

Central Pine Barrens Advisory Committee

Stephen M. Jones, Chair

Richard L. Amper, Vice Chair

Meeting of Wednesday June 24, 2009

(Final Minutes - Approved 7/29/09)

Suffolk County Water Authority Coram Training Center

2045 Route 112, Building 5, Coram, New York

8:30 am

Advisory Committee Members present:

- Brookhaven National Laboratory: Timothy Green
- Hamptons Visitors Council: Hank Beck
- Long Island Builders Institute: Bob Wieboldt
- Long Island Greenbelt Trail Conference: Thomas Casey
- Long Island Pine Barrens Society: Richard Amper (Vice Chair)
- Peconic Land Trust: John v.H. Halsey
- Stony Brook University: Henry Bokuniewicz
- Suffolk County Water Authority: Stephen Jones (Chair)
- Long Island Board of Realtors: Robert Herrick

Other Attendees:

- Commission staff: Ray Corwin, Judy Jakobsen, Larry Hynes, John Milazzo
- Law Enforcement Council: Sgt. Arthur Pendzick
- Town of Brookhaven: John Turner (*also representing the Commission*)
- NYS Dept. of Env. Cons.: William Spitz
- Credit Clearinghouse: Andy Freleng
- New York Wildfire Incident Management Academy: Charles Hamilton

Mr. Jones called the Central Pine Barrens Advisory Committee (“AC”) meeting to order at 8:37 am without a quorum initially present.

Review of Commission Councils and Committees

Mr. Jones briefly reviewed the agenda from the 4/22/09 meeting that focused on the workings of the Wildfire Task Force (“WTF”) and the New York State Wildfire and Incident Management Academy (“NYWIMA”). At that meeting John Urevich, WTF Chair, and Chuck Hamilton, Academy Coordinator, were present and Mr. Hamilton provided a presentation on the evolution

of the Wildfire Academy.

At today's meeting Chuck Hamilton, representative for the Academy Board members, stated the Academy Board did not have sufficient time to review the attached summary document and recommendations. He requested that the Academy Board be given additional time to meet and review the summary and its findings.

Mr. Jones addressed Mr. Hamilton's concerns and stated that the discussion on the WTF and Academy would be postponed until the members have had sufficient time to review the history and summary and provide comments to the AC. Mr. Jones and Mr. Hamilton agreed that sixty days would be a reasonable amount of time for the Academy Board to perform an internal review.

The motion was made by Dick Amper and seconded by Tim Green to table the discussion on the WTF and Wildfire Academy. The motion was approved unanimously.

Approval of Prior Meeting Minutes

With a quorum now present, Mr. Jones asked for a motion to approve the AC meeting minutes of April 22, 2009. A motion was made by Mr. Amper and seconded by Mr. Casey. The motion was carried unanimously.

Law Enforcement Council ("LEC")

Larry Hynes, Compliance and Enforcement Coordinator for the Commission, and original Law Enforcement Council Chair circulated a binder that chronicles the LEC events and accomplishments. He informed the AC that the LEC just celebrated its 15th year in May.

There were a total of eight agencies in attendance at the first LEC meeting. After several meetings, members realized that due to land and jurisdictional overlaps it would be necessary to solicit participation from other enforcement agencies within the Pine Barrens.

Mr. Hynes stated that the LEC's immediate goal was to create cooperation among the various agencies involved in the protection of the natural resources within the Pine Barrens. The LEC has grown to include 26 agencies that participate in monthly meetings along with representatives from various other landowning agencies, trail and hiking groups and other organizations that exist to promote recreational use of the Pine Barrens and protect its natural resources.

Mr. Hynes spoke about the issues with which the LEC deals on a continuing basis. These include illegal ATV use, illegal dumping and other illegal activities that affect the quality of life and recreational activities in the Pine Barrens. He recited and described the mission statement of the LEC: "To develop a law enforcement program through interagency coordination and cooperation, improve the enforcement of all relevant land and natural resource laws within the Central Pine Barrens. Effective law enforcement is the most effective tool in protecting the public lands to assure quality public use and enjoyment." Mr. Hynes continued to explain how

the agencies apply the mission statement as a daily guide to the workings of the LEC. The agencies continue training in various areas of law enforcement and exchange ideas on training and its application to the daily law enforcement activities in the Pine Barrens.

Mr. Hynes circulated the Law Enforcement Handbook compiled by the LEC that contains all enforcement codes that cover the Pine Barrens to assist officers in the field while on patrol. A discussion ensued regarding the training of the different agencies in relation to protection and patrol of the Central Pine Barrens.

Sgt. Pendzick described how interagency training, such as ATV and air patrol training, is effectively implemented across jurisdictional boundaries. He addressed questions from Hank Beck regarding procedures for dealing with the homeless population in the Pine Barrens, which includes transferring them to shelters.

Mr. Hynes listed some of the many accomplishments of the LEC in protection and maintenance of lands within the Pine Barrens. The abandoned vehicle airlift program in partnership with the New York Army National Guard out of MacArthur Airport has removed 60 vehicles from the Pine Barrens and they airlifted lumber to rebuild a hiking trail bridge.

Funding for equipment for the LEC comes from an Environmental Benefit fund that originated from an environmental lawsuit settlement in the amount of \$175,000. The funds were secured by the NYS Department of Environmental Conservation for use by the LEC in the procurement of ATVs, trailers, radios and other necessary equipment and supplies. The funds are expended by the Commission pursuant to a budget and recommendations from the LEC.

Sgt. Pendzick stated that the Multi Agency ATV Task Force was created in an effort to eliminate illegal ATV activity in the Pine Barrens. He stated that about 8 or 9 agencies normally participate in these sting operations. He provided statistics showing how ATV use has declined in the past year, with most of the activity occurring now during the week and at night.

Sgt. Pendzick described how impounded ATV vehicles, tickets and redemption fees for these vehicles can amount to over \$1000. He cited the Suffolk County Code Section, 469, which states that ATV activity is illegal on all public lands and on private lands without the owner's written permission. Revenue received from fines and fees does not come back to the LEC, but rather goes to the relevant courts, or impounding agencies. Sgt. Pendzick stated that it is challenging to apprehend ATVs, and that due to the effectiveness of the sting operations over time ATV users have become more elusive as to when and where they ride.

Sgt. Pendzick stated that the current Suffolk County Code Section 469 allows for 3 offenses before an ATV offense becomes a misdemeanor, however it is difficult for officers in the field to know about prior offenses. Earlier this year, members of the LEC met with the staff in the County Legislature in an effort to explore the feasibility of changing the 469 Law to a misdemeanor on the first offense. John Halsey stated that the Peconic Land Trust would advocate for this change to the current law.

It was also mentioned by Sgt. Pendzick that the LEC and the Protected Lands Council ("PLC")

have partnered for the ATV Damage Mitigation Project. Other involved agencies include the NYS DEC, the Long Island Power Authority (“LIPA”), State Parks, and the Department of Transportation (“DOT”). These agencies along with other volunteers work together to build barriers in areas where illegal ATV use is occurring. The effort has been effective in preventing and reducing ATV use on vulnerable public lands and trails. A discussion ensued regarding additional funding to the LEC through revenue collected by the Towns due to illegal activities, such as dumping and ATV use.

It was concluded that LEC meetings are well attended and projects have been effective due to strong cooperation among the agencies that participate in the effort to maintain and patrol the Pine Barrens. Mr. Hynes spoke briefly about his position as Compliance and Enforcement Coordinator, and how the Commission handles incidents within the Pine Barrens in cooperation with the Towns, the State, and other law enforcement agencies. Sgt. Pendzick ended the discussion suggesting one area of improvement for the LEC would be to secure additional funding for equipment and officer participation.

Mr. Jones stated that draft recommendations would be formulated and put in writing to present to the AC prior to its next meeting.

Credit Clearinghouse

Andrew Freleng, County Representative to the Credit Clearinghouse and Vice Chair, spoke on behalf of the Clearinghouse Board. The Comprehensive Land Use Plan created a five member Board of Advisors to manage Credit Clearinghouse matters. The members represent the five levels of government involved in the management of the Pine Barrens region. In addition to Andrew Freleng, the Board includes James Tripp, Chair and Brookhaven Town representative, Robert Anrig, Southampton Town representative, Rick Hanley, Riverhead Town representative, and Mitch Pally, State of NY representative. Mr. Freleng stated that the purpose of the Credit Clearinghouse is to promote the sale and use of Pine Barrens Credits.

Chapter 6 of the Plan gives the Credit Clearinghouse the task of administration and oversight of the transfer of development rights program. The Clearinghouse fund came from a \$5 Million dollar loan, the result of the Northville Industries spill settlement in 1995. The loan was returned after 10 years and there is currently \$3.5 million in the bank due to interest earned, making the Clearinghouse self funded.

The Clearinghouse meets quarterly and Mr. Freleng provided highlights of the program’s past activities, which include credit sales and auctions, credit appeals where parcel owners challenge their credit allocation (a function now performed by the Commission) and overall accomplishments in preserving acreage in the core through conservation easements.

A current challenge for the Clearinghouse is whether the three towns are maintaining the Plan’s required ratios of receiving potential to sending potential. This is difficult due to, in part, to the existence of other transfer of development rights programs throughout the towns and the County. In addition, the towns are currently involved in master plan revisions and hamlet studies that have altered zoning and may have changed the ratios noted above.

Mr. Freleng explained that credit allocation is currently handled by the Clearinghouse and appeals were originally handled by Clearinghouse Board, but in more recent years the appeals are handled by the Commission.

The County Treasurer maintains an account for Credit Clearinghouse funds pursuant to an agreement with the Commission. Christina Cook, Suffolk County Treasurers staff, provides reports quarterly to the Clearinghouse Board. At the time the funds were originally secured, the County Treasurer was selected to hold the funds due to the fact that they were able to secure the highest rate of return on the deposit. The Commission has a standing policy that when buying credits from owners it does not make money on those sales since it is a government entity and operates as the buyer of last resort.

Mr. Freleng spoke about the possibility of hiring an outside consultant to do a receiving to sending capacity analysis. He talked about the Pine Barren Credit Registry, and how the Clearinghouse oversees and maintains a record of all credit sales and redemptions. A current issue with which the Clearinghouse is dealing is the solicitation of remaining core area property owners who have not yet applied to the credit program. Mr. Amper has offered the services of the Pine Barrens Society to perform a direct mailing to core owners informing them of their right to apply for credits. It was also discussed how credit values are tracked in all three towns and how development could potentially be influenced by the number of credits in circulation if developers were required to redeem credits. A discussion ensued regarding scenarios of gifting credits to the Clearinghouse and its ramifications on ownership of land and tax consequences.

Credit values are determined by a variety of factors, one of those factors being the location of the redemption. Changes in zoning, sewage treatment plants and other TDRs also affect the credit program. Mr. Freleng stated that a discussion the AC might have would be on ways to make credits more affordable in order to promote the use of the credit program.

Next Meeting and Adjournment

The next meeting date for the AC will be July 29th at 8:30 am.

A motion was made by Mr. Amper and seconded by Mr. Wieboldt to adjourn the meeting, that was unanimously carried.

Attachments

1. April 22, 2009 minutes
2. The Pine Barrens Wildfire Task Force and Wildfire Academy: Origins, History and Draft Advisory Committee Recommendations