

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

ROBERT J. GAFFNEY
SUFFOLK COUNTY EXECUTIVE

GEORGE GATTA, JR.
DEPUTY COUNTY EXECUTIVE

TO: Hon. Mario M. Cuomo, Governor of New York
Hon. Robert J. Gaffney, Suffolk County Executive
Hon. John LaMura, Supervisor of Town of Brookhaven
Hon. Joseph F. Janoski, Supervisor of Town of Riverhead
Hon. Fred W. Thiele, Jr., Supervisor Town of Southampton

FROM: George Gatta, Jr., Deputy County Executive *gg*

DATE: August 3, 1993

RE: Initial Meeting of the Pine Barrens Joint Planning and
Policy Commission

The Pine Barrens Protection Act requires the County Executive to give public notice of the initial meeting of the Central Pine Barrens Joint Planning and Policy Commission. Public notice of this meeting, which will be held August 6, 1993 in the Legislative Meeting Hall in Riverhead, has been given in accordance with Public Officers Law Section 104. The Central Pine Barrens Advisory Committee already held its first meeting on August 2.

It is imperative that the Commission move quickly to initiate the planning process to meet the compact schedule of the Act. In light of this schedule, the Pine Barrens Working Group in conjunction with the Advisory Committee has assembled a suggested agenda for the first Commission meeting.

Enclosed with this letter is a copy of the suggested agenda and draft resolutions for your consideration prior to the meeting. It would be appreciated if you would review this material as soon as possible and contact me by noon Thursday, August 5 regarding any changes, additions or deletions so that a final agenda can be produced for the meeting on Friday.

Also enclosed with this letter please find the following: (1) a summary of the first Advisory Committee meeting, (2) a copy of Advisory Committee's adopted resolutions, (3) a listing of the Advisory Committee member groups and the representative designated to date, and (4) a summary of the legal deadlines the Commission must meet.

August 3, 1993
Page Two

Since the first Commission meeting may attract significant attention in the media, it would be appreciated if you would communicate your thoughts regarding the above as soon as possible to ensure the meeting proceeds in an orderly fashion.

If you have any questions, please call me at (516) 853-4014. Thank you for your cooperation.

GG:cc

Enclosures

Central Pine Barrens Joint Planning and Policy Commission

AGENDA
August 6, 1993

INTRODUCTIONS:

- I. Establish Chair and Vice-Chair
 - R1. Chairperson
 - R2. Vice-Chairperson
- II. Commission Operations
 - R1. Schedule of Dates for Regular Meetings
 - R2. Bylaws
 - R3. Commission Address for Planning Period
- III. Recognition of Advisory Committee and Designated Representatives
- IV. Establishment of Lead Agency Status
- V. Plan Funding, Personnel and Organization
 - R1. Plan Funding
 - R2. Personnel and Organization
- VI. Discuss Designation of General Counsel
- VII. Resolution Recognizing Prior Work
- VIII. Map Adoption and Direction to Planning Entity to File Map in Appropriate Places and to Publish in Local Newspaper
- IX. Notification to Permit Issuing Agencies
- X. Request to Government Entities to Review Sale of Publicly Held Lands During the Planning Process

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MINUTES OF FIRST MEETING OF THE CENTRAL
PINE BARRENS JOINT PLANNING AND POLICY
COMMISSION, HELD ON THE 6TH DAY OF
AUGUST, 1993 AT 2:00 P.M., AT THE
LEGISLATIVE MEETING HALL, COUNTY CENTER,
RIVERHEAD, NEW YORK, PURSUANT TO NOTICE
OF MEETING AND BEFORE SHEILA PARISER,
R.P.R., A NOTARY PUBLIC OF THE STATE OF
NEW YORK.

COMMISSION:

ROBERT GAFFNEY, County Executive

JOSEPH JANOSKI, Supervisor, Town of Riverhead

FRED THIELE, Supervisor, Town of Southampton

JOHN LA MURA, Supervisor, Town of Brookhaven

RAY COWEN, Regional Director, New York State
Department of Environmental Control

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1 [THE MEETING WAS CALLED TO ORDER BY THE
2 COUNTY EXECUTIVE, ROBERT GAFFNEY, AT
3 2:40 P.M.]
4

5 MR. GAFFNEY: Ladies and gentlemen, my apologies
6 for the delay. As in all of these things,
7 there are always some momentary things
8 that need to be resolved, and we needed to
9 get some organization things done.

10 Under the Central Pine Barrens
11 Joint Planning and Policy Commission, which
12 we are, we are charged under the law to
13 conduct certain business. This is the
14 business that's going to be conducted today.

15 We are going to go through a
16 series of recommendations that were made
17 by the Advisory Committee, but before we
18 do that, I would like to just mention, on
19 a personal note, that this is a very special
20 day for me personally. I am sure it is
21 for everybody. We have all been very much
22 involved in this whole process.

23 I can recall a time, I guess,
24 almost a decade ago, when I was first
25 on the Environmental Conservation Committee

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1 of the New York State Assembly and started
2 working toward this exact goal. A lot of
3 things happened since that time. We had
4 the quarter percent drinking water bill that
5 was supported in the Assembly. Beyond that,
6 there was the Suffolk County Maritime
7 Preserve sponsored by Senator LaValle.

8 I can recall, also, in 1990
9 reaching out to some of the people from
10 both the environmental community and also
11 the building community, the development
12 community, if you will, trying to resolve
13 some of the issues of the lawsuit.

14 Subsequent to that, in early 1992,
15 I met with Senator Ken LaValle, and we
16 had some lengthy discussions about the
17 possibility of creating a green line, of
18 creating a preserve, doing something in an
19 affirmative fashion towards creating the
20 Pine Barrens.

21 In March of this year the County
22 met and called for the creation of the third
23 State Park Preserve along with the Catskill
24 Park Preserve and the Adirondacks Park
25 Preserve. It was thereafter that we had

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1 meetings with members of the Pine Barrens
2 Society to discuss possible state legislation
3 to effect that.

4 Subsequent to that, I toured the
5 pinelands in Jersey with Jim Tripp from the
6 Environmental Defense Fund, and Mike LoGrande.
7 After that, there were a series of meetings.

8 Again, there was a meeting that
9 was held in this office, in fact, in the
10 office just behind me, with the Supervisors
11 of the three impacted towns, where the
12 nucleus for the legislation was developed,
13 where the format for much of this was
14 developed.

15 Subsequent to that meeting, with
16 the LIA, I think with the elected officials
17 who were involved on a local basis, showed
18 a unanimity that I think hadn't been shown
19 before. This is a process that has come
20 forward, and we see the start culminating
21 in legislation in Albany, and certainly
22 my thanks to Senator Ken LaValle and Senator
23 Tom DiNapoli for a lot of very, very
24 difficult work, and tremendous cooperation
25 from the Supervisors of the three impacted

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1 towns, Fred Thiele in Southampton, Joe
2 Janoski in Riverhead and, in particular,
3 John LaMura, whose town includes the vast
4 majority of the property.

5 So, we have come full circle at
6 this point, and we have reached a point now
7 where the County is prepared to make
8 significant contributions, ten million
9 dollars of existing quarter percent drinking
10 water funds, for the acquisition of land,
11 an additional two million dollars a year
12 of revenue stream through the year 2000,
13 which is committed by the County; also,
14 tremendous commitments made by the Suffolk
15 County Water Authority in order to prime
16 the pump.

17 So, we have reached a point in
18 this stage where we have to fulfill the
19 requirements of the legislation. The
20 first thing I would like to do, again,
21 is to recognize the members of the Central
22 Pine Barrens Advisory Committee, people
23 who have done a tremendous amount of work
24 over the last couple of weeks -- last
25 several months, if you will, who have

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1 made this possible. I will mention -- it
2 is probably not an exclusive list, it
3 doesn't include everybody, but certainly
4 these individuals have gone to great lengths
5 to make this possible:

6 Mitch Pally of the Long Island
7 Association, Buzz Schwenk of the Long Island
8 Builders Institute, Herb Balin, Association
9 for a Better Long Island; Joe Gergela from
10 the Long Island Farm Bureau; Mike LoGrande
11 from the Suffolk County Water Authority,
12 Robert Yaro from the Regional Planning
13 Association.

14 Dick Amper from the Long Island
15 Pine Barrens Society. Kevin McDonald from
16 the Group for the South Fork; Sara Davison
17 from the Nature Conservancy, Sherry
18 Johnson from the North Fork Environmental
19 Council, Marilyn England from the Open
20 Space Council, Kim Darrow from the Long
21 Island Greenbelt Trail Conference.

22 James T.B. Tripp of the
23 Environmental Defense Fund; Barbara
24 McCaffrey from the Eastern Suffolk Board
25 of Realtors, James Zizzi from the Southampton

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1 Alliance; Lee Koppelman from the Long
2 Island Regional Planning Board.

3 If you recall, Lee Koppelman,
4 when I called for the creation of the third
5 major Park Preserve in the State of
6 New York, I had to ask Lee and the Long
7 Island Regional Planning Board to work on
8 both the macro and micro plans to implement
9 that. Much of that work will be incorporated
10 in what is coming forward from this.

11 Maryellen Surhoff and Michael
12 Deering from the New York Legislative
13 Commission on Water Resource Needs of Long
14 Island; Connie Kepert, Civic Representative
15 from Brookhaven; Desiree Passantino,
16 Civic Representative from Riverhead, and
17 Joe Colao, the Civic Representative from
18 Southampton.

19 They have all done a tremendous
20 job, and certainly we all owe them a debt
21 of gratitude, and there are two individuals
22 who I think deserve a tremendous amount
23 of praise for this entire effort, and they
24 are the sponsors of the bill, the people
25 who created, who hammered this out, who

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1 forged this, if you will, in Albany,
2 Senator Ken LaValle and Assemblyman Tom
3 DiNapoli, and I would ask if they would
4 both address the group. [APPLAUSE]

5 SENATOR LA VALLE: Thank you very much, Mr. County
6 Executive and members of the Council. The
7 development of this legislation really
8 has the fingerprints of many, many people.
9 I don't think there has been a piece of
10 legislation that has had the participation
11 that this legislation has, and through the
12 process I think I have said that this
13 legislation was developed by Long Islanders
14 for Long Island's future.

15 Many, if not almost every provision
16 in the bill was a matter of discussion
17 between various parties. It was a process
18 that was a give and take process that
19 resulted in compromise, and it was a
20 compromise that I think was good for everyone.

21 I don't believe there has been a
22 piece of legislation that I have worked on
23 that has had the kind of widespread support
24 from people who live not only in my
25 Senate District, but from people throughout

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1 Long Island, and so in order for things
2 to get done, it has to have the people
3 supporting it. I think that really drove
4 the process, and I think everyone was mindful
5 that the people who live on Long Island
6 wanted this to happen. They did not want
7 failure.

8 So, today, you really begin a
9 second trip towards the completion of what
10 many call really is a dream for Long Island's
11 future, and it is going to be a very, very
12 difficult course.

13 I don't expect it to be done in
14 a linear process because the original process
15 that brought us this far was not a lineal
16 one. It will move from the right to the left,
17 and compromises will be made, but I hope
18 that the Commission members and the members
19 of the Advisory Committee will be mindful
20 of all the things that we talked about that
21 got us here, all the individuals who
22 participated in the process, all of the
23 intent of the parties and the agreements
24 that we tried to forge by legal language,
25 and sometimes legal language does not

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1 often precisely represent what people
2 shake hands on and agree to in a conceptual
3 way. So that, if we need to, and I know
4 we have yet some other housekeeping kinds of
5 things that we need to do when we go back
6 to Albany, but I hope that the Commission
7 and the Advisory Committee members will
8 just understand what got us here, and
9 that I don't think any of the people who
10 participated in that process are either
11 shrinking violets and are going to be quiet
12 through this process, so that I really am
13 very proud of all the representatives who
14 are sitting here. It is a very significant
15 group.

16 And let me just say, in closing,
17 that you really represent the hopes, the
18 dreams of a lot of Long Islanders who want
19 to see this happen in a way that will
20 protect Long Island's future.

21 Much good luck and success to
22 you. [APPLAUSE]

23 MR. GAFFNEY: Thank you.

24 ASSEMBLYMAN DI NAPOLI: I would like to briefly echo the
25 eloquence of my friend and colleague,

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1 Senator Ken LaValle, and wish you well
2 as you embark on this important task.

3 It is really a privilege to be
4 here at this first meeting of the Commission.
5 The legislation was just launched in process.
6 It was a beginning, and you have much
7 important work ahead of you.

8 Obviously, given the great work
9 that has already been done by the Advisory
10 Committee and the commitment that's evident
11 by the number of people here in the audience,
12 you have much support and many colleagues
13 and people who are willing to assist in
14 the very difficult task that is ahead of you.

15 I think that what Senator LaValle
16 said can't be understated. This is, in fact,
17 an issue, a process that all Long Islanders
18 are looking upon with a great sense of
19 expectation, hope and anticipation.

20 As I was driving out from Great
21 Neck here, I got a chance to go through
22 the communities that the Senator and I
23 received all those cards and letters from
24 all of the last few months. I can't
25 think of an issue that has caught the

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1 attention of as many Long Islanders
2 because it gets to the heart of how we,
3 as a region, can more effectively deal with
4 the complex problems that we have to face.

5 Senator Steve Engelbright is
6 here, also. He played a key leadership
7 role in working on this legislation.

8 I want you to know from a
9 legislative perspective, we are part of your
10 team, also. We hope that you, as you continue
11 your work, if there is any further way in
12 which the Legislature can help, we are ready
13 to assist you in any way possible.

14 We wish you luck, and all Long
15 Islanders have a great sense of optimism
16 about the project that you are about to
17 embark on.

18 Thank you very much. [APPLAUSE]

19 MR. GAFFNEY: I am sure it is probably necessary
20 because I am sure everybody knows who
21 everybody is up here, but I guess we should
22 all introduce ourselves, or I will
23 introduce everybody, and if you do, if you
24 have any comments that you would like to
25 make, I am sure everybody would like

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1 to hear that.

2 I will start to my right,
3 Supervisor Fred Thiele from the Town of
4 Southampton.

5 MR. THIELE: Thank you very much. We really
6 do have an historic opportunity here, as
7 has been said so often. Long Island, Suffolk
8 County has already had a leadership role
9 in environmental protection. This is an
10 opportunity not only for the environment,
11 but also an opportunity to lay out the
12 ground rules to get the economy and our
13 local business community moving again because
14 people know where the preservation is going
15 to occur and where the areas are that people
16 have available for development.

17 I want to take the opportunity
18 to commend Senator LaValle and Assemblyman
19 DiNapoli for their work on this legislation.
20 Being involved in town government, and having
21 served in this County and the County
22 Legislature, and also having done some work
23 in the State Legislature as a staff person,
24 so often you get a lot of legislation that
25 I would call "feel good" legislation,

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1 legislation that makes people feel good,
2 like they are trying to address and solve
3 problems. This is legislation that does
4 good, and we thank you for providing us
5 with that legislation.

6 It is now up to us to do the
7 implementation, to actually do the good that
8 this legislation is intended to do.

9 I think the only thing that we
10 should keep in mind as we start our work
11 is go back, perhaps, to the days when we
12 were in grade school, and perhaps in this
13 context take the opportunity to go outside
14 the lines, be creative, innovative, things
15 such as PR, new ways of preserving land,
16 promoting economic growth on Long Island.
17 We should take this opportunity and seize
18 it to create the type of activity that's
19 needed for this to be a success.

20 I think if you keep those things
21 in mind, we have an exciting and interesting
22 eighteen months ahead of us, and I think
23 the people of Long Island will be richer
24 for it if we do the job that's laid out
25 by this legislation. [APPLAUSE]

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1 MR. GAFFNEY: Supervisor Joseph Janoski from
2 the Town of Riverhead.

3 MR. JANOSKI: Thank you, Mr. County Executive.
4 I have always believed that the purpose of
5 voting was to resolve conflicts and to be
6 sure, the conflict raised over these lands
7 for many years, countless dollars were
8 expended and certainly a great deal of
9 effort, probably to no good end. This end
10 that we initiate today is, in fact, a result
11 of that conflict -- then maybe it was not
12 wasted.

13 The resolution of the conflict
14 will begin now starting with the legislation
15 which Senator LaValle and Assemblyman
16 DiNapoli have gotten through and signed
17 by the Governor, but there is a large task
18 which remains.

19 It has been said that this is
20 the beginning, and over this period of
21 eighteen months, there will be probably
22 some further conflicts, and it is our job
23 to bring different points of view together
24 so that at the end of the eighteen months
25 there is, in fact, a reasonable plan that

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1 we could look to as a vehicle for economic
2 growth and coexisting with protected areas
3 that will remain for untold years as a
4 treasure to be guarded.

5 I am happy to have been part of
6 what was a very unique experience, government,
7 business leaders, environmental organizations
8 working together for common good to bring
9 about legislation and a resolution of
10 conflict. [APPLAUSE]

11 MR. GAFFNEY: John LaMura, the Supervisor of
12 the Town of Brookhaven.

13 MR. LA MURA: Thanks, Bob. I would like to echo
14 on the words of Senator LaValle and pick up
15 on the comments of my colleagues to the right
16 that we should be mindful of the fact that
17 we got here through cooperation and
18 compromise, and that while we are grateful
19 to be here, there is still a huge task
20 ahead of us, and a compromise and cooperation
21 should be the spirit which guides us through
22 the process in the upcoming eighteen months.
23 [APPLAUSE]

24 MR. GAFFNEY: And the Governor's appointee to
25 the Commission, Ray Cowen, Regional Director

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1 of the Department of Environmental
2 Conservation.

3 MR. COWEN:

4 Thank you, Bob. For those of
5 you who attended the bill signing on July 14th,
6 you all know that the Governor is extremely
7 committed to this. He spoke eloquently of
8 New York State's commitment to preserve our
9 natural environment in harmony with
10 development interests, and I want you to
11 know that his office is fully behind this
12 effort, and I will have access to whatever
13 State agencies are appropriate to help
14 in this effort, including my own.
15 Professional staff is out here, in fact,
16 ready, willing and able to assist in this
17 effort.

18 I fully look forward to this
19 task that faces us. I think it is an onerous
20 task. I think we need to roll up our
21 sleeves and get to work. I am very proud
22 to be part of this effort, which I think
23 is an historic effort for all of Long
24 Island. [APPLAUSE]

25 MR. GAFFNEY:

Now, about the business of the
Commission. The first matter that we will be

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1 addressing today is the establishing a Chair
2 and Vice-Chair of the Commission.

3 Supervisor Janoski wanted to be
4 heard for the purposes of a nomination.

5 MR. JANOSKI: Yes. I should state that the
6 resolution is prepared:

7 "Whereas, the Environmental
8 Conservation Law has been amended creating
9 the Central Pine Barrens Joint Planning
10 and Policy Commission; and

11 "Whereas, the Environmental
12 Conservation Law Section 57-0119(2) directs
13 the Commission to elect one of its members
14 as Chairperson; now therefore be it

15 "Resolved that County Executive
16 Robert Gaffney serve as Chairperson." So move.

17 MR. LA MURA: Second.

18 MR. GAFFNEY: The motion has been made and
19 seconded. We can take a vote on that.
20 We will start from left to right.

21 MR. COWEN: Yes.

22 MR. GAFFNEY: Ray Cowen votes yes. I will vote
23 yes as well.

24 Mr. Thiele?

25 MR. THIELE: Yes.

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1 MR. GAFFNEY: The vote is unanimous.

2 Thank you, gentlemen. I appreciate
3 the honor and the responsibility that you
4 have placed in me, an enormous responsibility.
5 I hope to serve as Chairman of the Commission
6 in a way that enables us to go forward
7 and to accomplish the things that we are
8 charged to by the law, and the people who
9 have elected all of us want us to do with
10 as little difficulty and in a way that we
11 can make sure that everything gets
12 accomplished. Thank you.

13 The next matter before us is
14 the matter of electing a Vice Chairperson.
15 I would like to move that the Supervisor
16 of the Town of Brookhaven, John LaMura,
17 be nominated to be chosen as Vice Chairperson.

18 Do I have a second?

19 MR. JANOSKI: Second.

20 MR. COWEN: Yes.

21 MR. GAFFNEY: Yes.

22 MR. JANOSKI: Yes.

23 MR. THIELE: Yes.

24 MR. GAFFNEY: So, the Vice Chairperson of the
25 Commission is Supervisor John LaMura

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1 from the Town of Brookhaven.

2 MR. LA MURA: Thank you, Bob. I would like
3 to say, on behalf of myself, the Town Board
4 and the residents of Brookhaven, where,
5 perhaps, seventy-five percent of the land
6 at issue lives, in that capacity I am happy
7 to serve as the Vice Chairman; also, the home
8 of the County Executive and the Senate
9 sponsor of the bill that brought us here.

10 MR. GAFFNEY: And the home of Ray Cowen.

11 The next matter before the
12 Commission is a resolution, which I will
13 read, which is the scheduling of dates
14 for regular meetings. The resolution
15 reads:

16 "Whereas, the Environmental
17 Conservation Law Section 57-0119(6) (a)
18 empowers the Commission to convene conferences,
19 seminars, meetings, technical sessions
20 on its own or in coordination with federal,
21 state, county, town or private organizations
22 as it deems necessary relative to its
23 responsibilities; now, therefore be it

24 "Resolved that the Commission
25 shall hold its regular meetings --" there

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1 is a proposal for the second Thursday
2 of each month.

3 I move that be the date that
4 be adopted.

5 MR. THIELE: Second.

6 MR. GAFFNEY: Is there any opposition to that?
7 Does anyone have a comment to make?

8 MR. COWEN: Just one comment. That particular
9 day happens to be the same date that the
10 Adirondacks Park Agency meets, and if
11 there is ever an occasion where we need
12 to have the executive staff of my agency
13 to be present, that would be a conflict.
14 It may not be a terrible conflict, but
15 I just want to bring it up.

16 MR. GAFFNEY: It is also a work session date
17 in the Town of Riverhead.

18 Are there any other problems with
19 anyone else that we can decide upon at
20 this point?

21 MR. LA MURA: I have work sessions, also, on
22 Thursday, but I think, in my case we can
23 move the schedule around.

24 MR. GAFFNEY: If there is another date that
25 doesn't provide a conflict on a regular

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basis...

MR. LA MURA: Tuesday is no problem, but you all have board meetings. How about Wednesdays?

MR. THIELE: Tuesday and Friday is a bad day for me.

MR. GAFFNEY: We will change the resolution then that, "The Commission shall hold its regular meetings on the second Wednesday of each month."

All in favor?

[WHEREUPON THE MOTION MADE AND SECONDED WAS VOTED ON AND UNANIMOUSLY CARRIED.]

MR. GAFFNEY: The next resolution, reading it:
"Whereas, the Environmental Conservation Law Section 57-0119(6)(g) empowers the Central Pine Barrens Joint Planning and Policy Commission to exercise such incidental and usual powers as are necessary and appropriate to carry out its duties; and

"Whereas, the Commission deems necessary and appropriate to the carrying out of its duties to adopt bylaws for its organization and internal management;

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1 now, therefore be it

2 "Resolved that the Bylaws of the
3 Central Pine Barrens Joint Planning and Policy
4 Commission are hereby adopted."

5 I move that that be adopted. Is
6 there a second?

7 MR. JANOSKI: Second.

8 MR. THIELE: Discussion first?

9 MR. GAFFNEY: Discussion?

10 MR. THIELE: I think this is an appropriate
11 time to bring this up.

12 We have, pursuant to the State
13 Legislation, we have an advisory committee
14 that's advisory to this Board.

15 There are a number, I don't even
16 know how many or who is on them, but a number
17 of different working groups that are out
18 there. I was told today there is a TDR
19 Committee and other committees out there.
20 All of those structures should be responsible
21 and in one way or another, report to this
22 Committee. We should have access, and
23 there should be an organization set up
24 as to where the authority is and where
25 the responsibilities are, etcetera.

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1 I am not going to ask to amend
2 this today. We can pass it today, but I
3 would suggest that for the purposes of having
4 a committee where the Commission will know
5 where the responsibility lies and what all
6 of the duties and responsibilities are,
7 that we have some sort of amendment, perhaps,
8 for the next meeting of the Bylaws, that
9 lays out for the advisory committee and
10 all these working groups, what their roles
11 are in the process; otherwise, there will
12 be all sorts of different things going on
13 out there that we are not going to know about.

14 I don't think we need to set that
15 up today, but I would appreciate it if we
16 could, for the next meeting, perhaps add
17 to the Bylaws of this Committee so that
18 whole structure is memorialized somewhere.

19 MR. GAFFNEY: Any discussion on that?

20 MR. COWEN: I agree with that. I think later
21 in the package there are some flow charts
22 and so forth. I am not sure it is going
23 to be before this Commission today to decide
24 on that. I am a little confused by the
25 flow charts, myself.

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1 MR. THIELE: I have my Town Planner that is
2 on one committee that's being chaired by
3 Doctor Koppelman. I don't know what the
4 relationship is with that to this Committee.

5 There is another committee out
6 there. There are all sorts of committees
7 and groups. I think that needs to be
8 streamlined and organized.

9 MR. COWEN: The line of authority has to be
10 established, I agree. I presume we can amend
11 these at some time.

12 MR. THIELE: I don't want to hold up today.
13 These are the basic operating rules for
14 today.

15 MR. GAFFNEY: We will adopt Bylaws as they were
16 promulgated and suggested by the advisory
17 committee, but subject to possible amendment
18 at the next meeting of the Commission,
19 to streamline and to make such modifications
20 that are necessary as to provide a smooth
21 flow of work through the processes.

22 MR. COWEN: Yes?

23 MR. THIELE: Similar to, Ray, a management
24 committee and the Barrens Committee, and
25 we all know who they report to, and if we

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1 could get something.

2 MR. GAFFNEY: The motion for adoption of the
3 Bylaws. Does anyone want to make that
4 motion to adopt the Bylaws as was indicated?

5 MR. COWEN: Yes.

6 MR. GAFFNEY: Everybody is in favor of that.

7 The next matter that's before us
8 is the Commission address for the planning
9 period.

10 I'd like to ask that this be held
11 pending a discussion of -- this is Item 5,
12 which is Plan Funding, Personnel and
13 Organization. After that discussion, maybe
14 we can go back to this because I think it
15 would be premature to deal with it at this
16 point.

17 MR. JANOSKI: Motion to table.

18 MR. COWEN: Second.

19 MR. LA MURA: Second.

20 MR. GAFFNEY: All in favor?

21 [WHEREUPON THE MOTION TO TABLE WAS SECONDED,
22 VOTED UPON AND UNANIMOUSLY CARRIED.]

23 MR. GAFFNEY: Done. The next matter that's
24 before us then is recognition of advisory
25 committee and designated representatives.

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1 I will read the proposed
2 resolution.

3 "Whereas, the Environmental
4 Conservation Law has been amended creating
5 the Central Pine Barrens Advisory Committee
6 consisting of twenty-eight members and
7 an elected Chairperson; and

8 "Whereas, the advisory committee
9 was created to actively assist and advise
10 the Commission in the preparation, adoption
11 and implementation of the Comprehensive Land
12 Use Plan; and

13 "Whereas, the Environmental
14 Conservation Law Section 57-0119(9) requires
15 the Commission to meet periodically with the
16 advisory committee, to make available working
17 draft and other documents, and to provide
18 services to the advisory committee as are
19 necessary and appropriate to carry out its
20 functions; now, therefore be it

21 "Resolved that the Commission
22 hereby recognizes the advisory committee
23 and its members' representatives; and

24 "Resolved that the Commission
25 hereby requests that the advisory committee

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1 establish credentials for its designated
2 representatives and notify the Commission
3 of additions to or changes in the member
4 groups' designated representatives; and

5 "Resolved that the Commission will
6 consider the assistance and advice of the
7 advisory committee, will meet with the advisory
8 committee, will make available working
9 draft and documents, and will provide services
10 to the advisory committee as is necessary
11 and appropriate to carry out its functions."

12 MR. THIELE: Motion.

13 MR. JANOSKI: Second.

14 MR. GAFFNEY: All in favor?

15 MR. COWEN: Just one discussion point.

16 I presume we are talking about
17 the list that's in the back of this package.
18 Can you append this to the actual resolution
19 so we all know the names of who we are
20 talking about?

21 MR. GAFFNEY: You are talking about?

22 MR. COWEN: In front of the blue tab, I guess
23 it is.

24 MR. GAFFNEY: That's the list of the --

25 MR. COWEN: [INTERPOSING] Could that be

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1 somehow attached?

2 MR. GAFFNEY: We will include with it that
3 the advisory committee, the names and
4 addresses, individuals and contact persons
5 and so forth on the advisory committee
6 be appended to that resolution.

7 Shall we go forward with the motion
8 then?

9 All in favor of that?

10 [WHEREUPON THE MOTION MADE, SECONDED AND
11 AMENDED WAS VOTED ON AND UNANIMOUSLY CARRIED.]

12 MR. GAFFNEY: the next matter before us is
13 Establishment of Lead Agency Status.

14 The resolution before us:

15 "Whereas, the Environmental
16 Conservation Law Section 57-0121(7)
17 establishes that the Commission shall be
18 lead agency for the Generic Environmental
19 Impact Statement which is part of the Land
20 Use Plan, notwithstanding any provision
21 contrary to any other provisions of
22 Article 8 of the Environmental Conservation
23 Law; now, therefore be it

24 "Resolved that the Commission
25 shall be lead agency for the development of

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1 the Generic Environmental Impact Statement
2 and Land Use Plan."

3 Do I have such a motion?

4 MR. THIELE: Motion.

5 MR. JANOSKI: Second.

6 MR. GAFFNEY: All in favor?

7 [WHEREUPON THE MOTION MADE AND SECONDED
8 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

9 MR. GAFFNEY: The next resolution or matter
10 before us deals with the funding, Plan
11 Funding, Personnel and Organization. I will
12 read that.

13 "Whereas, the Environmental
14 Conservation Law Section 57-0119(6)(i)
15 empowers the Commission to contract for and
16 to accept any assistance, including but
17 not limited to gifts, grants or loans of
18 funds or of property from the federal
19 government, or any agency or instrumentality
20 thereof, or from any agency or
21 instrumentality of the State, or from any
22 public or private source and to comply,
23 subject to the provisions of Article 57
24 of the Environmental Conservation Law,
25 with the terms and conditions thereof; and

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1 "Whereas, the Suffolk County
2 Water Authority has extended an offer to
3 provide initial funding for a large portion
4 of the planning and support costs as detailed
5 in its letter dated August 5, 1993 subject
6 to the Memorandum of Understanding signed
7 by the Governor, the Senate Majority Leader
8 and Speaker of the Assembly, and subject to
9 the Suffolk County Water Authority Board
10 approval August 31, 1993; now, therefore
11 be it

12 "Resolved that the Commission
13 accepts the offer of the Suffolk County
14 Water Authority; and

15 "Resolved that the Commission
16 agrees to reimburse the Suffolk County
17 Water Authority the sum of one hundred
18 eighty thousand dollars for in-kind services
19 and the full amount of other reimbursable
20 cash disbursements up to two hundred fifty
21 thousand dollars provided such disbursements
22 and in-kind services are fully documented,
23 and provided funds for reimbursement are
24 appropriated by the State of New York,
25 on the date that those funds become

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1 available to the Commission."

2 Do I hear a motion or a discussion
3 on the issue?

4 MR. THIELE: I will make the motion so we can
5 have some discussion.

6 MR. GAFFNEY: Mike LoGrande from the Suffolk
7 County Water Authority to make some comments.

8 MR. LO GRANDE: Thank you very much, Mr. County
9 Executive.

10 What you have before you is
11 as a result of what was missing when the
12 Bill was passed, and that is where is the
13 money coming from. No one could think of
14 where the source of funding was coming from
15 for the sake of planning. It was the
16 Water Authority and several staff members
17 had suggested that perhaps we could advance
18 the monies, and that subject to reimbursement
19 for a portion of the amount that the Water
20 Authority would contribute to this effort,
21 that we would be happy to advance the
22 necessary funding for this.

23 We will need, for our purposes
24 I might add, with the exception of Jim Tripp,
25 who is here and he and I are voting members

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1 of the Water Authority Board, but we
2 don't constitute the majority, but we
3 believe we can deliver on August 31st if
4 we can get some Memorandum of Understanding
5 that hopefully within a year we can get
6 reimbursement for the money that we have
7 agreed on for reimbursement.

8 We have indicated a couple of
9 scenarios which calls for the participation
10 of various staff and Town functions. They
11 are simply advisory for the Board members.
12 I am sure you may want to discuss this
13 further and find out to what extent Towns
14 will get involved and to what extent they
15 would like to have monies put in and
16 reimbursed.

17 We didn't know in what state
18 we would put this in at the very beginning.
19 We did suggest, however, that the outside
20 number for the total budget and process
21 would be sufficient for what is going to
22 have to go on for the next twelve months.
23 While we think the money is very comfortable,
24 we doubt we will ever spend that money,
25 at least it is fair in the event if some

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1 contingencies come up.

2 If the Board will accept some
3 language in this, which is a little tricky
4 because it does say the Commission will
5 reimburse the Water Authority. I am sure
6 Supervisor Thiele --

7 MR. LA MURA: [INTERPOSING] It was appropriated
8 by the State of New York.

9 MR. LO GRANDE: I think you will probably want
10 to amend that language to some extent,
11 unless you are all willing to contribute
12 the kind of money we are talking about.

13 MR. THIELE: I will take it out of my pocket
14 right now.

15 MR. JANOSKI: I was going to say I would be
16 happy to make the motion before us.

17 MR. LO GRANDE: The only thing I think that should
18 be looked at, in the budget there is a pretty
19 strong question in here as to how much money
20 and how much of that legislation is going
21 to take place from day one. As soon as you
22 file the map and establish everything, then
23 the fireworks start. I think, at that point,
24 we have made a suggestion in the overall
25 budget, about a quarter of a million dollars

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1 that will be used for both the attorneys'
2 purposes, the preparation of the Environmental
3 Impact Statement and environmental analysis,
4 for printing and other costs. We are not
5 sure that's a sufficient amount of monies, but
6 that, of course, can be adjusted when it
7 is taken over by the staff that will be
8 operating the monies.

9 Can I also bring out the advisory
10 committee met this past week. They elected
11 me, and I will be very happy to step down
12 at any time, but I was elected because I
13 was serving lunch at the time, but certainly
14 depending on how you want to interpret the
15 law, itself, I think that the Commission
16 that is named in the law has the responsibility
17 of picking, and certainly they can pick
18 and choose what they want. I do believe
19 that the Chairman does get selected by the
20 advisory committee members, themselves, and
21 so maybe my position is safe. There are
22 expansions suggested within the law, one
23 of which is the Brookhaven National Laboratory,
24 and their representative is here, that
25 they would like to be a part of the advisory

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1 committee. They have a substantial
2 part of that map that's shown there in
3 terms of their land and future of those
4 properties, and so they would like to have
5 a member on the advisory committee, and
6 we would make that suggestion now, although
7 we have two others that will follow probably
8 in the future meetings as well.

9 MR. GAFFNEY: The legislation called for twenty-
10 eight members, but twenty-four were named.
11 It is my understanding that it was the intent
12 that - I believe it was the intent of the
13 sponsors of the State legislation that the
14 four unnamed individuals be within the
15 scope of the State in designating them.
16 I am not sure if that's true.

17 From an advisory point of view,
18 it is not clear from my reading of this
19 whether the Commission itself makes the
20 designation for the remaining four, or
21 whether the legislation itself will be
22 amended or fulfilled later to do that.
23 Maybe it will be a chapter amendment.

24 MR. LO GRANDE: It may be, but the Bylaws are
25 silent in how to add additional members.

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1 In one section it says that the advisory
2 committee shall not exceed twenty-eight
3 members and in another section it said
4 that the advisory committee may be expanded
5 or contracted depending on what the situation
6 is.

7 I would think, since you are the
8 statutory body, that you could accept a
9 reasonable request for somebody that is
10 probably deserving to be a member of the
11 advisory committee. At the present time,
12 we are recommending the Brookhaven National
13 Laboratory, and there are two other
14 representatives, representatives of school
15 boards, and we will take them up and present
16 them to you at some later time.

17 MR. GAFFNEY: Certainly, the recommendation of
18 the advisory committee certainly is well
19 taken. Whoever is responsible, whoever
20 we determine to be responsible for making
21 those additional recommendations, I am sure
22 will heed, in part, the requests of the
23 advisory committee. That's a matter, I
24 am sure, we will have to deal with later.

25 MR. LO GRANDE: Then going back to the budget

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1 portion, which is the resolution that
2 is before you, I think the acceptance of
3 the Suffolk County Water Authority's offer
4 to advance and to put in in-kind services --
5 there is no resolution that says what other
6 agencies would contribute and participate
7 in the process. The one that we have, the
8 resolution that is before you now, is the
9 one that says we would be willing, at least
10 if we get it through our Board on August 31st,
11 to advance those funds provided we can get
12 a portion of that reimbursed.

13 MR. GAFFNEY: Okay. Thank you very much.

14 MR. AMPER: Mr. Chairman, on the subject.

15 MR. LO GRANDE: Could I add, before I yield to
16 Dick Amper, there is one item in there which
17 the Water Authority has agreed that we will
18 put up fifty thousand dollars in cash as
19 a challenge grant, which was suggested
20 originally by Kevin McDonald, and we
21 will put up fifty thousand dollars and if
22 it gets matched by an additional fifty
23 thousand dollars, that's one hundred thousand
24 dollars that we will not seek any
25 reimbursement of and in addition to

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1 one hundred eighty thousand dollars of
2 in-kind services.

3 MR. AMPER: Richard Amper. I am the Executive
4 Director of the Long Island Pine Barrens
5 Society.

6 During the course of the
7 technical advisory committee meeting it was
8 the consensus of those present that because
9 there were so many groups and organizations
10 that requested to be members of the advisory
11 committee, that we might want to submit
12 the names of all before we consider any one
13 of them to be members. For the record.

14 MR. GAFFNEY: Thank you.

15 MR. GATTA: There is an amendment. George
16 Gatta, Deputy Suffolk County Executive.

17 There are two proposals in the
18 package for the Planning/Administrative
19 structure. The advisory committee had
20 recommended that a full-time Executive
21 Director be hired. There is also a second
22 alternative in the package, which recommends
23 that the Director of the Suffolk County
24 Planning Department, working in a planned
25 coordination team with the Town Planning

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1 Directors or Commissioners oversee the
2 development of a plan.

3 That's something that the Commission
4 will have to consider as we go forward in
5 implementing the work.

6 One thought was we wanted a
7 centralized effort, we wanted one person
8 directing it. The second thought was if
9 we could use existing resources and save
10 some money, that money might be used for
11 other expenses as they occur and some may be
12 unanticipated at this time.

13 I thought Mike had not mentioned
14 that. I wanted to make it clear that there
15 were two alternatives within that proposal.

16 MR. GAFFNEY: Thank you. The first issue before
17 us then is the reimbursement. The financial
18 plan calls for the reimbursement to the
19 Suffolk County Water Authority. Is there
20 any discussion with regard to that?

21 MR. THIELE: Yes. I don't know if we can
22 agree to reimburse them, but we don't have
23 any money to reimburse them with. Our
24 government could have done that, but I
25 don't want to be one of them, as part of

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1 the Commission. I don't know how that
2 needs to be reworded, but I think the
3 commitment has to come from the State of
4 New York and not from this Commission.
5 We are an arm of the State, but with no
6 revenues and no money to be able to guarantee
7 the Water Authority regarding its Memorandum
8 of Understanding. I think the agreement, in
9 some way, shape or form, particularly for
10 the Water Authority to feel comfortable --
11 if I was on their Board, a promise from
12 a Commission that has no money to back it
13 up, I don't think I would feel real
14 comfortable with that. I think this
15 agreement has to be -- maybe Senator LaValle
16 and Assemblyman DiNapoli can enter into
17 this -- but I think the agreement has to
18 be between the Water Authority and the
19 State.

20 MR. LA MURA:

I think it says, "Provided such
21 disbursements and in-kind services are
22 fully documented and provided funds for
23 reimbursement are appropriated by the State
24 of New York."

25 So, it clearly says, "Provided the

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1 funds are appropriated by the State."

2 MR. THIELE: I don't know if it makes the
3 Water Authority feel better.

4 MR. COWEN: Did you mean, when you wrote
5 that language, did you mean that you
6 contributed this money assuming this does
7 not happen?

8 MR. LO GRANDE: It means that if the supervision
9 does not happen, we are not going to give
10 a shred of our money. We have to prepare a
11 Memorandum of Understanding. Mike Kearing
12 is here. If that agreement comes before
13 August 31st, we can vote on it. If we
14 don't get it, we will get zip.

15 MR. THIELE: Maybe a memorializing resolution
16 can come with this so the State of New York
17 would enter into an agreement with the Water
18 Authority to reimburse them.

19 MR. LO GRANDE: It is my understanding that later
20 in the year, April or something, monies
21 could be available.

22 MR. COWEN: One alternative doesn't require
23 a capital outlay right off the bat, except
24 we are willing to put up fifty thousand
25 dollars in funding and there will also

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1 be another fifty thousand, hopefully, for
2 participating agencies in contribution to
3 that. Maybe if you divvied up the staffs
4 of the three Towns, as well as the County,
5 that it may well be there is no capital
6 outlay initially, but I think at some point
7 you will see very quickly there will be a
8 requirement for capital expenditure of
9 some kind.

10 MR. GAFFNEY: Is the intention of Suffolk County
11 to use the resources of the Suffolk County
12 Planning Department to promote this?

13 It is my understanding, as well,
14 that the three Towns, as well, intend to
15 use the resources of their Planning
16 Departments in an in-kind contribution to
17 get this thing started up. How quickly cash
18 other than those in-kind services will be
19 needed, I guess, is a matter of some
20 conjecture, but I think what you are
21 submitting is probably right.

22 What I have a problem with is
23 what has been expressed by Fred and others,
24 and that is, at this point, according to
25 that language, what we would be doing

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1 is committing the Water Authority to lay
2 out money in anticipation of something which,
3 at this point, has not happened and we are
4 not positive, but at this point we expect
5 that it will.

6 MR. LO GRANDE: We are meeting on the 31st, and
7 if we could have gotten a Memorandum of
8 Understanding before the 31st, then we
9 would have been able to adopt that on our own.
10 At the same time, the Commission is the
11 controlling body here, whether you accept
12 our offer or not. A simple acceptance
13 conditioned on our ability to be reimbursed,
14 you are not committed to anything because
15 you have no funds and we recognize that.

16 MR. COWEN: Fred can get to play attorney.

17 MR. THIELE: No. I think that leaves the
18 Water Authority holding the bag because if
19 the providers don't happen, we have taken
20 your money if you offered and it was spent,
21 and then there was no mechanism to
22 reimburse it. That's what I am talking about.

23 MR. GAFFNEY: The two conditions precedent,
24 and the language here leaves the entire
25 responsibility on the Water Authority.

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1 It exempts the Commission from any
2 responsibility. In order to permit the
3 Water Authority to go forward on the 31st,
4 maybe a memorializing resolution, as you
5 have indicated, stating that the Commission
6 agrees conceptually with this, but
7 recognizes that there are two conditions
8 precedent which, if not met, will result --

9 MR. THIELE: [INTERPOSING] Resolved that the
10 Commission supports the offer of the Suffolk
11 County Water Authority instead of accepts,
12 and then, "Resolved that the Commission
13 urges the State of New York to agree to
14 reimburse the Water Authority." I think then
15 the position of the Commission is well-known
16 in that we are supporting this offer, and
17 it puts the onus where it belongs, and that
18 is then the agreement still has to come
19 between the Water Authority and the State
20 of New York.

21 MR. LO GRANDE: That's fine with us.

22 MR. THIELE: Is there anything wrong with that,
23 from our State Representatives?

24 SENATOR LA VALLE: No.

25 MR. THIELE: I make the motion.

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1 MR. COWEN: Could you read the second part
2 of that again?

3 MR. THIELE: The second part, "Resolved that
4 the Commission urges the State of New York
5 to agree to reimburse," and then the
6 resolution would go on from there.

7 MR. GAFFNEY: Do we have a motion to amend?

8 MR. THIELE: I make a motion to amend this
9 resolution.

10 MR. JANOSKI: Second on the motion to amend.

11 MR. GAFFNEY: All in favor?

12 [WHEREUPON THE MOTION MADE AND SECONDED
13 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

14 MR. GAFFNEY: My counsel for parliamentary
15 procedure to the left here voted that's
16 the way to do it.

17 MR. THIELE: I will make the motion to approve
18 as amended.

19 MR. JANOSKI: Second.

20 [WHEREUPON THE MOTION MADE AND SECONDED
21 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

22 MR. GAFFNEY: There is a Memorandum of
23 Understanding which reads:
24 "The Suffolk County Water
25 Authority has proposed to provide

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1 cash and in-kind services toward the
2 preparation of the Central Pine Barrens
3 Comprehensive Land Use Plan in accordance
4 with the Environmental Conservation Law
5 Article 57, as amended. The proposal is
6 contingent upon the reimbursement of
7 approximately four hundred thirty thousand
8 dollars to the Authority, and the source of
9 the reimbursement funds shall be the
10 Environmental Protection Fund.

11 "The undersigned hereby accepts
12 the proposal of the Suffolk County Water
13 Authority and commits to appropriate such
14 funds for reimbursement for the 1994
15 legislative session. It is further
16 understood that no Suffolk County Water
17 Authority funds will be disbursed unless
18 all of the signatures have been obtained.

19 MR. LO GRANDE: That relates to the resolution
20 that you just passed.

21 MR. GAFFNEY: Is this then incorporated within
22 the resolution that we just did?

23 MR. THIELE: I think it is just backup for
24 the resolution so we know what the MOU
25 was intended to do.

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1 MR. GAFFNEY:

2 It is part of the amended
3 resolution then.

4 The next resolution which I will
5 read:

6 "Whereas, the Environmental
7 Conservation Law Section 57-0119(6)(e)
8 empowers the Commission to appoint an
9 Executive Director, officers, agents,
10 employees and prescribe their duties
11 and qualifications and fix their
12 compensation; and

13 "Whereas, the Environmental
14 Conservation Law Section 57-0119(6)(f)
15 empowers the Commission to utilize to the
16 extent feasible the staff and facilities
17 of existing State and County agencies,
18 pursuant to an agreement to be made by the
19 County of Suffolk; and

20 "Whereas, the County of Suffolk
21 has offered the in-kind services of its
22 Planning Department; and

23 "Whereas, the Suffolk County
24 Water Authority has offered the in-kind
25 services of its staff; and

"Whereas, the Towns of

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1 Brookhaven, Riverhead and Southampton may
2 offer in-kind services from their respective
3 planning staffs; and

4 "Whereas, two alternative budgets
5 have been proposed detailing how such cash
6 and in-kind services would be disbursed
7 during the first year of plan development;
8 now, therefore be it

9 "Resolved that the Commission
10 hereby adopts Budget Alternative A, which
11 includes an Executive Director and an
12 Administrative Assistant serving at the
13 pleasure of and reporting to the Commission;
14 and

15 "Resolved that the Executive
16 Director shall organize and utilize the
17 in-kind services offered by the State of
18 New York and its agencies and departments,
19 the Suffolk County Planning Department, the
20 Suffolk County Water Authority, the Towns
21 of Brookhaven, Riverhead and Southampton,
22 and such other in-kind services that are
23 made available to the Commission by any
24 federal, state, county, municipal or private
25 organization for the purpose of completing

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1 and implementing the plan called for
2 by The Long Island Pine Barrens Protection
3 Act."

4 MR. LO GRANDE: If I may address you just one more
5 time, and that is to explain the distinction
6 between Budget Alternative A, which was that
7 favored by the advisory committee, and the
8 one that is in the form of the resolution
9 before you, and then in discussion with some
10 of the Supervisors and in discussion of how
11 the administration of this plan would be
12 handled, we also prepared a Budget Alternative
13 B, which was not recommended by the advisory
14 committee in their vote; however, some of
15 us independently feel this is one way in
16 which it could be accomplished just as
17 effectively as in "A."

18 In Alternative A, there is a short
19 narrative that explains the difference
20 between A and B, but on the following pages
21 you can see where the Executive Director,
22 earning a salary -- and these are all
23 suggestions, not having any information other
24 than knowing a little bit about planning --
25 that the Executive Director would earn

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1 seventy-five thousand dollars, with a
2 twenty-five thousand dollar fringe benefit
3 package for a total of approximately one
4 hundred thousand dollars.

5 An Administrative Assistant that
6 could be either in-kind coming from the
7 Suffolk County Planning staff or a
8 reimbursement if it were to be an independent
9 person, a sum to be reimbursed out of one
10 of the allocated reimbursement parts, either
11 Suffolk County Planning or the Suffolk County
12 Water Authority.

13 The rest of it shows approximately
14 what kinds of people would be required to
15 undertake some of this, as well as those
16 in the Suffolk County Water Authority that
17 we are directly recommending that would
18 serve on the staff for the money that we
19 will be putting up in in-kind services.

20 The distinction is, really, that
21 top line between Budget Alternative A and B,
22 whether there be an Executive Director that
23 is salaried with an administrative assistant
24 independent of the various agencies that
25 make up the planning effort, or in

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1 Alternative B, is, "Whereas, the Planning
2 Director of Suffolk County Planning, along
3 with the Directors of Planning of three
4 participating Towns, would form the nucleus
5 of the control of that particular part
6 of the plan."

7 I know there are people that
8 have differences of opinion on this, but I
9 think either one of them will work, either
10 one. One will be a savings, not having an
11 additional position. I don't know to what
12 extent others might want to comment on this.

13 An independent Executive Director
14 being made independent of the five planning
15 agencies may find it tough to get this
16 done in a twelve-month period, not having
17 authority over each one of these government
18 planning bodies. That was our only reason
19 for the suggestion of Budget Alternative B,
20 although I think the right person may be
21 able to pull it off, I think it would be
22 a little more difficult to do it as an
23 independent person outside of the government
24 structure or in government.

25 With that, I have no further

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1 recommendations.

2 MR. THIELE: I am looking at the budget here,
3 and one part of it here I see we have a
4 subsequent resolution about General Counsel
5 for the Commission, and I see that in-kind
6 you also have part of the budget is fifty-
7 three thousand three hundred dollars for
8 an environmental attorney. Is that intended
9 to be the same?

10 MR. LO GRANDE: No, the environmental attorney is
11 on staff. He is here and, in fact, prepared
12 most of the documentation before you today.
13 That would be in-kind.

14 I would like to make it clear
15 the Water Authority, to this point, has taken
16 a very active role and has also tried to
17 provide funding as much as possible, but
18 I would also tell you we would like to be
19 seated in the background a little bit,
20 and like it to be done by the people who
21 will be running it. We have our hands full
22 in the Water Authority, and we would like
23 to see, if there is a strong structure that
24 is supported -- we would do anything that
25 the Commission asks us -- but would like

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1 to take a lesser role in the proceedings
2 from here on out.

3 MR. GAFFNEY: Is there a motion then?

4 I recognize Mr. Amper.

5 MR. AMPER: For the record, Mr. Chairman,
6 the Technical Advisory Committee, indeed,
7 did meet and make the recommendation that
8 an independent Executive Director be hired.
9 It did not concur with a suggestion that
10 was made by the Chairman of the Technical
11 Advisory Committee that perhaps that job
12 ought to go to the soon-to-be supported
13 Suffolk County Planning Commissioner, nor
14 to other people within government. This
15 agreement was painstakingly hammered out,
16 as you well know, and in fact, alluded to
17 earlier, by private communities and members
18 of the environmental groups. They have
19 worked very, very hard to make this happen,
20 and I think it would be ill-advised and
21 a misunderstanding of the consensus of the
22 agreement that resulted in this remarkable
23 understanding for government now to exclude
24 the few as prescribed in law, or operatively,
25 or to attempt to go without those who

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1 shaped this agreement and do this entirely
2 within government. That was not the
3 agreement or the understanding of the
4 Technical Advisory Committee. It is not.

5 It is desired by the members
6 of the Technical Advisory Committee, an
7 overwhelming majority, that an independent
8 Executive Director be hired either on an
9 interim basis or on a permanent basis, that
10 person be hired to oversee administratively
11 the Commission. The planners should do
12 the planning, but there there is an
13 independent overseer as well, and there is
14 no one that can do that better than the
15 folks that put this together.

16 Option B that has been placed
17 before you has not been placed in front of
18 the Technical Advisory Committee. We don't
19 know what it says or recommends, or anything
20 else. I would like you to reconsider.

21 MR. GAFFNEY: If I can just comment. I don't
22 want to diminish, and I don't know that
23 anybody really wants to diminish the role
24 that government has played in this process.
25 It is a process that has come about through

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1 the efforts of private individuals and
2 in the environmental community, private
3 individuals in the development and building
4 community, and in large measure, a result
5 of those in government who had brought about
6 a large part of the consensus in this.

7 Without commenting on your
8 suggestion, I just thought it would be
9 appropriate to indicate that we would not
10 be here, there would be no bill, there would
11 have been no consensus to create a bill,
12 and there would have been no result like this
13 without the cooperation of, in fact the
14 encouragement of the County of Suffolk,
15 the Towns of Southampton, Riverhead and
16 Brookhaven and their participation, as well
17 as the participation of the County of Suffolk
18 in the drafting and the hammering out as
19 well, of the language in the bill.

20 I don't disagree. I am not
21 commenting on your conclusion, but only
22 wanted to comment on that process because
23 it seemed that the role of government
24 has to be recognized in this process.

25 MR. AMPER:

It is very important, and I do

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1 want that to be understood by all that
2 the role of government is absolutely
3 essential. The cooperation of the Towns
4 and County represented a significant departure
5 from the problems that have occurred between
6 private citizens and their government.

7 The sponsors of this legislation,
8 Assemblyman DiNapoli and Senator LaValle,
9 responsively deferred to those people whose
10 interests were at stake and helped use that
11 consensus to do something that could be
12 universally agreed by a unanimous vote of
13 the Assembly and Senate. They used the
14 recommendations of those people closest to
15 the situation, the agencies and environmental
16 groups, and came up with a very positive
17 result, and I urge the same from you.

18 MR. GAFFNEY: Assemblyman Engelbright.

19 ASSEMBLYMAN ENGELBRIGHT: I just wanted to take a moment
20 to offer a couple of thoughts regarding
21 this resolution. It may be one of the
22 more important decisions that you make.
23 The determination as to who is going to
24 be the primary resource person that you
25 turn to and depend upon is clearly going

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1 to be a decision that is going to guide
2 the destiny of this project and determine
3 whether it is successful or not.

4 The credibility of the project is
5 also largely going to be the amalgam of
6 perception as to whether or not this particular
7 individual is independent of government,
8 and it isn't the presence of government
9 that's being questioned here. All of the
10 Commissioners are representative of the
11 government, but I think the aspect of
12 independence is one not to be overlooked.

13 In 1975 when the City of New
14 York confronted its first modern era major
15 environmental issue, it was the extension
16 of JFK Airport into the middle of the Jamaica
17 Bay Wildlife Refuge, they hired environmental
18 groups as an outside entity that combined
19 to do the study and recommend back to
20 the Mayor and the City Council which way
21 to proceed. What resulted from that was
22 a national park, the Jamaica Bay unit of the
23 Gateway National Park.

24 I would not be surprised to see
25 a national park product quality come out

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1 of this. It might well be the Regional
2 Plan Association. I would urge you to
3 consider the possibility of hybridizing
4 between the government and not-for-profit
5 government corporations. The Regional
6 Planning Association, rather than the
7 Commission, could be, for example, the
8 actual employer, not necessarily of the
9 Executive Director, but certainly of a
10 project director or project coordinator.
11 For example, you can have a member of
12 government as the designated nonpaid
13 extra capacity project director. It could
14 be a member of any one of your governmental
15 staff. It could be Mr. LoGrande, it could
16 be two or more people combined together to
17 be representative as a group.

18 The project director, if you will,
19 and the paid person, the real person that
20 would be the backstop to make sure that the
21 project gets done would be, conceivably,
22 under this idea, a project coordinator
23 hired by a private not-for-profit Regional
24 Planning Association.

25 I put the idea out here for you

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1 to chew on and reinforce the concern that
2 was brought up a moment ago by Mr. Amper;
3 whereas, this is a very delicate matter,
4 and the perception of government doing this
5 all by itself may be one that government
6 would like to have a little bit of help on
7 along the way because the end product might,
8 in fact, be somewhat less salable if a
9 Regional Planning Association or some other
10 not-for-profit organization was involved
11 in that from the very beginning.

12 MR. THIELE:

13 I think the most important part
14 of this process is that it has to be an
15 open process. Everybody has to feel a
16 part of it, and when this work is completed
17 eighteen months from now, everyone has to
18 feel as if they own the document that's been
19 completed. Everybody has to feel a part
20 of it, and I think that's the most important
21 thing of what comes out of it.

22 I think that the structure -- the
23 structure is there for that to happen. It
24 is a Commission, but we have the advisory
25 committee and the twenty-four or twenty-eight
members, whatever it ends up being, and

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1 you know, I think, you know, the procedure
2 is there to do that.

3 I think one of the most encouraging
4 things that I have seen coming to this
5 Commission for the first meeting today is
6 we are discussing these resolutions, and I
7 don't know what's going to happen because
8 there really hasn't been any back room
9 discussions or back room deals we are going
10 with A or we are going with B. We are going
11 with an open process.

12 We have been contacted by many
13 people, and they are having access and public
14 input today, so I think we are on our way
15 to having that kind of open process.

16 I think the process is almost as
17 important as the substance because if the
18 process doesn't work, I am going to have a
19 hard time bringing this back to my Town Board
20 and say, "Okay, approve this plan."

21 I think, on the other hand, there
22 has to be some lines of responsibility,
23 and the Commission, by the law, has been
24 given that responsibility, and we have to
25 come up with a mechanism to get that work done.

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You confused me a little bit.

I thought maybe the lines of authority kind of looked like the red lines on that chart. I am not sure, but I think that both of these models have something to be said for it.

I personally favor the independent Executive Director approach because I believe that this is a task that probably, if you can get it done in eighteen months, that would be a miracle in and of itself, and to have people who have other responsibilities and other governmental roles -- I know what my Planning Director does on a daily basis, and I think I know what every other Town's Planning Director does on a daily basis -- to say they are going to do their job there and then be part of the team that directs the study on a daily basis, I don't think that can happen. I just think there will be a clear line of authority with an Executive Director.

I don't want to get into any -- maybe there are some suggestions, but I don't want to get hyper about it, but I think there has to be clear lines of responsibility.

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1 We have a short period of time.

2 I prefer the Executive Director approach.

3 ASSEMBLYMAN ENGELBRIGHT: A job description would be helpful
4 before you hire someone. I don't see that
5 as part of it there.

6 MR. THIELE: I think the hiring process has to
7 be open, too. We have to do it quickly
8 because we don't have a lot of time. I don't
9 think we can just pick somebody out of
10 the air. The appearance shouldn't be that
11 somebody has had the responsibility all along.

12 ASSEMBLYMAN ENGELBRIGHT: The idea that it should be non-for-
13 profit rather than government is not a new
14 idea. There are all hybrids between
15 government and not-for-profit, as the
16 American Association of Natural History.

17 MR. THIELE: The Executive Director can't feel
18 as if everybody is their boss. There have
19 to be lines of authority, and there has to
20 be a procedure for this. That was my only
21 point.

22 ASSEMBLYMAN ENGELBRIGHT: Your point is well taken in that
23 you spoke to the question of process. To
24 a large extent, I would point out we are
25 in an early part; whereas, in the early part

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1 of this process, it is important to make
2 a decision that does not lean toward the
3 cliché of Executive Director, but it leads
4 toward the work product, and whatever you
5 call the position, it functionally -- and
6 the main point I am trying to make -- it
7 functionally should be one that you know
8 when you hire that person, that in the last
9 days of the project you are going to turn
10 to that person with every confidence that
11 they are going to deliver, and if you bring
12 in a not-for-profit organization that puts
13 its reputation on the line along with
14 government's reputation, that partnership,
15 it seems to me, will lead to a better
16 possibility that no one will allow it to fail
17 and that the product will be delivered on
18 time.

19 Also, in terms of process, if you
20 don't, as an organization, as a Commission,
21 have any other paid staff, you will have to
22 invent the benefit package and the entire
23 procedure for hiring and firing, and that
24 is something that a not-for-profit has already
25 done. So, to the extent that you would

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1 be able to short-circuit a lot of the
2 bureaucratic difficulties and actually be
3 responsible for employees and retirement
4 programs and benefits, you could do it, as
5 an alternative, with a simple contract with
6 a not-for-profit organization, and the
7 employee benefits and all of that logistical
8 problems would be theirs. You would gain
9 the benefit of the independence and its
10 energy that they would make to the project,
11 and the credibility would be shared.

12 MR. GAFFNEY: Thank you. Buzz Schwenk.

13 MR. SCHWENK: My name is Edwin M. Schwenk. I
14 represent the Long Island Builders
15 Institute on the Advisory Council.

16 As Richard Nixon would say, "I
17 would like to make it perfectly clear,"
18 there was only one resolution adopted by the
19 Advisory Council in respect to the running
20 of the organization that is going to be
21 needed in order to implement this legislation,
22 and that was that there shall be an Executive
23 Director or a Chief Administrator. That
24 was the only resolution that was passed.

25 Thank you very much.

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1 MR. GAFFNEY:

The gentleman on the right.

2 MR. YARO:

3 Bob Yaro. I am on the advisory
4 committee, and I share the recommendation
5 of the advisory committee that the Commissioner
6 hire an Executive Director. I don't think
7 that excludes the potential for either
8 RPA or other organizations to participate
9 in helping to organize this plan. There is
10 going to be plenty of work to be done.

11 Obviously, we are interested in
12 supporting this effort in any way we can.
13 It has been my experience in developing
14 regulatory land use programs in other places,
15 and my understanding of similar organizations
16 around the country, I think in virtually
17 every case that they have an Executive
18 Director reporting to the Commissioner who
19 is the person accountable for getting the
20 job done.

21 And again, there are any number of
22 ways of structuring the planning and
23 technical staff so that you bring in both
24 the public sector and not-for-profit sector
25 participants who need to be a part of the
process.

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1 Thank you.

2 MR. JANOSKI:

I would like to be recognized,
3 Mr. Chairman, for the purpose of a motion.

4 I would like to move that this resolution
5 be tabled, and I would like to comment that
6 my view of this is --

7 MR. THIELE:

[INTERPOSING] I had an idea about
8 that. Maybe we can be called "Pines Barren."
9 What do you think?

10 MR. LA MURA:

Legal Number 1 to Legal Number 2.

11 MR. JANOSKI:

12 This is a subject that must be
13 resolved. There are different views.
14 Our purpose, of course, is to create a
15 structure which will see this plan through.

16 In order to give us time to
17 resolve this matter, I make the motion that
18 the resolution be tabled.

19 MR. LA MURA:

I would like to second that motion,
20 and I would also like to comment that if
21 this group isn't a hybrid, I don't know what
22 it is. I think there were a number of
23 reasonable suggestions offered here, but
24 certainly it begs the question that whether
25 the option be A, B or C, or something
in between, people would have to look

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1 at resumes or view a job description.

2 So, I think it is appropriate at this time
3 to table this resolution.

4 MR. COWEN: If we do table it, can we accept
5 resumes in anticipation of some future
6 decision?

7 MR. GAFFNEY: I would imagine that while it
8 is tabled, the matter is open for discussion;
9 while it is open for discussion between the
10 members of the Commission and input from
11 whatever other sources it wishes to take,
12 and I think that certainly would be possible.

13 MR. LA MURA: Also, would it be possible to
14 interview the groups that we agreed on
15 Item A also be given the opportunity,
16 perhaps, to view the second proposal at this
17 point or other additional proposals that
18 come about in the course of this deliberation?

19 MR. GAFFNEY: I think the purpose of the
20 legislation and the purpose of the
21 establishment of an advisory commission
22 and advisory committee and commission was
23 to promote the free interplay of ideas
24 and exchange of ideas between the Commissioners
25 who are to decide ultimately and the

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1 advisory commission, who is to recommend,
2 and I think that to do anything less would
3 defeat the purpose of the legislation.

4 It would seem to me that, in fact,
5 if the motion to table is carried, then
6 at that point it would be incumbent upon
7 those who are on the Commission and those
8 who are on the advisory committee to have
9 a free and open discussion to see if they
10 can come up with a resolution that we
11 can all abide with.

12 So, the answer to your question is
13 yes.

14 MR. THIELE:

15 Mr. Chairman, my only reservation
16 about a tabling motion -- I think there is
17 merit in the tabling motion -- but my only
18 point I would like to raise, that our next
19 scheduled meeting, pursuant to resolutions
20 already adopted, is sometime in the middle
21 of September, and the issue of picking a
22 structure for the staff and then fulfilling
23 the staff requirements however we are going
24 to do it, is something I don't think can
25 wait for a month. If we are going to table
it, I think we should think about coming

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1 back here in a week or ten days, and try
2 to resolve that question and get in motion
3 whatever structure we pick, that we really
4 need to be in interviewing and getting
5 someone on line. I don't want to see a month
6 go by before we pick the structure, and then
7 another month go by without a director.

8 With the understanding that we
9 would meet sometime before this month is
10 concluded, that we would meet again to try
11 to resolve it, I would certainly support
12 a tabling motion.

13 MR. GAFFNEY:

14 My understanding is that the
15 second Wednesday called for regular meetings.
16 It did not preclude us calling special
17 meetings, or an emergency meeting or
18 something of that nature.

19 What we have before us, the
20 resolution for budget alternative A or B,
21 there may be people who support A or B,
22 or those who support a combination of both
23 or a hybrid, as was discussed; but before
24 a decision is made on something which is
25 as important to the Commission as that is,
I think we should sit down and should discuss

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1 it at length, and make those determinations.

2 I would suggest, at this point,
3 that we pick a date within no later than
4 ten days from today.

5 MR. LA MURA: We can just leave it, as Fred
6 suggested, to agree to meet later this month
7 rather than a specific date.

8 MR. THIELE: We don't have to pick the time
9 right now, just as long as we are agreed
10 that we have to meet before the next
11 regular meeting.

12 MR. GAFFNEY: Let's set a time frame to do this,
13 however. My recommendation would be that
14 we agree to meet sometime within the next
15 ten to fourteen days so that we can resolve
16 this, leave the date open, but at least
17 we can agree in concept that we meet quickly.

18 MR. JANOSKI: I would suggest that the advisory
19 committee also have a meeting to discuss
20 this topic, and that perhaps, if possible,
21 the members of the Commission might be
22 invited to the advisory committee meeting
23 so that we can have a discussion on our
24 various points of view because at the last
25 meeting of whatever it was that I was a

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1 member of before we got here, I had
2 expressed a doubt concerning the role of
3 the Executive Director. Maybe those questions
4 that I raised at that time can be answered,
5 and the advisory committee and the Commission
6 can reach a reasonable decision.

7 MR. GAFFNEY:

8 We may well be not understanding
9 what each other's intent is, but I think
10 that is something that can be resolved;
11 and in addition to that budget alternative
12 being impossible of implementation at this
13 point, Suffolk County, at this point, does
14 not have a Planning Director. We anticipate
15 that will be corrected soon, but I wish to
16 point out there is no Planning Director,
17 there is an Acting Director.

18 MR. THIELE:

19 Just one point before we vote on
20 the motion. That is that both budgets and
21 both alternatives have Town Planning
22 Departments in-kind staff, and it has a
23 number attached to it of one hundred
24 eighty thousand dollars. We really haven't
25 discussed this as a group either
collectively or individually on the
telephone or anything of that nature.

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1 I think the role of the Towns and the
2 Town Planning staff, in whatever structure
3 we pick, also has to be identified. From
4 the perspective of our Town, I discussed
5 it with my Town Board this morning -- I was
6 fortunate to have one of those work sessions
7 this morning -- and I know our Town has
8 completed a Generic Environmental Impact
9 Statement, and kind of done a lot of work.
10 We are certainly willing to utilize our
11 planning staff to coordinate and participate
12 in the preparation of this document. It is
13 not envisioned by us any way in our
14 Township that we are going to take one
15 of our staff members and devote them full
16 time as staff people to work on this.
17 I just think there needs to be some
18 clarification on that point.

19 There is no need to do it today
20 since we are tabling this motion, but I
21 wanted this issue, and this motion and
22 idea of how the Town planning staff is
23 going to be integrated into this process.

24 I think that's something that has to be
25 looked at, also.

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1 MR. COWEN: I know you have a table here
2 for Budget Alternative A. I assume you
3 don't have a similar table for Budget
4 Alternative B?

5 MR. GAFFNEY: Yes. It is pretty much the
6 same with the elimination of the Executive
7 Director.

8 MR. THIELE: I am in favor of the tabling
9 motion with those comments.

10 MR. GAFFNEY: The motion has been made and
11 seconded. All in favor?

12 [WHEREUPON THE MOTION MADE AND SECONDED
13 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

14 MR. GAFFNEY: The next issue before us should
15 be discuss designation of general counsel.
16 The resolution reads as follows:

17 "Whereas, the Environmental
18 Conservation Law Section 57-0119(6)(q)
19 empowers the Commission to exercise such
20 incidental and usual powers as are necessary
21 and appropriate to carry out its duties;
22 and

23 "Whereas, the Environmental
24 Conservation Law Section 57-0119(6)(e)
25 empowers the Commission to appoint agents

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1 and employees, and to prescribe their
2 duties and qualifications; and

3 "Whereas, the Commission deems
4 it necessary and appropriate to the
5 carrying out of its duties to appoint
6 general counsel; now, therefore be it
7 resolved that _____
8 shall serve as general counsel to the
9 Commission."

10 A recommendation was included
11 with that from the Suffolk County Water
12 Authority to designate the firm of
13 Hill, Betts & Nash to be general counsel
14 to the Commissioner. They served through
15 August 6th through today, as general counsel
16 to the Water Authority. They are the
17 regular environmental counsel to the Water
18 Authority, and it has been proposed or
19 suggested that, by the Water Authority --
20 this is not a suggestion of the advisory
21 committee. This is a recommendation of
22 the Water Authority -- that Hill, Betts &
23 Nash be retained by the Commission.

24 My feeling at this point is
25 that this is another matter that's going

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1 to require some discussion. Perhaps
2 we ought to do that before we go forward.

3 Without any reflection at all on
4 Hill, Betts & Nash -- they are very -- a
5 very reputable and distinguished firm -- there
6 is a good deal of additional work I think
7 we need to do to find out what Hill, Betts &
8 Nash is going to charge the Commission
9 should they be selected, what the terms of
10 their retainer would be, how much they
11 are going to charge, how much time they
12 anticipate spending, and a lot of other
13 things.

14 Having practiced law for some time,
15 I know there are a lot of things that we
16 would want to know before going forward with
17 that. My recommendation, therefore, would
18 be that this be tabled. So, I will make a
19 motion that this resolution be tabled.

20 MR. LA MURA: Second.

21 MR. THIELE: In discussion, I don't think we
22 should limit it to Hill, Betts & Nash
23 simply. I think, just as with Executive
24 Director, whoever we hire, as I said before,
25 procedure is important, and I think it

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1 should be an open process, and if there
2 are other firms or other lawyers who wish
3 to be interviewed or want to be considered
4 for this position, I think we should have
5 an interview process for them.

6 I have some experience with Hill,
7 Betts & Nash, and I am sure you do, too,
8 but in any case, that's not the point. I
9 find them to be a reputable firm, and I
10 don't want to make light of their
11 qualifications since they are highly
12 qualified, but I think it should be an
13 open process, and we should not limit
14 ourselves to Hill, Betts & Nash. We
15 should be looking at whoever else is out
16 there and might be qualified.

17 MR. GAFFNEY:

18 I would like to join with Fred
19 in commenting any action being taken today
20 with regard to this resolution should not
21 in any way be a reflection upon the
22 qualifications of Hill, Betts & Nash, who
23 have represented Suffolk County in some
24 very, very complex and difficult litigations.
25 I think, at this point, it is perhaps
premature until further discussion can

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1 be had, and I would not preclude, as well,
2 that it may be that the combined legal
3 staffs of Suffolk County and the three Towns,
4 and with the additional help from the
5 Attorney General's Office on occasion,
6 might not, (a) be sufficient and might be
7 certainly somewhat less expensive and might
8 be done on an in-kind basis.

9 All of those things I think are
10 going to have to await further discussion
11 before we go forward. That being the case,
12 there is a motion to table.

13 MR. JANOSKI:

14 I would like to comment that I
15 would believe that this group, this
16 Commission is subject to audit, as any
17 organization in the State. So, if there
18 is an Executive Director and if there is
19 to be an appointed attorney, that we had
20 better have on file agreements and contracts
21 as to what the hourly costs will be, and
22 of course, they will have to submit their
23 respective bills. I think we should put
24 this off. I agree.

25 MR. GAFFNEY:

Motion was made to table. It was
seconded, and we will vote.

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1 All in favor?

2 [WHEREUPON THE MOTION MADE AND SECONDED
3 WAS VOTED ON AND THE MOTION TO TABLE WAS
4 UNANIMOUSLY CARRIED.]

5 MR. GAFFNEY: The next matter then before the
6 Commission --

7 MR. THIELE: [INTERPOSING] I think we have
8 to be careful with taking someone from
9 the Town Attorney's Office and having them
10 provide legal counsel to the Committee
11 even in the interim. It is a potential
12 for a conflict. I don't know -- hopefully,
13 we can resolve this issue quickly enough
14 before there is any major legal issue
15 to address, and hopefully we can have our
16 own counsel.

17 MR. LA MURA: There is no counsel in the
18 interim.

19 MR. GAFFNEY: One possibility. If Mike LoGrande --
20 Hill, Betts & Nash has served with the
21 Water Authority, has done some joint work
22 on this during the last several weeks and
23 has, in fact, done some things for the
24 Commission or in conjunction with the
25 creation of this, we will have some

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1 immediate discussions with the Water
2 Authority to find out whether or not they
3 are willing to continue until such time
4 as this issue has been resolved, or if not,
5 we can discuss what role either the County
6 Attorney for the various Town Attorneys, or
7 a combination of both will have until such
8 time as a designation is made to have a
9 general counsel other than a governmental
10 one, and if so, who will it be. The motion
11 was carried.

12 Next, the next matter before us
13 is the resolution recognizing prior work,
14 and I will read that resolution.

15 "Whereas, a number of groups and
16 committees have been involved in the
17 assembly of vital information for the
18 establishment of a comprehensive land use
19 management plan for the Central Pine Barrens;
20 and

21 "Whereas, a number of groups and
22 committees have been instrumental in the
23 passage of the Long Island Pine Barrens
24 Protection Act and the creation of this
25 Commission; now, therefore be it

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1 "Resolved that the Commission
2 recognizes and commends these groups and
3 committees, including the Pine Barrens
4 working group and its committees,
5 administrative, planning and legal, and the
6 Pine Barrens Task Force and its committees,
7 ecology, TDR and protected lands management;
8 and

9 "Resolved that the Commission
10 shall consider the technical information
11 and work provided by these groups and
12 committees for incorporation into the
13 comprehensive plan."

14 Do I hear a motion to recognize
15 these groups?

16 MR. THIELE: So move.

17 MR. JANOSKI: Second.

18 MR. GAFFNEY: All in favor?

19 [WHEREUPON THE MOTION MADE AND SECONDED
20 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

21 MR. GAFFNEY: Just a comment if I may. A
22 tremendous amount of effort, time and
23 a great deal of hard work has gone into
24 the creation, the formulation and creation
25 of this whole process by those committees,

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1 and the Commission sincerely wants to
2 thank them for their efforts.

3 The next matter that's before
4 us then is map adoption and direction to
5 planning entity to file map in appropriate
6 places and to publish in local newspaper.

7 The time being what it is, rather
8 than go through the resolution, I think
9 everybody that is here has copies of the
10 resolution. So that being the case, I will
11 just read the resolve language.

12 "Resolved that the Commission
13 hereby adopts the map, 'Official Map
14 pursuant to the Long Island Pine Barrens
15 Protection Act' dated August 6, 1993 pursuant
16 to Environmental Conservation Law
17 Section 57-0109(2) prepared by the Suffolk
18 County Planning Department in cooperation
19 with the Suffolk County Water Authority
20 as the official map of the Central Pine
21 Barrens for the planning period; and

22 "Resolved that the Commission
23 hereby directs the Executive Director or
24 his/her in-kind staff to have the official
25 map filed in the appropriate offices.

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1 "Resolved that the Commission
2 hereby directs the Executive Director or
3 his/her in-kind staff to publish notice
4 of the filing and availability of the map
5 in a paper of general circulation in the
6 County of Suffolk."

7 Any discussion on the map?

8 MR. COWEN: Do we have to amend the Executive
9 Director's part of this?

10 MR. GAFFNEY: I don't know that it would be
11 necessary to do that. Presumably -- it is
12 a good question.

13 This resolution calls for the
14 immediate filing by the Executive Director.
15 There being no Executive Director at this
16 point --

17 FLOOR: [INTERPOSING] Or in-kind staff.

18 MR. GAFFNEY: Or in-kind staff. I think I can
19 speak on behalf of Suffolk County's planning
20 staff. We would certainly be willing to
21 do that on an interim basis, which does not
22 mean to indicate that is how it is going to
23 turn out, but whether it does or not, that
24 being the case, I think it is possible to
25 just substitute the language Executive

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1 Director or Planning Director, Suffolk
2 County planning staff, Planning Department
3 on an interim basis so we can take care of
4 that.

5 MR. THIELE: Just direct them to file it.

6 MR. GAFFNEY: We can just adopt this and direct
7 that it be done.

8 That being the case, is there
9 a motion to --

10 MR. COWEN: [INTERPOSING] Just one more point
11 of order just for the record. Could we
12 have someone stand up and represent to us
13 exactly how the map was prepared? I don't
14 want a long dissertation. I don't want
15 the metes and bounds, but I do want some
16 representation as to how the map was created,
17 who did that.

18 MR. CORWIN: My name is Ray Corwin. The map
19 that you are looking at was produced by
20 the Suffolk County Planning Department
21 with the Water Authority's help and a number
22 of other agencies. It is on top of the
23 land use map.

24 What you are looking at right here
25 is basically two areas. The outer lightly

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1 shaded area consumes the compatible growth
2 area. The darker shaded area is the
3 Central Pine Barrens area. The darker
4 area was the preservation area, and I will
5 not read the metes and bounds, but if you
6 read it, presumably they will match, and
7 what you are looking at is about fifty
8 percent of the size of the overall area,
9 and this is produced not on a tax map basis
10 in terms of accuracy.

11 MR. COWEN: Would you say this map is on a
12 road map basis, what would be plus or minus
13 fifty feet?

14 MR. CORWIN: It would be no more than five
15 feet.

16 MR. COWEN: Would there be an attempt to
17 define that resolution down to an exact
18 model?

19 MR. CORWIN: Yes. We would like to take out --
20 mark all of the tax parcels involved,
21 particularly on the border, because many
22 of the areas reference particular boundaries.

23 MR. COWEN: The map we are about to adopt
24 then is basically a computer-generated
25 map. Will we have to, at some point,

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1 readopt the actual tax map?

2 MR. CORWIN: I think I can clarify that
3 because the Commission has the power to
4 make some changes over time in the map,
5 and we could assumedly readopt the map as
6 needed.

7 MR. GAFFNEY: I don't frankly know. We will
8 find out. I will defer to people from
9 both the Water Authority and the Suffolk
10 County Planning Department if there is
11 somebody to speak to that issue.

12 Ray, you just started to.

13 MR. CORWIN: We are making it precisely as a
14 tax map in the County of Suffolk to go out.
15 Whatever their ultimate accuracy, which
16 is probably plus or minus fifty feet, the
17 map will go down to that accuracy.

18 MR. GAFFNEY: Do you anticipate that the difference
19 between the accuracy of this map and the
20 accuracy of a proposed future map would
21 create any liability or create any
22 significant problems in effecting the
23 responsibilities of the Commission?

24 MR. CORWIN: I don't think it will ever exceed
25 any more than a couple of feet. I don't

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1 think you are going to see a problem.

2 MR. GAFFNEY:

3 Again, the question is the
4 difference between this map and what
5 ultimately we may have when it becomes
6 digitized and so forth, will not affect
7 either the operation of the -- affect
8 the responsibilities of this Commission
9 or incur, as a result of it, any liability
as a result of that, in your opinion?

10 MR. CORWIN:

As a layman, no.

11 MR. COWEN:

12 We have a responsibility of
13 notifying people who are within the core
14 area, and that has to be done within a
15 certain time frame. The first question is
16 do you anticipate the tax map version to
17 be available for us to use within that
time frame?

18 MR. CORWIN:

19 The tax map version of the map
20 will not be available within that time,
21 but the inventory of parcels is already
underway.

22 MR. COWEN:

23 The second question is could
24 we use this map to make those notifications
to the people?

25 MR. CORWIN:

You can use this map to show

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1 which of the parcels are within this
2 area. The nature of the boundary is such
3 that within the roads and political
4 boundaries, it is clear through this map
5 where the boundaries are.

6 MR. COWEN: It is your theory that this
7 map is sufficient for use by the Commission
8 at this point?

9 MR. CORWIN: It should be one hundred percent
10 correct. It should be able to be used.

11 MR. LA MURA: Any advertisement which would
12 accompany the map, since we have to give
13 notice, and to that extent is to merely
14 give notice and not to be dispositive, and
15 that should cause inquiry in the minds of
16 rational people to come and meet with us.

17 MS. SWICK: If I may address the Chair.
18 My name is Carol Swick, Brookhaven Planning
19 Commissioner.

20 I would like to make a couple of
21 statements about this. We have, in
22 Brookhaven Town -- I am not sure if you do
23 in Southampton or Riverhead Town -- a system
24 on line, not as sophisticated as this,
25 but what we are asking our computer

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1 consultant to do is once we received
2 the digitized boundary, we are going to
3 overlay that with the Tax Assessor's file.
4 That will bring up all the addresses within
5 the boundary area for the Town of Brookhaven,
6 because they do have a Tax Assessor's file,
7 but that's the direction that we are
8 investigating right now in terms of coming
9 up with a list of addresses within the
10 boundaries for the Town of Brookhaven.

11 We should have the results back
12 to us, possibly, by the next meeting, from
13 our computer people.

14 MR. GAFFNEY: Thank you. Representatives I know,
15 I hear from the Suffolk County Attorney's
16 Office and the Deputy County Executive,
17 George Gatta, has been looking at this with
18 the Suffolk County Planning people, and I
19 don't see them jumping up and down or
20 looking apprehensive in any way.

21 In my point of view, as far as
22 I am concerned, I have no problem. That
23 being the case, is there a motion then to
24 adopt this?

25 MR. LA MURA: So move.

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1 MR. COWEN: Second.

2 MR. GAFFNEY: All in favor?

3 [WHEREUPON THE MOTION MADE AND SECONDED
4 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

5 MR. THEILE: No one is jumping up and down
6 because it is Friday at four-twenty.

7 MR. GAFFNEY: The attorney I was referring to
8 walked out of the room.

9 The next matter that is before
10 us is notification to permit issuing
11 agencies. I will read the resolved part.

12 "Resolved that the Executive
13 Director is hereby directed, as soon as
14 practicable and upon consultation with the
15 Commission's general counsel, to notify
16 such governmental entities of the passage
17 of the Act, to request that each entity
18 review the Act with respect to how it may
19 affect its operations, and to provide
20 other information as general counsel deems
21 appropriate."

22 We have two minor problems here.
23 I don't know that that is, you know -- that
24 that should be a problem for us, with the
25 understanding that there is no Executive

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1 Director and that is up for discussion,
2 and there is no general counsel, and the
3 form for that is in discussion, but I am
4 sure all of those things would fit into
5 that category, to notify such governmental
6 agencies of the passage of the Act, to
7 request they review the Act as to how it
8 might affect the operation and provide other
9 information as general counsel deems
10 appropriate.

11 Is there a motion to accept
12 this resolution?

13 MR. COWEN: Do you want to clarify who is
14 acting?

15 MR. LA MURA: All it says is there is an
16 obligation to notify the appropriate
17 governmental agencies of the Act.

18 MR. GAFFNEY: My theory is my role as County
19 Executive is a function of Executive
20 Director, the same as we adopted before
21 that the Planning Department of Suffolk
22 County can do that notification; and as
23 far as general counsel is concerned, we
24 will all use our respective municipal
25 attorneys, the County Attorney and

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1 respective Town Attorneys and Attorney
2 General's Office to make sure that whatever
3 work product they have will be turned over
4 to general counsel at that point.

5 So, is there a motion made?

6 MR. LA MURA:

 I will make the motion.

7 MR. JANOSKI:

 I will second it.

8 MR. THIELE:

 Just quick. There is a legitimate
9 legal question that has been raised as to
10 what the impact of this Act is on local
11 Planning Boards, Town Boards, etcetera.
12 The Act, in and of itself, does not specify
13 any kind of moratorium on action by
14 municipal agencies. The language of the
15 act is such as to direct that no development
16 occur. This is not an issue, again, that
17 we have to resolve today, but people want
18 to know what the Act means, and we have
19 already looked at that, and there is a serious
20 question, and we have Towns and Planning
21 Boards wondering what to do with these
22 applications now.

23 My view is for the Towns to
24 continue to process them until there is
25 some clarification as to what else

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1 they are supposed to be doing.

2 MR. COWEN: Another question. Should this
3 notification be a simple two-line
4 notification, or should it be the action
5 passed and here is what it means?

6 MR. GAFFNEY: That's why it refers to the
7 Commission's general counsel, "Upon
8 consultation with the Commission's
9 general counsel."

10 Again, it would probably be
11 incumbent upon us, until such time a decision
12 is made with regard to general counsel,
13 that the Town Attorneys and County Attorney
14 discuss this issue.

15 MR. THIELE: I think they have been doing this.

16 MR. COWEN: What does that mean?

17 MR. GAFFNEY: At this point, they will make the
18 notice read the way they feel is appropriate
19 based on the legislation that's in the
20 directive.

21 Again, is there a motion to
22 adopt this resolution?

23 MR. LA MURA: I will move.

24 MR. JANOSKI: Second.

25 MR. GAFFNEY: All in favor?

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1 [WHEREUPON THE MOTION MADE AND SECONDED
2 WAS VOTED ON AND UNANIMOUSLY CARRIED.]

3 MR. GAFFNEY: The next thing, request to
4 government entities to review sale of
5 publicly-held lands during the planning
6 process.

7 Again, just reading the resolved,
8 it says:

9 "Resolved that the Commission staff
10 shall prepare and send a letter to all
11 governmental entities which may hold lands
12 within the Towns of Brookhaven, Riverhead
13 and Southampton requesting that they delay
14 the sale of publicly-held lands until the
15 completion of the Comprehensive Land Use
16 Plan."

17 I would like to address myself
18 to that, if I might, for a moment.

19 It is not a problem necessarily
20 for the Towns of Brookhaven, Riverhead
21 and Southampton, but by virtue of the
22 Suffolk County Tax Act, Suffolk County takes
23 title to properties that are in foreclosure
24 in tax sales, and when they are redeemed,
25 Suffolk County is required by law to

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1 return those and convey a deed back to
2 those people. It would put Suffolk County
3 in a position of being violative of one
4 law in order to comply with another, and
5 there are other implications because under
6 this Suffolk County Tax Map, Suffolk County
7 has certain responsibilities with regard to
8 taxes and tax sales.

9 The preliminary opinion of the
10 Suffolk County Attorney is that this
11 particular request for us would be a
12 significant problem. What I would like to
13 do is, therefore, ask -- make a motion that
14 this be tabled until such time as the
15 Suffolk County Attorney's Office, in
16 conjunction with the Town Attorneys can give
17 us a more detailed breakdown on exactly what
18 the implications would be; but on a
19 preliminary basis, I have been informed by
20 the County Attorney's Office that we can't
21 do this.

22 So, I would like to table that
23 and make a motion that this resolution be
24 tabled.

25 MR. LA MURA:

Second.

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1 MR. GAFFNEY: All in favor?

2 [WHEREUPON THE MOTION TO TABLE WAS OFFERED,
3 SECONDED, VOTED ON AND UNANIMOUSLY CARRIED.]

4 MR. GAFFNEY: That I believe concludes the
5 resolutions on the matters simply before
6 us. We haven't resolved all of the
7 questions, but I think we have made a good
8 start at doing that.

9 Again, I want to thank the members
10 of the Commission, and thank the Chairman,
11 and thank everybody for their presence.

12 I will entertain a motion to
13 adjourn.

14 [UPON MOTION MADE, SECONDED AND CARRIED,
15 THIS FIRST MEETING OF THE PINE BARRENS
16 JOINT PLANNING AND POLICY COMMISSION
17 WAS ADJOURNED AT 4:30 P.M.]

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PINE BARRENS JOINT POLICY AND PLANNING COMMISSION MEETING

Legislative Meeting Hall, Riverhead, Long Island
August 6, 1993
2:00 P.M.

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE
Desiree Passantino	Riverhead	PO 879 WR 11992	929-5779
Barbara A. McLafferty	Eastern Suffolk Board	P.D. Box 2419 Aquebogue 11931	7225913
David Robins	Nassau/Suffolk Neighborhood Network	511 Central Ave. Massapequa	795-1955
DAN MORRIS	open space council	Box 275 Brookhaven	7585975
Jenny Kohn	S. Ct. Atty		
Jesse Garcia	Brookhaven Supervisor's office	3233 Rte 112 Medford NY	451-6666
Emily Fine	Town Atty Brookhaven	"	451-6800
Carol Swick	Commissioner Planning	"	451-6200
MA So brande	SCWA	PO Box 38 Oakdale NY 11769	563-0291
Tim Hopkins	SCWA	"	563-0308

**PINE BARRENS JOINT POLICY AND PLANNING COMMISSION
MEETING**

**Legislative Meeting Hall, Riverhead, Long Island
August 6, 1993
2:00 P.M.**

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE
Bugs Schwab	LIBI	Islandia	232 2345
Phillip A. Malicki	Nelson + Poro		427-5665
Vi Hoglund	37 DIETZ AVE	LAKIE GROVE, N.Y.	588-8457
DR. J. R. NAIDU	BNL	129 B Brookman NAT'L LAB - UPTON	282-4263
Michael Scheibel	NYS DEC	Bldg #40 SUNY, Stony Brook	444-0305
Ann Lawall	S Hampton allison	Southampton	283-0300
TOM MORRIS	NEWSOPY		843- 2768
Sheela Muesel	IC Planning	Hempstead	854-4099
Barbara Kott	Newsview	Mattituck	298-3263
New York Daily Group	Group	Bridgewater	537-1400

PINE BARRENS JOINT POLICY AND PLANNING COMMISSION MEETING

**Legislative Meeting Hall, Riverhead, Long Island
August 6, 1993
2:00 P.M.**

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE
R. Muck	Self	80 Box 124 Centerbrook	585-9591
Harold Chase	Suffolk Times/News-Review	Muttituck, NY	298-3263
E. E. QUAREMBA	GEN. PUB.	56 PARKVIEW	433-8145
David Sinclair	NYSDEC	CIRCLE BETHPAGE SUNY, BLDG 40 Stony Brook NY 11790	11714 444-0886
William H. Spitz	NYSDEC	SUNY BLDG 40 STONY BROOK NY 11790	444-0410
Sara Dawson	The Nature Conservancy	Sag Harbor NY	725-2936
Gregg Auer	LI Pine Barrens Soc	Manorville	369-3300
Jim Trapp	EDF	257 Park Ave So NY NY 10010	212-505-2100
Boyan	Regional Plan Assoc	570 Lex. Ave NYC	212-230-2161
V. Ciocci	NYSPP	511 Central Av Massapequa 11758	795-1455

PINE BARRENS JOINT POLICY AND PLANNING COMMISSION MEETING

Legislative Meeting Hall, Riverhead, Long Island August 6, 1993 2:00 P.M.

SIGN IN SHEET

Table with 4 columns: NAME, REPRESENTING, ADDRESS, TELEPHONE. Contains handwritten entries for individuals like Ray Corwin, Jerry Jakobson, M. Deering, etc.

Central Pine Barrens Joint Planning and Policy Commission

AGENDA

Special Meeting August 27, 1993

- I. Approval of minutes from August 6 meeting (Resolution #1)

- II. Report of the Advisory Committee
 - A. Presentation of resolutions of August 20, 1993 Advisory Committee meeting by Michael Deering
 - B. Senator Marino Press Release
 - C. Discuss Advisory Committee membership; presentation of letters requesting membership

- III. Discuss establishment of the planning structure
 - A. Designation of interim Executive Director (Resolution #2)
 - B. Regional Plan Association proposal
 - C. Direction to memorialize planning structure for presentation at next regular Commission meeting (Resolution #3)
 - D. Discuss search for a permanent Executive Director (Resolution #4)

- IV. Establishment of Interim Commission Address (Resolution #5)

- V. General Counsel Request for Qualifications (Resolution #6)

- VI. Metropolitan Demonstration Greenspace Project - authorize letters to United States Congressmen and Senators (Resolution #7)

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Special Meeting

CENTRAL PINE BARRENS JOINT PLANNING AND
POLICY COMMISSION

Friday, August 27, 1993

2:30 p.m.

Robert Gaffney, Chairman
John LaMura, Vice-Chairman

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APPEARANCES

MEMBERS OF THE COMMISSION

- ROBERT GAFFNEY
Suffolk County Executive
- JOHN LAMURA
Supervisor, Town of Brookhaven
- JOSEPH JANOSKI
Supervisor, Town of Riverhead
- FRED THIELE, JR.
Supervisor, Town of Southampton
- RAY COWEN
Regional Director,
New York State Department of
Environmental Conservation

SPEAKERS

- MICHAEL DEERING
Acting Chairman
Advisory Commission
- GEORGE GATTA, JR.
Deputy County Executive
Economic Development and Planning
- ROBERT YARO
Executive Director
Regional Planning Association
- RAY CORWIN
Suffolk County Water Authority
Watershed Analyst
Interim Executive Director
Central Pine Barrens Joint Planning
and Policy Commission
- CAROLE SWICK
Commissioner
Planning and Environmental Development
Town of Brookhaven
- WILLIAM BURKE, ESQ.
Chief Deputy
Suffolk County Attorney

1
2 MR. CHAIRMAN: First order of
3 business is approval of the minutes from
4 the August 6th meeting.

5 There is a resolution, Resolution 1.
6 I can read the resolution. It states --
7 I'll just read the resolved line,
8 "Resolved that the minutes of the first
9 meeting of the Central Pine Barrens Joint
10 Planning and Policy Commission, held on
11 the 6th day of August at 2:00 p.m.,
12 attached hereto as Exhibit A are hereby
13 adopted."

14 The copies of the minutes have been
15 made available to the members of the
16 Commission. Has everyone had an
17 opportunity to review them?

18 Is there a motion to adopt them?

19 MR. THIELE: I make the motion.

20 MR. CHAIRMAN: There is a motion to
21 adopt.

22 MR. LAMURA: Second.

23 MR. CHAIRMAN: Any discussion?

24 MR. COWAN: One thing.

25 MR. CHAIRMAN Yes?

1
2 MR. COWAN: Not in the way of
3 amending the minutes or anything, but in
4 dollar figures, one of the motions of the
5 minutes from the last time had to do with
6 urging the state to contribute \$700,000
7 or \$750,000 to the Planning Commission.

8 I have thus been informed, and that
9 was from the Environmental Trust Fund, I
10 have just been informed from the state
11 that they don't have that money available
12 in the trust fund. And there was a
13 discussion which indicated that \$300,000
14 was the maximum available.

15 MR. CHAIRMAN: Okay, fine.

16 MR. COWAN: I don't see that in the
17 way of amending the resolution.

18 MR. CHAIRMAN: Fine. That will be
19 in the minutes of this resolution.

20 If there is no further discussion,
21 we vote to adopt the issue. All in favor
22 of adopting the motion?

23 (At which time, all members of the
24 Commission responded by stating "Aye.")

25 MR. CHAIRMAN: Any opposed?

1
2 Thus, we adopted minutes from the
3 August 6th meeting.

4 The next matter before us is the
5 report of the Advisory Committee and the
6 presentation of the resolutions from the
7 August 20, 1993 Advisory Committee
8 meeting by Michael Deering.

9 Michael is going to report.

10 MR. DEERING: Michael LoGrande was
11 unable to attend the meeting last week,
12 nor is he able to attend today. So, I
13 was asked if I could serve as interim
14 speaker for the Advisory Committee.

15 In anticipation of this meeting too,
16 the Advisory Committee met last Friday to
17 discuss and make a number of resolutions
18 and recommendations to this Commission,
19 similar to that which took place in
20 anticipation of the first meeting.

21 The resolutions which we dealt with
22 on Friday, from specifically dealing with
23 the issues that were left over from your
24 last meeting, your first meeting of last
25 month, they deal with the Executive

1
2 Director. We propose an interim
3 Executive Director, and continue to
4 express the wish of the Technical
5 Advisory Committee to appoint a permanent
6 Executive Director.

7 MR. CHAIRMAN: I'm sorry. The
8 Technical Advisory Committee? Isn't that
9 the Advisory Committee?

10 MR. DEERING: The Advisory
11 Committee, sorry. A presentation will be
12 given later on today from Bob Yaro from
13 the Regional Planning Association. He
14 will be discussing an organizational
15 planning structure.

16 We made a resolution which we
17 strongly ask you to adopt. The
18 organizational planning structure and
19 hopefully, the Executive Director or
20 interim Executive Director will have
21 input to that.

22 So, we have special issue with the
23 committee director with regard to
24 vacancies. There are four vacancies that
25 remain in the Advisory Committee. We

1
2 have suggested and it's been strongly
3 recommended by the Advisory Committee
4 that those positions be held off, pending
5 the legal determination as to who the
6 appointing authority would be, as well as
7 to give other organizations and
8 individuals an opportunity to request
9 their involvement before that decision be
10 made.

11 We have a resolution dealing with
12 the interim headquarters, as well as
13 consideration of a permanent headquarters
14 at the Suffolk County Community College
15 on the eastern campus for the
16 Commission's activities.

17 We also talked about a
18 recommendation for administrative support
19 staff. Hopefully, with the acting
20 interim Executive Director, we can have
21 some administrative support staff for
22 them who is similar to an office manager
23 or administrative assistant.

24 We also continue to need an address,
25 which hopefully, if you accept the

1
2 recommendations of the Advisory
3 Committee, we will have that and a
4 telephone, so we can communicate with the
5 public and coordinate our own activities
6 here.

7 Finally, there was a recommendation
8 dealing with the coordination and
9 consolidation of the activities. The
10 last meeting, I believe, as Ray Cowen
11 brought up, was the duplication of our
12 efforts, and a specific example was the
13 Pine Barrens Task Force and the Pine
14 Barrens Commission.

15 The committee made a recommendation
16 that those task forces be consolidated,
17 and the task force be under the
18 jurisdiction of this committee. The
19 Advisory Committee has created a number
20 of committees which the task force
21 members are invited to participate in.
22 And in the interest of consolidating
23 those agreements, we ask that you take
24 that position as well.

25 There are copies of those in the

1
2 agenda, so if you have a question, I will
3 address those.

4 MR. CHAIRMAN: Does anybody have any
5 questions?

6 MR. THIELE: I have a question.

7 Ray just referred to the monies
8 available for planning. He said it was
9 more like \$300,000 and this memo said it
10 may be \$500,000.

11 MR. COWAN: Those are two different
12 things, I'm sure.

13 MR. DEERING: I'm sure there will be
14 a presentation. The state has come up
15 with \$500,000 outside of the trust fund.
16 We can still file through the
17 Environmental Protection Fund for
18 additional monies. So, we may be able to
19 achieve that \$750,000.

20 MR. THIELE: That clarifies it.

21 MR. CHAIRMAN: Some of the issues
22 and areas for some discussion that arose
23 out of the resolutions of the Advisory
24 Committee will, in the course of things,
25 be part of the discussion which relates

1
2 to the resolution that the Commission is
3 going to be voting on today. And we will
4 be able to go into some of the issues,
5 and some of the issues, I think, we will
6 be dealing with directly.

7 MR. DEERING: The Advisory Committee
8 also hopes that these resolutions
9 prepared by the Advisory Committee will
10 be accepted with the Commission-generated
11 resolutions.

12 MR. CHAIRMAN: The resolutions
13 passed by the Advisory Committee are used
14 in the creation and the formation of the
15 agenda, and become part of the things
16 that are resolved by the Commission. We
17 don't -- I don't think, well, we voted in
18 the past and I don't think we will in the
19 future, but that's a matter we can
20 discuss. We just don't take the
21 resolutions and adopt them as such.

22 MR. DEERING: What I'm suggesting is
23 that they be given consideration. That
24 it will be given consideration as you
25 discussed the prospective resolutions

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you've commissioned.

MR. CHAIRMAN: I think we've done that.

MR. COWAN: I think we've done that with one minor exception: We haven't addressed the issue of adopting the task force into our own structure, which I think we should do sometime today.

MR. CHAIRMAN: Okay. We can do that sometime today.

The next thing on the agenda, and we've touched upon it already, there is a press release by Senator Marino that deals with the matter of a \$500,000 memorandum secured from the State Legislature, which can be applied for funding for the purposes of the Commission. George Gatta, the Deputy County Executive for Economic Planning and Development will present that issue.

MR. GATTA: I prepared a memo, which you have before you, which is called Planning for the Pine Barrens, at the Advisory Committee meeting last week. I

1
2 had spoken to John Berry from New York
3 State who advised me at the time that, in
4 fact, there was \$500,000 that had been
5 approved as a joint member item from
6 Senator Marino, Lavalley, and Johnson.

7 He was just about ready to leave on
8 vacation and I followed up this week with
9 Paul Reuss, who is the Secretary of the
10 Senate Finance Committee, and confirmed
11 that the factor is \$500,000, and is
12 currently available to the Commission.

13 He will be processing it through the
14 division of the budget, and the Secretary
15 of State and the Department of State
16 would be the administering agency.

17 Mr. Berry had previously indicated that
18 it might be DEC, but this week Mr. Reuss
19 was fairly emphatic that it would be the
20 Department of State.

21 They have advised me that the money
22 would be available, or we would be
23 notified within 30 days of how we could
24 begin to develop a contract with the
25 Department of State, so that we can begin

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drawing down that money.

I also questioned him as to the applicability of paying back money to another department, such as the Water Authority, should they advance us funds up front. And he said if that was built in our contract with the Department of State, that would be acceptable.

So now, they are in the process in Albany of working through the budget and the Department of State, so that the money will be available to the Commission.

MR. CHAIRMAN: There is one other thing while Mr. Gatta is up there.

There is another matter, I guess we should put on the record at this point, and that is with regard to the filing of the Pine Barrens official map.

MR. GATTA: Yes. You also have a memo which I prepared, which advises that the official map was filed with the Secretary of State on August 24th, was filed with the County Clerk on August

1
2 26th, and with the three towns of
3 Brookhaven, Riverhead, and Southampton on
4 August 26th, as well as the villages of
5 Quogue and Southampton Beach today,
6 August 27th. We will be noticing the
7 filing in Newsday on August 28th.

8 MR. CHAIRMAN: We can make the map
9 and two memos that Mr. Gatta addressed as
10 part of the record in this proceeding.

11 Everybody has a copy of the two
12 memos, one deals with the filing of the
13 official map, and the other deals with
14 the funding that has been made available
15 for the Pine Barrens.

16 MR. GATTA: Thank you.

17 MR. CHAIRMAN: The next matter on
18 the agenda is the Advisory Committee
19 membership. At the last meeting that we
20 had, it was left open. The matter of who
21 would be included within -- there were
22 four positions that were open out of a
23 possible 28 as members of the Advisory
24 Committee. In the interim, we've
25 received about six or so letters. I

1
2 think I have them here from groups or
3 individuals who sought to be members of
4 the Advisory Committee.

5 MR. GATTA: To date, we have
6 received six letters, five of which have
7 requested a seat on the Commission. The
8 sixth was from the Department of Energy.
9 There was M.S. Davis from the Brookhaven
10 National Labs. This letter was from
11 David Kelleher, H2M Associates; Frank
12 Pipino, the Chairman of the Long Island
13 Water Conference, Carson Nealy, and John
14 Hauptman. The sixth letter is in support
15 of Brookhaven National Lab, and came from
16 the Brookhaven area office.

17 MR. COWAN: Bob, can I add one thing
18 to that? Today, I received a piece of
19 correspondence from Charlie on behalf of
20 the Forest Board also requesting a spot
21 on the Committee. So, I will turn this
22 letter over to you.

23 MR. CHAIRMAN: Sure. The Advisory
24 Committee, as I recall it, has suggested
25 that there be -- again, that they resolve

1
2 that the Advisory Committee recommend to
3 the Commission that the decision should
4 be delayed for 30 days until all
5 interested parties can be considered
6 fully, and a determination can be made
7 whether the Commission or the State
8 Legislature is responsible for the
9 appointing of the four Advisory Committee
10 positions.

11 It is my understanding that it is an
12 issue that can hopefully be resolved
13 within the next 30 days. In addition to
14 that, we will have a wider selection of
15 individuals or groups that could be
16 possible candidates for membership.

17 There is no resolution before us on
18 this agenda, so it's just a question of
19 stating what the position of the
20 Commission will be, and presumably we
21 will wait.

22 I think that's the resolution we
23 adopted last time.

24 MR. COWAN: May I ask that one more
25 thing be clarified. That resolution,

1
2 itself, appears to be somewhat ambiguous
3 with regard to the final number of people
4 on that committee. The resolution says
5 28 in one spot, but it says later in the
6 paragraph that it can be expanded.

7 I'm not sure what that means, if you
8 can clarify that.

9 MR. CHAIRMAN: It would seem to me
10 the Commission can do that. Again, that
11 is something that can be clarified and a
12 resolution be made on that the next time
13 we meet.

14 Right now we are still at 24, so
15 until we get up to 28 or more that seems
16 to be moot.

17 MR. COWAN: Well, if we have a good
18 applicant, are we going to cut it off or
19 expand it?

20 MR. CHAIRMAN: I think we can expand
21 it, but I think it is wasted on what is
22 allowed by the legislation. I think
23 there is an issue as to who appoints the
24 final four. I think between now and the
25 next meeting we should be able to resolve

1
2 whether the Commission gets to appoint
3 the members of the Advisory Committee or
4 the State Legislature.

5 Any suggestions or comments?

6 MR. LAMURA: Is there a need to
7 expand that number?

8 MR. CHAIRMAN: I don't think we know
9 that. Once we see the full array of who
10 wants to be a member, and if it will be a
11 disservice to preclude one of them based
12 on the numbers. It might be necessary
13 then, to expand it.

14 MR. THIELE: As to the issue of who
15 makes the appointment. Is it between the
16 State Legislature and the Advisory
17 Committee? They both asked to have the
18 authority to appoint the final four
19 members.

20 MR. CHAIRMAN: Yes.

21 MR. LAMURA: I think the Commission
22 has the authority to expand it. We
23 haven't gotten that far.

24 I think we should speak to the
25 people on the Advisory Committee to see

1
2 if they feel they need additional
3 members.

4 MR. CHAIRMAN: The issue that was
5 posed last week is this: Does the State
6 Legislature have the right to designate
7 the four additional members of the
8 Advisory Committee or is that something
9 that generates internally within the
10 Advisory Committee? Does it generate
11 itself?

12 Senator Lavalley had expressed that
13 he felt that since he was the sponsor of
14 the legislation, that it was the
15 responsibility of the legislature to do
16 that. The expansion provision contains
17 what I suspect would also be of concern
18 to the legislature. If it were to be
19 expanded, it would probably have to be
20 expanded by the State Legislature by
21 request of the Commission, who would
22 then, in turn, act upon recommendations
23 from the Advisory Committee. So, it
24 would come from the Advisory Committee to
25 the Commission and we would then request

1
2 the state to make whatever changes --
3 that's how I think it would go.

4 MR. COWAN: Okay.

5 MR. GATTA: There are a number of
6 people in the audience having difficulty
7 hearing, so if you could move the
8 microphones closer --

9 MR. CHAIRMAN: The next matter on
10 the agenda is the establishment of the
11 planning structure. I believe Bob Yaro
12 from Regional Planning Association is
13 going to address the Commission. If he
14 could do that now, because we have our
15 designation of interim Executive
16 Director, an issue that needs to be
17 resolved in Resolution 2.

18 I think it would be more appropriate
19 to do that after Bob Yaro.

20 MR. YARO: Thank you.

21 Mr. Chairman, I think at the last
22 meeting I commented -- responded about
23 the RPA playing some kind of role in
24 adopting a land use and management plan,
25 along with other members of the Advisory

1
2 Committee. After the last meeting, they
3 asked me to put on paper the exact role
4 the Regional Planning Association might
5 play in meeting the challenge of
6 developing a management plan in the next
7 18 months.

8 I'm also on the Advisory Committee,
9 and Chairman of one of the subcommittees
10 of the Advisory Committee. They are
11 making a recommendation to you that you
12 also have some staff at the Commission on
13 the Advisory Committee. And the motion
14 in your package is a memo from me to you
15 which describes RPA's role and the motion
16 is: We would be reporting to the
17 executive staff depending on what you do
18 with the next item.

19 This is a first cut, the outline you
20 see here. The intent was, again, to
21 stimulate discussion and if, in fact, at
22 the end of that discussion with you and
23 the Advisory Committee, if it makes sense
24 for us to make a contribution, well, we
25 would be happy to do so. The motion here

1
2 is that we would contribute some time --
3 that we would put some of the staff on
4 the project, depending on the role and
5 responsibility of the Executive Director
6 and the other staff of the Commission.

7 The new County Planning Director,
8 for instance, that would determine the
9 number of people that we would put on it.
10 The suggestion here is this: That might
11 be excessive if you decide to, in fact,
12 go ahead with the Executive Director and
13 if, in fact, there is a well-defined role
14 for the new County Planning Director.

15 The content of the package here --
16 basically what I did was outline a brief
17 summary, and the second page of my
18 package of the management process focuses
19 on the goals and standards based on the
20 legislation, which is a iterative
21 process.

22 I think the one we have to focus on
23 immediately is creating an interim
24 statement of goals and standards by
25 October 14th. But, we would begin with

1
2 that and essentially organize the program
3 around finding those standards and gear
4 it specifically, looking toward an
5 interim plan which will be created for
6 ecology, hydrogeology, and growth
7 management.

8 The third page -- the third through
9 the fifth page is essentially a table of
10 contents for the land use and management
11 plan. I also find this to be a good
12 process. What is the end product
13 supposed to look like? And we can fill
14 in the blanks on page four. There is a
15 description of content under each one of
16 the major goals identified in the
17 legislation, beginning with ecology,
18 which is spelled out here. And there is
19 a parallel process for hydrogeology.

20 And the final piece in the package
21 here, as you could see, is our
22 description of the plans attached here.
23 They were spelled out in my note to you,
24 a fuller description of the public
25 notification process, which we feel is

1
2 needed for the land management planning
3 and final acceptance by the towns.

4 A big, town job which I think has
5 already begun by the TDR committee and
6 the Brookhaven Town Planning Committee
7 regarding the property value, inventory,
8 and the critical resource area analysis
9 to identify ecological and
10 hydrogeological resources.

11 Again, the task force which
12 Mr. Davis is co-chairing needs to begin
13 to work on that, the TDR analysis, and
14 the task force is beginning to work on
15 the analysis we need to make that work.
16 The land management strategy task force
17 is under way.

18 The last page in the package is a
19 first cut on an organization chart.
20 Essentially, it shows the Commission and
21 his staff directing the process, with the
22 Advisory Committee off-sizing the
23 Committee. The suggestion here would be
24 the RPA or some other organization
25 providing potential staff. And then the

1
2 task force teams that have already been
3 created. Some of them are in place
4 already, some of them need to be
5 established, and the technical
6 committees. So, it's kind of a
7 convoluted process.

8 Sorry it isn't simplified. But,
9 what I'd like to volunteer at this point
10 is to work with the Commission and
11 Commission staff to use this as a
12 jumping-off spot. And we're prepared to
13 donate some time to push this out,
14 regardless of the decision on whether RPA
15 is going to be part of the formal
16 process. We want to go to the point
17 where you can make decisions.

18 MR. THIELE: I don't have your
19 organizational chart.

20 MR. YARO: It should be in your
21 package. I think I have a copy.

22 (Handing.)

23 MR. YARO: I would be happy to take
24 any questions.

25 MR. CHAIRMAN: The organizational

1
2 chart here shows a Commission staff --
3 last time we had some discussions, on
4 August 6th, there was a recommendation
5 with respect to the appointment of an
6 Executive Director and the issue was,
7 should the Executive Director function be
8 done by the Suffolk County Planning
9 Director, who was not even appointed at
10 that point. Subsequently, Steve Jones
11 has been named Suffolk County Planning
12 Director.

13 There was a plan A, there was a plan
14 B, and from that he developed a potential
15 for plan C, which would use both an
16 Executive Director working in conjunction
17 with the Suffolk County Director of
18 Planning.

19 In some capacity, whether this
20 shared responsibility or -- there has
21 been some discussion about working with
22 an Executive Director and the Planning
23 Director. One opening up in many ways
24 the resources of local government to the
25 Executive Director. We have a regular

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2 resolution that follows Resolution 3 and
3 there is a Resolution 2 which designates
4 an interim Executive Director.

5 What role would you see, Bob, for
6 the Planning Directors of the three towns
7 that are involved?

8 MR. YARO: I think very significant.
9 Several of these tasks involve the use of
10 geographic information, as well as what
11 the county has, the towns have, and the
12 Suffolk County Water Authority has. One
13 of the principal tasks would be the
14 coordination of the GIS components. But
15 again, there are other skills that each
16 one of the towns has and the Planning
17 Committee has. It could be to coordinate
18 those contributions through this
19 initiative.

20 The other big challenge here and
21 again, maybe something that the Executive
22 Director might want to take on, we have
23 already got three citizen task forces.
24 They are mostly citizens, with a
25 trickling of town officials, and we

1
2 probably need a couple more of those. We
3 already have task forces working on
4 ecology and land use management. We
5 probably need a group on economic
6 development. We probably need a group
7 that works on hydrogeology, and there is
8 planning coordination. Those committees
9 need to be staffed and it needs to be put
10 on a schedule, and so forth, so those
11 energies are harnessed to go with the
12 very tight schedule that the committee
13 has.

14 MR. COWAN: I have just a clarifying
15 question, I guess, more of a resolution
16 the Chairman pointed out.

17 We are kind of in your pocket there
18 with services without cash
19 reimbursements, at least from the
20 beginning. I, for one, am not completely
21 familiar with the organization; where you
22 are, how you are structured. Can you
23 give us a synopsis?

24 MR. YARO: We are a nonprofit
25 organization. Our office is in

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2 Manhattan. We were essentially created
3 seven years ago to do land use planning,
4 other planning, and research conservation
5 for the future of the tri-state area. We
6 are an independent, membership
7 organization, which includes several
8 hundred members. The budget of the
9 Regional Planning Association is just
10 under \$3 million a year. About half of
11 that comes from membership and the other
12 half of it comes from foundations and
13 government contracts.

14 We are not in a position to bankroll
15 this effort. We participated in the work
16 groups that helped develop legislation.
17 We are really very eager to play a part
18 in this to see that the rest of this
19 process works. We have a heavy, major
20 challenge over the next few weeks to find
21 staffing arrangements, and I am really
22 keeping an eye on this October 14th
23 deadline in getting some of our goals and
24 standards in place.

25 RPA is willing to donate some

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2 services to make that happen, and at some
3 point, because we are not a public
4 agency, and we do not have a large
5 endowment, we will have to be compensated
6 for staff time. But, through this
7 initial period, we are willing to donate
8 some time.

9 MR. COWAN: Let me ask you a
10 follow-up question. This period that
11 faces us right now, the first 20 months,
12 I see it as maybe 98 percent planning in
13 this period of time.

14 Let me ask your opinion, on the
15 Executive Director side of things, do you
16 think there needs to be a planning
17 professional in that position or do you
18 think it needs to be more of a management
19 professional?

20 MR. YARO: I think we have to have
21 somebody with planning skills. They
22 don't necessarily have to be a
23 card-carrying ICP type planner. For the
24 best experience, I look to the Cape Cod
25 Commission and the Jersey Pinelands

1
2 Commission. I think in both situations,
3 we have to see who started their career
4 in general government administration,
5 public administration, but have developed
6 strong planning skills.

7 But, the model in those two
8 examples, and I'm not aware if there are
9 25 or 30 organizations, but for the most
10 part, you will find a strong director and
11 in most of those cases, they have some
12 planning skills.

13 MR. COWAN: The reason I say the
14 first 20 months is, I see a distinction
15 after 20 months when we begin to
16 implement. We definitely need an
17 Executive Director, but a different
18 quality than we need now in the first 20
19 months, and I'm trying to get your
20 opinion here if there is a strength, and
21 if so, what sort of strength do we need
22 right now?

23 MR. YARO: There is this challenge
24 of getting a plan in place, and one is
25 skills, and one is level of effort. And

1
2 there is a very intensive effort over the
3 next 20 months that don't need to be on
4 payroll after the plan is completed.

5 I think you would be the best off
6 with somebody who has some experience in
7 land use issues, particularly during the
8 planning period, probably in the long run
9 as well, but they have to have some
10 administrative skills as well. And this
11 process, lots of citizens and lots of
12 task forces and so forth, it really calls
13 for strong administrative skills, as well
14 as strong land use skills.

15 Sorry, not much of an answer, but
16 you need someone with both skills.

17 MR. THIELE: Just a couple
18 questions. First of all, I have a
19 nine-page memo I first saw about an hour
20 ago, so it's hard to ask questions, which
21 gets to a larger issue we have to deal
22 with. We have the resolutions and it's
23 kind of hard to respond to some of these
24 things.

25 I think that we have to -- I don't

1
2 think we can go anywhere until we find
3 the structure. Right now, we have
4 working groups and task forces, and I get
5 calls to send somebody to this meeting
6 and that meeting, and I don't know who to
7 report it to right now, so I think we
8 need to get that structure set.

9 It's hard to question you about your
10 proposal until we know what that
11 structure should be. I think we should
12 make that decision fairly quickly, but I
13 think it's hard to figure out where
14 everybody fits in, until we figure out
15 what the structure should be, who fits
16 into who. We have lots of people who
17 want to help us, and we don't know where
18 to stick them in.

19 MR. LAMURA: I think that's a
20 general consensus, both on this side of
21 the podium and out there. So, one way to
22 rectify that is that there is a greater
23 time period between the next Advisory
24 Committee and our next meeting. And
25 there is the ability to have work

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2 sessions, so we don't have to digest this
3 much material in a short period of time.

4 Particularly with Bob's proposal,
5 the only comment I had was that I believe
6 we should have an Executive Director in
7 place, which is authorized by the statute
8 prior to hiring planning directors and
9 project managers, and have that person on
10 board. And if the need arises to have
11 additional spots, that person
12 participates in the process. But, I
13 certainly appreciate the offer for RPA's
14 assistance in this process somewhat
15 gratuitously, as well as the majority
16 leader can share in the funds, along with
17 the Water Authority.

18 MR. YARO: I think it would be good
19 to make some decisions with the
20 Commission staff, and how you were going
21 to organize that. If we can be helpful
22 in sorting that out, one of the things we
23 can bring in is my experience of helping
24 to organize regional commissions in New
25 England. I would be happy to provide

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some help.

MR. CHAIRMAN: If we take a look, for instance, at the line chart or the organizational chart that was produced by Regional Planning Associates, again, just for discussion purposes, it indicates that the Central Pine Barrens Joint Planning and Policy Commission, and then the direct responsibility that intervenes between the Commission and the various functions and technical committees, it says "Commission staff," which presumably, we all read as an Executive Director.

That being the case, I wanted Bob to make this presentation, even though ahead of him on the list of the agenda was, as a resolution, resolution 2, which is designation of an interim Executive Director. Because I think it probably points out or emphasizes the fact that an Executive Director, someone to be in charge of this process of developing the plan or the methodology of which

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accomplishes the plan is important.

So, if we could, unless anybody has further discussions on this issue -- Bob, thank you.

I would like to go to Resolution 2. I think we can resolve that. I will read the resolved line, "Resolved that blank shall serve as interim Executive Director to organize and utilize the services of participating public and private entities, to establish and memorialize a planning structure with lines of authority, and begin the preparation of the comprehensive plan."

The time limitations as they are, some individual has to assume some responsibility and get things moving. The five of us can't do that ourselves. I know that there has been some conversation as to who might fill that role on an interim basis.

MR. GATTA: If I may, there was a resolution made by the Advisory Committee, a unanimous recommendation

1
2 that Ray Corwin of the Suffolk County
3 Water Authority be appointed interim
4 Executive Director.

5 MR. CHAIRMAN: What resolution is
6 that?

7 MR. GATTA: It is not in your
8 packet. It is Resolution 1 from the
9 minutes of the meeting of August 20th,
10 from the meeting of the Advisory
11 Committee.

12 MR. CHAIRMAN: So, that was not a
13 resolution that was adopted by the
14 Advisory Committee?

15 MR. GATTA: That was adopted to
16 appoint an interim director, and Ray
17 Corwin to be appointed interim Executive
18 Director. You have a copy without a name
19 in it, and it is up to you to insert a
20 name.

21 MR. THIELE: Were there any other
22 names recommended?

23 MR. GATTA: There were none
24 officially. The only one that was
25 nominated unanimously was Ray Corwin.

1
2 MR. THIELE: I was just wondering if
3 there were any recommendations from any
4 other sources?

5 MR. GATTA: On an interim basis?
6 No.

7 MR. THIELE: For an interim
8 Executive Director. Yes, I have seen
9 that.

10 MR. CHAIRMAN: The next matter
11 before us is resolution 2, and we just
12 need to fill in the blank. Again, if we
13 are all assuming in creating a position
14 of interim Executive Director.

15 Is there a motion?

16 MR. JANOSKI: I would be honored to
17 make the motion for Ray Corwin.

18 MR. CHAIRMAN: Any second?

19 MR. THIELE: Compensation for
20 Mr. Corwin. How would this work?

21 MR. COWEN: Is it going to be
22 donated?

23 MR. THIELE: Is he going to be
24 donated by the Water Authority?

25 MR. CORWIN: Fred, I had a

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2 discussion with the person that pays my
3 salary, Mr. Grandy, this past week. He
4 indicated that in order to get things
5 going, I would continue within the
6 project. The Commission can make a
7 decision, but the most expedient approach
8 would simply be that my services would be
9 in-kind. I already receive a paycheck
10 from the Water Authority. That would
11 certainly be one scenario. How that
12 remains with any resolution in the
13 future, I don't know. Up to now, it
14 would be in-kind services.

15 MR. THIELE: By the Water Authority?

16 MR. CORWIN: I don't think it would
17 be donated by the Water Authority. I
18 don't think if they first want in-kind
19 services and then compensated services --
20 we haven't been keeping detailed records
21 up to date, so it would be a designated
22 time from the Water Authority. From that
23 point forward, the Water Authority would
24 start the clock on when they would want
25 their services to be compensated for.

1
2 That is something that will have to be
3 decided on.

4 MR. CHAIRMAN: Up to this point,
5 those were not in-kind services, those
6 were services performed by the Water
7 Authority.

8 MR. CORWIN: Yes. They were done as
9 part of my occupational requirement.

10 MR. CHAIRMAN: So, assuming we pass
11 the resolution before us, when does the
12 clock start ticking as far as your
13 compensation is concerned and who pays
14 for it?

15 MR. CORWIN: It's an important part
16 of the larger question that the board
17 will have to decide.

18 There are two of us, and recently
19 three of us working on the Commission and
20 the flood of phone calls other agencies
21 have gotten, spending time talking to
22 people. These are services from the
23 moment the legislation passed that we
24 would need to start keeping some track
25 of. That, and decide how we want to

1
2 render that, in-kind or reimbursed. But,
3 I think the clock started ticking when
4 the legislation was passed. I don't
5 think that was a discretionary thing.

6 Up to now, we have been donating
7 in-kind services. Essentially, we have
8 been keeping track of that. I can't
9 answer Fred's question directly, because
10 I don't know if this is to be reimbursed
11 or designated in-kind.

12 MR. CHAIRMAN: I think the question
13 here is that we need an Executive
14 Director, so that we have a coordinator
15 for resolving these issues.

16 MR. THIELE: I'm going to vote for
17 this, regardless. But, we need to know
18 when we could begin doing this, when we
19 can work this out.

20 MR. COWAN: I'm sure Ray will keep
21 track of his time.

22 MR. CHAIRMAN: It seems to me the
23 appointment of you, Ray, as Executive
24 Director is imminent.

25 That being the case, one of the

1
2 things that we ought to be doing, or you
3 ought to be doing is resolving the issue
4 for us as to what is the intention of the
5 Water Authority with regard to your
6 services? What is the intent with
7 services previously rendered?

8 MR. CORWIN: I think it is more than
9 the mere sake of the time people have
10 contributed, because it is probably
11 unaccountable for at the present time.
12 It would be hard to account for every day
13 and hour spent. Clearly, from some point
14 forward, a convenient time, we could say
15 the time the legislation was signed,
16 which is about a month ago.

17 One more thought. At the Advisory
18 Committee meeting last Friday, I told the
19 Committee I would be happy to serve as
20 interim Executive Director, as long as
21 certain points were considered. And one
22 of those points is to begin a search for
23 a permanent director. However long that
24 takes, I'm more than happy to serve as
25 interim Executive Director.

1
2 The second and more immediate issue
3 we are all trying to walk around and size
4 up is, what the organization of the
5 committee we are working with will be. I
6 need to know who the names and faces and
7 the personnel of the agencies are. One
8 of the things I would like to do is speak
9 to the agency heads in the week. Whether
10 that be elected officials or department
11 heads under elected officials, and get
12 names, addresses, and phone numbers of
13 the people that are going to be working
14 on this plan. So, to the extent you can
15 address the interim operating structure
16 that gets the job done and meets the
17 October 14th deadline.

18 For example, make sure one committee
19 feeds another. This is a fine task to
20 assign generically and conceptually to an
21 Executive Director. I think it would be
22 a spectacular failure if one person were
23 doing that. So, I really need to know
24 who else is out there I can call on.

25 So, to that extent, to the extent

1
2 that you can give me some guidance before
3 today's up, next week, ideally, I would
4 be more than happy to take it. If I
5 don't see it forthcoming, I would be more
6 than happy to call you for it.

7 MR. CHAIRMAN: Thank you, Ray.

8 I think there are two resolutions
9 closely related to our discussions right
10 here. The first is Resolution 2, which I
11 think we began the process, and we were
12 at the discussion stage.

13 Being no further discussion...

14 MR. LAMURA: I second the motion.

15 MR. CHAIRMAN: All in favor of Ray
16 Corwin assuming the responsibility of
17 interim Executive Director to organize
18 and utilize the services of participating
19 public and private entities, to establish
20 and memorialize a planning structure with
21 lines of authority, and begin a
22 preparation of the comprehensive plan.

23 All of in favor?

24 (At which time, all members of the
25 commission responded by stating "Aye.")

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2 MR. COWAN: Just for the record,
3 Mr. Corwin spells his name C-O-R-W-I-N.

4 MR. CHAIRMAN: Thank you, on behalf
5 of the Commission and on behalf of the
6 committees.

7 The next matter before us and the
8 next resolution deals with the
9 memorializing the planning structure at
10 the next meeting. And it is this
11 function that needs to be done in order
12 to make sure that the things that Ray was
13 talking about get done.

14 I will read the entire resolution
15 and we'll open it for some discussion.
16 It says, "Whereas the environmental
17 conservation" -- I'll just read the
18 resolved line. "Resolved that the
19 Executive Director is hereby directed to
20 prepare for Commission review at its next
21 regular meeting such a planning structure
22 which shall include the subcommittees
23 established by the Central Pine Barrens
24 Advisory Committee. And that the
25 Executive Director may utilize the

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2 services of participating public and
3 private entities, including the services
4 of the Regional Plan Association, to the
5 extent that it does not involve any cash
6 expenditures by the Commission."

7 That's the resolution that's before
8 us.

9 MR. COWAN: Can I propose an
10 amendment to that?

11 MR. CHAIRMAN: Sure.

12 MR. COWEN: For clarity, can we
13 insert "interim" in front of Executive
14 Director for clarity in both cases.

15 MS. SWICK: I feel there is plenty
16 of planning to do, and we, at the Town of
17 Brookhaven, we have opened our doors and
18 we see this team approach as very
19 important.

20 And I think some of the committees
21 we've started, everybody is donating time
22 and labor, and I think my main concern
23 here is in terms of the committee. Just
24 as you ask your county staff, the town's
25 staff and our time and the amount of

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2 staff we have to put forward toward this
3 effort, we are very concerned that it be
4 recognized in somewhat of an in-kind
5 fashion, and if in-kind funding in terms
6 of computer time and staff time and all
7 the different towns playing a role and
8 the county and all the agencies. And set
9 up some kind of formula, so that we can
10 have a system for reimbursing a certain
11 proportion of the work done by the
12 different agencies, because there is a
13 number of people playing pretty
14 heavy-duty roles in this and it would be
15 greatly appreciated if the Commission
16 would take that into consideration.

17 MR. CHAIRMAN: Thank you. That's a
18 matter that hasn't been discussed thus
19 far, and one that, perhaps, we ought to
20 have some general discussion about.

21 MR. LAMURA: Once the interim
22 Executive Director establishes when his
23 clock begins to run, he can synchronize
24 the other municipal clocks for ultimate
25 billing.

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2 MR. CHAIRMAN: I think that until
3 the next meeting of the Commission, we
4 ought to have a resolution on that.

5 MR. LAMURA: Send it to our friends
6 in Albany.

7 MR. CHAIRMAN: To make sure that
8 those functions are taken care of, the
9 other thing that I want to make a
10 recommendation on as well, which is
11 related to this, not so much on an
12 economic point of view, but one that
13 recognizes role of government in this
14 process.

15 I suggest an amendment to the first
16 resolved clause, specifically, so it
17 would read, "That the interim Executive
18 Director is hereby directed to prepare
19 for Commission review at its next regular
20 meeting such a planning structure which
21 shall include the subcommittees
22 established by the Central Pine Barrens
23 Advisory Committee." In that, I would
24 like to include the county and town
25 Planning Directors, and then go,

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2 "Resolved that the Executive Director may
3 utilize the services of participating
4 public and private entities, including
5 the services of the Regional Plan
6 Association, to the extent that it does
7 not involve any cash expenditures by the
8 Commission."

9 I want to make it clear that it was
10 anticipated by the Commission, correct me
11 if I'm wrong, that the County Planning
12 Director and the directors, the Planning
13 Directors of the towns would, in essence,
14 be in partnership. And that's an equal
15 role by the governmental planning
16 functions with regard to the development
17 of the comprehensive plan. It was
18 viewed, I think by myself and perhaps, I
19 think that's a view shared by many, if
20 not all of the members of the Commission,
21 that the governmental planning functions
22 would be involved within this process,
23 coordinating the public sector issues as
24 county and town.

25 I think the language added to that

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2 furthers that objective, and I think the
3 next time we meet we ought to deal with
4 the compensation and when the clock
5 starts ticking and when the various towns
6 and committees be compensated.

7 So, I would like to insert that
8 language in this. Is there any
9 discussion on anything Ray Corwin said?

10 MR. LAMURA: I think what we're
11 experiencing here, what has, in fact
12 happened, because all the towns and
13 agencies have been collectively
14 participating, and we are trying to
15 legalize that now, after the fact. And I
16 think we must seem very legalistic and
17 very semantic, and I think once we
18 coordinate this through a work session or
19 whatever, we may not be as much. But
20 there seems to be a caution to be sure
21 everything is preserved and documented.
22 In reality, people have been working.

23 MR. THIELE: I think it's important.
24 We are taking a lot of time in setting up
25 the structure, and I think the end

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2 product will be in direct relation to how
3 we make sure the responsibilities of who
4 does what, and who reports to who.

5 Otherwise, in an 18-month time frame, if
6 those things are not set up directly, up
7 front, there is going to be a lot of
8 problems, and there will be a lot of
9 finger pointing in this direction.

10 MR. COWAN: Along those lines,
11 actually, I have two items I would like
12 to discuss. First of all, this would be
13 a good place to put references to the
14 Task Force Committees. Just add them
15 right there with the Advisory Committee
16 references, and that way endorse the
17 reference of the Task Force Committee.

18 MR. THIELE: Somebody has taken the
19 task force and incorporated it into the
20 Advisory Committee structure.

21 MR. COWAN: They have been, but I
22 think unofficially. But, I think we need
23 to memorialize it.

24 MR. DEERING: There is a resolution
25 that was put in there that was agreed

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2 upon, and there was some discussion by
3 Dr. Koppleman to have the task force
4 incorporated in the committees and the
5 Advisory Committee already has. But, I
6 think it is agreed, at least the Advisory
7 Committee has agreed that the task force
8 has now moved into the Advisory Committee
9 process.

10 MR. COWAN: My question is, do we
11 need a separate resolution, or can we
12 insert some language in Resolution 3 and
13 include the task force committees in that
14 language?

15 MR. DEERING: I think it might
16 confuse the issue a little more. It was
17 a problem last Friday. There are two
18 entities on the task force and the
19 committee now being brought into one.
20 So, I guess it's the abolishment of the
21 task force into the committee. So, I
22 would keep it separate.

23 MR. CHAIRMAN: Yes, George?

24 MR. GATTA: I agree.

25 MR. COWAN: With that said, we'll

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deal with that later.

Let me say, with respect to the task Ray Corwin has in front of him, some of us discussed it earlier, but really, the role of the Commission, itself, I think needs some further resolution and needs to be defined better.

I don't think any one of my colleagues intends to sit on this board and rubber stamp things that come in front of us. I think there has to be two-way dialogue, and I know there is a two-way arrow on the task here. But today, quite frankly, there has been very little flow from this Commission to the Advisory Committee, and I would like to see that change in the future. And to some extent have the agenda drive the Committee and look at things for us, and consider things for us, and come back with a recommendation.

Part of it is not having time to do that so far, but I think that has to be defined. I am not the person who will

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2 rubber stamp things, so we may as well
3 get these issues resolved as soon as we
4 can.

5 MR. CHAIRMAN: I think it was the
6 intent of the Advisory Committee that the
7 Commission be more than just a
8 pass-through of things that emanate from
9 other places.

10 The fact is, however, at this point
11 in time, the selection of what issues
12 that discretion has been limited to are
13 which resolutions coming from the
14 Advisory Committee are adopted. It's my
15 expectation that will also change and
16 have more of a role as we go forward.
17 But, at this point in time, I think it
18 ought to be made very clear, as well,
19 that we respect governmental entities who
20 have planning departments and are
21 participating in this process, and it's
22 our intent, as a commission, that those
23 planning entities are respected
24 governmental units. Towns of Riverhead,
25 Brookhaven, Southampton, County of

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2 Suffolk and State of New York need to
3 participate in a partnership with the
4 interim Executive Director and any
5 subsequent Executive Director, so that
6 the interests of the governments involved
7 are recognized. That's not in the form
8 of a resolution, it's a statement of
9 intent on the part of the Chairman of the
10 Commission.

11 I don't hear any objections, so I
12 assume we all concur.

13 MR. CORWIN: Ray has hit upon an
14 issue that has puzzled me for some time.
15 I think the Advisory Committee intentions
16 were quite clear. That the task force
17 committee groups, whatever you want to
18 call them, be brought into the
19 Commission.

20 The question of whether they fit
21 under the Advisory Committee or the
22 Commission, the same question could be
23 posed of the three committees. Part of
24 the confusion comes from the fact that
25 some of the people participating on the

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2 committee are essentially from the
3 environmental planning, or other
4 professionals whose job rotates around
5 jobs like this and are willing to
6 allocate many hours, and others are
7 volunteers. So, you essentially have,
8 like the TDR Committee, some of the
9 people working on TDR's are working on it
10 as planning professionals, and some of
11 them come in several hours a month or
12 several hours a week. So inevitably,
13 there is going to be confusion the next
14 12 months, and the accounting system, for
15 example, is the catch that is hard to put
16 into figures.

17 I think that you have to look at the
18 committees as having a role that you, as
19 the Commission, can define. I can
20 suggest it to you at the next meeting.
21 Those committees are essentially
22 committees that are part of the Advisory
23 Committee. I wouldn't get too hung up
24 with those links.

25 MR. COWAN: I envisioned some

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working sessions.

MR. CORWIN: I was going to ask that question at some point during the day.

MR. CHAIRMAN: The legislation doesn't provide for working sessions, but public sessions.

MR. THIELE: Working sessions are public sessions.

MR. CHAIRMAN: As long as they are open. Again, the recommendations I would make were to include, to amend Resolution 3 to include the statement that will say the county and towns Planning Directors. So, I would say, "The planning structure which shall include the subcommittees by the Central Pine Barrens Advisory Committee and the county and towns Planning Directors." And anywhere the words "Executive Director" appear, they would be preceded by the word "interim." That resolution, in that form, that should be acceptable.

MR. THIELE: Motion.

MR. COWAN: Second.

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2 MR. CHAIRMAN: Any further
3 discussion?

4 All in favor?

5 (At which time, all members of the
6 Commission responded by stating "Aye.")

7 MR. CHAIRMAN: Any opposed? So
8 that's for that resolution.

9 The next issue we want to deal with
10 involves the search for a permanent
11 Executive Director. In that regard, the
12 resolution says, "Resolved that the
13 Commission shall review the suggested
14 qualifications of a permanent Executive
15 Director and begin a search for a
16 permanent Executive Director of the
17 Central Pine Barrens Joint Planning and
18 Policy Commission."

19 It is my recommendation that a
20 committee probably should be designated
21 to review those qualifications. At this
22 point, there has been some discussion as
23 to what are the qualifications. Should
24 it be stronger in administration or
25 should it be stronger in planning than

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2 administration or should it combine both.

3 I think that the search should be --
4 someone's got to define what the
5 qualifications are, and having defined
6 what the qualifications are, that search
7 has got to be as broad based as possible.
8 We would all like to see, as quickly as
9 possible, a selection of a permanent
10 Executive Director, but I don't think
11 anybody feels uncomfortable in the
12 interim with Ray Corwin as the interim
13 Executive Director. So, I think we've
14 got some time, and I think it would be
15 important to define what those
16 qualifications are.

17 MR. COWAN: And the role of salary,
18 I would assume.

19 MR. CHAIRMAN: That was part of plan
20 A and plan B, and both of them indicated
21 that same range of salary, \$75,000 and
22 \$25,000 in benefits. I think that's a
23 matter that -- does anybody want to
24 discuss that before we move forward? Any
25 comment?

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2 MR. THIELE: I don't find this
3 resolution terribly helpful or useful.
4 It just says we are going to put some
5 qualifications together. I think the
6 approach should be to sit down with Ray
7 Corwin in a working meeting with the rest
8 of us sometime in the next week, and give
9 him our input as to what those
10 qualifications should be and have him
11 draft something for us and move ahead.

12 I also think we should establish the
13 position of an Executive Director,
14 something we haven't done yet, if that
15 position is going to exist. I don't
16 think we are going to do that today, but
17 we're asking for qualifications for a
18 position we haven't created yet.

19 MR. COWAN: We have a resolution.

20 MR. THIELE: From the last meeting,
21 I think. But anyway, the gut of what I
22 had to say is we really need to give some
23 direction to Ray and put together a
24 request for qualifications or whatever
25 you might like to call it.

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2 MR. LAMURA: Ray may have some
3 resumes already, which may help define
4 what we are looking for.

5 MR. CHAIRMAN: Is it your view then,
6 that Resolution 4 is superfluous? That
7 it is overdone, and we should just table
8 it?

9 MR. COWAN: I agree. It doesn't say
10 a lot.

11 MR. THIELE: We should sit down with
12 Ray and give him our input and have him
13 draft something for us relatively quickly
14 and set a process in motion. But, a
15 deadline for people to respond to the
16 request for qualifications, if there
17 needs to be interviews, whatever, and get
18 this done.

19 MR. CHAIRMAN: We can do that in a
20 work session, we can set those outlines.

21 MR. COWAN: What about Fred's
22 suggestion that says we are going to
23 adopt that we are going to have a
24 Executive Director?

25 MR. THIELE: I think we are in it.

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2 I suggested we have to do that. I think
3 in that resolution we should establish a
4 salary and whatever goes along with it.
5 I think we should try to come to some
6 conclusion on this at the working session
7 when we are trying to put this all
8 together.

9 MR. CHAIRMAN: So, are we going to
10 table? Is there a motion to table
11 Resolution 4?

12 MR. THIELE: Motion.

13 MR. COWAN: Second.

14 MR. CHAIRMAN: All in favor?

15 (At which time, all members of the
16 Commission responded by stating "Aye.")

17 MR. CHAIRMAN: Resolution 4 is
18 tabled.

19 The next matter before us,
20 establishment of an interim Commission
21 address. "Resolved that blank shall
22 serve as the interim address for the
23 Commission and that a telephone number
24 shall be established for that interim
25 address."

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2 Ray Corwin's address at the Water
3 Authority would probably be the best
4 interim address until such time as some
5 other issues can be resolved, such as
6 where the permanent Executive Director
7 will be, and what facility might be
8 available at that point. There was some
9 discussion about Suffolk Community
10 College, but I don't think we've reached
11 a point where someone's asked them yet.
12 They are a separate, independent entity,
13 and if somebody reads Newsday, they like
14 to stay rather independent. That's
15 something that we may be getting ahead of
16 ourselves a bit, but that's for the
17 Executive Director to make the
18 arrangements on whether it be Suffolk
19 Community College.

20 MR. LAMURA: There was a
21 recommendation made of Suffolk Community
22 College. Is there any response to the
23 availability of the college as a fact?
24 Do we know anything about that? They
25 approved it, so there must have been some

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communication.

MR. DEERING: I don't think there's been any formal discussions with the college, but the Advisory Committee seemed to think it was a central location, as well as an academic environment.

Similar to what you were saying before in terms of asking the interim Executive Director to come up with a request for qualifications for the permanent Executive Director, maybe he can make some inquiries into the Community College's availability.

MR. CHAIRMAN: I would suggest that probably the interim Executive Director would have more success in negotiating with the college than the Advisory Committee.

MR. COWAN: Can we have Ray read into the record his address and telephone number?

MR. CORWIN: The technical services, being of the Suffolk County Water

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2 Authority, which uses the Water Authority
3 post office box, I would assume that
4 these are details we can send out in the
5 next five or six business days.

6 MR. CHAIRMAN: Would it be
7 inappropriate for us to use the Suffolk
8 County Water Authority administrative
9 office?

10 MR. CORWIN: It would be better to
11 use the post office box which is in
12 Oakdale, and my building on Sunrise
13 Highway in Oakdale. We had discussions
14 about setting up a special telephone
15 number that doesn't have any other
16 commitment to the Water Authority, and
17 would also be different from my personal
18 line. So, we can probably decide that by
19 Monday or Tuesday.

20 MR. CHAIRMAN: That being the case,
21 perhaps what we also do is table
22 Resolution 5, as well, because we don't
23 have, at this point, an address or phone
24 number.

25 All in favor? Any discussion?

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2 (At which time, all members of the
3 Commission responded by stating "Aye.")

4 MR. CHAIRMAN: Resolution 5 has been
5 tabled, pending the appointment of a
6 permanent Executive Director.

7 MR. CORWIN: I hear shouts from the
8 gallery here that we can use my phone
9 number until Monday or Tuesday, and
10 that's okay with me. I'm thinking of all
11 the numbers. My work number is 563-0307.
12 It does have voice mail.

13 MR. CHAIRMAN: For the benefit of
14 anyone who is here who expressed some
15 concern, we know how to get in touch with
16 Ray, and Ray knows how to get in touch
17 with us.

18 MR. CORWIN: We will work on that
19 Monday morning.

20 There is some divergence of mail,
21 some mail goes to the Chairman of the
22 Commission at his address in Hauppauge,
23 some goes to Michael LoGrande at any
24 number of the Hauppauge addresses, and
25 some of the mail is coming to us,

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2 individually. Maybe the first thing we
3 need to do is establish a contact point.
4 That means the Committee Chairman will
5 become somewhat phone busy, but I think
6 there are a multiplicity of contacts and
7 everyone is contacting someone who they
8 think is concerned.

9 MR. COWAN: So, are we tabling this
10 thing?

11 MR. CHAIRMAN: We tabled it.

12 The next matter before us is the
13 general counsel request for
14 qualifications, Resolution 6. If you
15 recall, last time we met, there was some
16 discussions that a general -- it was
17 discussed as to whether or not a general
18 counsel was necessary. Whether or not
19 the county or town attorneys from the
20 various towns and the county attorneys
21 together with the attorneys for the State
22 of New York would perform that function.
23 The way we resolved it, my recollection
24 is that we suggested that the County
25 Attorney prepare a request for

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2 qualifications, and that those requests
3 for qualifications be made as widely
4 publicized as possible, so we have a wide
5 range of public applicants to choose
6 from. It being a lot easier to have a
7 general counsel to split between the
8 towns and the county, what we have then
9 is a resolution that says, "Resolved,
10 that a blank spot is authorized to
11 advertise the availability of the
12 position and the RFQ by appropriate
13 publications and postings, and that
14 resolved that, again this individual --"
15 which I would suggest that we do
16 Executive Director or interim Executive
17 Director. So, it would be, "Resolved
18 that Ray Corwin, as interim Executive
19 Director, is authorized to advertise the
20 availability of the position and the RFQ
21 by appropriate publications and postings.
22 And that the interim Executive Director
23 is authorized to disseminate copies of
24 the RFQ to interested individuals, firms,
25 and organizations, including but not

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2 limited to those on the list attached
3 hereto as Exhibit B and incorporated by
4 reference, and resolved that all
5 responses to the RFQ must be received by
6 the Commission on or before the date was
7 left blank."

8 I would suggest the date September
9 20, 1993. I think that is a sufficient
10 amount of time for it to be completed,
11 and not being put off any further than
12 necessary.

13 MR. LAMURA: I have a question. I
14 would like to know, Bob, item nine of the
15 RFQ, these stipulate maximum rates and I
16 assume these are exemplary. My question
17 is, would these amounts seem excessive?
18 For those known, is \$125 for partner, \$75
19 for associate, and \$35 for paralegal.

20 MR. CHAIRMAN: I never participated
21 in the request for qualifications, but I
22 noticed the Chief Deputy County Attorney,
23 Bill Burke is here.

24 MR. BURKE: Maybe I can respond, if
25 you can let me get down a question I was

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writing.

MR. LAMURA: Item nine of the RFQ, would that preclude the type of firms -- would large environmental firms be precluded because of the salary structure? Is that an adequate assessment of necessary legal talent?

MR. BURKE: Certainly, as a fee schedule, that would be lower than those types of firms would charge to an individual client. What we have found in the county, and perhaps you find in the towns, however, very qualified firms who understand that municipalities are under financial constraint, and therefore, what is euphemistically called the fee or schedule is somewhat lower than what is going in the private sector.

The rates, if I may just give people a little bit of background, when preparing the RFQ, it was prepared jointly between the County Attorney's office and the Town Attorneys' office for Southampton, Riverhead and Brookhaven. I

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2 have also supplied Commissioner Cowen
3 with a copy of it for his review. So, I
4 believe that the fee schedule is such
5 that we will be able to retain very
6 qualified counsel, to answer your
7 question.

8 MR. THIELE: I'm not sure this is
9 quite true, but we raised a question --
10 this was not prepared jointly by the town
11 attorneys?

12 MR. LAMURA: Everyone uses a blended
13 rate.

14 MR. THIELE: I have a question about
15 that issue. This RFQ here, it seems to
16 me, disposes of any issue or any
17 discussion of perhaps hiring a counsel as
18 an employee to this Commission, as we are
19 going to do with an Executive Director.
20 It seems to have a basis in hiring
21 someone as outside counsel.

22 MR. LAMURA: Why do you see that?

23 MR. THIELE: Because it says "firms"
24 and "class rates." If we were hiring an
25 employee, it will be different. That's

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2 number one, and when we raised that issue
3 through my town attorney, he said that
4 goes toward the issue of substance and
5 performance.

6 So, I want to raise that today, so I
7 don't want it to sound like we all
8 concurred on this RFQ. I don't think we
9 decided yet, if we want an outside firm
10 or in-house counsel. I'm going to tell
11 you now, we are going to spend a lot more
12 money for an outside firm than in-house
13 counsel. Maybe we will get a broader
14 range from an outside firm than we get
15 from one particular counsel. But, I'm
16 not sure we made that decision, and there
17 may be someone qualified out there who
18 will want to do this.

19 So, the point of this discussion I
20 want to really get to here is, are we
21 excluding -- I don't think we have
22 decided, but we should decide if we want
23 an outside firm or we want to keep this
24 broad enough to see what attorneys are
25 out there?

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2 MR. COWAN: Can we still approve the
3 RFQ, let it go out, and see what we get
4 back when we have the working session?

5 MR. THIELE: I just want to keep
6 this open. If there is somebody out
7 there who is qualified and wants to do
8 this as an employee, and I will guarantee
9 you that compared to working with outside
10 counsel, this will be a less expensive
11 alternative, and I don't think it will
12 hurt anything.

13 MR. CHAIRMAN: I think the concern
14 that was expressed by those who prepared
15 this was that if you look at the areas of
16 expertise that are required, I'm not so
17 sure how many people combine all those
18 things in one area, condemnation
19 practice, litigation experience and so
20 forth.

21 MR. THIELE: I would hope this
22 Commission is not doing any condemnation
23 work.

24 MR. COWAN: I have a statement on
25 that.

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2 MR. CHAIRMAN: I think on
3 condemnation work, if it is alleged that
4 it is happening and we need to defend
5 that. I think we can all assume that
6 there will be some allegations like that.

7 MR. THIELE: I would submit, in my
8 experience that dealing with town
9 attorneys and deputy town attorneys that
10 most of the attorneys that I know that
11 would have knowledge in all of these
12 areas are the town attorneys. If they
13 don't, they are not going to be town
14 attorneys for a very long time. So, I
15 think they have sufficient background to
16 work in all these areas.

17 MR. CHAIRMAN: Let's go forward with
18 this resolution, but if you want to put
19 an amount in there or want to indicate
20 somewhere that this is not intended to
21 preclude the response to the RFQ by any
22 individual.

23 MR. THIELE: If we could have the
24 Chief Deputy County Attorney add a
25 paragraph, I don't need to draft it right

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2 here, and now that indicates that those
3 interested in this can be an employee.
4 The concept that's involved here, that we
5 are not locked into the outside counsel
6 option. And those that would be
7 interested in employee status with the
8 Commission are also included.

9 MR. LAMURA: We can discuss that at
10 the first meeting with Ray Corwin. I
11 don't think it's necessary to
12 specifically modify that.

13 MR. COWEN: I want to say one thing.
14 As long as we are talking about
15 condemnation and the RFQ properly
16 mentions condemnation, I don't want
17 anyone to think we are going to use
18 condemnation.

19 It is the policy of New York that
20 condemnation is to be used only as a last
21 resort and only in extraordinary
22 situations. So, don't assume we are
23 going to use eminent domain powers.

24 MR. THIELE: That's not our
25 decision. We are not acquiring property.

1
2 MR. CHAIRMAN: In terms of eminent
3 domain? No, we can't account for what we
4 can't determine at this point. Who might
5 think that that's a part of the process,
6 or who might file a claim or action based
7 upon that theory.

8 MR. THIELE: I understand the need
9 for the knowledge, but I want you to
10 understand that that's not our intention.

11 MR. JANOSKI: I would suggest that
12 the answer to legal counsel probably lies
13 in the blending of both, in that we are
14 probably going to operate like any
15 municipality. We should have counsel, an
16 individual that we have with us on a
17 constant basis, and that when things need
18 to be sent off to that firm, that would
19 be the course chosen. In that way, we
20 would have the savings of dollars and the
21 expenditures on an emergency basis.

22 MR. THIELE: I think that's a good
23 point.

24 MR. COWAN: So, what are we going to
25 do with the resolution?

1
2 MR. CHAIRMAN: Yes, it goes more to
3 the heart of the RFQ. Since the need for
4 counsel is clear, that's Resolution 6.
5 We've read that, and the date that we
6 have for responding to it would be
7 September 20, 1993.

8 Is there a motion?

9 MR. THIELE: I'll make a motion.

10 MR. LAMURA: Second.

11 MR. CHAIRMAN: Any discussion? All
12 in favor?

13 (At which time, all members of the
14 Commission responded by stating "Aye.")

15 MR. CHAIRMAN: Motion is carried,
16 then. The date for responses will be
17 September 20, 1993 by 5:00 p.m., and we
18 will discuss the request for
19 qualifications to clarify the fact that
20 this could be responded to by an
21 individual that is not necessarily part
22 of a firm.

23 MR. COWAN: So, that would be made
24 by Mr. Corwin or the County Attorney. We
25 need to get it out in a timely fashion.

1
2 MR. CHAIRMAN: County Attorney will
3 make that in conjunction with the town
4 attorneys who participated, as well. I'm
5 sure he is going to have to check with
6 those people. And I recommend that the
7 County Attorney discuss that with the
8 interim Executive Director, as well. He
9 will be doing it in response to the
10 interim Executive Director.

11 The next matter before us deals with
12 the Metropolitan Demonstration Greenspace
13 Project -- authorize letters to the
14 United States congressmen and senators.
15 It's Resolution 7. I'll read the
16 resolved clause. It says, "Resolved
17 that" -- in this case, I would suggest
18 that Ray Corwin, interim Executive
19 Director, his name should be inserted --
20 "shall prepare such letters,
21 substantially similar to the letters
22 contained in attached Exhibit A, and
23 forward them to such Long Island
24 congressional representatives as soon as
25 practicable on behalf of the Commission."

1
2 In this instance, I will read the
3 whereas line as well, because I'm not
4 sure everyone is aware of it. "The
5 Environmental Conservation Law Section
6 57-0119(6)(i) empowers the Commission to
7 contract for and accept any assistance,
8 including but not limited to gifts,
9 grants, or loans of funds or of property
10 from the federal government or any agency
11 or instrumentality thereof, or from any
12 agency or instrumentality of the state,
13 or from any other public or private
14 source. Whereas the Regional Plan
15 Association suggested that the Commission
16 should send letters to the Long Island
17 congressional representatives requesting
18 assistance under the Metropolitan
19 Demonstration Greenspace Project; now,
20 therefore, be it resolved that the
21 interim Executive Director shall prepare
22 such letters substantially similar to the
23 letters attached in Exhibit A, and shall
24 forward them to such Long Island
25 congressional representatives as soon as

1
2 practicable on behalf of the Commission."

3 Until the matter that was brought to
4 our attention by the Regional Planning
5 Association, and obviously makes a good
6 deal of sense, is there a motion to adopt
7 Resolution 7?

8 MR. LAMURA: I make a motion.

9 MR. THIELE: Second.

10 MR. CHAIRMAN: Any discussion?

11 MR. COWAN: Do we intend to have Ray
12 sign the letters? Because the way it is
13 set up right now, it is for all our
14 signatures.

15 MR. CHAIRMAN: I think there was a
16 model being used. I don't think the
17 entire Commission has to do that. I
18 don't have a copy of the letter.

19 We're sending these to the Long
20 Island congressional delegation. The
21 question that was asked was, should we
22 not vary this so that Ray Corwin can send
23 it in his own name? The side of that
24 issue is, does it have more impact if
25 every member of the Commission signs it?

1
2 MR. COWAN: I can go either way. I
3 want to make sure we understand it.

4 MR. CHAIRMAN: Why don't we leave it
5 in this form, and get these letters out
6 to everybody and get them signed. I
7 think, frankly, the chances of success
8 might be greater if we all sign it
9 individually. Does anybody disagree on
10 that?

11 MR. JANOSKI: It's an interesting
12 logistical problem.

13 MR. CHAIRMAN: We'll work it out.
14 Is there is a motion to adopt?

15 MR. LAMURA: I make a motion.

16 MR. THIELE: Second.

17 MR. CHAIRMAN: No further questions.
18 Adopted.

19
20 (continued)
21
22
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1
2 That's the end of the agenda I have
3 prepared, Ladies and gentlemen. Thank
4 you for attending.

5 MR. THIELE: Just one thing. I
6 think this is the first step of having
7 done this, but I think the idea of the
8 work sessions -- I think we really have
9 to do them.

10 (Time noted: 4:10 p.m.)
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I, Elisa Strassler, a Notary Public in and for the State of New York, do hereby certify:

THAT the foregoing is a true and accurate transcript of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of September, 1993.

ELISA STRASSLER

CENTRAL PINE BARRENS POLICY AND PLANNING COMMISSION MEETING
 RIVERHEAD LEGISLATIVE MEETING HALL
 2:00 P.M. AUGUST 27, 1993

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE / FAX
Violet Hoglund	37 DIETZ AVE.	LAKE GROVE, N.Y.	588-8459
James Bagg	S.C. Planning Dept.	H. Lee Dominion Hauppauge N.Y.	863-5203
Sara Dambon	TNC	Sally Turner	725-2936
Denise Passantini	TAC	PO 879 WR 11792	929 5179
John Turner	ASSM. ENGLEBRIGHT	149 MAIN ST. SETANKEE NY 11783	751-7084
Connie Kerpert	ABCU	8 Cedar Grove Tel. MI 11953	924-1421
Joe Bergala	Id Farm Bureau	1281 Rt 58 Riverhead	727-3778
M KAPP	Smith City Exec Office	Dennis Bldg Hauppauge	853-4658

CENTRAL PINE BARRENS POLICY AND PLANNING COMMISSION MEETING
RIVERHEAD LEGISLATIVE MEETING HALL
2:00 P.M. AUGUST 27, 1993

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE \ FAX
Tim Hopkins	SCWA	4060 Sunrise Hwy	363-0308 277-4097
Edwin M. Schwenk	LIB I	1767-40 Vets Highway	232-2345
Barbara A. McCaffrey Board	Eastern Suffolk	Solomonia 11752 P.O. Box 2419 Aquebogue	7225913
Joe Colao	TAC	237 Lander Rd RN NY 11901	369 0459 FAX 3695095
Sherry Johnson	MFEC	P.O. Box 799 Mattituck NY 11952	298-8880
Mudbank	Citizen	Rita St Wading Run NY	516-989-3589
RICHARD Di DONATO	CITIZEN'S PLANNING BOARD	2 Ivy SEAFORCE, 11737	941 4241
NANCY OLIV	LI	a	"
Robert Rieker	S.C. PLANNING	H.L. Dennison Bldg.	853-5006
Bob Weiss	NYS Riv. Ides	41 State St Alb NY	518 465 2492
Maryellen Suhrhoff	Senator Town 20 LI Water Comm	State Office Bldg Lagrange	360-6206 3603386 fax

Central Pine Barrens Commission
9/1/93 Work Session

1. Commission & Advisory Committee Meeting Schedules
2. Commission & Advisory Committee Procedures & Conventions
3. Commission Office Establishment:
Staffing, public inquiry response, mail, phone, etc.
4. Planning Entity Structure:
Organizations & Agencies to Commit Personnel & Services, Committee / Work Groups (Number & Relationships), Lines of Communication, Commission Staff vs. In-kind staff, etc.
5. Interim Rules & Regulations Work
6. GEIS Production Work
7. RFQ for General Counsel Distribution
8. Greenspace Project Support Letters
9. Permanent Director
10. New Business -

Advisory Committee Seats

Central Pine Barrens Joint Planning and Policy Commission

PROPOSED AGENDA

Regular Meeting September 8, 1993

- I. Interim Commission address (Resolution #1) and discussion of permanent address
- II. Commission schedule of meetings (discussion)
- III. RFQ for general counsel (discussion, update)
- IV. Establishment of the planning structure (discussion)
 - A. Roster of all committees and reports to date
 - B. Commission personnel
 - C. Regional Plan Association proposal
- V. Interim rules and regulations (discussion)
- VI. Metropolitan Demonstration Greenspace Project (update)
- VII. Amendment of bylaws - procedure for calling special meetings of the Commission

Revise bylaws

Central Pine Barrens Joint Planning and Policy Commission

AGENDA

Regular Meeting September 8, 1993

What to do about 9/13?

I. Interim Commission address (resolution) and discussion of permanent address

II. Commission schedule of meetings (discussion) - publication in general circulation

- discussion of
- M by J. Janocki to adopt schedule

III. RFQ for general counsel (discussion, update)

2 by R. Cowen passed. Res #1

IV. Establishment of the planning structure (discussion)

A. Roster of all committees and reports to date

B. Commission personnel

C. Regional Plan Association proposal

Joint meeting before BNL entry

to address interactions
I & L,

V. Interim rules and regulations (discussion)

Extra work sessions:

① Joint session w/ Adv. Com

VI. Metropolitan Demonstration Greenspace Project (update)

② Comm-only session 1 wk before
Int Rules Reg.

VII. Amendment of bylaws - procedure for calling special meetings of the Commission (resolution)

M by Joe Janocki
2nd John Lamm Res #2

IR&R:

- o Early draft w/ Team Planning
- o City plan / PBPC
- o Joint City Atty's.
- o Draft rules should interpret Statute
- o Err to conservative side
- o Grandfather projects map.
- o CRA's early ^{draft} determination
- o ~~Joint~~ Consistency across 3 towns
- o 2nd draft if possible.

Central Pine Barrens Joint Planning and Policy Commission

September 8, 1993

I. Interim Commission address (resolution) and discussion of permanent address

A resolution was unanimously passed that P.O. Box 587, 3525 Sunrise Highway, 2nd Floor, Great River, New York 11739-0587 shall serve as the interim address for the Commission. The motion was made by Supervisor LaMura and seconded by Supervisor Thiele. Suffolk County Community College has indicated there might be space available for at least one year. Ray Corwin will contact Dean Manning of the College to discuss this location.

II. Commission schedule of meetings (discussion)

Supervisor Janoski made a motion to adopt the proposed schedule of meetings, as an official act of the Commission so that they can be published and publicized with whatever the statute required. Mr. Cowen seconded this motion and it was unanimously approved. Discussion at the next work session will include identifying official media outlets to publicize these meetings.

III. RFQ for general counsel (discussion, update)

Notice to the Bar and Request for Qualifications were mailed to the Bar Association; to the lists obtained from the Nassau and Suffolk Bar Associations; and placed in the Law Journal and Newsday. Responses for RFQs must be received by September 20, 1993. This will be discussed at the scheduled work session.

Qualifications for a permanent Executive Director will be drafted by the next work session scheduled for October 12.

IV. Establishment of the planning structure (discussion)

Each Commissioner received a copy of the roster of all committees and reports to date. Mr. Corwin described the structure, responsibility workflow, required disciplines as well as the work groups and work efforts.

The first official meeting of the pine barrens staff will be held on Friday, September 10 at 9:30 at the Commission's Great River office. Each Committee will discuss the work they will contribute to the plan. The Planning Department is expected to be a major contributor of staff. The interim rules and regulations will be discussed at this meeting. It was felt Commission input is needed to get their views on prohibitions or allowances during the planning phase. A work session can help structure some of these guidelines.

Mr. Gaffney defined the role of the Commission as having the ultimate responsibility for directing and determining the course of the plan. The Central Pine Barrens Advisory Committee will advise the Commission. The Committee is broken down into a series of Subcommittees providing input for the Commission to review. The Commission in turn, through the interim Director and ultimately the Executive Director, will provide the staff for the Commission. The Executive Director would then have the responsibility to structure the information as he feels best to

accomplish what has to be done. The Committees' status reports could be incorporated into the Commission meetings. It is not the intent of the Advisory Committee or Chair that the Commission have no source of input other than through the Advisory Committee.

Robert Yaro, Regional Plan Association, outlined a proposed workplan of how the RPA could assist the Commission in creating the Pine Barrens Land Use and Management Plan.

The County Executive welcomed a global look of how other areas implement plans for areas such as the New Jersey pinelands.

V. Interim rules and regulations (discussion)

Mr. Gaffney pointed out the need to have interim rules and regulations by October 14. The Commission should have a draft of the interim rules and regulations one week before. A work session sometime before the October 12th work session could be held. Mr. Gaffney would like to meet, at this time, with the Advisory Committee members, Commission members, Executive Director and Chairman of the Advisory Committee to have a good working knowledge and understanding of what the two groups' functions are. This would be a public meeting as well as a work session. Ray Corwan will schedule this meeting.

The rules and regulations are primarily meant to govern what goes on in the compatible growth area. A map showing the geographic

delineation, not only of the compatible growth area but which projects are grandfathered and generally showing the subject area for the interim rules and regulations would be useful. There is a need to know criteria for procedure, geographic prohibitions or permissions and how to handle applications. Mr. Corwin has discussed the interrelationship between the Planning staff and his staff in coordinating future work.

In the absence of a Commission Counsel, the County and Town Attorneys need to be involved with questions regarding land use applications. Supervisor Thiele pointed out there are questions in interpreting the statute for grandfathering and hardship in the compatible growth area.

VI. Metropolitan Demonstration Greenspace Project (update)

The Conference Committee will be meeting on September 19. Sixty members of the house and nine members of the Senate supported this project. Mr. Yaro expressed his appreciation for any support the Commission could render.

VII. Amendment of bylaws - procedure for calling special meetings of the Commission (resolution)

Supervisor Janoski made the following motion, seconded by Supervisor LaMura and unanimously approved:

Resolved, That Article IV, Section 2 of the "Bylaws of the Central Pine Barrens Joint Planning and Policy Commission" are hereby amended as indicated in "Exhibit A: and incorporated herein by reference.

CENTRAL PINE BARRENS POLICY AND PLANNING COMMISSION MEETING
 RIVERHEAD LEGISLATIVE MEETING HALL
 2:00 P.M. SEPTEMBER 8, 1993

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE \ FAX
George Proios	S.C. Exec.	H. Lee Dennis Bldg Hempstead,	853-4154 4086
Buzz Schwend	LIRI	1767-40 Vel Keway Islandia 11722	232-2345
ED QUAREMBA	56 PARKVIEW	41R CLE BETHPAGE	433-8145
Ann LaWall	Southampton Business Assoc	38 Little Plain Southampton	283-0300
Sherry Johnson	NFEC	P.O. Box 799 Mottville 11952	298-8880
Vi HOG LUND	37 DIETZ AVE	LAKE GROVE, NY	588-8459
W. SPITZ	NYS DEC 2-1	STONY BROOK	444-0410
Jennifer Miller	LIPBS	PO Box 429 Manorville 11949	369-3300 369-3389
JOHN TURNER	ASSEMBLYMAN ENGLEBRIGHT'S OFFICE	149 MAIN ST SEXAUKEET, NY 11733	751-3094
Joe Glao	Southampton Town		
JOHN BLANEY	EASTERN SUFFOLK BOARD OF REALTORS	64 MAIN ST W4B, N.Y. 11978	288-6484

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Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-
0587

Work Session Agenda - September 22, 1993

1. Plan Development

- A. Plan outline and work breakdown derived from statute
 - Required contents and topical organization: the eight plan topics
- B. Plan Development to date
 - Review of current sources of staff resources
 - Summary of 9/10 and 9/21 Commission staff meetings
 - Summary of 9/16 Ecology and 9/17 Land Management sessions
 - Summary of 9/20 Transfer of Development Rights session
 - Summary of 9/14 Computer Support work session
 - Regional Plan Association involvement
 - Staff needs (e.g., administrative assistant)
- C. Acquisition and other protection actions during plan development
 - Establishment of priorities
 - Logistics (negotiations, title, and dedication to Maritime Reserve's 'Preserve')
- D. Introductions of Commissioners and Advisory Committee members

2. Project Review

- A. Interim goals and standards development
- B. Suggested review procedure for planning period
 - Summary of 9/14 and 9/17 Interim Rules work sessions
 - Proposed utilization of Pine Barrens Review Commission staff
 - Prototype tracking software for Commission projects

3. Public Outreach and Participation

- A. Regional Plan Association proposal
- B. Response procedure for acquisition and development approval requests

4. Administrative Support

- A. Schedule update (Additional work session(s), including project reviews)
- B. Official newspaper(s) selection
- C. Possible Community College office discussion with Eastern Campus Provost, Dr. Elizabeth Blake (**Requested as initial agenda item**)
- D. Permanent Director description and qualifications
- E. Budget and expenditure procedures discussion
- F. Proposed Brookhaven Laboratory grant (Designation of purpose prior to acceptance)

Central Pine Barrens Joint Planning and Policy Commission

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John LaMura, *Vice Chairman*
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Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

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0587

Work Session Agenda - October 1, 1993 Riverhead County Center

1. **Rules and Policies for the Core Preservation Area (CPA)**
 - A. Nondevelopment definitions applicable to core
 - Certification issue
 - B. Hardship and compelling public need in core
 - C. Acquisition, transfers and other protection options

2. **Interim Goals and Standards for the Compatible Growth Area (CGA)**
(Subject to 10/14/93 statutory deadline)
 - A. Nondevelopment and grandfathering definitions applicable to compatible growth area
 - Certification issue
 - B. Hardship in compatible growth area
 - C. Interim goals and standards based upon strengthening of existing Pine Barrens Review Commission standards
 - D. Procedures for submittal, staff review, Commission hearing, transmittal of decisions, etc.

3. **Project & Parcel Correspondence**
 - A. Suffolk County Parks Department letter outlining existing projects and requesting expedient clarification in light of Pine Barrens law
 - B. Acquisition inquiry from Fred H. Hill re land in vic. Sears-Bellows park (core)
 - C. Acquisition inquiry from Philip Sanderman re Flanders Associates parcels (core)
 - D. Acquisition inquiry from Philip Sanderman re Sina Mahfar/Ridge Plaza land at NE corner William Floyd Parkway and NYS Route 25 (core)
 - E. Active project inquiry from Philip Sanderman re Crystal Gardens land in Middle Island (compatible + core)
 - F. Proposal for expedited acquisition from Steven Gillman re land along Cty Rt 51 (core)
 - G. Letter from Joseph Donnelly re 4 lot Manorville subdivision with improvements in but not buildings (core)
 - H. EAF / lead agency coordination letters from Brookhaven Town (4 projects)

4. **Coordination of General Counsel Selection & Interim Rules Adoption**

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-
0587

Work Session Summary - October 1, 1993 Riverhead County Center

1. Rules and Policies for the Core Preservation Area (CPA)

A. Nondevelopment definitions applicable to core

- Certification issue

B. Hardship and compelling public need in core

Summary (A & B): Discussed need for establishing an efficient and effective manner of determining which projects fall into which statutory category, which determinations would have to be reviewed by Commission and which could be made by towns, whether thresholds could be established to permit Commission staff to issue initial determinations, etc. Special attention was given to the issue of agriculture and clearcutting, and how the statutory definition of development treats those actions.

C. Acquisition, transfers and other protection options

Summary: Discussed relationships of state and county acquisition efforts, and how they would be coordinated for core area projects.

2. Interim Goals and Standards for the Compatible Growth Area (CGA)

(Subject to 10/14/93 statutory deadline)

A. Nondevelopment and grandfathering definitions applicable to compatible growth area

- Certification issue

Summary: This topic was essentially covered in discussion under Items 1A and 1B.

B. Hardship in compatible growth area

C. Interim goals and standards based upon strengthening of existing Pine Barrens Review Commission standards

D. Procedures for submittal, staff review, Commission hearing, transmittal of decisions, etc.

Summary: (B, C, D): Discussed specific roles which the town, county, and Commission staff could play in coordinating application of the Interim Goals and Standards. Agreed that Commission, county, and town staff would immediately begin designing procedures to implement the planning period interim rules, with an eye towards utilizing that same process once the actual plan is adopted.

3. Project & Parcel Correspondence

A. Suffolk County Parks Department letter outlining existing projects and requesting

expedient clarification in light of Pine Barrens law

Summary: *Discussed Parks projects and determined that they were not considered development in definition of law. Requested staff to forward letter to Mr. Wankel.*

- B. Acquisition inquiry from Fred H. Hill re land in vic. Sears-Bellows park (core)
Summary: *Requested County Attorney's office to reply, explaining current state of acquisition program.*
- C. Acquisition inquiry from Philip Sanderman re Flanders Associates parcels (core)
Summary: *Same action as above.*
- D. Acquisition inquiry from Philip Sanderman re Sina Mahfar/Ridge Plaza land at NE corner William Floyd Parkway and NYS Route 25 (core)
Summary: *Same action as above.*
- E. Active project inquiry from Philip Sanderman re Crystal Gardens land in Middle Island (compatible + core)
Summary: *Discussed, but determined that no action was required.*
- F. Proposal for expedited acquisition from Steven Gillman re land along Cty Rt 51 (core)
Summary: *Same action as other acquisition requests.*
- G. Letter from Joseph Donnelly re 4 lot Manorville subdivision with improvements in but not buildings (core)
Summary: *Discussed situation described, and determined that under the facts presented, there was no jurisdiction for Commission. Staff was requested to forward letter to Mr. Donnelly, with a copy to Town, referring matter back to Town for normal processing.*
- H. EAF / lead agency coordination letters from Brookhaven Town (4 projects)
Summary: *Discussed broad outlines of procedures for handling project reviews.*

4. Coordination of General Counsel Selection & Interim Rules Adoption

Summary: *Agreed to review all responses to the Request for Qualifications before 10/12/93 work session, individually select the top 2 or 3 choices, and discuss their results during an executive session at the 10/12/93 meeting.*

Central Pine Barrens Joint Planning and Policy Commission

Robert J. Gaffney, *Chairman*
John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739

Regular Session Agenda - November 10, 1993 Riverhead County Center

1. **Review, Correction, and Adoption of Minutes of 10/13/93 Meeting**
2. **Recommendations from the Advisory Committee's 11/1/93 meeting**
Michael Deering, Advisory Committee Vice-chair
3. **Adoption of Budget Categories for Initial State Planning Funds**
4. **Discussion of Banking Procedures**
Possible Executive Session
5. **Discussion Item: Suffolk County Water Authority Challenge Grant**
6. **Discussion Items: Brookhaven National Laboratory Challenge Grant and Invitation to 11/29/93 Laboratory Tour (*)**
*Dr. Jan Naidu, Safety & Environmental Protection Division,
Brookhaven National Laboratory*
7. **Briefing on the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) Program**
*Michael Deering, NYS Long Island Legislative Water Commission Assembly Office
David Sinclair, NYS Department of Environmental Conservation Region 1*
8. **Appointment of Executive Director**
9. **Discussion of General Counsel**
Possible Executive Session
10. **New Business**

(*) Coincides with the next Advisory Committee meeting

Central Pine Barrens Joint Planning and Policy Commission

November 10, 1993
Riverhead County Center - 2:00 p.m.

DRAFT

Present at Roundtable: Commissioners Robert J. Gaffney, F. Joseph Janoski, Fred Thiele, Jesse Garcia (appointed by Commissioner John LaMura, Town of Brookhaven), Director Ray Corwin, Ulric Haynes

1. Review, Correction, and Adoption of Minutes of 10/13/93 Meeting

Mr. Gaffney asked for any corrections or additions to the minutes of the 10/13/93 meeting in which the Interim Goals and Standards were adopted. There were no corrections or additions. Mr. Gaffney put forth a motion to accept the minutes as submitted and Mr. Garcia seconded the motion. The motion was unanimously approved and the minutes were adopted. A summary of the work session held on Monday, November 8, 1993, at the Brookhaven Town Hall was distributed to Commission.

2. Recommendations from the Advisory Committee's 11/1/93 Meeting.

Michael Deering, Advisory Committee Vice-chair gave a report on the recommendations adopted at the Advisory Committee meeting. Mr. Deering stated that there were two motions made and unanimously accepted. The first recommendation concerned specific surplus properties that were on the Real Estate auction that should be removed from that auction. The properties are appropriate sites for land exchange or TDR receiving zones. The Advisory Committee made the recommendation to the Commission and if the Commission concurs, the recommendation will be made to the Legislature and the County Executive. The other resolution that was unanimously passed was that Ray Corwin, who serves as the Interim Director, be named as the permanent Director ~~for the next 18 months.~~ ?

The other item that was discussed at the Advisory Committee was the issue of how many members should be allowed. A Subcommittee to develop criteria by which they would suggest additional members was created.

3. Adoption of Budget Categories for Initial State Planning Funds

Ray Corwin reported that we have \$500,000 in planning funds from the State of New York through the end of March and is retroactive to the effective date of the law. Mr. Corwin reported on the following seven budget categories:

1. Reimbursement for Suffolk County Water Authority staff time including the Director - \$110,000 - 22% of total. Does not completely reimburse for staff time.
2. Central Pine Barrens Joint Planning & Policy Commission - office and operating costs - \$40,000 - 8%.
3. General Counsel - Initial allocation - \$90,000 - 18%
4. Regional Planning Association contract - part of a 15 month contract - \$90,000 - 18%.
5. Plan Development - specialized and consulting services (TDR, Hydrological, Ecological, etc.) - \$100,000 - 20%.
6. Suffolk County Planning Dept. - Non-staff and temporary expenses - \$30,000 - 6%.
7. The Nature Conservancy - Acquisition Administration, Supervision of Ecological Component of the Land Management Plan - \$40,000 - 8%.

These budget figures add up to \$500,000.

Mr. Corwin asked that this be put to a formal resolution for ~~discussion~~ ^{fining} with the State next week. A motion for approval was submitted by Mr. Thiele and seconded by Mr. Janoski. The budget category funding was unanimously approved by the Commission.

4. Discussion of Banking Procedures

Mr. Corwin asked for a resolution to name an institution and designate a person authorized to deposit and withdraw monies. A depository has to be designated. George Gatta gave a presentation on this matter. Mr. Gaffney stated that the designation of a banking institution would best be served by an Executive Session.

Mr. Janoski stated that there should be two members of the Commission authorized as signatories. A work session would probably be more suited for this subject. The next work session will be on December 6, 1993. It was suggested by Mr. Janoski that Brookhaven's financial person should have some input on this issue.

It was decided that Item #4 (Designating a bank depository) and Item #9 (Designation of General Counsel) be put to Executive Session.

5. Discussion Item: Suffolk County Water Authority Challenge Grant

Mr. Corwin stated that at its August 31st meeting the Suffolk County Water Authority issued a \$50,000 challenge grant which will be dispersed as matching funds are available. Also discussed was Item 6 - Brookhaven National Laboratory Challenge Grant of \$15,000 with matching funds. A motion was put forth by Mr. Thiele and seconded by Mr. Garcia to accept both grants.

The motion was unanimously approved by the Commission.

6. Invitation to 11/29/93 Brookhaven Laboratory Tour

Dr. Jan Naidu, Safety & Environmental Protection Division, extended an invitation to the Commission for a tour of the facilities to start at 1:30 p.m. and to include a hi-tech lab, a vegetation tour, and to conclude at 4:00 p.m. Mr. Gaffney accepted the invitation to the tour.

7. Briefing on the Federal Intermodal Surface Transportation

Efficiency Act (ISTEA)

~~Mr. Corwin~~ ^{David Sinclair, NYS DEC Region 1} reported on this federal program with cooperation from state and local governments. The ISTEA program includes "transportation enhancement activities" which could be "with respect to any project or the area to be served by the project, provision of facilities for pedestrians and bicycles, acquisition of scenic easements and scenic or historic sites, scenic or historic highway programs, landscaping and other scenic beautification, historic preservation, rehabilitation and operation of historic transportation buildings, structures or facilities including historic railroad facilities and canals, preservation of abandoned railway corridors including the conversion and use thereof for pedestrian or bicycle trails, control and removal of outdoor advertising, archaeological planning and research, and mitigation of water pollution due to highway runoff." An applicant's handbook was distributed.

David Sinclair, NYS Dept. of Environmental Conservation, Region I gave a presentation. \$11.7 million has been allocated for Long Island over the next five years in total program funds. There are ten eligible activities. The first two items, provision of facilities for pedestrians and bicycles and acquisition of scenic easements and scenic or historic sites, are of interest to the Commission. Under this program, land can be acquired in the Core Preservation Area. There will be an 80% funds with 20% match. DEC has put together application packages under this program. Projects selected are based on the recommendations of the Long Island Open Space Committee. Recommendations include:

1. Pleasure Drive corridor - Flanders area, small parcel of land that would be key link of Paump^{ank} Trail. ICTEA emphasizes nature and scenic trails.

Mr. Sinclair would like to acquire the following two parcels:

- a. Dwarf Pine Barrens in Westhampton - maintain scenic vista
- b. Peconic River Corridor - Manorville - adjacent to LIE - scenic vistas and protect wetland areas.

The deadline for applications is December 17th, with a decision to be made in January.

Michael Deering, NYS Long Island Legislative Water Commission Assembly Office, also gave a brief report on this subject.

8. Appointment of Executive Director

Mr. Gaffney made a motion to appoint Ray Corwin as Executive Director and Mr. Janoski seconded this motion. This was unanimously approved by the Commission. Salary was set at \$65,000 annual salary and starting date was set as immediately.

9. Discussion of General Counsel - Executive Session

10. New Business

Mr. Richard Amper, Executive Director of the Long Island Pine Barren Society, requested that Mr. Gaffney take 96 acres owned by the County off the auction block so they could be used in a trade for pine barrens land. Mr. Gaffney noted that the three parcels involved are outside the pine barrens and the County can not afford to give up the \$2.5 million or more they could bring at auction. Despite the protest of Mr. Amper, the Commission took no vote in the rejection of the proposal made by its 24-member Advisory Committee to pull the County parcels, located in South Yaphank and Holbrook, from the auction list. Mr. Thiele also agreed with Mr. Gaffney and disagreed with the Advisory Committee because earmarking public lots outside the pine barrens for possible swaps in the preserve might be getting beyond our scope.

The Commission then went into Executive Session.

After Executive Session, the Commission ^{reported that it decided} ~~decided~~ on the North Fork Bank as depository. Rules and regulations will be helped by financial advisors from Brookhaven and Southampton, A motion was set forth by Mr. Thiele and seconded by Mr. Janoski. The members unanimously approved this motion and the North Fork Bank will be the official depository.

The Commission decided on the Melville law firm of McMillan, Rather, Bennett and Rigano as general counsel to the agency at a fee of \$125 per hour with a \$90,000 cap, effective immediately.

All resolutions will be put into written form.

There being no further business, the meeting was adjourned at 4:00 P.M.

Central Pine Barrens Joint Planning and Policy Commission

November 10, 1993
Riverhead County Center - 2:00 p.m.

Adopted Minutes

Present at Roundtable: Commissioners Robert J. Gaffney, F. Joseph Janoski, Fred Thiele, Jesse Garcia (appointed by Commissioner John LaMura, Town of Brookhaven), Director Ray Corwin, Ulric Haynes

1. Review, Correction, and Adoption of Minutes of 10/13/93 Meeting

Mr. Gaffney asked for any corrections or additions to the minutes of the 10/13/93 meeting in which the Interim Goals and Standards were adopted. There were no corrections or additions. Mr. Gaffney put forth a motion to accept the minutes as submitted and Mr. Garcia seconded the motion. The motion was unanimously approved and the minutes were adopted. A summary of the work session held on Monday, November 8, 1993, at the Brookhaven Town Hall was distributed to Commission.

2. Recommendations from the Advisory Committee's 11/1/93 Meeting.

Michael Deering, Advisory Committee Vice-chair gave a report on the recommendations adopted at the Advisory Committee meeting. Mr. Deering stated that there were two motions made and unanimously accepted. The first recommendation concerned specific surplus properties that were on the Real Estate auction that should be removed from that auction. The properties are appropriate sites for land exchange or TDR receiving zones. The Advisory Committee made the recommendation to the Commission and if the Commission concurs, the recommendation will be made to the Legislature and the County Executive. The other resolution that was unanimously passed was that Ray Corwin, who serves as the Interim Director, be named as the permanent Director.

The other item that was discussed at the Advisory Committee was the issue of how many members should be allowed. A Subcommittee to develop criteria by which they would suggest additional members was created.

3. Adoption of Budget Categories for Initial State Planning Funds

Ray Corwin reported that we have \$500,000 in planning funds from the State of New York through the end of March and is retroactive to the effective date of the law. Mr. Corwin reported on the following seven budget categories:

1. Reimbursement for Suffolk County Water Authority staff time including the Director - \$110,000 - 22% of total. Does not completely reimburse for staff time.

2. Central Pine Barrens Joint Planning & Policy Commission - office and operating costs - \$40,000 - 8%.

3. General Counsel - Initial allocation - \$90,000 - 18%

4. Regional Planning Association contract - part of a 15 month contract - \$90,000 - 18%.

5. Plan Development - specialized and consulting services (TDR, Hydrological, Ecological, etc.) - \$100,000 - 20%.

6. Suffolk County Planning Dept. - Non-staff and temporary expenses - \$30,000 - 6%.

7. The Nature Conservancy - Acquisition Administration, Supervision of Ecological Component of the Land Management Plan - \$40,000 - 8%.

These budget figures add up to \$500,000.

Mr. Corwin asked that this be put to a formal resolution for filing with the State next week. A motion for approval was submitted by Mr. Thiele and seconded by Mr. Janoski. The budget category funding was unanimously approved by the Commission.

4. Discussion of Banking Procedures

Mr. Corwin asked for a resolution to name an institution and designate a person authorized to deposit and withdraw monies. A depository has to be designated. George Gatta gave a presentation on this matter. Mr. Gaffney stated that the designation of a banking institution would best be served by an Executive Session.

Mr. Janoski stated that there should be two members of the Commission authorized as signatories. A work session would probably be more suited for this subject. The next work session will be on December 6, 1993. It was suggested by Mr. Janoski that Brookhaven's financial person should have some input on this issue.

It was decided that Item #4 (Designating a bank depository) and Item #9 (Designation of General Counsel) be put to Executive Session.

5. Discussion Item: Suffolk County Water Authority Challenge Grant

Mr. Corwin stated that at its August 31st meeting the Suffolk County Water Authority issued a \$50,000 challenge grant which will be dispersed as matching funds are available. Also discussed was Item 6 - Brookhaven National Laboratory Challenge Grant of \$15,000 with matching funds. A motion was put forth by Mr. Thiele and seconded by Mr. Garcia to accept both grants.

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The Commission then went into Executive Session.

After Executive Session, The Commission reported that it decided on the North Fork Bank as depository. Rules and regulations will be helped by financial advisors from Brookhaven and Southampton, A motion was set forth by Mr. Thiele and seconded by Mr. Janoski. The members unanimously approved this motion and the North Fork Bank will be the official depository.

The Commission decided on the Melville law firm of McMillan, Rather, Bennett and Rigano as general counsel to the agency at a fee of \$125 per hour with a \$90,000 cap, effective immediately.

All resolutions will be put into written form.

There being no further business, the meeting was adjourned at 4:00 P.M.

Central Pine Barrens Joint Planning and Policy Commission

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John LaMura, *Vice Chairman*
Ray E. Cowen, *Member*
Joseph F. Janoski, *Member*
Fred W. Thiele, Jr., *Member*

P.O. Box 587
3525 Sunrise Highway, 2nd Floor
Great River, New York 11739-
0587

Work Session Agenda - October 12, 1993 Brookhaven Town Hall

1. **Draft Interim Goals and Standards for the Compatible Growth Area**
 - A. Latest draft produced by working committee dated 10/6/93
 - B. Comments received since that draft
 - 10/5/93 letter from Jeffrey Kassner, Brookhaven Planning
 - 10/6/93 letter from Carole Swick, Brookhaven Planning
 - 10/7/93 letter from Gladys Gentile, Brookhaven Attorney's office
 - 10/8/93 Nature Conservancy call reiterating their 10/1/93 comments
 - Other comments arriving by meeting time
 - C. Recapitulation of major issues in standards
 - D. Summary of all Pine Barrens projects collated by three towns
(Covering both core and compatible growth area)
 - E. Request by LI Builders Institute (9/29/93) to activate Section 57-0121(8)(c) extension
2. **Discussion of Tentative Procedures for Planning Period Project Review**
 - A. Processing by towns
 - B. Integration of Suffolk County Planning and Commission staff
 - C. Resources needed for project review and management
3. **Update on Selected Plan Development Topics**
 - A. Ecology and Hydrology Work
 - Request for Vegetation Mapping Training
 - Request for Water Quality Standards Grant
 - B. Land Management
 - C. Public Participation and Peer Review Program Proposal -
Regional Plan Association
 - D. Planning Period Funding Grant
4. **Project & Parcel Correspondence**
 - A. Letter from Dolores Blake, owner, re property on e/s William Floyd Pkwy (core).
 - B. Letter from Vincent M. Albanese, Esq. re client's property in Yaphank (compatible).
 - C. Summary of telephone communications.
5. **General Counsel Discussion** (Possible executive session)
6. **Additional Business**

Central Pine Barrens Joint Planning and Policy Commission

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 - Other comments arriving by meeting time
- C. Recapitulation of major issues in standards

Summary (A,B,C): *This portion occupied the bulk of the meeting. Copies of Item 1A were distributed to those attendees who did not receive them through the Advisory Committee mailing. Mr. Gaffney read the above letters, and late comments from Assemblyman Steven Engelbright and from Adrienne Esposito were also discussed. The ensuing discussion included numerous attendees (Commissioners, Advisory Committee members, and others), and addressed all sections of the Draft. After a period of open discussion, Mr. Gaffney channelled the discussion into a section-by-section critique of the Draft. Changes were made in the Draft in several areas, and it was agreed that a revised version would be produced as soon as possible prior to tomorrow afternoon's regular session. The most salient issues included the groundwater nitrate-nitrogen standard, wetlands setbacks for both tidal and fresh water, scope of wetlands types covered, vegetation clearance percentages by lot sizes, non-native plantings, agriculture and horticulture, rezoning, clustering guidelines, and hardship cases.*

- D. Summary of all Pine Barrens projects collated by three towns
(Covering both core and compatible growth area)

Summary: *Given by Ray Corwin. Project counts were given for the core and compatible areas in each town, along with acreage totals for the core projects. Necessary qualifiers in interpreting the data were also given. Brookhaven Town will be revising the numbers as soon as possible.*

- E. Request by LI Builders Institute (9/29/93) to activate Section 57-0121(8)(c) extension
Summary: *Not fully addressed at this session. Delayed to tomorrow's agenda.*

2. Discussion of Tentative Procedures for Planning Period Project Review

- A. Processing by towns
- B. Integration of Suffolk County Planning and Commission staff

C. Resources needed for project review and management

Summary: Item 2 in its entirety was delayed until next work session due to length of the Item 1 discussion.

3. Update on Selected Plan Development Topics

A. Ecology and Hydrology Work

- Request for Vegetation Mapping Training
- Request for Water Quality Standards Grant

B. Land Management

C. Public Participation and Peer Review Program Proposal -
Regional Plan Association

D. Planning Period Funding Grant

Summary: Only Item 3C was addressed. Robert Yaro of the RPA gave a brief presentation. Detailed discussion of the proposal was slated for the executive session at the end of the meeting. Other Item 3 topics were delayed to next work session.

4. Project & Parcel Correspondence

A. Letter from Dolores Blake, owner, re property on e/s William Floyd Pkwy (core).

B. Letter from Vincent M. Albanese, Esq. re client's property in Yaphank (compatible).

C. Summary of telephone communications.

Summary: Item 4 was delayed until next work session due to length of the Item 1 discussion.

5. General Counsel Discussion (Possible executive session)

Summary: Discussed in executive session.

6. Additional Business

Summary: No other business was discussed.

**Central Pine Barrens
Joint Planning and Policy Commission**

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Regular Session Agenda - October 13, 1993
Riverhead Town Hall

- 1. Draft Interim Goals and Standards for the Compatible Growth Area**
 - A. Latest draft produced after 10/12/93 Commission work session
 - B. Outline of changes
 - C. Additional communications since 10/12 work session
 - D. Discussion
 - E. Administrative Procedures Act statement

- 2. Request by LI Builders Institute (9/29/93) to activate Section 57-0121(8)(c) extension**

- 3. Additional Business**

Central Pine Barrens Joint Planning and Policy Commission

October 13, 1993
Riverhead Town Hall - 2:00 p.m.

Present at Roundtable: Commissioners Robert J. Gaffney, John LaMura, Joseph F. Janoski, Fred Thiele, Director Ray Corwin, Ulric Haynes

Commissioner Gaffney stated today's meeting primarily involves the adoption of the interim goals and standards for the compatible growth area ("Interim Goals and Standards for Development", October 12, 1993 - distributed to the Commissioners).

Ray Cowen stepped down from the interim position as a Commissioner of the Commission and introduced his replacement, designee of Governor Cuomo - Ulric Haynes, Dean of Business School at Hofstra and former ambassador to Algeria

1. A-D Draft Interim Goals and Standards for the Compatible Growth Area

This is the latest draft emanating from the requirement of yesterday's work session which made changes and considered reasonable requests and suggestions from the Advisory Committee, members of the Commission and other interested parties.

Mr. Stephen Jones described the changes as follows: in the Intent section it is made clear that this document contains both goals and standards and wants to differentiate between what is a standard and what is a goal, because there will be some instances where the Commission will be making recommendations that may be out of its jurisdiction or there may be comments that are made under the SEQRA process. There is a differentiation between policies and options for development that are different from the standards; made some changes to the wetlands

sections; talked about wetlands delineation by state DEC mapping and added field delineation; talked about surface waters and non-disturbance buffer; also, about measuring horizontally to and from waters edge; two choices between different ways to measure from a wetlands area or surface water body, to take the choice which is more protective. Another area of changes was in the clearance standards. There are residential clearance standards, commercial clearing standards, commercial/industrial clearance standards and other or mixed use which is to be determined by the Commission. He stated the Commission doesn't want to deal directly with agricultural and horticultural uses. There are instances in order to get to an agricultural use that land clearing would be necessary. This is a situation where the Commission can determine what level of jurisdiction. Highlighted the fact that these are maximum clearance statements and may want to clear less, especially for the preservation of their endangered species. Under agriculture and horticulture in Section 9, made it much clearer as to how the law reads with respect to these uses as being non-development and put in a sentence that applicants have to provide a certification of non-development or come in with an affidavit to describe their use and to show to the Commission that they are in fact a non-development use and either agriculture or horticulture. If they are proposing to commit such a use or expand such a use and if there are some adverse impacts associated with the uses, the Commission will use certain standards to guide the possibilities of going from agriculture to residential use or expanding an agricultural use or reclaiming areas that were previously used for agriculture and wants to re-open for agriculture again - in the rezoning of land. Section 10 - talked about how in the interim period there will

be no zoning laws or regulations which will take effect; made it clear that the Commission would want to review these actions pursuant to SEQRA and following will be guidelines that the Commission would use for reviewing the zoning change. Under commercial and industrial development Commission should bring together the preservation goal and economic development goal. There is a paragraph about the Commission trying to encourage development of vacant industrial sites and trying to relocate industrial development outside of the pine barrens. Appropriate infrastructure does not exist within the compatible growth area if there is an industrial area and it is sewered properly, it is not unreasonable to allow for a possible expansion for industrial use rather than trying to move it out. Under clustering made a recommendation as in other places that any open spaces that are created be properly protected by covenants and these can take a number of different forms over the years to successfully provide for the preservation and management of open space areas. Section 15 wellhead protection: to insert that if there are models to show that wellhead protection areas were created around other properties - that these be made available to the Commission in its consideration in projects that might be passed by a public wellhead. While there has been some criticism of taking some existing guidelines from the Pine Barrens Review Commission, these changes are considered guidelines that are now being transformed into development stages and not just recommendations. There is a commensurate strengthening of what used to exist and the Pine Barrens Review Commission can have something solid to go by while studying such issues as groundwater, nitrogen loading and other things that people have brought up as important issues. These areas need additional thought and

study to give proper and intelligent forethought before putting them into a land use plan with development regulations.

Discussion continued on groundwater standards, 6ppm as opposed to 1ppm - whether adoption of the current standard of allowing 6ppm of nitrate in groundwater development projects would be sufficient protection in the compatible growth area. Question was raised if it is feasible to implement the lower standard on a case by case basis. It was recommended that language be included in the Groundwater section on policies and standards that would permit the Commission to assert stricter standards when necessary. In the case of wetlands there were some conditions where you would want an increase in the buffer. In some locations the ppm is already moving to 2, 3, 4, while the Commission is trying to reach the standard of 6ppm. In a compatible growth area 2ppm, 3ppm or 4ppm can apply for development.

Mr. Dragotta stated the legislature did not intend a moratorium. On the other hand, it should be including the requirements - air on the side of caution. The Commission should be approving projects and going forward.

A consideration is that by invoking a standard significantly higher than 6ppm the Commission will then get into the area of preventing the possibility of any development and would have condemned that property. There is a distinction when the Commission deals with surface water standards and wetland standards. Mr. Thiele recommended flexible rules so that the panel could impose a tougher standard. Mr. Gaffney stated the Commission is empowered to alter the interim rules.

A motion was made and seconded to approve the Resolution on Interim Goals and Standards as revised. The vote was 4-1 to approve the resolution.

The resolution states:

Whereas, The Environmental Conservation Law Section 57-012(9) directs the Central Pine Barrens Joint Planning and Policy Commission to promulgate interim goals and standards for development and for hardship in the compatible growth area of the Central Pine Barrens for application during the time that the land use plan is under development; now, therefore be it

Resolved, That the Central Pine Barrens Joint Planning and Policy Commission hereby adopts the attached interim goals and standards in fulfillment of the above.

Record of Motion:

Motion by Commissioner Janoski

Seconded by Commissioner LaMura

Yea Votes:

Commissioner Haynes

Commissioner Gaffney

Commissioner LaMura

Commissioner Janoski

Nay Votes:

Commissioner Thiele

2. Request by LI Builders Institute (9/29/93) to activate Section 57-0121(8)(c) extension

Mr. Corwin read letter from the Long Island Business Institute dated September 29, 1993 addressed to Robert Gaffney and signed by Edwin

M. Schwenk regarding: Chapter 263 of the Laws of 1993, Par. (c) of Subdivision 8 of Section 57-0121 of the Environmental Conservation Law.

The letter reads:

"The above referenced section of the Long Island Pine Barrens Protection Act as amended by Chapter 263 of the Laws of 1993, contains an exemption for active applications located within the Compatible Growth Area. The amendment, which was added at the request of the Long Island Builders Institute, created a ninety-day window after adoption of the Pine Barrens Act, during which active applications could receive a negative declaration or a conditional negative declaration and therefore be exempt from the mandatory review requirements of the Act.

The amendment also granted the Commission the right to extend the ninety-day period, at its sole discretion, as part of the interim rules and regulations. At this time, the Long Island Builders Institute would formally request the Commission to include, as part of its interim rules and regulations, an extension of not less than ninety days. This request is necessitated by the fact that local municipal reviews on active applications were unduly delayed while the staffs of the respective Town Planning Boards sought legal advice as to the legal impact of the Pine Barrens Act upon the pending applications.

Thank you for your consideration on this matter. Should you have any questions, please feel free to contact me."

E. Administrative Procedures Act Statement

Mr. Gaffney stated there is a communication - Notice of Rule Adoption State Administrative Procedure Act Section 202(6). State administrative procedure act calls for certain hearings be held at certain times as part of the rule making process under the state

administrative procedure act. Because of the intent of the state legislature in creating something that moves faster than the state administrative procedure act does, as far as its rule making requirements, we are going forward without compliance with its terms. We believe that was the charge given to us by the state legislature to do that. So the interim goals and standards become effective tomorrow notwithstanding if we had full compliance with the state administrative procedure act additional time periods would be required in order to comply with those regulations. There is a memorandum and a notice of rule which defines all that and explains it more fully and more accurately.

Mr. Corwin stated the interim period is designed for only those projects not grandfathered, but currently in front of you. One does not want to invite additional applications prior to completion of the plan, by using discretion and extending the period, to get around the ultimate goal and grandfather clearance. There are several grandfathering provisions with conditions: provision that if you received a negative declaration sometime between the first of this year which is the latest date for most of the grandfathering provisions through and including 90 days following enactment of statute (cut off date of October 12) unless the Commission as part of the promulgation of interim rules and regulations would extend the date. Attorney Jenny Kohn stated a project could still be called up for review by the Commission after the Commissioner gets notice of the SEQRA condition negative declaration or negative declaration within 30 days of receiving notice. It is not a total exemption.

Mr. Corwin continued there is a distinction here between automatic referrals. You do not extend the deadline for projects of a 90 day period which have expired. All projects come to the attention of the Commission which chooses to review them or not. If the deadline is extended, the projects will only come to the attention of the Commission if it is called by one of the Commissioners on specific case by case basis. Otherwise, the Commission will not see them.

Mr. Gaffney stated a motion is not necessary. There has to be a reasonable cut off. To extend it beyond that would only create a rash of last minute applications that would not be completed. He recommended that the Commission not extend it any further. The matter has been considered by the Commission and it will be continued. At any point, any Commissioner can introduce a resolution to amend the goals and standards. If a specific project is identified it can be brought to the attention of the Commission and it could vote whether or not it should be exempted.

There being no further business, Mr. Thiele made a motion to adjourn. Mr. LaMura seconded the motion.

4:20 p.m.

Central Pine Barrens Planning
And
Policy Commission Meeting

Riverhead Town Hall
2:00 P.M. October 13, 1993

SIGN IN SHEET

NAME	REPRESENTING	ADDRESS	TELEPHONE \ FAX
P Ray Spagnetta	S.C.		853-5733
Vi Hoglund	37 DIETZ AVE.	LAKE GAUCH ¹¹⁷⁵⁵	588-8459
Dow Lewis	WBAZ-FM		736-5025
Herbert M Balin	ABLI	90 Merub East Meade ^{one}	296-7018 11554
Buz Schunk	LIBI	1767 Vets Islandia 11782	232/2345
Richard Auger	LIPSS	Box 429 Manorville	369 3300
TOM MORRIS	NEWSDAY	Melville, N.Y.	843-2768 (DIRECT) " 2953 (FAX)
Terry Koha	S.C. ATTY		853-1043
PHILIP SANDERMAN	LIBI ATTY	1770 MITER PARK HAUPPAUGE NY	232-1742
Robert Rieker	S.C. PLANNING	H.C. Dennison Bldg HAUPP. N.Y.	853-5006
Barbara A. McLaughry	Eastern Suffolk Board	RD Box 2419 Aquebogue 11931	516-722-5913

Central Pine Barrens Joint Planning and Policy Commission

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John LaMura, *Vice Chairman*
Ulric S. Haynes, *Member*
Joseph F. Janoski, *Member*
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Work Session Agenda - November 8, 1993 Brookhaven Town Hall

1. **Compatible Growth Area Projects & Interim Goals & Standards**
 - A. Application Packet
 - B. State Administrative Procedures Act requirements
 - C. Project Review Workshop / November 22
 - D. Property splits (minor subdivision) update / Brookhaven Planning Dept.
 - E. Section 57-0121(8)(c) extension request / Mars, Sloane & Conlon
 - F. County Route 21 road work in Yaphank / several correspondence items
 - G. Advisory Committee recommendation re auction parcels / Assemblyman Englebright letter
2. **Core Preservation Area Projects**
 - A. Whisper Hill correspondence / Brookhaven Planning Board
 - B. Eastport Holding correspondence / Brookhaven Planning Board
 - C. Former Rocky Point Meadows rezoning correspondence / Brookhaven Planning Dept.
 - D. Firemen's Park correspondence / Brookhaven Parks Dept.
 - E. Hampton West Estates / Initial submittal for hardship application
 - F. Acquisition inquiry / Sina Mahfar - Flanders Associates -
 - G. Acquisition inquiry / John Clanton - Middle Island property
 - H. Acquisition inquiry / Lillian White - Manorville property
 - I. Acquisition inquiry / Virginia Cameron - George Dietz Estate - Manorville
3. **Plan Development**
 - A. Draft roster of professional staff assigned to one or more plan components
 - B. Parcel inventory progress (core, buffer, and non-Pine Barrens land)
 - C. TDR & property analysis status (inc. Advisory Committee recommendation)
 - D. Ecological & hydrological work
 - E. Land management progress
4. **Administrative**
 - A. General budget categories for start-up funding
 - B. Banking arrangement
 - C. Decision re Brookhaven Laboratory response to SCWA challenge grant
 - D. General counsel
 - E. Calendar of events
 - F. Remaining advisory committee recommendations
 - G. Calendar of events
 - H. Draft of 10/13/93 minutes for changes prior to 11/10/93 adoption
 - I. Speaker & event requests (e.g., Eastern Suffolk Board of Realtors)

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Work Session Summary - November 8, 1993 Brookhaven Town Hall

1. Compatible Growth Area Projects & Interim Goals & Standards

A. Application Packet

Summary: *Distributed and discussed. Arrangements for project review explained, including role of Suffolk County Planning (Pine Barrens Review Commission) staff. Discussed software for tracking projects. Lorraine Trezza of Suffolk County Water Authority, who will oversee the Commission's work on project review, was introduced to commissioners.*

B. State Administrative Procedures Act requirements

Summary: *Need for readoption of Interim Goals and Standards was discussed, with that readoption probably occurring at the January meeting of the Commission. The readoption is necessary due to the fact that they were promulgated under SAPA's emergency provisions. The need for a public hearing prior to readoption was noted, and January 3, 1994 (at the Commission's office) was set as the hearing date.*

C. Project Review Workshop / November 22

Summary: *One page announcement distributed. Purpose and audience discussed. No specific applications will be discussed at that meeting, however.*

D. Property splits (minor subdivision) update / Brookhaven Planning Dept.

Summary: *Distributed as an update to the prior Brookhaven Town Planning Department list.*

E. Section 57-0121(8)(c) extension request / Mars, Sloane & Conlon

Summary: *Discussed as promised by staff in reply to Mr. Conlon's letter. Commission noted request but did not reconsider the extension question.*

F. County Route 21 road work in Yaphank / several correspondence items

Summary: *Letters from Yaphank Taxpayers and Civic Association and Suffolk County Department of Public Works were read and discussed. Consensus of commissioners is that the project clearly falls under the nondevelopment provision of the law which addresses public improvements undertaken for the health, safety or welfare of the public. Staff was asked to forward a reply to the Department of Public Works.*

G. Advisory Committee recommendation re auction parcels / Assemblyman Englebright letter

Summary: *The Advisory Committee, at its 11/1/93 meeting, recommended removal of several parcels from the County's current auction list. Considerable discussion ensued over the financial and planning consequences of both auctioning and retaining the parcels. The County Executive indicated that he will leave the parcels on the list.*

2. Core Preservation Area Projects

A. Whisper Hill correspondence / Brookhaven Planning Board

Summary: *The Commission decided not to pursue any change in lead agency status.*

B. Eastport Holding correspondence / Brookhaven Planning Board

Summary: *The Commission decided not to pursue any change in lead agency status..*

C. Former Rocky Point Meadows rezoning correspondence / Brookhaven Planning Dept.

Summary: *The reason for Town Board's motion to rezone this parcel was discussed, as was the consequences of such moves in light of the Pine Barrens law's prohibition against any rezonings taking*

effect during the planning period. Jesse Garcia of the Brookhaven Supervisor's office will look into the background of this motion.

- D. Firemen's Park correspondence / Brookhaven Parks Dept.
Summary: Specific information on this project was lacking in the Town Parks' department's letter, and will be obtained prior to any substantive discussion.
- E. Hampton West Estates / Initial submittal for hardship application
Summary: Applicant's project was described very briefly, and a summary of the draft staff response was given. Several supporting items are required, and will be requested in that response. The application will therefore be considered incomplete at this time, and the required thirty day period for a hearing has therefore not begun.
- F. Acquisition inquiry / Sina Mahfar - Flanders Associates -
- G. Acquisition inquiry / John Clanton - Middle Island property
- H. Acquisition inquiry / Lillian White - Manorville property
- I. Acquisition inquiry / Virginia Cameron - George Dietz Estate - Manorville
Summary (F through I): Each letter was either read or summarized. The County Attorney's responses to these were discussed. The progress of the acquisition program was discussed, including the status of the currently pending county Drinking Water Protection Program acquisition bill. The presence of a budget allocation from the initial state planning grant to the Nature Conservancy for acquisition program management was noted. The possibility of seller-financed acquisitions was discussed, with agreement that a follow-up meeting was needed to determine the legal issues involved.

3. Plan Development

- A. Draft roster of professional staff assigned to one or more plan components
Summary: Discussed. This list is in response to a prior Commission request for specific listings of individuals and affiliations who are contributing to the plan development or project review. It will be enhanced with specific work assignments next.
- B. Parcel inventory progress (core, buffer, and non-Pine Barrens land)
Summary: The collection of analogous real property data from the three towns was described, as was the use of this data in fulfilling the statutory owner notification, performing geographic analyses for the transfer of development rights program, etc.
- C. TDR & property analysis status (inc. Advisory Committee recommendation)
- D. Ecological & hydrological work
- E. Land management progress
Summary (C through E): Recent work products of the three groups were included in Commissioners' packets, and described.

4. Administrative

- A. General budget categories for start-up funding
Summary: A draft outline of several basic categories and their portion of the initial state planning grant of \$500,00 was distributed. Some discussion of allocations ensued, and a revision will be made prior to 8/10/93 meeting.
- B. Banking arrangement
Summary: Discussed briefly.
- C. Decision re Brookhaven Laboratory response to SCWA challenge grant
Summary: Discussed briefly.
- D. General counsel
Summary: Discussed in executive session after open portion of meeting.
- E. Calendar of events
Summary: Distributed. Schedule will be updated frequently.
- F. Remaining advisory committee recommendations
Summary: Discussed in course of prior items.
- G. Draft of 10/13/93 minutes for changes prior to 11/10/93 adoption
Summary: Distributed for reading before 8/10/93 meeting.
- H. Speaker & event requests (e.g., Eastern Suffolk Board of Realtors)
Summary: Commissioners were apprised of ongoing requests for talks, etc.

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Work Session Agenda - December 6, 1993 Brookhaven Town Offices

1. **Compatible Growth Area Projects & Issues**
 - A. Project Review Workshop Summary (from November 22)
 - B. Compatible Growth Area application procedures & required approvals
 - C. Summary of applications and property owner inquiries

2. **Core Preservation Area Projects & Issues**
 - A. Joseph Nemeth / Northern Sites hardship application & hearing
 - B. Differences between Compatible Growth & Core Area application procedures in statute
 - C. Whisper Hill & Eastport Holding Corp. correspondence to Brookhaven Planning Board
 - D. APPLE lease of unused county CR111 property in Eastport / Inquiry letter from Robert Foley
 - E. Acquisition inquiry / S.A.S. Industries c/o Allen Smith

3. **Plan Development**
 - A. Parcel inventory progress work
 - B. Transfer of development rights program development
 - C. February 6, 1994 property owner notification discussion

4. **Administrative**
 - A. Draft of 11/10/93 minutes for changes prior to 12/8/93 adoption
 - B. Revised calendar
 - C. Budget application
 - D. Banking arrangement
 - E. Production and distribution policy for Pine Barrens maps
 - F. Recommendations and summary of 11/29/93 Advisory Committee meeting
 - G. Summary of current Advisory Committee membership requests
 - H. Peconic Estuary Program Workshop
 - I. Discussion with general counsel (*Executive Session*)

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Work Session Summary - December 6, 1993 Brookhaven Town Offices

Present: *Mr. Gatta (for Commissioner Gaffney), Commissioner Haynes, Mr. Garcia (for Commissioner LaMura), Commissioner Janoski, Ms. Riley (for Commissioner Thiele).*

1. Compatible Growth Area Projects & Issues

- A. Project Review Workshop Summary (from November 22)
Summary: Information only. Summarized attendance and topics.
- B. Compatible Growth Area application procedures & required approvals
Summary: Discussed in detail, referencing statute excerpts for both core and compatible growth areas. Commissioners discussed logistical procedures for reviewing and determining completeness of applications, setting of hearings, etc. Commission will make determinations of completeness and actually set hearing dates from now on. General counsel will review several aspects of this matter.
- C. Summary of applications and property owner inquiries
Summary: Information only. Consisted of overview of correspondence.
- D. State Administrative Procedure Act Hearing on 1/3/94 (added to agenda)
Summary: Reminder about hearing, purpose, and timing.

2. Core Preservation Area Projects & Issues

- A. Joseph Nemeth / Northern Sites hardship application & hearing
Summary: Discussed procedures for calling all hearings from now on (see above), plus need to ratify this particular hearing date. Tuesday 1/11/94 is end of 60 day period for decision on this application. Discussed hearing procedure. Mr. Janoski volunteered to chair hearing. Commissioners or designated representatives will attend.
- B. Differences between Compatible Growth & Core Area application procedures in statute
Summary: Discussed under 1B above.
- C. Whisper Hill & Eastport Holding Corp. correspondence to Brookhaven Planning Board
Summary: Discussed these applications which are now before town planning board.
- D. APPLE lease of unused county CR111 prop. in Eastport / Inquiry from Robert Foley
Summary: In order to determine status of this project, County Attorney's office will locate their records, and it will be discussed in detail at January work session.
- E. Acquisition inquiry / S.A.S. Industries c/o Allen Smith
Summary: Discussed and referred to general counsel for reply.

3. Plan Development

A. Parcel inventory progress work

Summary: Collation of town assessors' parcel records was summarized. Brookhaven information is being placed in data base. Southampton and Riverhead data is being sent. The assignment of development yields to core area parcels was discussed.

B. Transfer of development rights program development

Summary: The assignment of development rights under the proposed TDR program was discussed. Tim Hopkins, Suffolk County Water Authority staff member working on the TDR program, summarized current work and alternatives.

C. February 6, 1994 property owner notification discussion

Summary: Questions which need to be addressed were outlined, and will be addressed at January work session. Statute excerpt regarding this was discussed.

D. ISTEA Application (added to agenda)

Summary: David Sinclair (NYS DEC Region 1 Forester) presented potential application packets for three projects in core area for which the Commission could be the formal applicant. This would not involve expenditures by Commission since the required 20% match to any federal dollars would be provided by the NYS DEC, as the project sponsor, using the Environmental Protection Act funding starting next April. Commission will consider this matter at 12/8 regular session.

4. Administrative

A. Draft of 11/10/93 minutes for changes prior to 12/8/93 adoption

Summary: Distributed for corrections.

B. Revised calendar

Summary: 1994 Commission schedule discussed. Commission will have portions of upcoming work sessions devoted to TDR program development and fire management, and possibly other major plan topics as well.

C. Budget application

Summary: Information only.

D. Banking arrangement

Summary: Packet outlined several questions in this regard. Frank Faber, finance officer for Brookhaven Town, suggested procedures for accounting, bookkeeping, etc. Options include in-kind services by participating entities, per diem or other arrangements for a local firm familiar with governmental operations, and having a part-time bookkeeper for tasks not requiring an accountant. Recommendations will be considered after general counsel determines fiscal status of Commission.

E. Production and distribution policy for Pine Barrens maps

Summary: Suffolk Planning Director Steve Jones proposed a map distribution and pricing policy. It will be on 12/8/93 regular session agenda.

F. Recommendations and summary of 11/29/93 Advisory Committee meeting

Summary: Information only. Copies of draft minutes were in packets.

G. Summary of current Advisory Committee membership requests

Summary: Same.

H. Peconic Estuary Program Workshop

Summary: Information only. Dr. Martin Schoonen of SUNY Stony Brook will speak in place of Commission personnel due to schedule conflict.

I. Discussion with general counsel (*Executive Session*)

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Regular Session Agenda - December 8, 1993 Riverhead County Center

1. Review, Correction, and Adoption of Minutes of 11/10/93 Meeting
2. Summary of the Advisory Committee's 11/29/93 meeting
(Including revised membership request list)
3. Adoption of Commission Meeting Dates for January through July, 1994
4. Discussion Item: Application Completeness and Processing Procedures
5. Discussion Item: Pine Barrens Map Distribution Policy
6. Application for the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) Program
7. Old Business:
 - Updates Since 12/6/93 Work Session
 - State Administrative Procedures Act 1/3/94 Hearing
 - Other Items
8. New Business

Central Pine Barrens Joint Planning and Policy Commission

December 8, 1993
Riverhead County Center - 2:00 p.m.

Present at Roundtable: Commissioners Robert J. Gaffney, Joseph Janoski, Jesse Garcia (representing Commissioner LaMura, Town of Brookhaven), Linda Riley (representing Commissioner Thiele, Town of Southampton), Ulric Haynes, Director Ray Corwin, Doris Roth and Jim Rigano, Counsel to the Pine Barrens Commission

1. Review, Correction and Adoption of Minutes of 11/10/93 Meeting

Mr. Corwin noted that he had made some minor handwritten corrections to the minutes. Mr. Gaffney noted that in the section of the minutes stating that Mr. Corwin was named as the permanent Director, the words "for the next 18 months" should be stricken from the minutes. Mr. Haynes made a motion to approve the minutes of 11/10/93 as corrected. The motion was seconded by Mr. Janoski and passed by a majority vote, with Linda Riley abstaining.

2. Summary of the Advisory Committee's 11/29/93 Meeting

Mr. Corwin gave a brief overview of the meeting, noting that copies of the minutes are available for those interested. He summarized motions made at that meeting. One issue was the resolution by the Advisory Committee that the Commission endorse ISTEA applications of the State DEC to the Federal program, which provides 80% reimbursement for selected projects, some of which might involve land acquisition. The other issue discussed at the meeting was the list of approximately 15 applicants to the Advisory Committee for the empty slots that the statute provides for. A subcommittee of the Advisory Committee went through the list and recommended two of the applicants for membership, one being Brookhaven

National Laboratory; no specific individual was named, but the Lab has informed the Committee the person would probably be Jan Naidu. The other application that was recommended came from Dr. Martin Schoonen of the Department of Earth and Space Science, SUNY Stony Brook. They are recommendations, and the question of adding to the Advisory Committee is the reserved prerogative of the Legislature. Preceding the meeting, a tour of the Lab was also included.

3. Adoption of Commission Meeting Dates for January through July, 1994

Mr. Corwin noted there was a suggested list of meeting dates for January through July which would take the commission right through the draft plan. This is a schedule of monthly regular sessions, with each regular session preceded 2 days prior by a work session. Longer sessions or additional sessions may be considered if the Commission wishes to go into details on certain aspects of the plan. Mr. Corwin noted that on February 7th they would like the Commission to allocate an additional hour to meet and discuss in detail the transfer of development rights program, since by that time they hope to have more specific proposals.

It was also noted that the Land Management and Ecology Committees, along with the Nature Conservancy, invite the Commission to participate in a three day fire management work session March 7th through 9th. They are setting up now a number of contacts with the local fire departments, Suffolk County Fire Rescue and academic participants. It's a volatile issue and it would be useful if the Commission would get customized introduction to the subject, the pros and cons, and what's been done

before. Mr. Corwin stated that they will soon have refined a highly detailed table of contents established by bi-weekly staff meetings between Suffolk County Planning, Water Authority staff, and representatives from the 3 towns, and by the beginning of January should have a detailed list of topics for the Commission to discuss.

It was noted that there was a public hearing scheduled at 7:00 p.m. on December 8, 1993 for the first application for a core preservation area hardship permit, Nemeth/Northern Sites, which would require a decision by January 11, 1994. Therefore, Mr. Gaffney amended the schedule by calling a special meeting to follow the work session scheduled for January 10, 1994. The work session will be scheduled for 9:30 a.m. and the special Commission session to discuss the Nemeth application will follow at 10:00 a.m.

4. Discussion Item: Application Completeness and Processing Procedures

Mr. Corwin noted that it was not clear how completeness would be determined and public hearings called. There is a 30 day period after an application is received to hold a public hearing. Mr. Corwin was concerned because it isn't clear whether the 30 day clock starts from receipt of the application or from determining when an application is complete. He stated it is impossible to process an application unless all materials are attached and each application has to be gone over in detail. It was suggested there be some sort of checklist with everything that is necessary for a complete application. Ms. Riley suggested it should be the Commission who determines the completeness of an

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application and sets a hearing. Mr. Janoski felt that since they are involved in hearings and decisions, the responsibility should remain with the Commission to establish a procedure to follow to call for public hearings and determining completeness of applications. The Commission should rely on counsel and technical staff to advise them as to completeness.

A question was raised about when the SEQRA process starts. Jim Rigano, Counsel to the Commission, stated that on the vast majority of applications there will already be a lead agency and we will be just an involved agency. He noted that the statute contemplates that the town actions will have taken place first, before the Commission, in which case the town will have already addressed SEQRA and taken lead agency. It was noted that the 2 issues that need to be resolved are the SEQRA issue and the completeness issue.

Mr. Janoski stated he would like the Commission to pass a resolution ratifying the hearing being held tonight, December 8, 1994 on the Nemeth application. Mr. Haynes seconded the motion. Ms. Riley said she did not think the town had taken any steps in compliance with SEQRA on this subdivision application. Mr. Amper noted that at the work session it was suggested that the Commission may want to maintain its options with respect to declaring completeness until the hearing itself. Mr. Rigano stated it could be left open until after the hearing for submission of further documentation if needed, from any interested parties. After a lengthy discussion, the motion was unanimously passed to ratify the hearing being held Wednesday, December 8, 1993 at 7 p.m. at Riverhead

Town Hall on the Joseph Nemeth application for a core preservation area hardship permit.

Another item discussed was notification and it was determined that Newsday should be identified as the official communication since it is a daily paper, and that each town would also designate a local paper for notices to be published. A resolution was unanimously passed to designate Newsday as the official newspaper for notification of schedules of meetings, hearings, etc. of the Central Pine Barrens Commission.

5. Discussion Item: Pine Barrens Map Distribution Policy

Stephen Jones, Director of the Suffolk County Planning Department, presented the Official Pine Barrens Maps noting the fee structure which was in the member's packets. He asked that the Commission consider these and to ratify the pricing and name the Planning Department as the one repository for mapping. Mr. Jones stated that the Planning Department will be creating additional maps in the future that will have actual tax parcels on them. Mr. Gaffney stated that the adoption of the Planning Department as the repository for the maps, and the price list of the maps (a copy of which will be appended to the record), will be in effect as of today, December 8, 1993.

6. Application for the Federal Intermodal Surface Transportation Efficiency Act (ISTEA) Program

Mr. Corwin noted that this proposal was discussed at last month's meeting and the Dec. 6th working session. The project involves 3

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applications that the State DEC will serve as sponsor for and put 20% of the funds towards, and they are asking that the Commission be the formal applicant because of the location of the 3 projects; one is the Paumanok Path between the State preserve and Pleasure Drive in Flanders, the second is the dwarf pine barrens northern viewshed, and third is the southern viewshed north of the Suffolk County Airport and south of Sunrise Highway. Mr. Cowen of the State DEC had 3 applications for the Chair of the Commission to sign if they chose to adopt the suggested resolution in the member's packets. Mr. Janoski made a motion to adopt the resolution that the Commission shall be the applicant for the above projects under the ISTEA Program. The motion was seconded by Mr. Haynes and passed unanimously.

7. Old Business

Mr. Corwin noted that they did the one outstanding application. He gave an update on the APPLE project which is located at the end of the CR 111 right-of-way and was discussed at the working session on Monday. Some additional information has been received from the County Attorney's office, which will be reviewed and discussed at the next meeting.

Under the State Administrative Procedures Act, the hearing for that is set for January 3, 1994 which will be a week prior to the January session. Mr. Corwin asked if the Commissioners wish to attend that hearing it would be greatly appreciated. The hearing will be held on January 3, 1994 at 9:30 a.m., in the Commission Office, Technical Services Building, Water Authority, 2nd Floor.

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8. New Business

Mr. Corwin noted there was attached a proposed plain English brochure The Long Island Central Pine Barrens, Suffolk County, New York, prepared by Carol Walsh of the Planning Department which he believes is ready for publication. He asked that the Commission review it and get back to him or Carol Walsh with any suggestions or corrections.

The regular session of the Commission meeting was adjourned at 4:10 p.m. At the request of Mr. Corwin, Mr. Haynes made a motion, seconded by Mr. Garcia, to go into executive session. The motion passed unanimously. The executive session was adjourned at 4:40 p.m.

