one thing from Miss Lansdale. What is the status of the negotiations now? Because I've heard several things. I've heard that the offer was accepted, that it wasn't accepted. Maybe, I guess, Mr. Braun would be better -- I don't see -- I don't see Jill here today.

MR. BRAUN:

Good morning, Presiding Officer. I know you asked Miss Lansdale a question. Maybe I can ask it.

P.O. GREGORY:

Sure.

MR. BRAUN:

Answer it rather. We sent out contracts in September, I believe. And since that time Mr. Wade has indicated that when he resolves his issues with Babylon, he'll know whether or not he wants to proceed with the agreement with the County. Originally he did accept orally, or in response to an offer letter made by Planning and Real Estate, that he was interested in the concept. But apparently, as you already said, his development of the adjoining property, or his willingness to sell the development rights on this property, depends on the response he gets from the Town for the development of the adjoining property. So the contracts have been out since mid-September.

P.O. GREGORY:

Okay.

MR. BRAUN:

But we don't have them back signed yet.

P.O. GREGORY:

Okay. And that's what the -- which is unusual, that the Town is asking for the County for an extension so they can resolve whatever requests they've made of Mr. Wade, of the owners, of this property.

MR. BRAUN:

Yes, yes, it is unusual.

P.O. GREGORY:

Okay, okay. And I think it's important to reiterate, because, you know, this is one of the last farms in the Town of Babylon. And, in fact, the developer, the property owner has a as-of-right development for 64 single homes on this property. And he's gotten offers to develop it and wanted to preserve this, but develop another portion of his property. So I -- you know, I would certainly like to proceed forward. And I look forward to Mr. Krupski's spirited debate. He's barely containing himself.

CHAIRPERSON HAHN:

Legislator Krupski? Oh, are you finished, Presiding Officer?

P.O. GREGORY:

I thought I heard someone call foul at the bathroom break. (Laughter)

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

I am so glad, you know, because it's not always that we get the Presiding Officer to join us at committee. I'm really, really honored today.

Just a -- you know, I did -- I did support the original offer. And I didn't want -- because I believe that, you know, farmland preservation is important throughout the whole County, not just, you know, in my district. I didn't want to be that parochial and so I did support this acquisition. I understand it has value, you know, to the community.

The question I have is just to the process. And what is the County's process? Do we have a signed letter of acceptance of the offer? And what -- you know, how long is the appraisal good for? And how does this go, you know, throughout -- how does this go throughout the normal process of purchase of development rights?

MR. BRAUN:

Ordinarily the -- if no contract -- after the contract is sent out, if there's no written signature within 90 days, the negotiation is deemed suspended according to our code. It's not really clear what "suspended" means, but the Director of Real Estate has assumed that that gives her the discretion if they're close to sign a contract a little later than 90 days. But certainly something that's been pending for this long is well outside the window with which she was comfortable. So that's part of the reason that we thought it might be appropriate to come back to the Legislature.

As far as the appraised evaluation, the Environmental Trust Review Board set this price, this per-acre price for the development rights back in early 2014, I believe, probably in June, or maybe May. And so it's -- the appraisal is getting old. But not so old yet that we would say that it needs to be re-evaluated. It's less than a year old.

LEG. KRUPSKI:

At what point does the appraisal get stall? Do you have an official date? So many months?

MR. BRAUN:

No, because the statute contemplates that the agreement would be signed within 90 days plus preparation time of when ETRB sets the appraised value. So, I don't think there's anything in the code that specifically says that an appraisal needs to be redone after a certain amount of time. And at least until very recently the market was kind of stagnant so there would be nothing to make that more urgent than otherwise might be.

LEG. KRUPSKI:

In my notes it says that ETRB acted in September of '13.

MR. BRAUN:

I don't have that information with me. I wouldn't doubt it, but I think -- I thought it was later.

LEG. KRUPSKI:

And I just -- just a -- I mean I want to make sure -- like I said, I supported this initially because I think farmland preservation is an important component in all parts of the County. I just want to make sure that this isn't something that is -- is too unusual. So the Director of Real Estate is not comfortable with the extension? Is that what you said?

MR. BRAUN:

No, she was not comfortable in taking it upon herself to leave the offer open this long. She felt that since the code requires or permits 90 days for negotiations after the offer is accepted, that this is well more than 90 days and that the Legislature should be involved in any further extension.

LEG. KRUPSKI:

Has anyone else ever received an extension of the 90 days before?

MR. BRAUN:

Yes. It's not uncommon for an extension of 30 days or 45 days beyond the 90 days just by administrative process without coming back to the Legislature.

LEG. KRUPSKI:

In a case like this, and suppose there was no support for the additional time period, what would be -- what would be the next step in the process?

MR. BRAUN:

We would probably have to advise the seller, the landowner, that the transaction was no longer available.

LEG. KRUPSKI:

Were they informed? Bless you. Was the applicant informed when they applied to the County PDR Program of the conditions of the time limitations and what not?

DIRECTOR LANSDALE:

The seller was apprised. We gave him a copy of the revised Chapter 8 statute, yes.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Okay. Any questions? Any other questions? No. We have a motion and a second.

MR. RICHBERG:

Yes, we do.

CHAIRPERSON HAHN:

All those in favor? Opposed? Abstentions?

LEG. KRUPSKI:

Abstained.

CHAIRPERSON HAHN:

We have one abstention. It is approved. **(VOTE: 3-0-1-2. PO GREGORY INCLUDED IN VOTE.**

2/23/2015 EPA Committee

LEGISLATOR KRUPSKI ABSTAINED. LEGISLATORS MURATORE and BARRAGA EXCUSED ABSENCES)

All right. Seeing that we have no further business before the Committee, we are adjourned.

**THE MEETING CONCLUDED AT 11:21 AM
{ } DENOTES SPELLED PHONETICALLY**