

1
2 ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE
3
4 OF THE
5
6 SUFFOLK COUNTY LEGISLATURE
7
8 MINUTES
9

10 A meeting of the Environment, Planning & Agriculture Committee of
11 the Suffolk County Legislature was held in the Rose Y. Caracappa
12 Legislative Auditorium of the William H. Rogers Legislature
13 Building, 725 Veterans Memorial Highway, Smithtown, New York on
14 June 2, 2017.

15
16 MEMBERS PRESENT:

17 Leg. Kara Hahn, Chairperson
18 Leg. Al Krupski, Vice Chair
19 Leg. Sarah S. Anker
20 Leg. Thomas Muratore
21 Leg. Robert Trotta
22 Leg. Bridget Fleming
23

24
25 ALSO IN ATTENDANCE:

26 P.O. Leg. DuWayne Gregory, 15th Legislative District
27 Leg. Steve Stern, 16th Legislative District
28 George M. Nolan, Counsel to the Legislature
29 Amy Ellis, Chief Deputy Clerk/Legislature
30 Laura Halloran, Budget Review Office
31 Craig Freas, Budget Review Office
32 Katie Horst, County Executive's Office
33 John Marafino, County Executive's Office
34 Jason Hann, County Executive's Office
35 Laretta Fischer, Department of Planning
36 Dorian Dale, Department of Community Development
37 August Ruckdeschel, Department of Economic Development
38 Catherine Stark, Aide to Leg. Krupski
39 Alyssa Turano, Aide to Leg. Hahn
40 Robyn Fellrath, Aide to Leg. Anker
41 Brendan Chamberlain, Aide to Leg. Muratore
42 Elizabeth Sutton, Aide to Leg. Fleming
43 Dennis Brown, County Attorney
44 Dr. Charles Bevington, Water for Long Island
45 Mary Eisenstein, Mattituck-Laurel Civic
46 Robert Carpenter, Long Island Farm Bureau
47 And all other interested parties
48

49 MINUTES TAKEN BY:

50 Diana Flesher, Court Stenographer
51

52 MINUTES TRANSCRIBED BY:

53 Denise Weaver, Legislative Aide
54
55
56

1 THE MEETING WAS CALLED TO ORDER AT 10:05 AM

2
3 **CHAIRPERSON HAHN:**

4 Okay, if all -- all Legislators can come to the horseshoe, we're
5 going to get started.

6
7 Okay. If we can all rise for the Pledge led by Legislator Anker.
8

9 **SALUTATION**

10
11 Welcome to the Legislature's Environment, Planning and Agriculture
12 Committee. We do have two pieces of correspondence that will be
13 circulated to the Committee from the group for the East End and the
14 Peconic Land Trust, I believe. So those will be circulated to the
15 Committee shortly. Nope, they're both the group for the East End.
16 Thank you.

17 **PUBLIC PORTION**

18
19 Now, we have three cards. When I call the speakers up, you can
20 come up to the podium. Just make sure the green light is on on the
21 microphone and you will have three minutes to speak before the
22 Committee. The first is Dr. Charles Bevington.

23
24 **DR. BEVINGTON:**

25 Good morning.

26
27 **CHAIRPERSON HAHN:**

28 Good morning. Welcome.

29
30 **DR. BEVINGTON:**

31 And thank you for attending and being part of the dais at the Water
32 for Long Island Protect your Aquifer Day on May 5th.

33
34 Dr. Bevington. Let me just do a quick brief. Today I am speaking
35 as a member of Volunteer Water for Long Island Group. As you know,
36 I'm with Sierra Club as a Legislative chair for Long Island and
37 also Rocky Point Civic Association President. My background in the
38 last 20 years has been as an assistant to superintendent in the
39 school business field as systems administrator. I have my PhD in
40 Public Administration and my EDD in Education. So from an auditing
41 and an accounting standpoint, this is where I approached a-- my two
42 topics are your project numbers 8226, groundwater monitoring and
43 also the one on brownfields.

44
45 So I looked at and read your budget and I looked at and read your
46 capital projects. And I have just a couple comments; or just one.
47 There's very little focus on sole source aquifer, our groundwater.
48 The one specific one is the purchase of equipment for groundwater
49 monitoring and well drilling. And I'll get to that.

50
51 So, first, fund 477, you know it's a quarter-percent of your sales
52 tax, one quarter of one percent. The 25% goes for the sewer
53 district stabilization fund; about 19.9 million countywide tax
54 protection 32.15% to reduce taxes; then 31% goes to land
55 acquisition, which is about 24 million. And you have already in
56 the 2007, 8, 9 years borrowed multi millions so 16 million of the

10:06AM

1 24 million has already been basically expended. So that's good
2 because you still put about 5, 6, 7 million a year into that land
3 acquisition. That's on your agenda today. I wholeheartedly
4 support that.

5
6 The difference is the 11.75%, which is for environmental
7 protection, which includes the sanitary waste alternatives. And,
8 again, I congratulate you at your last meeting in putting
9 forward -- Mr. Bellone, your alternative sanitary systems to
10 reduce nitrogen, fantastic. So above that -- so you have 9.3
11 million in your budget. Again, in the budget for this year your
12 expenditures for DPW water quality 823,000, HSV-water, groundwater,
13 1.2 million, parks organic maintenance 2.2 million.

14
15 (TIMER SOUNDED)

16 **CHAIRPERSON HAHN:**
17 We can ask you questions.

18
19 **DR. BEVINGTON:**
20 Parks water quality 462,000 and EDP water quality improvement one
21 point six eight eight million.

22
23 **CHAIRPERSON HAHN:**
24 So while -- Dr. Bevington, while your time is up, we can ask you
25 questions so that you can continue. And I know I wanted to -- I
26 wanted you to get to the groundwater monitoring and well
27 drilling --

28
29 **DR. BEVINGTON:**
30 Thank you.

31
32 **CHAIRPERSON HAHN:**
33 -- piece to this. And if you could tell us a little bit more about
34 your concerns, go ahead.

35
36 **DR. BEVINGTON:**
37 Good. Because that total is 6.4 million, but you really have a
38 budget of 9 million. So you have about \$2 million in there. Thank
39 you. So the actual purchase of the groundwater equipment, I can't
40 tell in the capital project whether that is out of the General Fund
41 or that's out of the 477 fund. If it's out of the 477 fund, it's
42 not going to impact your budget. So basically the Bureau of
43 Groundwater Investigation and well drilling equipment and supplies
44 and Groundwater Investigation and Research assures the safety of
45 the sole source aquifer. That's in the description on page 457 of
46 your capital projects.

47
48 The real justification is to define sustainability of our water,
49 how much water Suffolk County Water Authority, a great, great
50 authority, doing wonderful things and everything we can protecting
51 our water, especially groundwater and the three aquifers. But part
52 of that justification includes the Bureau's ability to provide
53 drilling and other government agencies, especially the New York
54 State Department of Environmental Conservation and the US
55 Geological Survey, specifically, that can be revenue-generating.
56 You spend the money but you get it back. You need -- New York

1 State has put five million toward the project for the sole source
2 aquifer under Long Island. I believe Nassau County has put up two
3 million. Suffolk County has not put up any money. You need to put
4 up about \$3 million to make this happen over a couple of years, but
5 it's about a \$12 million project.

6
7 Dr. Masterson from the USGS presented this at the conference and
8 talked about what the needs were. That's very important. So just
9 specifically in the status, you appropriated 195,000 for serial
10 bonds. You don't need to bond it. You can expend it. But
11 specifically, again, the Bureau was unable to purchase the large
12 bore drill rig for \$250,000. You need to do that to look at where
13 the groundwater is moving. You need to do that for sustainability;
14 you need to do that for long term projection and working with USGS.
15 Again, it's a revenue -- revenue sharing.

16
17 **CHAIRPERSON HAHN:**

18 And so I think some of the Legislators here had questions for you.
19 Al, did you -- I thought you raised your hand.

20
21 **LEG. KRUPSKI:**

22 I will.

23
24 **CHAIRPERSON HAHN:**

25 In a moment you want to -- oh, did anyone else want to ask a
26 question before Al was ready?

27
28 **LEG. ANKER:**

29 Let me ask --

30
31 **CHAIRPERSON HAHN:**

32 Legislator Anker.

33
34 **LEG. ANKER:**

35 -- BRO. Where is that -- do you have any idea where that money is
36 coming from? It's project 8226.

37
38 **DR. BEVINGTON:**

39 Yeah, that's the quarter-percent of your sales tax, a quarter of 1%
40 of your sales tax. So if you break out your tax stabilization and
41 you break out your stabilization for your sewers, then you have
42 that three or four million that's in reserves. Again, I'm in the
43 process of FOIL-ing for --

44
45 **LEG. ANKER:**

46 All right. We can ask that right now. That's BRO, right here.

47
48 **MS. HALLORAN:**

49 Please just give me a minute to check that. Thank you.

50
51 **LEG. ANKER:**

52 Okay. Charles, I guess, if you want to continue while she checks
53 that.

54
55 **DR. BEVINGTON:**

56 So basically I would like --

1 **CHAIRPERSON HAHN:**
2 I'm sorry. Legislator -- Legislator Krupski has a question.

3
4 **LEG. KRUPSKI:**
5 Now I'm ready. Thank you. Good morning.

6
7 **DR. BEVINGTON:**
8 Good morning.

9
10 **LEG. KRUPSKI:**
11 So the County has embarked on this sub-watershed plan. I'm not
12 sure if you're familiar with that, to try to delineate the
13 different -- 186 different sub-watersheds in the County, to give us
14 a better idea, like you said, about where the -- where and how much
15 of the water is flowing. And that'll give us a very good
16 indication of where we need to make improvements with limited
17 resources.

18
19 You also mention the 477 dollars. Unfortunately, years ago the
10:14AM 20 decision was made to put salaries into that instead of spending it
21 on brick and mortar projects. So there's not a lot of money left
22 for actual water quality improvement projects out of that fund
23 anymore.

24
25 **DR. BEVINGTON:**
26 So I agree with you. There are approximately 78 FTEs in that, but
27 you still -- even after that program, you still have 3 to 4 million
28 in this year's budget that you could use. Again, from my financial
29 background, I will -- I will do an audit on that and I'll get back
10:14AM 30 to you and I should have that FOIL request completed very shortly.

31
32 **LEG. KRUPSKI:**
33 Thank you. I'd love to see that.

34
35 **CHAIRPERSON HAHN:**
36 Craig.

37
38 **MR. FREAS:**
39 Yes.

10:14AM 40
41 **CHAIRPERSON HAHN:**
42 All right. Did you -- you look like you had something to add.

43
44 **MR. FREAS:**
45 I understood that there was a question regarding the --

46
47 **CHAIRPERSON HAHN:**
48 Legislator Anker.

49
50 **MR. FREAS:**
51 -- capital project 8226.

52
53 **CHAIRPERSON HAHN:**
54 I think it was your question.

1 **LEG. ANKER:**

2 Where does that -- where do those funds come from? I know the
3 quarter-percent, but what --

4
5 **MR. FREAS:**

6 For the capital projects those funds are General Fund debt service.
7 The operating budget portion for the Bureau of Groundwater
8 Investigations is primarily funded through 477.

9
10 **LEG. ANKER:**

11 Okay.

12
13 **MR. FREAS:**

14 The operating budget portion, not the capital -- not the equipment
15 purchased. We've recommended that some of those funds be used,
16 that 447 funds could be used to purchase that equipment. It would
17 be -- that it would be an appropriate use of those funds to do
18 groundwater investigations with it. But we -- we -- I believe they
19 are still -- they were -- they're still General funded right now
20 for the capital project, again.

21
22 **CHAIRPERSON HAHN:**

23 And so what about the large bore drill rig, are you familiar with
24 that and --

25
26 **MR. FREAS:**

27 In our review we've talked about it. We talked about it this year.
28 Yeah, they have a couple of applications for it. First it can --
29 thank you -- first of all, it can get down to the Magothy, which I
30 don't believe they can do with their other equipment. Second of
31 all, for the geothermal experimentation project, geothermal energy
32 project that Groundwater Investigations is working with, Mr.
33 Schroeder and Javed on -- the larger bore rig would be more useful
34 for that as well. My understanding is that -- well, I haven't --
35 is that the project was -- it's still up in the air as to whether
36 -- I'm not quite sure what the Legislature's budget for the project
37 will look like for 2018 or 2019. We recommended that the -- that
38 appropriate funding for the larger bore rig be included in the '18
39 budget.

40
41 **LEG. KRUPSKI:**

42 Paid for out of 477.

43
44 **MR. FREAS:**

45 We actually recommended that -- yes, we pointed out that it's an
46 appropriate use of 477 funds to purchase this type of equipment,
47 although I would assume it would have to go through the Water
48 Quality Review project process.

49
50 **LEG. KRUPSKI:**

51 Sure, sure. So is that -- is there -- what is the balance for '17
52 in the 477?

53
54 **MS. HALLORAN:**

55 I would need to check that for you.

1 **LEG. KRUPSKI:**

2 Okay, thanks.

3

4 **CHAIRPERSON HAHN:**

5 Legislator Anker, did you have another question?

6

7 **LEG. ANKER:**

8 No.

9

10 **CHAIRPERSON HAHN:**

11 Legislator Fleming, did you have a question? No.

12

13 **LEG. FLEMING:**

14 I'm good. Thank you.

15

16 **CHAIRPERSON HAHN:**

17 Okay. Thank you very much for your time.

18

19 **DR. BEVINGTON:**

20 I want to compliment you guys on your 1,4 Dioxane from last meeting
21 and moving forward on that; just great work.

22

23 **CHAIRPERSON HAHN:**

24 Thank you, thank you. Legislator Anker.

25

26 **LEG. ANKER:**

27 Again, I just -- I just want to clarify, again, your concern is
28 that we have additional funds, that they're not being used. And
29 you would like -- you and your organizations would like to use them
10:18AM 30 for monitoring groundwater because Suffolk County really is not
31 leading that or doing that at this point.

32

33 **DR. BEVINGTON:**

34 Yes. It gives Suffolk County a great opportunity to lead and be a
35 part of New York State and Nassau for the sole source aquifer. And
36 it's revenue-generating as Mr. Lipp had just mentioned before and
37 in the book.

38

39 **LEG. ANKER:**

10:19AM 40 We look forward to working with you as we address those issues.
41 Thank you.

42

43 **DR. BEVINGTON:**

44 Thank you.

45

46 **CHAIRPERSON HAHN:**

47 Okay. Next we have Mary Eisenstein.

48

49 **MS. EISENSTEIN:**

10:19AM 50 Good morning. I'm Mary Eisenstein from Mattituck and I've traveled
51 this distance this morning. What was that?

52

53 **LEG. FLEMING:**

54 I've also traveled it. It's getting worse or worse already in the
55 -- (inaudible)

56

1 **MS. EISENSTEIN:**

2 (Laughter) Right. So thank you for that segue into the reason
3 that I'm here and that's resolution number 1388. And it is about
4 the purchase of the development rights of 37 acres in Jamesport.
5 So, as you know, Mattituck is in the Town of Southold and that
6 property is in the Town of Riverhead. However, what happens on the
7 North Fork has a ripple effect to the rest of the North Fork. And
8 as all of you well know if you've traveled out there, that's a very
9 narrow spit of land.

10
11 I am here to state emphatically to ask you to please preserve that
12 37 acres for a number of reasons. Number one, to protect our
13 farmland. You know, Louisa Hargrave, who was a pioneer for the
14 Long Island wine industry, has stated that the soil on the North
15 Fork is a miracle soil. And if you build on that beautiful soil,
16 it is forever gone. So that's number one.

17
18 Number two, is obviously to grow food. There are indications that
19 we really must pay attention to the fact that we want to have our
10:21AM 20 food grown locally so that we provide food for ourselves.

21
22 Number three, to protect the designation that that is a scenic
23 byway.

24
25 Number four, to protect what is the economic engine of the North
26 Fork, which is our scenic beauty and our open space and our
27 farmland. And that -- that's tied then to tourism. And many, many
28 Long Islanders come out to the North Fork because it is so
29 beautiful; it is so restorative and that -- that they are in touch
10:21AM 30 with nature. So to preserve that land is not only for the North
31 Fork, but it is for the rest of Long Island as well.

32
33 And my final point is, even though that farm has not been farmed in
34 a number of years, that does not preclude the fact that it will not
35 return to farming. And the Peconic Land Trust, as only one
36 organization, has a wonderful program new farm -- new farmers
37 program. And we know that there are indicators that the
38 millennials are wanting to go back to the soil.

39
10:22AM 40 So thank you all so very much for listening to me and please
41 protect that land for all of us. Thank you.

42
43 **CHAIRPERSON HAHN:**

44 Thank you very much, Mary.

45
46 **LEG. KRUPSKI:**

47 Thank you, Mary.

48
49 **CHAIRPERSON HAHN:**

10:22AM 50 Next we have Robert Carpenter.

51
52 **MR. CARPENTER:**

53 Good morning. Thank you for allowing me the opportunity to speak
54 today. I'm here on behalf of Long Island Farm Bureau to voice
55 support for something that you're going to be seeing in a few
56 minutes, which is passing or voting on a proposed home rule message

1 to support State legislation that's been introduced by Senator
2 LaValle and Assemblyman Thiele to work to fix some of the issues
3 with the Farmland Preservation Program in Suffolk County; and to
4 fix some of the issues we're having with farmers' ability to get
5 permits to put structures on preserve land.

6
7 This legislation has come up very quickly as a result of the
8 lawsuit. And the home rule message by the County would be a
9 tremendous show of support for the legislation to show our senators
10 and assembly people in New York State how much Suffolk County in
11 itself values the farmland that's out here.

12
13 There's still approximately 15,000 acres of unpreserved land. And
14 if farmers don't have the -- the security to know that the Farmland
15 Preservation Program is something that they can get into and still
16 be able to farm with the necessary structures and implements they
17 need, nobody is going to be willing to do that. That leaves that
18 15,000 acres up for a possible development because farmers will
19 have no other choice at that point in time.

20
21 So I urge you to please vote in support of this home rule message
22 both today and on Tuesday if it does come before the full
23 Legislature.

24
25 The other thing I would like to talk about is, I understand that in
26 executive session you're going to be talking about a potential
27 piece of farmland in Huntington called the Foglia property. And we
28 would also like to come out in support of that parcel being
29 included and purchased, the development rights, through Suffolk
30 County.

31
32 Many of the big farm parcels, particularly in Huntington and up
33 west, are already gone so it's vital that we work to preserve
34 whatever parcels are left. And my understanding is the Foglia's
35 are working with an education association to take over the farm
36 once it's been preserved to help students understand about
37 agriculture and actually continue the growing practices the
38 Foglia's have put into place. So I urge you to consider that for
39 support as well. Thank you.

40
41 **CHAIRPERSON HAHN:**

42 Thank you very much. That concludes our cards. Is there anyone
43 else in the audience who would like to speak? Seeing none we will
44 close the public portion and move onto the agenda.

45
46 **TABLED RESOLUTIONS**

47
48 **Introductory Resolution 1003, Authorizing appraisal of land under**
49 **the Suffolk County Drinking Water Protection Program, as amended by**
50 **Local Law No. 24-2007, North Fork United Methodist Church Town of**
51 **Southold (SCTM No. 1000-025.00-02.00-023.002). (Krupski)**

52
53 **LEG. KRUPSKI:**

54 I'm still working with the town with planning staff, in particular
55 with Lauretta Fischer, to try to -- try to move this project
56 forward. I know the Peconic Land Trust is involved. It's a --

1 it's a good project but it's still a work in progress so I would
2 make a motion to table.

3
4 **CHAIRPERSON HAHN:**

5 I'll second. All those in favor of tabling? Opposed?
6 Abstentions? **1003 is tabled. (VOTE: 6-0-0-0)**

7
8 **INTRODUCTORY RESOLUTIONS**

9
10 **Introductory Resolutions. Introductory Resolution 1384,**
11 **Reappointing Robert Carpenter as a member of the Suffolk County**
12 **Soil and Water Conservation District. (Krupski). Motion by**
13 **Legislator Krupski.**

14
15 **LEG. FLEMING:**

16 Second.

17
18 **CHAIRPERSON HAHN:**

19 Second by Legislator Fleming. All those in favor? Opposed?
20 Abstentions? **1384 is approved. (VOTE: 6-0-0-0)**

21
22 Introductory Resolution 1388 -- well, I know you're here, Rob.

23
24 **LEG. KRUPSKI:**

25 Sorry, Rob.

26
27 **CHAIRPERSON HAHN:**

28 It's a reappointment and did you want to speak to that? No? Okay.

29
30 **Introductory Resolution 1388, Authorizing an appraisal for the**
31 **purchase of Development Rights of Farmland under the Suffolk County**
32 **Drinking Water Protection Program, as amended by Local Law No.**
33 **24-2007, Jamesport property Co., LLC - Town of Riverhead (SCTM No.**
34 **0600-068.00-03.00-032.005). (Krupski).**

35
36 **LEG. KRUPSKI:**

37 So moved.

38
39 **CHAIRPERSON HAHN:**

40 Motion by Legislator Krupski; seconded by Legislator Fleming. On
41 the motion, we have Loretta Fischer and Dorian Dale here.

42
43 **MS. FISCHER:**

44 Okay, before you this morning is the Damaghi family partnership
45 farm located in the Hamlet of Jamesport, Town of Riverhead. This
46 property is located just south of Main Road, 25. It's 37.6 acres
47 in size. As said, it's not currently in active agricultural
48 production, but as you can see it was formerly farmed not too long
49 ago. The property received a score of 14 out of 25 points and the
50 Farmland Committee approved it at their May 18th meeting to acquire
51 all 37.6 acres.

52
53 The committee also directed and requested Legislator Krupski's
54 Office to reach out to the applicant to inform them of the Chapter
55 8 lawsuit and to discuss a possible cutout. And that's about it.
56 Any questions?

1 **CHAIRPERSON HAHN:**

2 So the possible cutout, would that -- would we be appraising it
3 with or without a cutout?
4

5 **LEG. KRUPSKI:**

6 If I could, Lauretta, I'm in the process of reaching out to the --
7 the landowner. It's an absentee landowner. They've owned it for
8 decades, I think, since the mid-70s. And I would advise them to
9 speak with Riverhead Town Planning to see what their options are if
10 they wanted to do a use on that property that would not be
11 permitted under the -- you know, the County's program once the
12 development rights are sold, that would be the whole purpose.
13

14 Just also, if you look at the map, on the southern end there's the
15 Long Island Railroad. That's the southern boundary. And if you
16 look to the east side of that, there is access to Washington Avenue
17 there, also. This farm is -- if you look on the west side, there's
18 a narrow strip of unprotected land but then going further west
19 there's a number of farms that are all -- have been preserved; so
20 this would be the last of that nice block of -- would add to that
21 nice block of preserved farmland.
22

23 **CHAIRPERSON HAHN:**
24 Legislator Fleming.
25

26 **LEG. FLEMING:**

27 Thank you, Madam Chair, and thank you for your patience with my not
28 getting through the traffic well this morning. The -- we talk a
29 lot about the importance of farmland. What are we doing to ensure
30 that if we purchase the development rights on this, that it's going
31 to be farmed? Lauretta.
32

33 **MS. FISCHER:**

34 Well, the intent is to farm it to to be an active farm. At the
35 present time, unfortunately with the lawsuit that -- and the
36 decision by the judge, our violation and ability to enforce the
37 two-year law, a fallow law, will not be in play at the present
38 time. Hopefully we're working towards an appeal at the present
39 time and hopefully that will be resolved in the future.
40

41 **LEG. FLEMING:**

42 Could you clarify that, I'm sorry.
43

44 **MS. FISCHER:**

45 The existing Chapter 8 legislation identifies in the enforcement
46 and violation section that if a farm in our program goes fallow for
47 more than two years, we would have some legal ability to require
48 them to get it back into production. We -- at the present time the
49 section -- I mean, the version of Chapter 8 is null and void
50 according to the lawsuit and the judge's decision at the present
51 time. So according to our Law Department, we're -- we're not --
52 that is not in effect at the present time, the ability to go
53 resolve any issue with regard to laying farms fallow for greater
54 than two years.
55
56

1 **LEG. FLEMING:**

2 So what you're proposing is sterilizing the land as opposed to
3 promoting farming.

4
5 **MS. FISCHER:**

6 No, we're definitely continuing to promote farming. That's the
7 intent of the program.

8
9 **LEG. FLEMING:**

10:32AM 10 No, I understand but if -- I guess I need some clarification with
11 regard to what's happening with the home rule message, what's
12 happening with Chapter 8. If we're not ensuring that this
13 acquisition is going to -- I mean, if we're not certain that this
14 acquisition is going to ensure that the land is farmed, I think, we
15 need to take a hard look at it. Did you hear what Laretta was
16 saying, Al, is that with the Chapter 8 -- with Chapter 8 in flux
17 that we cannot enforce the rule that if it lies fallow for two
18 years, they're no longer in compliance with the program.

19
20 **LEG. KRUPSKI:**

21 But that was a -- that was the most recent amendment of 2013. So
22 before that there wasn't any requirement and the program worked
23 just fine. There was no requirement that it be farmed every two
24 years, that it didn't matter because the parcels, it is what, 360
25 parcels in the program and they're being farmed.

26
27 **LEG. FLEMING:**

28 I would just caution from the lessons that we learned on the South
29 Fork, that people will pay an enormous amount of money for a big
10:33AM 30 backyard.

31
32 **LEG. KRUPSKI:**

33 No, there's no question that that's why it was -- those amendments
34 were made to try to address that. So in light of the -- in light
35 of the lawsuit, now the County's program is still alive and well
36 under the pre-2010 rules, that it just doesn't include that
37 component. And so --

38
39 **LEG. FLEMING:**

10:34AM 40 So I guess my thought is if we're spending, you know, large amounts
41 of money to try to promote farming, maybe we need to capture that
42 in this -- in the closing documents for this -- for this
43 acquisition; that if the Chapter 8 isn't ensuring farming, can we
44 put covenants and restrictions like we've done, you know, with an
45 affirmative obligation to farm before we appraise it that's going
46 to affect the property value. So I just want to put that out there
47 that, you know, agriculture is threatened by the financial pressure
48 that's coming from the west. And we've seen it time and time again
49 on the South Fork, we're losing farms, we're still -- well, we're
10:34AM 50 doing a better job now because we're being very conscious of it
51 when we make the acquisitions and working with the Land Trust.

52
53 So, I don't know, I think we need to think about that when we're
54 making this acquisition.

1 **LEG. KRUPSKI:**

2 So how about if we do this: So I've got to reach out today to the
3 representative of the landowner to talk about the possibility of a
4 cutout. There's no surety that they'll be interested or not; just
5 so that we'll know. And we have a week or so before the appraisal
6 will actually be ordered. Right? I will ask them about that
7 possibility or do they want to enter the program as it currently
8 stands; or they'd be interested in an enhanced easement. Because
9 an enhanced easement is not something that the County has done in
10 the past.

10:35AM

11
12 **LEG. FLEMING:**

13 Yeah, I recognize that. And that's why if those protections are
14 not in place because Chapter 8 is in flux, I think, maybe we should
15 look at those enhanced easements; certainly could --

16
17 **LEG. KRUPSKI:**

18 I mean, for the time -- see, here's the -- and I think here's the
19 problem here is that this a property that we would consider at risk
20 because it's for sale.

10:36AM

21
22 **LEG. FLEMING:**

23 I appreciate that. No, no, and I appreciate that we have to move
24 quickly. And don't get me wrong, I one hundred percent support the
25 acquisition. I just am very concerned as the inventory of open
26 space shrinks and the pressure from, you know, western parts, way
27 west, not you guys, increases, you know, I think we need to be very
28 mindful about protecting agriculture. And that might be -- maybe
29 it won't be a way to do it in this particular parcel, but I would
30 ask you to think about it in your negotiations. And certainly we
31 need to know before, if we're authorizing an appraisal, which I
32 certainly support, we need to know if we're going to go in that
33 direction because it'll affect the -- the value of the land.

10:36AM

34
35 **LEG. KRUPSKI:**

36 Sure. No, those are concerns based on your experience, which
37 certainly is valid; your experience is certainly an experience.
38 And, you know -- no -- and you went that way for a very good reason
39 because the pressures were completely different.

10:37AM

40
41 **LEG. FLEMING:**

42 Well, the pressures are different now but be careful because they
43 started somewhere --

44
45 **LEG. KRUPSKI:**

46 Right.

47
48 **LEG. FLEMING:**

49 -- you know. And the inventory shrinks and shrinks and shrinks and
50 people are -- you know people are looking at the North Fork.

10:37AM

51
52 **LEG. KRUPSKI:**

53 Climate changes, absolutely.

54
55 **LEG. FLEMING:**

56 Yeah.

1 **MS. FISCHER:**

2 We can reach out to the Law Department and look into that further
3 as well.

4
5 **LEG. FLEMING:**

6 We have a number of models now from not only New York, but, you
7 know, Santa Monica and in Maine. The trusts there all have these
8 models working now; maybe it's something we can look at. Thank
9 you.

10:37AM 10

11 **CHAIRPERSON HAHN:**

12 Okay. So we have a motion by Legislator Krupski.

13
14 **LEG. FLEMING:**

15 Second.

16
17 **CHAIRPERSON HAHN:**

18 Seconded by Legislator Fleming. All those in favor? Opposed?
19 Abstentions? It is approved. **1388 is approved. (VOTE: 6-0-0-0)**

20
21 **1399, Authorizing the acquisition of land under the New Enhanced**
22 **Suffolk County Drinking Water Protection Program 2014 Referendum -**
23 **land purchases for Open Space Preservation (CP 8732.210) - for the**
24 **Menu of Homes, Inc. Property - Mastic/Shirley Conservation Area -**
25 **Town of Brookhaven - (SCTM Nos. 0209-034.00-02.00-063.000,**
26 **0209-034.00-02.00-064.000, 0209-036.00-02.00-010.000,**
27 **0209-036.00-02.00-011.000, 0209-034.00-02.00-049.000). (Co. Exec.)**
28 I'll make a motion.

29
30 **LEG. ANKER:**

31 Second.

32
33 **CHAIRPERSON HAHN:**

34 Second by Legislator Anker. On the motion.

35
36 **MS. FISCHER:**

37 I'm just trying to get this --

38
39 **CHAIRPERSON HAHN:**

40 Is this six parcels?

41
42 **MS. FISCHER:**

43 These are -- yes, six parcels within the Mastic/Shirley
44 conservation area within the Village of Mastic Beach, Town of
45 Brookhaven. The four eastern parcels are located north of Riviera
46 Drive, east of Cranberry in the village and the two western parcels
47 are located just north of Riviera Drive and west of Manhasset
48 Drive. The total of the six parcels is .56 acres and they are all
49 within the very low vulnerable flood prone area both north of
50 Sheepen Creek and north of Narrow Bay. They're all located within
51 the firm special flood hazard A zone. They're all part of the area
52 that we're looking to acquire both on the master list as well as
53 the NRCS grant that we recently --

10:39AM 50

54
55 **CHAIRPERSON HAHN:**

56 Could we be reimbursed by NRCS funds?

1 **MS. FISCHER:**

2 Not for these, but they're close to others that we identified in
3 the -- especially in the Sheepen Creek area. That peninsula down
4 south of the two western parcels, we're looking to acquire a number
5 of parcels just near up there.

6
7 **CHAIRPERSON HAHN:**

8 And what was the cost on this?

9
10 **MS. FISCHER:**

11 The cost on this is 40,500.

12
13 **CHAIRPERSON HAHN:**

14 Excellent. Any questions? Legislator Fleming; then Legislator
15 Krupski.

16
17 **LEG. FLEMING:**

18 Just quickly, same question that I asked on a parcel in the North
19 Fork that was also important for coastal resiliency. These are
20 being purchased for open space. Will we in the future be able to
21 install any kind of storm resiliency infrastructure or recharge
22 infrastructure, you know, as sea levels rise and we need to defend
23 ourselves against sea level rise and erosion?

24
25 **MS. FISCHER:**

26 These are for passive recreation so we're looking to actually do
27 wetland restoration. And part of that is through passive
28 nonstructural improvements to the wetland system itself.

29
30 **LEG. FLEMING:**

31 When you say --

32
33 **MS. FISCHER:**

34 But as far structures are concerned, that would be something that
35 would have to be reevaluated.

36
37 **LEG. FLEMING:**

38 And I don't mean improvements, I don't mean buildings. I mean what
39 we've run into in the past is that, I think, we talked about this
40 in the New York Rising parcels, that we were not able to install
41 sub -- recharge -- I'm not an engineer -- that the recharge
42 structures under -- they capture the water under the land in order
43 to recharge the water before it sheers into -- into the bays; and
44 also, you know, to allow for some resiliency in the event of
45 storms.

46
47 So you're saying nonstructural wetlands restoration. I just am
48 concerned that we're going to lock ourselves into something as
49 technology moves with regard to coastal resilience, there are --
50 you know, we -- there may be technologies that we're not even aware
51 of that are going to start to be built in order to save our
52 coastlines and to, you know, prepare us for storms.

53
54 So I just want to make sure that the closing -- that the documents,
55 the deeds, any covenants and restrictions allow for some forward
56 thinking when it comes to coastal resiliency.

1 **MS. FISCHER:**

2 I agree that this is one of our most important flood zone areas of
3 concern with regard to coastal resiliency. And so we are going to
4 be undertaking as part of the NRCS project, wetland restoration.
5 And when we get to a point, hopefully within a year or so, we'll be
6 starting that process with funds from NRCS and looking at what we
7 -- what's proposed to improve the resiliency down in this area.
8 It's very low-lying. And for many hundreds of yards, it's all very
9 low-lying. There's not a lot of --

10:43AM 10

11 **CHAIRPERSON HAHN:**

12 But, Laretta, I see that the County Attorney's here, maybe he can
13 speak to -- in the covenants and restrictions and if we can, you
14 know, research the area on this point about the possibility in the
15 future that we might have to install, build some sort of, you know,
16 something to do with protecting our shoreline; and so just making
17 sure that that would be allowed when we buy these types of
18 properties.

10:44AM 20

19 Dennis, come on up. I know, I'm putting you on the spot here.

21 **LEG. FLEMING:**

22
23 Dennis, we're not looking for an answer. Can I just say that in my
24 questioning, Dennis, I'm not looking necessarily for an answer
25 today. I'm just asking that before we make the acquisition and go
26 to closing, that we -- that the lawyers take a hard look at it so
27 that -- and hard is a little bit of a pun there -- so that we're
28 not locked in to not being able to use these properties properly
29 because we've restricted ourselves further than we needed to in the
30 best of intention. Because it's happened in the Town of
31 Southampton.

10:44AM 30

32 **MR. BROWN:**

33 Sure, absolutely.

34 **LEG. FLEMING:**

35 That's all. Thank you.

36 **CHAIRPERSON HAHN:**

37 Thank you. And if maybe you can send us an, you know, an e-mail
38 about what you find.

10:44AM 40

39 **MR. BROWN:**

40 Yes.

41 **CHAIRPERSON HAHN:**

42 Thank you.

43 **LEG. FLEMING:**

44 We talked a couple of committee cycles ago about this same issue on
45 a North Fork parcel. So maybe some work has been done already by
46 Planning, I don't know. Thank you.

10:44AM 50

47 **MR. BROWN:**

48 I'll definitely follow-up with that.

1 **CHAIRPERSON HAHN:**

2 Okay. So we have a motion and a second. Question?

3
4 **LEG. KRUPSKI:**

5 I just want to echo what Legislator Fleming was saying about, you
6 know, if you look at wetland restoration, you get into something
7 like as simple as a vegetative swale or a constructive wetland, is
8 that going to be considered a structure and outside of the easement
9 language that we purchased it for? I mean, some of these -- and I
10 don't know about the ground conditions here, whether they've been
11 filled or altered, they need to be repaired. I mean, if that's the
12 case, then -- then you don't want to lock ourselves into not doing
13 the right thing on a simple -- Legislator Fleming was talking about
14 new technology; I'm going back to old-school technology.

15
16 **CHAIRPERSON HAHN:**

17 We should cover both.

18
19 **LEG. KRUPSKI:**

20 We should be able to do whatever's necessary to -- to give that
21 community the kind of storm resiliency -- the best storm resiliency
22 that we can. Sometimes it's very simple.

23
24 **CHAIRPERSON HAHN:**

25 Okay, Legislator Fleming.

26
27 **LEG. FLEMING:**

28 Yeah, I just wanted -- I just want to recognize that discussions
29 are ongoing with the Commissioner of Parks, the Commissioner of
30 DPW, Dennis Brown and Sarah Lansdale and my office to address this
31 point. So I do appreciate that it's happening. I just want to
32 make sure that -- when we're looking at parcels that are so clearly
33 within that area of concern, that we can include those in the
34 discussions. So, thank you.

35
36 **CHAIRPERSON HAHN:**

37 Anyway, we have a motion and a second. All those in favor?
38 Opposed? Abstentions? **1399 is approved. (VOTE: 6-0-0-0)**

39
40 **Introductory Resolution 1400, Authorizing the acquisition of land**
41 **under the New Enhanced Suffolk County Drinking Water Protection**
42 **Program 2014 Referendum - land purchases for Open Space**
43 **Preservation (CP 8732.210) - for the Hampton Hills County Park**
44 **addition - Kinder property - Pine Barrens Core - Town of**
45 **Southampton - (SCTM No. 0900-240.00-01.00-003.000). (Co. Exec.)**
46 **Motion by Legislator Fleming.**

47
48 **LEG. KRUPSKI:**

49 Second.

50
51 **CHAIRPERSON HAHN:**

52 Seconded by Legislator Krupski. On the motion, Laretta. And on
53 the motion while she's getting the maps together, Legislator
54 Krupski.

1 **LEG. KRUPSKI:**
2 Is that Hampton Hills that I keep hearing about on the radio?

3
4 **LEG. FLEMING:**
5 No, emphatically, no. This is a different area. It's not within
6 the proposed PDD.

7
8 **CHAIRPERSON HAHN:**
9 This is Hampton Hills --

10:47AM 10
11 **LEG. FLEMING:**
12 Thanks for your question.

13
14 **CHAIRPERSON HAHN:**
15 And to that point there's a small rectangle in the center here that
16 you probably can't see now. There's a number three in the middle
17 of it.

18
19 **LEG. KRUPSKI:**
10:47AM 20 Thank you.

21
22 **CHAIRPERSON HAHN:**
23 Okay. We have a motion and a second. Any questions? All those in
24 favor? Opposed? Abstentions? **1400 is approved. (VOTE: 6-0-0-0)**

25
26 With that we are going to go into executive session to review
27 appraisals of proposed acquisitions pursuant to the requirement of
28 the "Triple A" program and we will be back. I'll make a motion to
29 go into executive session for that purpose; seconded by Legislator
10:47AM 30 Krupski. All those in favor? Opposed? Abstentions? We will be
31 in the back in executive session and be out shortly.

32
33 **[*AN EXECUTIVE SESSION WAS HELD FROM 10:48 A.M. UNTIL 10:59 A.M.*]**

34
35 **CHAIRPERSON HAHN:**
36 Okay. We are back from executive session. And you should know
37 that we voted unanimously to direct counsel to prepare a procedural
38 resolution authorizing the Division of Real Property to make offers
39 to acquire the following parcels: Fox Hollow Farm, ELIJA Farm in
10:58AM 40 Huntington Station, Fox Hollow Farm Foglia Forest in Huntington
41 Station. And then -- now we need to -- now we need to discuss --
42 we're going to -- we just had a question about the home rule
43 message, sorry. Auggie, I know you were here to -- to maybe tell
44 us a little bit about the home rule message, which will come become
45 us on Tuesday. Thank you for being here. I'm sorry I kept you to
46 the very end.

47
48 **MR. RUCKDESCHEL:**
49 No problem.

10:59AM 50
51 **CHAIRPERSON HAHN:**
52 I know you had fun.

53
54 **MR. RUCKDESCHEL:**
55 Absolutely.

1 **CHAIRPERSON HAHN:**

2 Thank you. So I know you just wanted to give us a brief
3 description.

4
5 **MR. RUCKDESCHEL:**

6 Oh, sure. Yeah, so thank you for giving me the opportunity to talk
7 about the home rule. I apologize that you have the poor substitute
8 of Director Lansdale here today, but I will do my best. And I just
9 want to reiterate that the home rule really sends an important
10 significant and strategic message to our State Legislators who have
11 done a lot of great work with us to try to eliminate and alleviate
12 a lot of the uncertainty that now exists with our Farmland
13 Protection Program.

14
15 We have 10,750 acres in the program. That's 240 different farmers
16 and 370 different farms or parcels that right now don't have a lot
17 of certainty about what they can or cannot do on their preserved
18 farmland as a result of this lawsuit. And we've been working
19 diligently with our State Legislators to try to eliminate and
20 alleviate that uncertainty to return to this County Legislature
21 here the ability to establish new guidelines and rules that would
22 permit structures that are consistent with State and agricultural
23 practices here in Suffolk County. They're essential for our
24 farmers to adopt to new forms of farming; they're essential for
25 them to embrace new best management practices.

26
27 Right now we don't -- the status of the program is in limbo and
28 this will grant really needed certainty that we can then bring back
29 to the farmland -- Farmland committee and to our farmers and say
30 *here are, in working with our colleagues in the Legislature and the*
31 *department, here are new guidelines that you could use to -- and*
32 *perspective sellers into the program could understand in what they*
33 *can or cannot do in preserved farmland. Because right now that*
34 *doesn't exist. And right now we see landowners opting not to sell*
35 *their development rights and to perhaps sell it for development*
36 *purposes.*

37
38 We see potentially new farmers that are looking to purchase already
39 preserved farmland saying, *well, I'm not certain I can buy into a*
40 *program that may not allow me to build a farmstand, that may not*
41 *allow me to build, you know, barns or any other kind of structures*
42 *that are consistent with what the country and what the State has*
43 *recognized as standard agricultural practices.*

44
45 So this will once again give the folks in this room the ability to
46 establish new rules. And we can think it's essential to -- to
47 preserve and protect the integrity of this program, which has been
48 wildly successful and was the first in the nation.

49
50 **CHAIRPERSON HAHN:**

51 Any questions? Legislator Fleming.

52
53 **LEG. FLEMING:**

54 Thank you. I think it might be helpful just to -- for everyone's
55 information to see how the State Legislators in their wisdom tackle
56 this problem. And it was simply by -- by enunciating that any land

1 in this program can do what it needs to do, or property owner in
2 this program can do what he or she needs to do in order to further
3 farm operations. And I think that's a really critical way of
4 approaching it because this way anything that falls within a
5 reasonable interpretation of that term, farm operations, and under
6 the Ag and Districts -- Ag -- I think it is also in the Ag and
7 Markets Law.

8
9 **MR. RUCKDESCHEL:**
10 Ag and Markets Law.

11
12 **LEG. FLEMING:**
13 Yeah. So it's a great way of simplifying a very complicated
14 problem. And I applaud you, all of you who have taken part in this
15 negotiation because I know it wasn't easy; there was a lot of
16 emotion around it; there was a lot of money at stake; a lot of the
17 future of farming in Suffolk County. And I think this is a great
18 way to solve it.

19
20 So that's really what we're voting on is whether we should
21 encourage State Legislatures -- the State Legislators to -- to
22 allow us to say to farmers in this program *you can do what you need*
23 *to do in order to further your farm operations.* So well done,
24 Suffolk County, and I'm certainly in strong support of this.

25
26 **MR. RUCKDESCHEL:**
27 Thank you.

28
29 **CHAIRPERSON HAHN:**
30 Legislator Krupski.

31
32 **LEG. KRUPSKI:**
33 Great work, Auggie, thank you.

34
35 **MR. RUCKDESCHEL:**
36 Thank you very much.

37
38 **CHAIRPERSON HAHN:**
39 Thank you. And we will have this before us on Tuesday? On
40 Tuesday. Thank you. With that we are adjourned.

41
42 **THE MEETING CONCLUDED AT 11:03 AM**
43 **{ } DENOTES SPELLED PHONETICALLY**
44
45
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