

Land Acquisition Programs: A Summary of Authorizing Legislation and Program Requirements Suffolk County, New York



July 2003



Suffolk County Department of Planning
Suffolk County # New York

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A Summary of Authorizing Legislation and
Program Requirements
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July 2003**

Suffolk County Department of Planning
H. Lee Dennison Building - 4th Floor
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788

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Suffolk County Department of Planning

Thomas A. Isles, AICP
DIRECTOR OF PLANNING

REPORT PREPARATION
Lauretta R. Fischer
Principal Planner

Participating Staff

Carol E. Walsh
Principal Research Analyst

Carl Lind
Chief Cartographer

Thomas Frisenda
Computer Graphics Mapping Specialist

Christopher Wrede
Planning Aide

Suffolk County Department of Planning
Hauppauge, New York
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INTRODUCTION

INTRODUCTION

Suffolk County is truly blessed with a diversity of environmental features and scenic beauty ranging from globally rare forest communities and world famous beaches to thousands of acres of prime farmland. The protection of these features has been recognized by both the Executive and Legislative leadership of the County as vital to the quality of life of Suffolk's communities and has been overwhelmingly affirmed by the Electorate on many occasions.

As a result of this commitment, Suffolk County has been at the forefront of acquiring parkland for the following purposes: preserving environmentally important ecosystems and sensitive habitats; protecting important groundwater aquifers on which we depend for all of the County's drinking water supply, preserving tidal and freshwater wetlands and their associated stream corridors; providing access to bay, sound and ocean shorelines and beaches; as well as developing active recreation sites for all County residents. The County has also acquired the development rights of farmlands in order to retain their agricultural use in perpetuity.

There are currently a total of twelve programs that provide mechanisms through which the County acquires properties for all the reasons listed above. As can be imagined, with so many diverse programs, there is a myriad of criteria and requirements that are to be met for each program. This report was prepared to provide a greater understanding of the programs

and to provide guidance to both decision-makers and local municipal partners. At the request of many individuals and entities, especially the Parks Trustees of the Department of Parks, Recreation and Conservation, this exercise was undertaken.

The following chapters discuss each of the twelve programs, their legislative or departmental origins and the details of their requirements and criteria. Where appropriate, a flow chart for easier understanding of the procedures inherent in each of the funded programs is included with the descriptive text.

The first nine programs have been placed in chronological order according to when they were first approved. The remaining three programs are ongoing county departmental initiatives.

A comprehensive appendix is included that provides the County legislative resolutions that initiated each program, enabling legislation from the Charter and the Administrative Code of the Laws of Suffolk County, and the Parks Trustee's resolutions that describe their role in this process.

It is noted that *all* land acquisitions must be approved by the County Legislature. Administrative support is provided by many County departments, most notably the Department of Planning and the Division of Real Estate. Other departments include the Department of Law and the Department of Public Works.

INTRODUCTION

FARMLAND DEVELOPMENT RIGHTS PROGRAM

Overview

Suffolk County's Farmland Development Rights Program was instituted in 1974 and is the oldest purchase of development rights (PDR) program in the country. It was one of the earliest programs to recognize that preservation of agricultural land is difficult without a public acquisition program. The legal interest in property acquired through this program eliminates all development rights other than those uses necessary for agricultural production.

The statute that governs this program is known as Chapter 8, in Part III of the Administrative Local Laws of the Laws of Suffolk County. In September 1976 the Legislature allocated \$21,000,000 for Phase I of the Program. On September 29, 1977, the first farmland development rights were purchased by the County. Since its inception through December 2002, approximately \$57 million has been spent by Suffolk County to preserve approximately 7,660 acres of farmland. The county is currently in Phase V of the Program.

Farmland Development Rights have also been acquired, and are continuing to be acquired, through other programs, including: the Community Greenways Program (\$10.5 million spent and 232 acres acquired); the New Drinking Water Protection Program (No development rights acquired as of December 2002); and the Multifaceted Land Preservation Program (No development rights acquired as of December 2002).

A County Farmland Committee was created under Chapter 8 and consists of 19 members, one appointed by each of the ten towns and nine appointed by the County Executive with Legislative approval. One of the roles of this committee is to make recommendations as to those farms from which development rights should be acquired. It also establishes oversight

and approval of new farm structures on those farms where the development rights have been obtained by the County.

A rating system was developed based on the criteria that the Farmland Committee established to aid in the evaluation of potential farm properties for the County's purchase of development rights program. The system takes into account the following factors:

- Contiguity
- Vistas
- Soils
- Approximate Development Rights Value Per Acre
- Development Pressure
- Adjustments (land within an agricultural district)

The first two factors seek to reflect the desire to preserve a large, contiguous block of farmland in order to protect scenic vistas and reduce or eliminate non-agricultural intrusions. Most of the farms considered for PDR contain prime farm soils, however, there are some soils, such as Bridgehampton and Haven associations, which are clearly a better soil type for farming. Slope also plays an important role in the desirability of utilizing a piece of land for farming practices. This characteristic is used in the soil classification system that is part of the county's rating system.

Other evaluation factors include the estimated price of the farmland and existing development pressure. Bonuses can be given for land in agricultural districts, and points can be subtracted for negative impacts such as excavations or problems with ownership. The maximum number of points that can be assigned is 27 with a minimum guideline of 12. The rating system for the County Farmland Development Rights Program is provided on the following page.

FARMLAND DEVELOPMENT RIGHTS PROGRAM

Table 1. Rating System for the Suffolk County Farmland Preservation Program

Rating Factor

Points • Factor Parameters

Contiguity

- 5 • *PDR* properties on 3 sides*
- 4 • *PDR* properties on 2 sides*
- 3 • *PDR* properties on one side*
- 2 • *large amount of protected farmland nearby*
- 1 • *some protected farmland nearby*
- 0 • *no protected farmland nearby*

Vistas

- 5 • *long road frontage and part of a large block of farmland*
- 4 • *small road frontage and part of a large block of farmland*
- 3 • *long road frontage and part of a small block of farmland*
- 2 • *small road frontage and part of a small block of farmland*
- 1 • *less than 100' of road frontage and part of a large block of farmland*
- 0 • *less than 100' of road frontage and part of a small block of farmland*

Soils

- 5 • *Capability Unit I-1: Bridgehampton, Haven, Montauk 0-2% BgA, HaA, MKA*
- 4 • *Nearly flat Class II: Riverhead, Scio, Plymouth Haven, Montauk 0-3% RdA, SdA, PsA, He, MfA*
- 3 • *Best Soils but with some slope: Bridgehampton, Haven, Montauk 2-6% BgB, BhB, HaB, MkB*
- 2 • *Other Class II soils with some Slope: Montauk, Riverhead, Scio, Sudbury 2-8% MfB, RdB, ScB, Su*
- 1 • *Non-prime soil that is farmed: Plymouth; PmB3*
- 0 • *poor soil; Gp*

Approximate Development Rights [Value] Per Acre

- 5 • *less than \$10,000*
- 4 • *\$10,000 - \$19,999*
- 3 • *\$20,000 - \$29,999*
- 2 • *\$30,000 - \$49,999*
- 1 • *\$50,000 - \$99,999*
- 0 • *\$100,000 or more*

Development Pressure

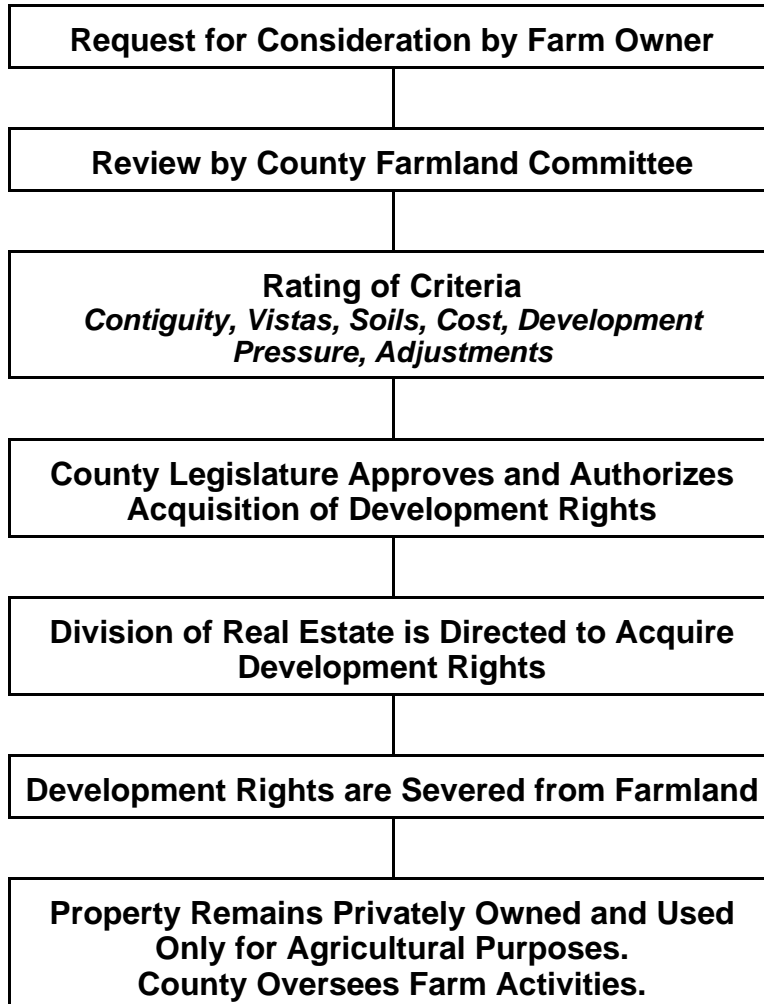
- 5 • *subdivision pending and two adjacent subdivisions*
- 4 • *subdivision pending or two adjacent subdivisions*
- 3 • *one adjacent subdivision or considering subdivision*
- 2 • *subdivisions in area*
- 1 • *no subdivision activity*

Adjustments

- 2 • *bonus for being in an agricultural district*
 - 2 • *other negative factors*
-

*PDR= Purchase of Development Rights

Flow Chart 1. Suffolk County Farmland Development Rights Program



OPEN SPACE PRESERVATION PROGRAM

The County's first major Open Space Program was initiated in 1986. The program was initially funded through general obligation bonds for \$60 million. The initial legislation, Resolution No. 762-1986, authorized acquisition of more than 4,800 acres throughout the County from the Carll's River in the Town of Babylon to the tip of Orient Point in the Town of Southold "...to preserve our precious water supply, wetlands and woodlands...." This list of acquisitions was based on a report that was prepared by the Suffolk County Department of Planning for the County Executive in 1980 entitled, *Open Space Policy* (1980). In that report over 9,000 acres were recommended for acquisition. A subsequent report entitled, *Report to the Suffolk County Legislature Proposed Park Acquisitions*, February 27, 1985, updated the list to recommend almost 6,000 acres for County acquisition. The 1986 County resolution listed 4,833 acres to be acquired out of the 6,000 acres. Subsequent appropriations have raised expenditures more than a total of \$75.6 million. To date, approximately 4,633 acres have been acquired by the County under this program. Lands acquired are managed generally as passive open space.

As part of this legislation, the Board of Trustees of the Department of Parks, Recreation and Conservation, minus its ex-officio members, was to establish criteria, priorities, and timetables to implement the contemplated phased-in acquisition of the parcels listed in the resolution. They were then directed to make such recommendations to the Commissioner of the Department of Real Estate by an affirmative vote of the board.

The Board of Trustees consists of 11 members, one member from each township, as recommended by the Town Supervisor, totaling 10, and one member at-large, appointed by the County Executive. There are also two ex-officio members with the right to vote, one member appointed by the County Executive and one member appointed by the County Legislature's Presiding Officer. All except the ex-officio members are subject to approval by the County Legislature.

Resolution No. 762-1986, listed a number of parcels that had priority status based on the fact that they were either "in immediate danger of development," or "advantageous to the County". The role of the Parks Trustees was to prioritize these parcels, accordingly. The Suffolk County Park Trustees subsequently established criteria for prioritization of parcels through their own resolutions: Trustees Resolution No. 9-1986, Resolution No. 76-1990, Resolution No. 15-1994 and Resolution No. 36-1998.

As per Trustees Resolution No. 16-1999 (See Appendix XIV.), the following criteria are currently used by the Trustees for reviewing parcels under this program as well as the Land Preservation Program and the Community Greenways Program. The *Prioritization Criteria for Proposed Acquisitions under the Open Space Program* are divided into the following three categories:

- **"Highly Recommended for Natural Resource Value/Recreation"**. Parcels in a largely natural state with significant natural resource, as well as parcels which have important recreation potential. The adjacency or proximity of the parcel to other current or proposed County holdings may be considered in making this evaluation. (A parcel does not have to be "threatened" to be "Highly Recommended", nor does being "threatened" automatically qualify a parcel for being "Highly Recommended".)
- **"Recommended for Natural Resource Value/Recreation"**. Parcels with limited natural resource or recreation value whose acquisition would further the goals of the park system, but whose value is isolated and/or small compared to "Highly Recommended" parcels. If an otherwise small and/or isolated parcel is nonetheless very significant to the community (e.g. species habitat), it should be considered for a "Highly Recommended" rating.
- **"Not Recommended for Natural Resource Value/Recreation"**. Properties which have either no value for the program for which they are nominated, or whose value to that program

OPEN SPACE PRESERVATION PROGRAM

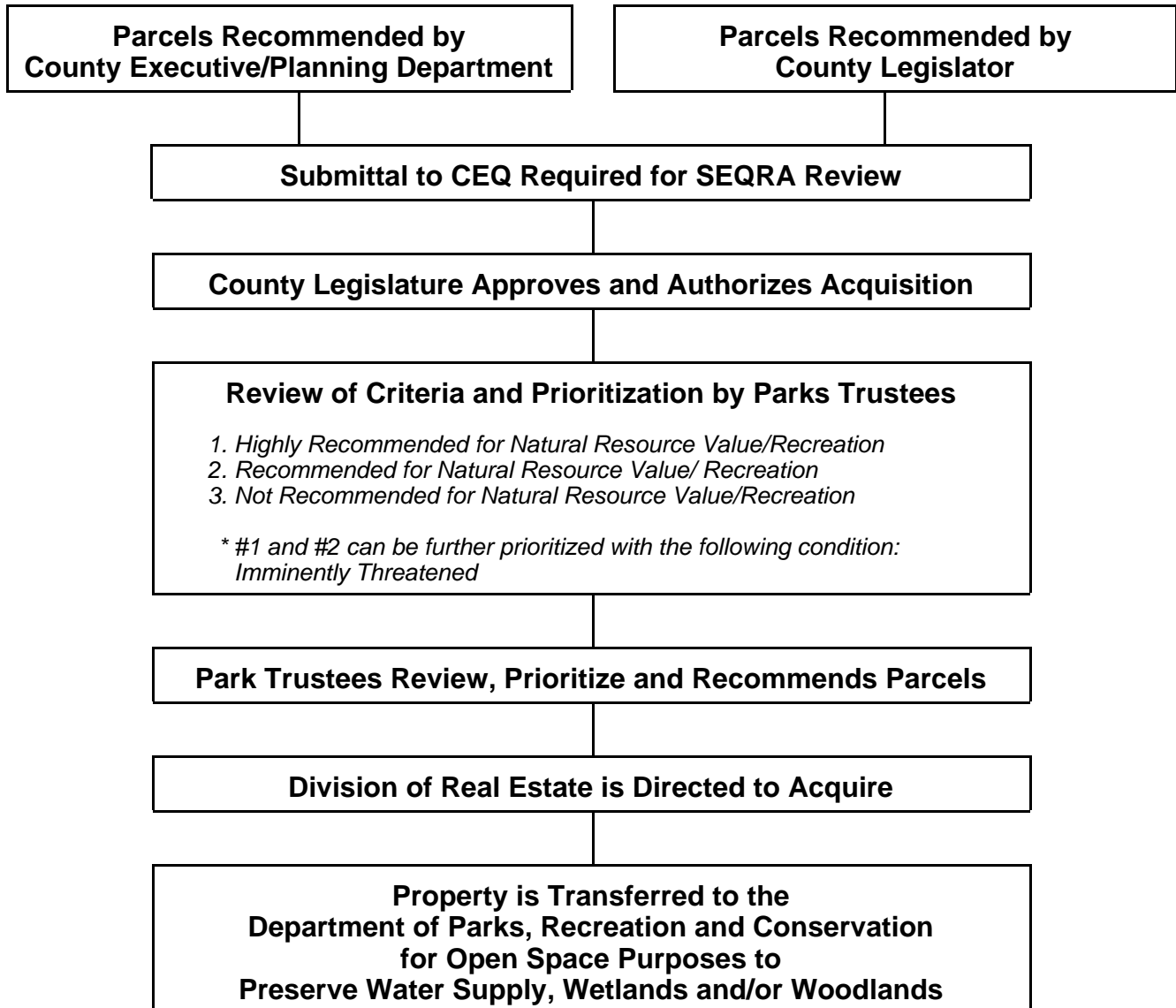
is so limited (e.g., the cost of operating a facility, the lack of a sizeable recreation constituency, extreme logistical or financial difficulties in managing or developing the parcel) that they cannot be recommended for acquisition under the program. (Note that a "Not Recommended" rating under one program does not necessarily imply the same rating under another program.)

The following category can be applied as an additional prioritization to either the first or second category listed above:

- **"Imminently Threatened"**. This priority may be assigned to any "Highly Recommended" or "Recommended" parcel which, in the Trustees' opinion, may soon be lost to the County program under which they were nominated if action is not taken soon (e.g., within 6 to 12 months).

After the initial properties were acquired during the time period from 1986 through 1989, other parcels were recommended for acquisition either by the County Executive or a County Legislator(s) under separate resolutions. There have not been any recent appropriations made to acquire properties under this program in the last few years.

Flow Chart 2. Suffolk County Open Space Preservation Program



DRINKING WATER PROTECTION PROGRAM

The first Suffolk County Drinking Water Protection Program was created in 1987 by Local Law No. 40-1987, known as Article XII, in Part I of the Charter of the Laws of Suffolk County, and was approved through a referendum by 83% of the voters of Suffolk County. Local Law No. 40-1987 extended the collection of a ¼ of 1% of the sales tax until the year 2000 for County Park acquisitions. Originally, in 1984, this tax went solely towards property tax relief for residents in the Southwest Sewer District, and was due to expire in November of 1989.

In 1988, Local Law No. 35-1988 amended Article XII. It allowed the County to borrow money against anticipated future sales tax revenues in order to more rapidly acquire land that may have been developed in the immediate future.

Article XII designated the areas where the County could acquire land: the **Pine Barrens Wilderness Area** and/or the **Water Protection Preserve**. The Pine Barrens Wilderness Area (i.e. the Pine Barrens Zone) is described in Local Law No. 7-1984 as expanded by Local Law 25-1988. The Water Protection Preserve consists of the Special Groundwater Protection Areas (SGPAs) as identified in the Long Island Regional Planning Board report entitled, *The Long Island Comprehensive Special Groundwater Protection Area Plan (1992)*. These two areas comprise the “legal buying area.” Article XII also allows for the acquisition of land outside the legal buying area if the legislature specifically approves such acquisitions.

Over the life of this first Drinking Water Protection Program, fifty-two percent (52%) of the total ¼ cent sales tax revenues was to be used for acquisitions within the Pine Barrens Wilderness and Water Protection Preserve (Section 12-5.A). The second segment of this program, approximately fifteen percent (15%) of the 52 percent, or seven and eight-tenths percent (7.8%) of the total tax collected, was to be used for land acquisitions, based upon the recommendations of those towns where Pine Barrens Wilderness or Water Protection Preserve parcels exist. These towns were represented on

the Environmental Trust Fund Review Board, which was created as part of Article XII Section 12-5.D. Such recommendations were subject to review and approval by both the Environmental Trust Fund Review Board and the County Legislature. A third segment of the Drinking Water Protection Program, allocated for park acquisition, was the Surplus or Residual funds component, Section 12-5.E, which was amended by Resolution No. 591-1996 (Local Law 21 of 1996), to acquire properties both in the Pine Barrens towns and non-Pine Barrens towns.

The three components of the Drinking Water Protection Program are further described in the following discussions:

12-5.A requires that acquisitions must be located within the Pine Barrens Wilderness Area, the Pine Barrens Zone, and the Water Protection Preserve, the Special Groundwater Protection Areas (SGPAs) of which there are seven designated by the LIRPB within the deep aquifer recharge areas of Suffolk County. Initially, the bulk of the acquisitions were concentrated within these SGPAs. Later, with the passage of the New York State Long Island Pine Barrens Protection Act of 1993 (Environmental Conservation Law - Article 57, as amended), and more specifically, Suffolk County Resolutions Nos. 306-1998 and 315-1998, the acquisitions under this program were concentrated in the Pine Barrens Core Preservation Area, as described in ECL Article 57, Section 0107(11).

12-5.D is the revenue sharing component based on population and is set aside by town. This funding source was to be used for either the purpose of capping and closing of landfills, etc. or land acquisitions in those towns where Pine Barrens Wilderness or Water Protection Preserve parcels exist. An Environmental Trust Fund Review Board, which consisted of representatives from each town, the Commissioner of the Department of Health Services and the Director of the Department of Planning, was created to make such recommendations

DRINKING WATER PROTECTION PROGRAM

subject to review and approval by the County Legislature. The towns could elect to spend all or a portion of their allocation under this section of Article XII on landfill costs, however, certain towns, mostly east end towns, requested their yearly shares be spent on land acquisitions as defined under 12-5.A.

12-5.E was the surplus or residuary fund, which voters in 1996 mandated to be spent totally for land acquisitions. It was divided into two segments: one third of any annual surplus funds would be earmarked for the four western towns of Babylon, Huntington, Smithtown and Islip, as well as Shelter Island on a population basis. These funds could be spent on the acquisition of parkland (inclusive of beach nourishment allocation) as authorized by the County Legislature. The remaining two-thirds went to acquisitions on an undifferentiated basis for those properties described in Section 12-5.A., as the Pine Barrens Wilderness Area (the Pine Barrens Zone) and the Water Protection Preserve (the Special Groundwater Protection Areas (SGPAs)).

Prior to the acquisition of property by the Division of Real Estate, under Section C12-3.B. of Article XII, the parcels proposed are to be reviewed and approved by the Board of Trustees of the Department of Parks, Recreation, and Conservation, minus its ex officio members, according to criteria established by the Board.

Properties being considered for acquisition by the County Legislature under this program are to be evaluated according to criteria specified by the Parks Trustees. The following is a list of criteria that has been established by the Trustees Resolution No. 2-1989. (See Appendix XII.) For land acquisitions under Sections 12-5.A and 12-5.D that are not located within the Pine Barrens Wilderness Area and/or the Water Protection Preserve, the proposed Park property must meet at least one of the following criteria:

The proposed parcels for acquisition are to be in their natural and undisturbed state and be located within one of the following areas:

- 1) Deep Flow Recharge Areas outside the special ground water protection areas that have historically provided a major portion of the County's water supply (Zones I and II)
- 2) Proximity to the ground water divide
- 3) Aquifer areas that are the sole supply of ground water to a particular portion of the County
- 4) Proximity to Suffolk County Water Authority existing well sites
- 5) Land within the "zone of influence" of proposed or existing well sites
- 6) Any other land the Suffolk County Department of Health Services, the Suffolk County Water Authority or the New York State Department of Environmental Conservation believes should be acquired to protect our underground drinking water supply

For acquisitions proposed under Section 12-5.E, the property must meet at least one of the following criteria that was established by the Parks Trustees (Trustees Resolution No. 13-1997, Appendix XIII):

- Property abuts County parkland
- Property is more than 50 acres in size
- Property abuts federal, state, town, village, private conservation, or other reasonably appropriate properties with management commitments
- Property is located within a SGPA (Special Groundwater Protection Area)
- Property is ecologically sensitive as indicated in a natural resources report
- Property is located within a designated floodway or drainage way
- Property has fresh or saltwater wetlands as mapped by NYSDEC
- Property is endangered by development and is requested for preservation by local government

In addition, lands acquired under this program are to remain in their natural state and be managed as a nature preserve under Section C1-7 of the Suffolk County Charter (the Environmental Bill of Rights), except those portions of lands being necessary for water

DRINKING WATER PROTECTION PROGRAM

supply and distribution as determined by the County Legislature.

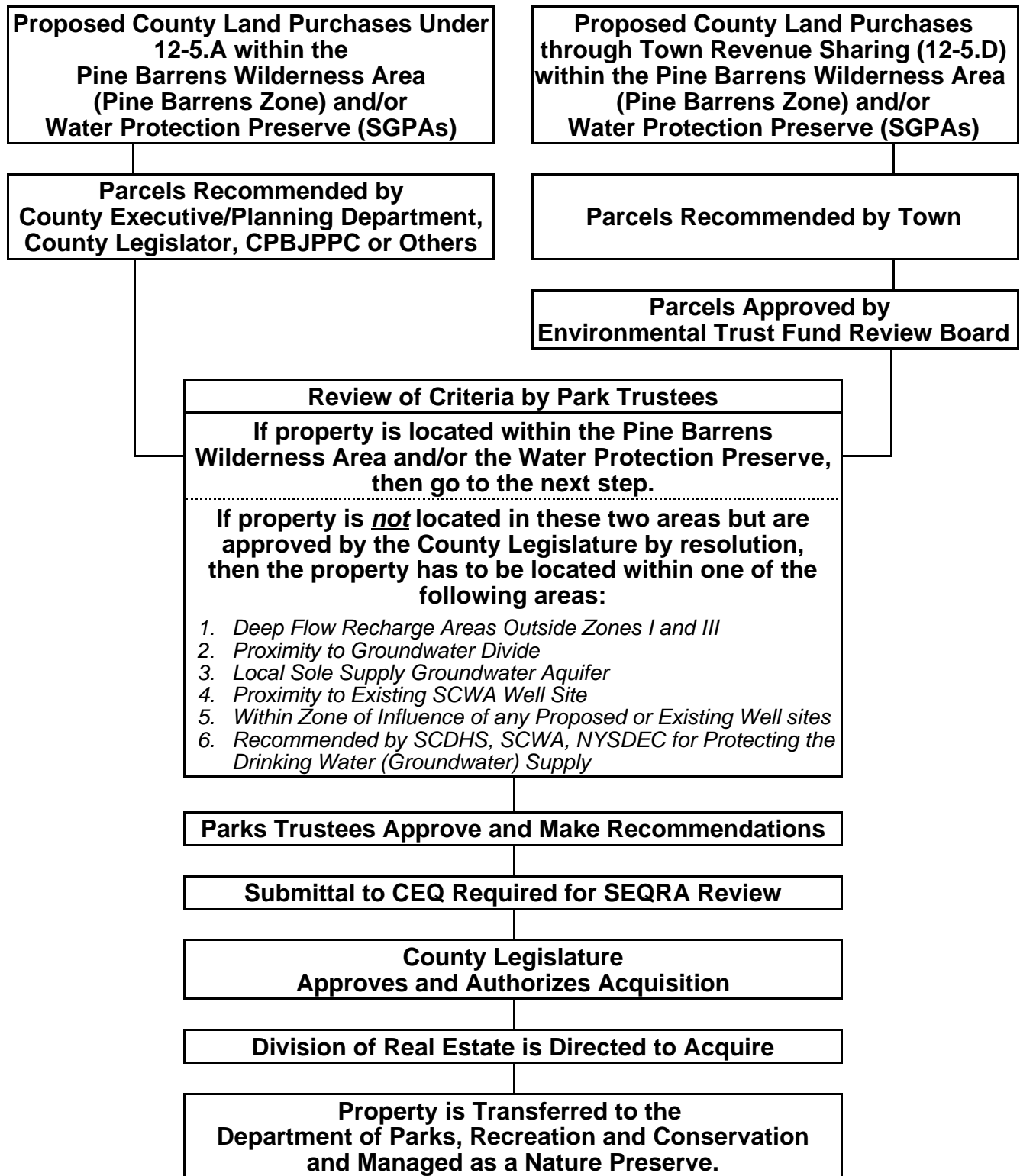
This program expired in November of 2000. Approximately 13,125 acres were acquired for more than \$189,000,000. There are limited funds

remaining in Section 12.5 D and 12.5E at this time. The program was renewed under different requirements and criteria that started in December 2000 and will continue until December 2013. See the New Drinking Water Protection Program section for further discussion.

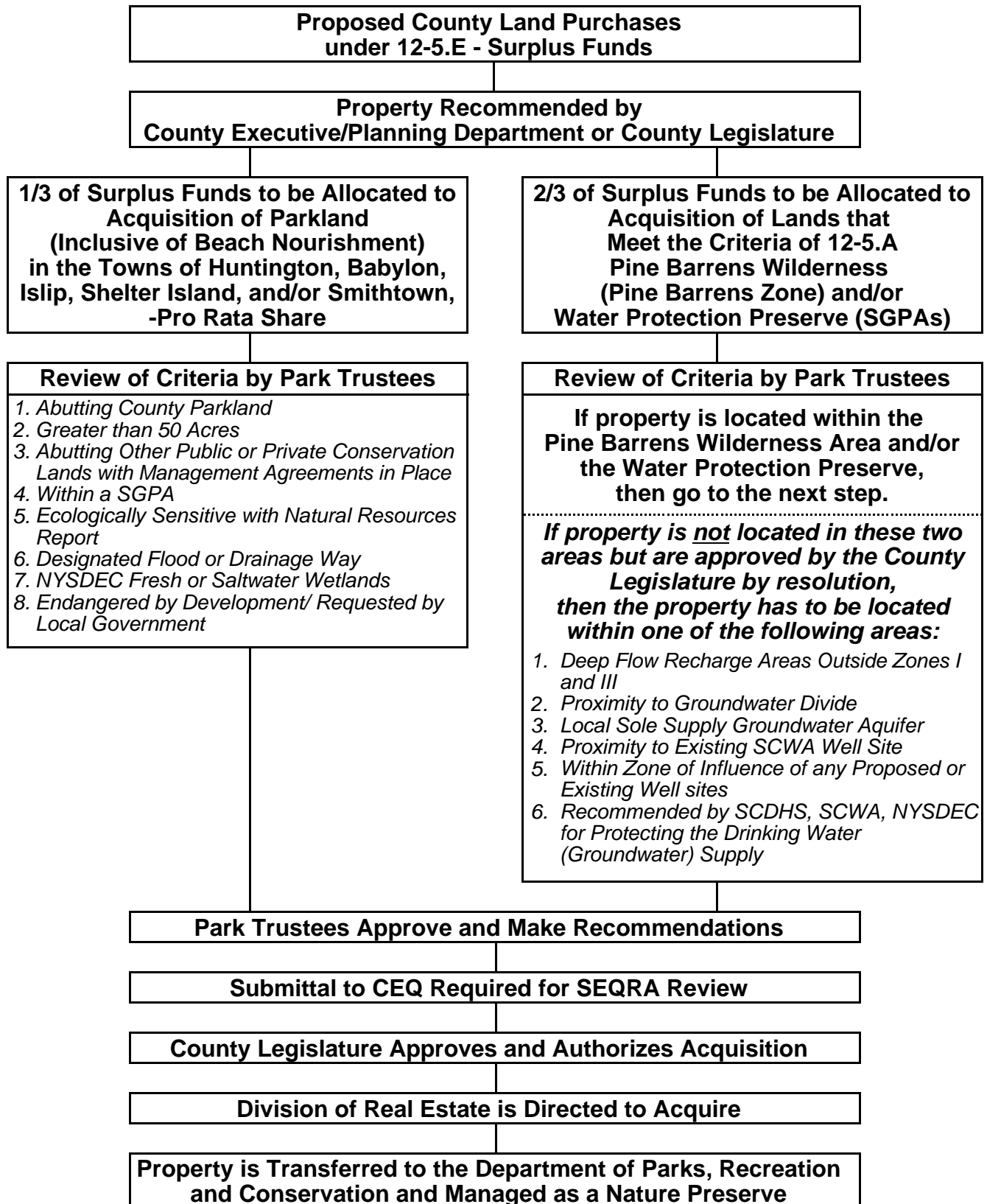
Flow Chart 3.

Suffolk County Drinking Water Protection Program (1/4%) - (1988-2000)

Sections 12-5.A and 12-5.D



Flow Chart 4.
Suffolk County Drinking Water Protection Program (1/4%) - (1988-2000)
Section 12-5.E - Surplus Funds



LAND EXCHANGE PROGRAM

In late 1988 the Suffolk County Legislature approved the Land Exchange Program. It was adopted as Local Law No.5-1989, known as Chapter 102, in Part III of the Administrative Laws of the Laws of Suffolk County. It established a mechanism for the County to acquire environmentally sensitive properties from a private owner in exchange for County-owned surplus land that is not deemed to be environmentally sensitive. An appraisal of both properties is conducted and the difference in cost, if any, is either paid by the County, approved by resolution, or paid by the private property owner.

The Land Exchange process includes a number of steps that have to be followed in order for such a transaction to be completed. The Parks Committee of the Suffolk County Legislature or the County Executive has to initiate the process. Reviews and recommendations have to be made by various County departments including: Planning, Health Services and Parks, Recreation and Conservation and the Division of Real Estate. It also has to be “pre-approved” by resolution of the County Legislature and then subsequently approved and authorized by resolution after all parties agree to the appraisal values of all involved properties and costs, if any. Once the County acquires the environmentally sensitive property, it is transferred to the Department of Parks, Recreation and Conservation.

The County has been involved in two land exchanges. The first one was the exchange of

property with Grucci Fireworks where property they owned in the Manorville Pine Barrens was exchanged for County-owned surplus property located in Yaphank. This exchange occurred in 1985.

In 1996, the Suffolk County Legislature passed a resolution to adopt a voluntary land exchange program in the Mastic/Shirley area. This was based on a study that was conducted by the County Planning Department entitled, *Narrow Bay Floodplain and Protection and Hazard Mitigation Plan*. This program exchanged County-owned surplus properties in the Mastic/Shirley Relocation Area for privately owned, environmentally sensitive properties in the Mastic/Shirley Conservation Area. This area included extensive freshwater and tidal wetlands in a low-lying floodplain area. There were two phases of acquisitions. In the first phase, the County acquired 17 parcels totaling 2.86 acres of environmentally sensitive lands in the Mastic/Shirley Conservation Area and the second phase, and last phase, is underway where the County will acquire 5 parcels totaling 1.27 acres of land.

The process of conducting a land exchange program has proved to be quite an onerous task. The time spent connecting private property owners to County-owned surplus lands has been very consuming with regard to the time necessary to process reviews, prepare resolutions and follow these resolutions through the Legislative system.

**SOUTH SETAUKET WOODS
CONSERVATION AREA PROGRAM**

SOUTH SETAUKET WOODS CONSERVATION AREA PROGRAM

As a result of the underground release of petroleum products from Northville Industries' Oil Terminal in Setauket, Suffolk County was awarded a total of \$3 million to fund the purchase of private lands in the South Setauket Woods Conservation Area. This was the result of the New York State Department of Environmental Conservation's (NYSDEC) settlement with Northville Industries Corporation. According to the Resource Restoration and Replacement Plan (RRRP) that was filed January 9, 1995 with NYSDEC, the settlement requires that the monies allocated for direct purchase of private lands must be spent in the South Setauket Woods Conservation Area. This area is located within the South Setauket Woods SGPA (Special Groundwater Protection Area). It extends generally south from NYS Rte. 25A, east of Nichols Rd., north of NYS Rte. 347, and west of

Old Town Rd., in the hamlet of Setauket, Town of Brookhaven.

There were two phases of the acquisition plan. Phase I concentrated on the area north of Route 347 and Phase II extended south of Route 347, with all properties being within the South Setauket Woods SGPA. Lists of selected vacant lands within these areas were prepared by the County Planning Department and were subsequently reviewed by the County Parks Trustees. Phase I was approved by the County Legislature in 1995 by Resolution No. 405-1995 and Phase II was approved under Resolution No. 643-1999. As of December 2002, the County has acquired 50 acres of land for \$2.4 million. Properties in this area will continue to be acquired until these funds have been exhausted.

Flow Chart 5. Suffolk County South Setauket Woods Conservation Area



LAND PRESERVATION PARTNERSHIP PROGRAM

In April of 1997 the County Legislature passed Resolution No. 751-1997, establishing the Land Preservation Partnership Program. It was amended by Resolution Nos. 652-1998 and 375-1999. It is known as Chapter 661, in Part III of the Administrative Local Laws of the Laws of Suffolk County. The program calls for the acquisition of environmentally sensitive land, in partnership with a town or village. All associated costs are split 50-50, and the land can be divided or held in common ownership as the partners choose. General obligation bonds were the funding source for this program. As of the end of 2002, the County has spent over \$14.5 million and acquired approximately 560 acres.

Properties are eligible for acquisition if they meet the specified criteria in any of the following programs:

- A. **Drinking Water Protection Program [First Program -1987].** Properties meet the criteria of this program and have been approved for acquisition by the Board of Trustees of the Department of Parks, Recreation and Conservation and the County Legislature.
- B. **Open Space Preservation Program.** Properties contain wetlands, woodlands or other environmentally significant natural resources. They have been subject to prioritization by the Board of Trustees of the Department of Parks, Recreation, and Conservation, as provided under this program, and have been approved for acquisition by the County Legislature.
- C. **Farmland Development Rights Program.** The property meets the definition of agricultural lands specified in Suffolk County Code Section 8-2. The property has been reviewed and recommended by the Suffolk County Farmland Committee.
- D. **Watershed and/or estuary protection.** The property is to be reviewed and recommended for acquisition by the Department of Health Services, Office of Ecology.
- E. **Other Parklands.** In addition to containing environmentally significant natural resources, the property may be suitable for use as County Parkland. Acquisitions are to be approved by the Board of Trustees of the Department of Parks, Recreation, and Conservation.

Properties being considered under Part A, B, C, or E are to be approved for acquisition by the Board of Trustees of the Department of Parks, Recreation and Conservation according to the prioritization criteria outlined in the Trustees Resolution No. 16-1999. The *Prioritization Criteria for Proposed Acquisitions under the Open Space Program* are divided into the following three categories.

 - **"Highly Recommended for Natural Resource Value/Recreation".** Parcels in a largely natural state with significant natural resource, as well as parcels which have important recreation potential. The adjacency or proximity of the parcel to other current or proposed County holdings may be considered in making this evaluation. (A parcel does not have to be "threatened" to be "Highly Recommended", nor does being "threatened" automatically qualify a parcel for being "Highly Recommended".)
 - **"Recommended for Natural Resource Value/Recreation".** Parcels with limited natural resource or recreation value whose acquisition would further the goals of the park system, but whose value is isolated and/or small compared to "Highly Recommended" parcels. If an otherwise small and/or isolated parcel is nonetheless very significant to the community (e.g. species habitat), it should be considered for a "Highly Recommended" rating.
 - **"Not Recommended for Natural Resource Value/Recreation".** Properties which have either no value for the program for which they are nominated, or whose

LAND PRESERVATION PARTNERSHIP PROGRAM

value to that program is so limited (e.g., the cost of operating a facility, the lack of a sizeable recreation constituency, extreme logistical or financial difficulties in managing or developing the parcel) that they cannot be recommended for acquisition under the program. (Note that a "Not Recommended" rating under one program does not necessarily imply the same rating under another program.)

The following category can be applied as an additional prioritization to either the first or second category listed above:

- **"Imminently Threatened"**. This priority may be assigned to any "Highly Recommended" or "Recommended" parcel which, in the Trustees' opinion, may soon be lost to the County program under which they were nominated if action is not taken soon (e.g., within 6 to 12 months).

Properties are eligible for consideration under this program upon receipt of a town or village board resolution stating the following:

- 1) the property is eligible under one of the above described categories;
- 2) the municipality authorizes acquisition with the County;
- 3) appropriates funds for the acquisition in the amount of 50% of its total cost; and
- 4) recommends management and use of the property in accordance with the requirements of the programs and management categories listed below.

If no other recommendation is made, the recommended use of the property will be parks and recreation.

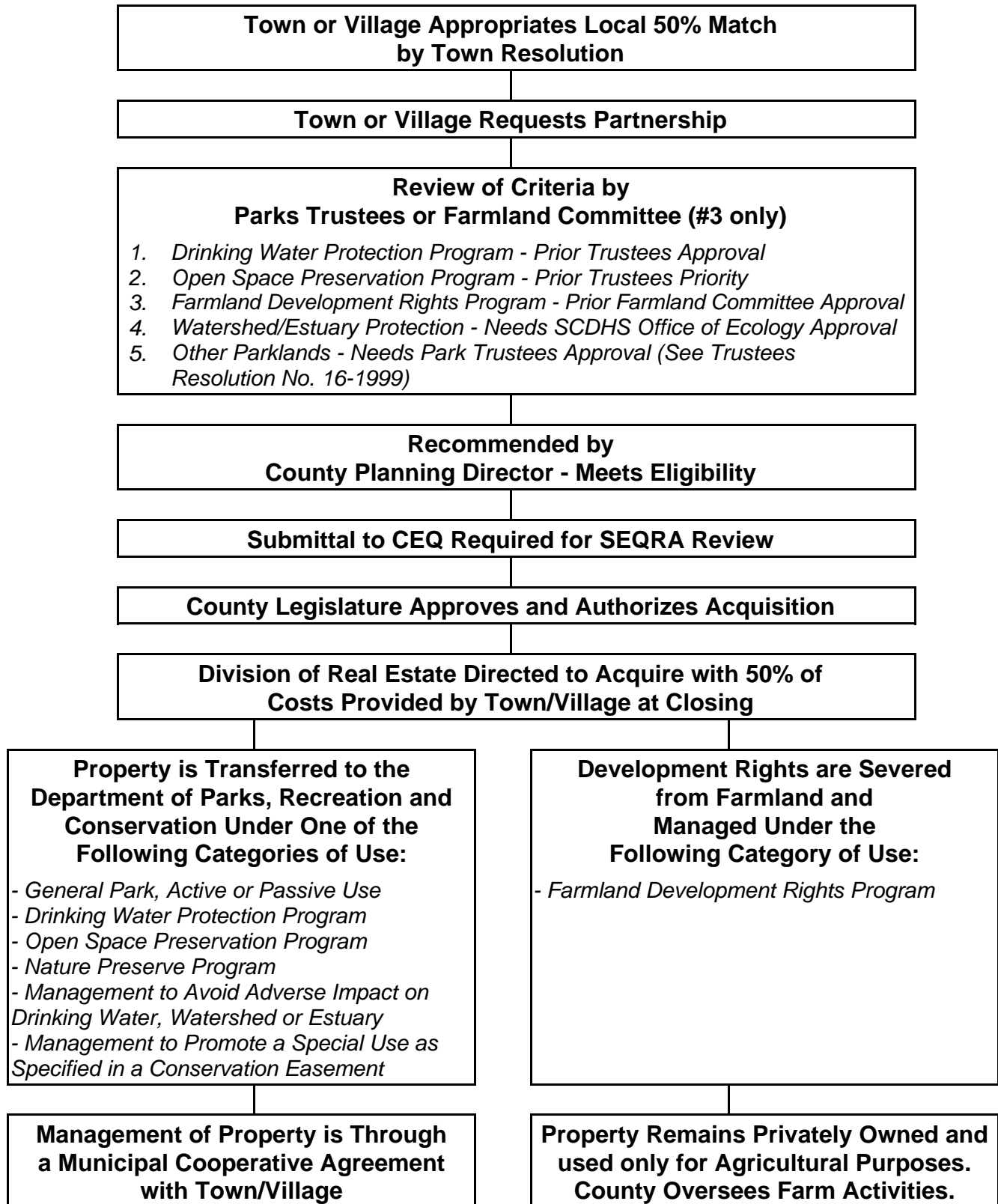
The **categories of use** are as follows:

- A. General park and active or passive recreational use.
- B. Drinking Water Protection Program – first program (Suffolk County Charter Article XII)/ water supply production and distribution.
- C. The Open Space Preservation Program (natural resource preservation)
- D. The Nature Preserve Program
- E. The Farmland Development Rights Program
- F. Management to avoid an adverse impact on drinking water quality, a watershed or an estuary.
- G. Management to promote a particular use, such as agriculture, or to restrict use, as specified in a conservation easement.

Upon receipt of a town or village resolution, the Department of Planning reviews the property for eligibility. The Director of Planning makes a recommendation to the County Executive and County Legislature as to the desirability of acquisition and the proposed management and use of the property. The Department of Planning then makes its recommendation and initiates a SEQRA review of the proposed acquisition and its use.

All properties are to be approved by the County Legislature. Ownership of the property can be one of the following: County of Suffolk as sole owner; the County of Suffolk and the respective town or village as tenants-in-common; or splitting the property into their respective 50/50 portions and owning all interest in that portion. Furthermore, the County is authorized to negotiate and enter into a municipal cooperation agreement with the respective town or village for the management of the property.

**Flow Chart 6.
Suffolk County Land Preservation Partnership Program**



COMMUNITY GREENWAYS FUND PROGRAM

In 1998 the Suffolk County Community Greenways Fund was approved by the County Legislature via Resolution 559-1998, which added Article XIIA, in Part I of the Charter of the Laws of Suffolk County. It was approved by public referendum in November 1998. This program provided \$62 million for land acquisitions and was divided into the following components: \$20 million for the acquisition of land for open space preservation; \$20 million for acquisition of land for active recreation purposes; \$20 million for the acquisition of farmland development rights; and \$2 million for the construction of an educational and interpretive center.

The **open space** land acquisitions include wetlands, woodlands, pine barrens, and other lands which were suitable only for passive uses, each of which would be subsequently dedicated to the Suffolk County Nature Preserve, via a duly enacted resolution of the County of Suffolk. This requires that the property be forever wild and left in its natural state. In October of 1998 the Suffolk County Planning Department completed the *Suffolk County Open Space Plan*. Based on its recommendations and input from the Greenways Committee, which was created by the County Legislature, Resolution No. 615-1999 was passed. It authorized the acquisition of approximately 1000 acres located throughout the County under the Open Space component. It listed properties that met criteria that were established by the Planning Department. The rating system is provided in Appendix I.

The land acquisitions for the **active parklands** component include those in which the County buys the land and a town and/or a community group would be required, via a binding agreement or commitment, to design, build and maintain the property for an agreed upon active recreational use. The acquisition of golf courses or proposed golf courses was not to be considered under this component. The active recreational uses include the following as described in Section 12A-1.A.(2): use of additional space for playgrounds; use as a soccer field, football field or baseball field; use for outdoor concerts; use for horseback riding or equine endeavors; and/or use for other community recreational needs. All are to be open for public access. The Legislature approves these acquisitions via resolution taking into consideration advisory recommendations, if any, from the County Planning

Department and the County Parks Board of Trustees according to the prioritization criteria outlined in the Trustees Resolution No. 16-1999. (See Appendix XIV.) A binding commitment or agreement would also have to be approved by the Legislature from the respective municipality or community organization. In September of 2001 the Department of Parks, Recreation and Conservation prepared a document entitled, *Guidelines For Choosing Community Organizations to Participate in Article 12-A 2 Active Parklands*, which sets forth a process for the evaluation of potential partners under the program.

The acquisition of **farmland development rights** is to be in accordance with the procedures as developed in Chapter 8 of the Suffolk County Code and is to be approved by a duly enacted resolution of the County Legislature. There is a minimum of 30% match that is to be provided by the federal government, New York State and/or a local municipality (town or village) through a written binding pledge or commitment.

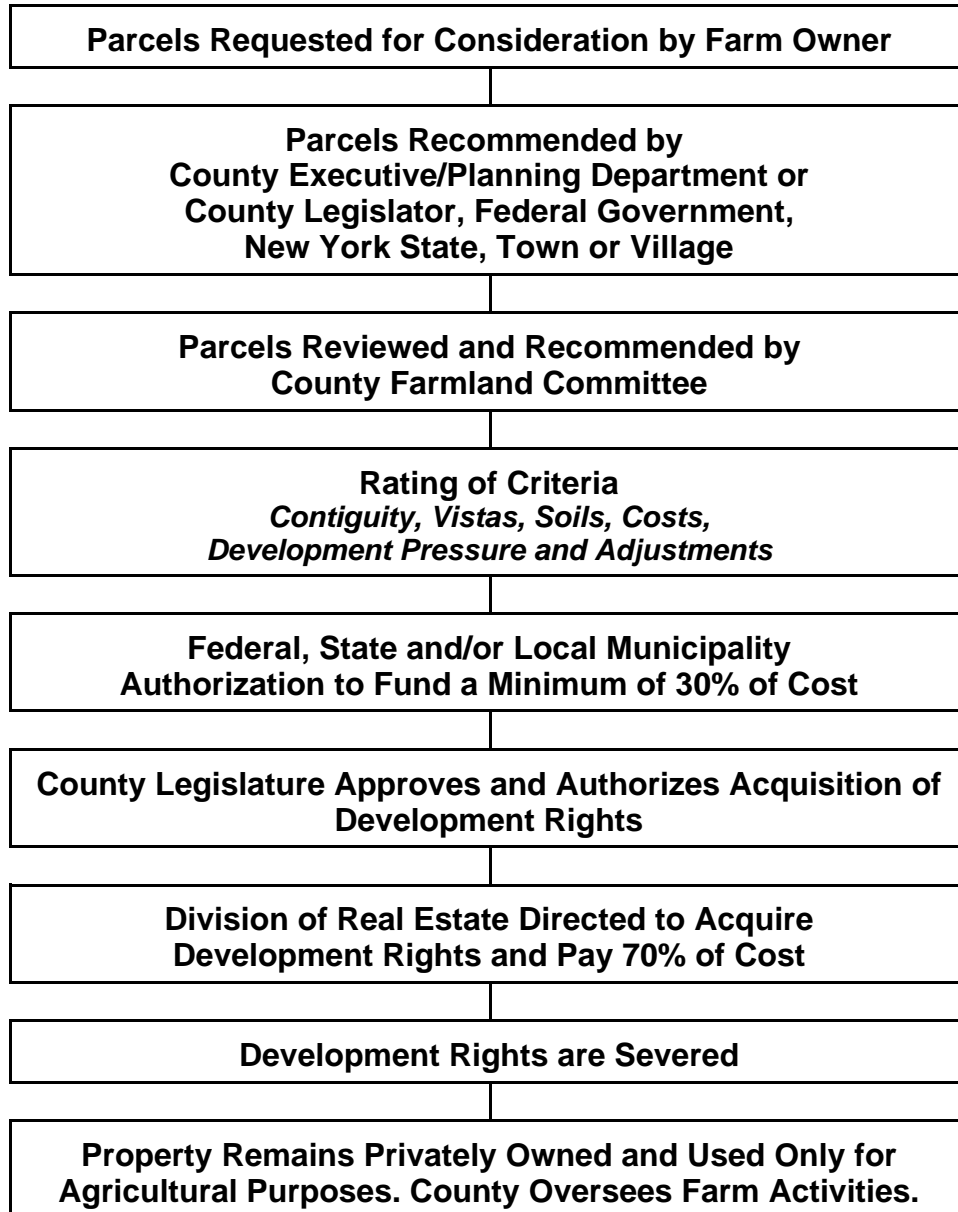
The remaining \$2 million is set aside for the construction of an **educational and interpretive center**. Such center would be located on existing County parkland and include exhibit space, classrooms, an auditorium, and a gift shop, to foster the public's understanding and appreciation of Suffolk County's natural environment. There have been two County Legislative resolutions that created two RFP (Request for Proposals) committees which were to identify a site for the center, Resolution Nos. 273-1999 and 621-2001. The last committee was given the following responsibilities: 1) recommend a site for the center to be constructed, 2) determine the goal and mission of the center, 3) provide an estimate of the actual cost of the center, and 4) review any proposals for the center's design. The operating and maintenance expenses will be addressed through subsequent Charter law amendments and/or County operating budgets.

As of December 2002, the County has acquired 335 acres under the Open Space component, 81 acres under the Active Parklands component and 232 acres under the Farmland Development Rights component. Expenditures were \$15.4 million, \$12.5 million and \$10.5 million, respectively.

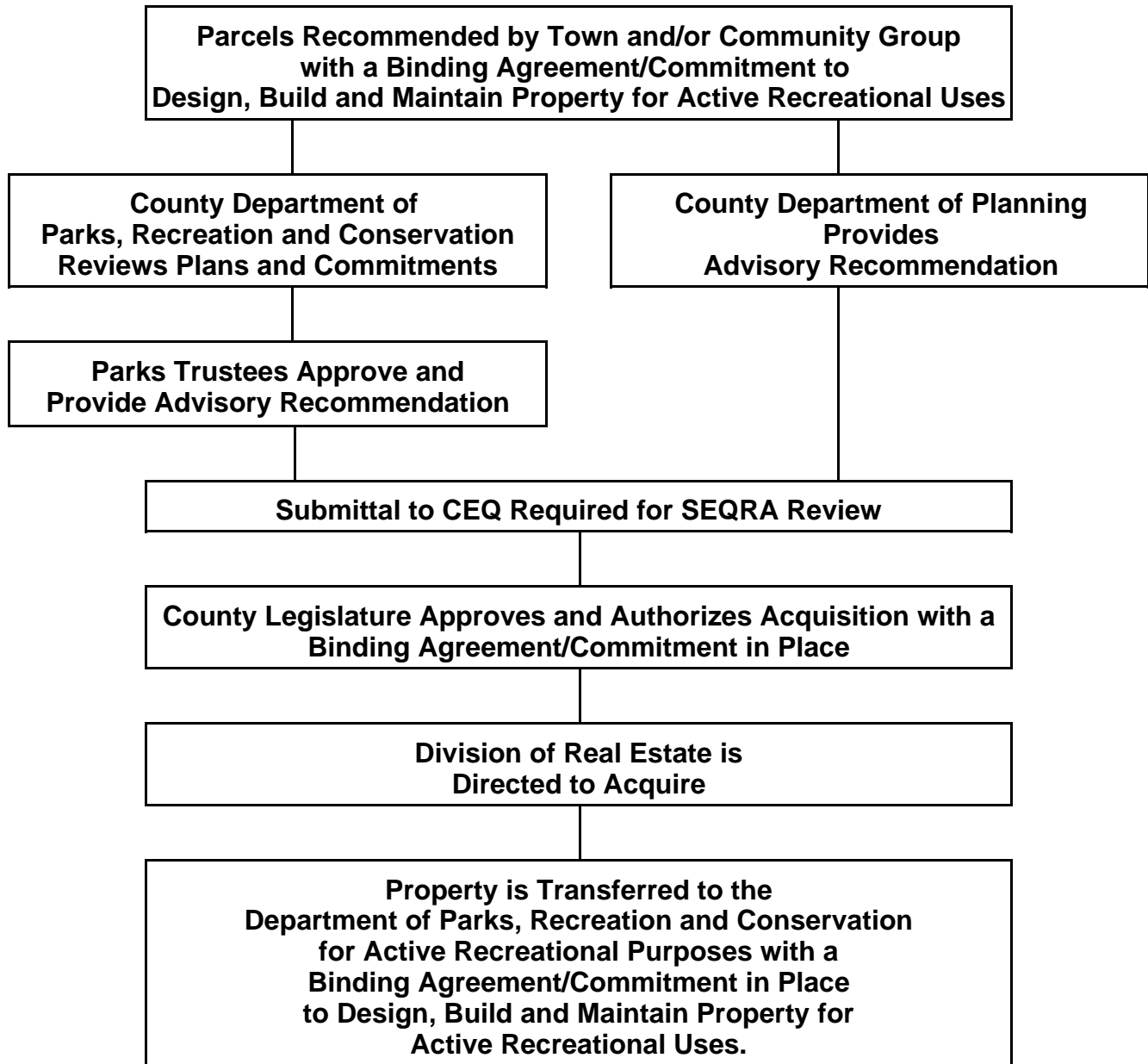
**Flow Chart 7. Suffolk County Community Greenways Fund Program
- Open Space**



**Flow Chart 8. Suffolk County Community Greenways Fund Program
- Farmland**



**Flow Chart 9.
Suffolk County Community Greenways Fund Program - Active Recreation**



NEW DRINKING WATER PROTECTION PROGRAM

NEW DRINKING WATER PROTECTION PROGRAM

In 1998 the County Legislature voted to extend the first Drinking Water Protection Program through passage of Resolution 1100-1998. This resolution enacted Local Law No. 35-1999, which created a New Drinking Water Protection Program and an amended Article XII, which was approved again by public referendum. The New Drinking Water Protection Program would extend the collection of a ¼ of 1% sales tax from December of 2000 to the end of 2013, for a total of thirteen years. This tax is to provide for the following categories: sewer district tax rate stabilization, environmental protection, and property tax mitigation. This program is to be funded annually depending on the economy through sales tax revenues. It is divided into the following five separate and dedicated accounts with the respective percentage of the total revenues generated to be allocated to that specific account:

- **Specific Environmental Protection (Open Space Acquisition)** - 13.55%
- Water Quality Protection and Restoration Program - 11.25%
- **Specific Environmental Protection (Farmland Acquisition)** - 7.35%
- County-wide Property Tax Protection – 32.15%
- Sewer Taxpayer Protection. – 35.70%

The two accounts that pertain to parkland acquisitions and the purchase of farmland development rights, the Open Space Acquisition component and the Farmland Acquisition component, respectively are discussed below:

The **Specific Environmental Protection (Open Space Acquisition)** component will be funded by 13.55% of the total revenues generated each calendar year to offset the County cost of the acquisition of:

- a.) **freshwater/tidal wetlands and buffer lands** for same;

- b.) **lands within the watershed of a coastal stream**, as determined by a reasonable planning or hydrological study;
- c.) any tract of land **located fully or partially within a statutorily designated Special Groundwater Protection Area**;
- d.) **lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater** in Suffolk County; and
- e.) **lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation [and] Management Plan (LI[S]CMP) as needed to protect coastal water resources.**

There is no role outlined in the legislation for the Parks Trustees to review and/or recommend parcels under this program.

The **Specific Environmental Protection (Farmland Acquisition)** component will be funded by 7.35% of the total revenues generated each calendar year to be used to offset the County cost of acquiring farmland development rights pursuant to Chapter 8 of the Suffolk County Code.

The total revenues generated each calendar year by such sales and compensating use tax are to be allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund. The annual appropriation of these revenues is to be approved via a duly enacted County resolution. If the revenues generated in any year, including the calendar year 2013, exceed the amount necessary to provide for these acquisitions, then these excess revenues will be carried over as a fund balance for such acquisitions to be consummated in subsequent years.

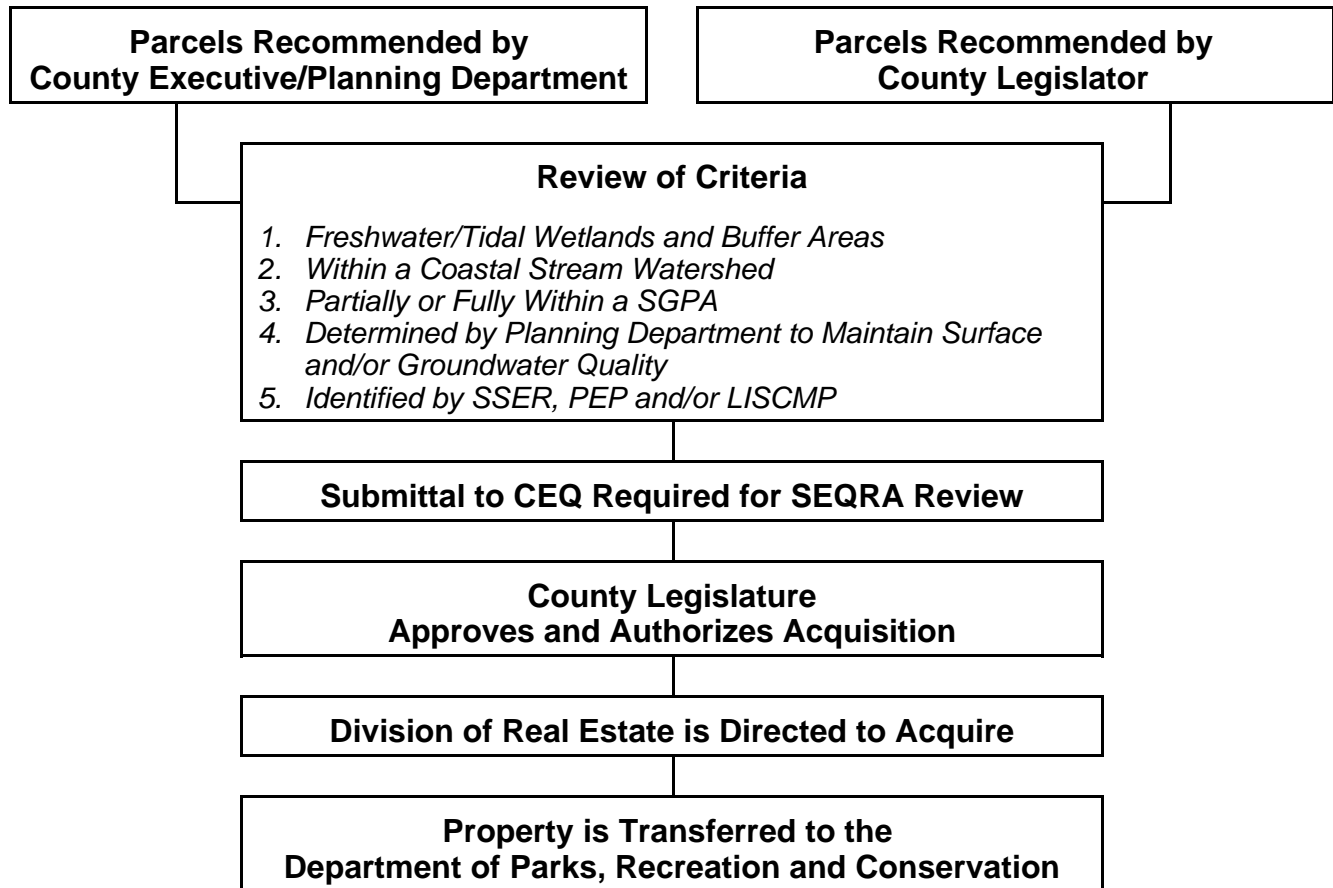
NEW DRINKING WATER PROTECTION PROGRAM

It is anticipated that over \$100 million will be generated for the Open Space Acquisition component and approximately \$60 million for the Farmlands Acquisition component over the 13-year period of the program. Over the last two years of the New Drinking Water Protection Program, ending in 2002, the County has acquired 76 acres of open space and spent \$4.3 million. No farmland development rights have been acquired in this time period although several acquisitions have been approved and are pending.

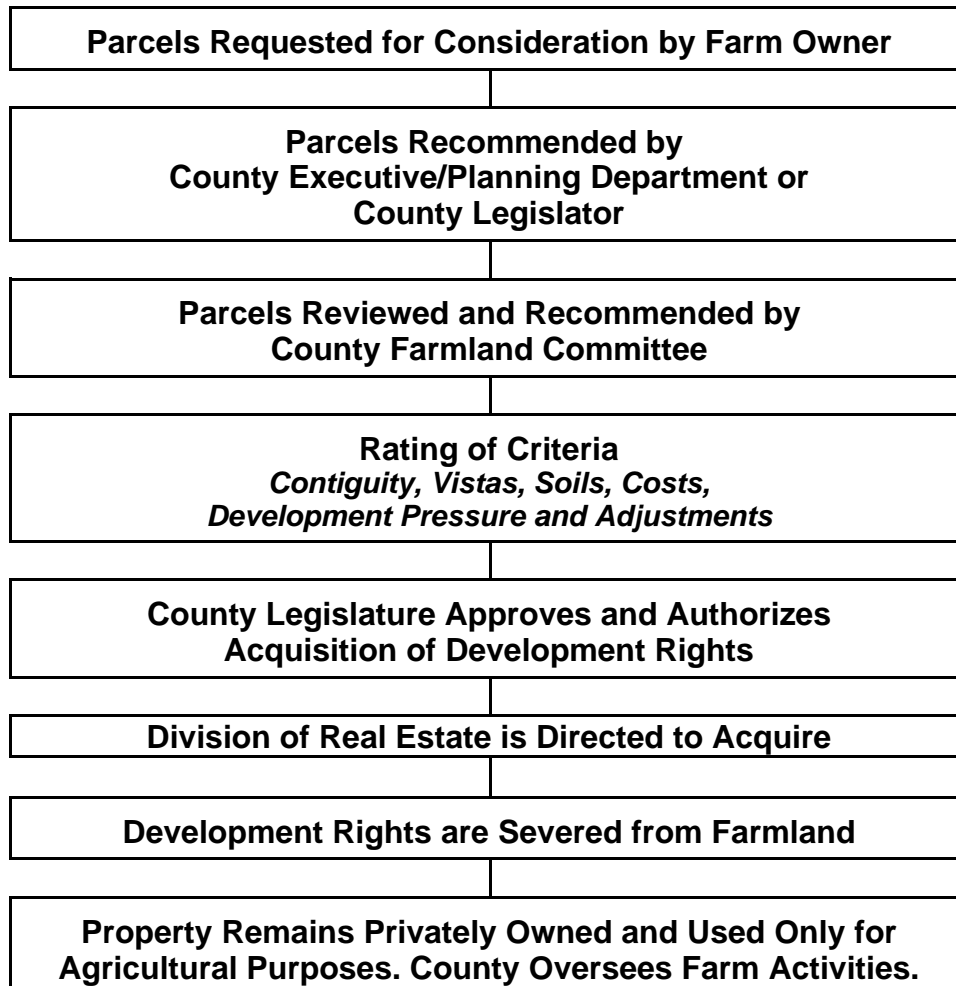
The legislature has authorized an application to the New York State Environmental Facilities Corporation (EFC) for the financing of up to \$62 million of the Drinking Water Protection Funds. This application was approved in June 2003 in the amount of \$41 million for open space and \$21 million for farmland development rights acquisitions.

Flow Chart 10.

**Suffolk County New Drinking Water Protection Program (December 2000 -2013) -
Open Space Acquisition**



Flow Chart 11. Suffolk County New Drinking Water Protection Program (December 2000 - December 2013) - Farmland Development Rights Acquisition



MULTIFACETED LAND PRESERVATION PROGRAM

As part of the amendments made to the 2002 Capital Budget and 2002-2004 Capital Program, County Resolution 459-2001 provided funds of \$13 million for acquisition of lands called the Suffolk County Multifaceted Land Preservation Program. There had been various County land acquisition programs undertaken over the years. This program was to incorporate future acquisitions under one source of funding, however, it was to utilize the criteria and/or requirements that were set under the previous programs as listed (see below). This program does not preclude or revoke any former programs and their funding.

Any acquisition to be acquired through this program is to meet the criteria of one of the following existing programs or categories:

1. Pursuant to Resolution 751-1997, the **Land Preservation Partnership Program**;
2. Pursuant to the traditional Suffolk County **Open Space Program** (in accordance with the criteria listed in Appendix I as the *Suffolk County Open Space Rating System for Land Acquisitions*);
3. Pursuant to Chapter 8 of the Suffolk County Code, the **Farmland Development Rights Program**;
4. For **parkland** purposes;
5. For **environmentally sensitive land** acquisition;

6. For **watershed and/or estuary protection**;
7. For **drinking water protection** purposes; or
8. In accordance with the criteria set forth in the programmatic County legislation designated as the Suffolk County **Active Parklands Stage II** Acquisition Program [Resolution 602-2001].*

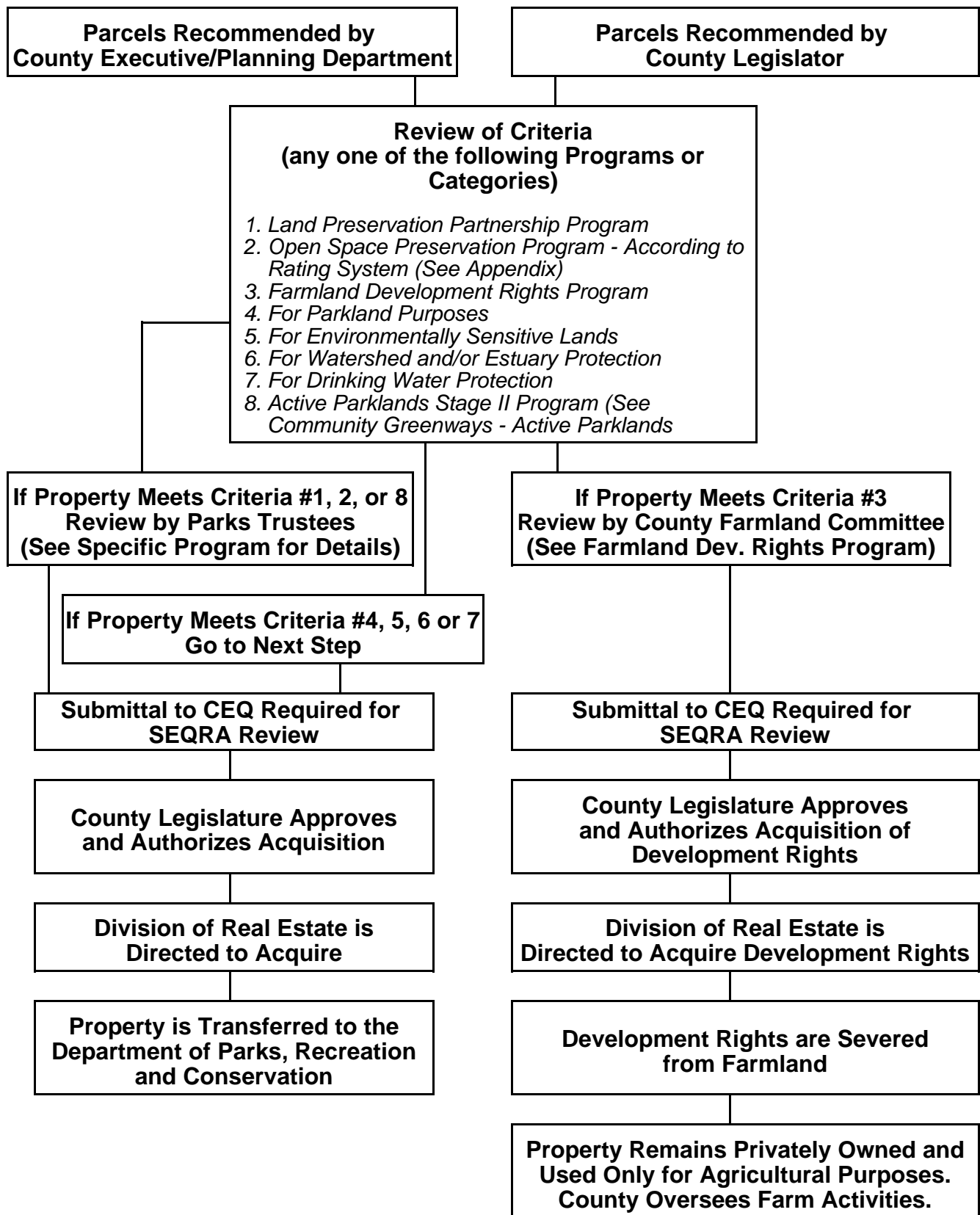
*This legislation requires that if a community organization proposes to make a binding agreement with the County of more than \$50,000.00, then the County will review the financial statements of the community organization to determine its ability to provide both its short term and long term commitments to improve and maintain the property.

The Land Preservation Partnership Program, the Open Space Preservation Program and the Active Parklands component of the Community Greenways Program all require input from the County Parks Trustees. See the specific program discussion for details. All proposed acquisitions are to be approved by the County Legislature.

Last year, 2002, the County spent \$2.25 million for 18 acres. In addition, \$13 million has been budgeted for 2003, but has not yet been appropriated. To date, this provides, in total, \$23 million for future acquisitions through this program. In 2003, the Legislature included the Affordable Housing Program into the Multifaceted Land Preservation Program. This had previously been a separate Capital Budget item.

MULTIFACETED LAND PRESERVATION PROGRAM

Flow Chart 12. Suffolk County Multifaceted Land Preservation Program



**REVIEW OF TAX LIEN PROPERTIES FOR
PARKS/ENVIRONMENTAL VALUE**

REVIEW OF TAX LIEN PROPERTIES FOR PARKS/ENVIRONMENTAL VALUE

REVIEW OF TAX LIEN PROPERTIES FOR PARKS/ENVIRONMENTAL VALUE

Suffolk County obtains properties through tax lien procedures for non-payment of taxes. After a redemption period has expired (generally 6 months for vacant land), the properties are reviewed by the Suffolk County Planning Department for their environmental characteristics and other planning criteria to determine if the County should retain these parcels for open space/parkland, or other municipal purposes. The Planning Department then provides the following recommendations: 1) transfer property to the County Department of Parks, Recreation and Conservation for park/open space purposes; 2) sell property (usually a sub-standard sized lot) to an adjacent owner; 3) sell property to a municipality; or 4) sell property through public auction.

Many parcels, usually hundreds per year, have been transferred to County Parks by Legislative approval through resolution. They include properties that are located within the Pine Barrens Core Area, lands adjacent to other County Park holdings, properties along stream corridors and within floodplain areas, properties that provide access to the waterfront, properties within SGPAs (Special Groundwater Protection Areas), as well as fresh and tidal wetlands.

This procedure was first initiated by Suffolk County Planning Department over 15 years ago and has been very successful in acquiring environmentally sensitive and parkland properties without any cost to the County.

REVIEW OF TAX LIEN PROPERTIES FOR PARKS/ENVIRONMENTAL VALUE

**TRANSFER OF DEVELOPMENT RIGHTS FOR
SUFFOLK COUNTY DEPARTMENT OF HEALTH
SERVICES BOARD OF REVIEW VARIANCE**

The Suffolk County Department of Health Services Board of Review approves a variance for certain development projects wherein an applicant is proposing a donation of property in order to meet certain population density/ sewage design flow requirements through a Transfer of Development Rights (TDR) procedure. The applicant proposes that a sterilized, sending property be donated to the County if the County is interested in accepting the property for passive park purposes. The sending property is screened by the Department of Planning to ascertain potential County interest (i.e. adjacent to other County properties, within the Pine Barrens Core Area, environmentally sensitive, etc.).

Once the legislation has been approved, the property is then donated, the title is transferred to the County and jurisdiction is placed in the Suffolk County Department of Parks, Recreation and Conservation. Its use is restricted to passive recreation and, where appropriate, the property can be dedicated to the County Nature Preserve.

Use of the park property for active recreation is not permitted. The intent of the transfer is to sterilize the sending parcels to offset development onto another site, called a receiving site, where development will be permitted or expanded.

**DONATION OF PROPERTY TO THE COUNTY FOR
PARK PURPOSES**

DONATION OF PROPERTY TO THE COUNTY FOR PARK PURPOSES

DONATION OF PROPERTY TO THE COUNTY FOR PARK PURPOSES

The County may also acquire real property through acceptance of a donation of land from a private owner. A parcel acquired in this manner is subject to review and approval by the Department of Planning and the Department of Parks, Recreation, and Conservation. If deemed

appropriate, an authorizing resolution is drafted and introduced by the Suffolk County Executive or a County Legislator. Upon adoption of the resolution, the parcel(s) is then accepted, and after title closing, the parcel(s) acquired is transferred to Parks.

DONATION OF PROPERTY TO THE COUNTY FOR PARK PURPOSES

APPENDIX

SUFFOLK COUNTY OPEN SPACE RATING SYSTEM

100 Points Minimum 25 Points

PRIMARY CRITERIA

A. Special Features or Habitat Enhancements (30 Points)

- 5- Rare or endangered species, pursuant to Federal or State lists
- 5- Unique land forms (i.e. Kettlehole)
- 5- River, stream, water body or floodplain
- 5- Marine or freshwater wetlands or Special Groundwater Protection Area (SGPA) or Critical Environmental Area (CEA)
- 5- Classified or unique vegetation (i.e. New York State Natural Heritage Program Elements)
- 5- Special view
- [5- Multiple in any of the above]

B. Size, Shape (30 points)

- 15- Over 50 acres
- 5- Between 10 - 50 acres
- 10- Perimeter to area ratio less than one (bulky shape as opposed to strips)

C. Proximity or Contiguity to Other Public Open Space (20 points)

- 10- Abutting or adjacent to County land
- 5- Abutting or adjacent to other protected land
- 5- Strategic parcel associated with further acquisition

D. Greenbelts, Trails & Public Access (10 Points)

- 5- Trail link or public access to shore or water body
- 5- Greenbelt link or buffer

SECONDARY CRITERIA

E. Development Pressure (15 Points)

- 10- Preliminary development plans filed, zoning in place
- 5- Municipal zoning action pending (rezoning)

F. Stewardship (5 Points)

- 5- Adopt-a-park or intermunicipal agreement

SOURCES

1. *Suffolk County Parks Policy Plan* - authorized by County Legislature in 1992.
2. *Suffolk County Agriculture and Farmland Protection Plan* - adopted by the County Legislature in August 1996.
3. *New York State 1994 Statewide Comprehensive Outdoor Recreation Plan (SCORP)*
 - a. Rating form for OPRHP
 - b. Standards and Development Guidelines

APPENDIX II: FARMLAND DEVELOPMENT RIGHTS PROGRAM

LAWS OF SUFFOLK COUNTY, NEW YORK, v60

Updated 4-25-2003

PART III ADMINISTRATIVE LOCAL LAWS

Chapter 8, AGRICULTURAL LANDS, DEVELOPMENT RIGHTS TO

§ 8-1. Statutory policy; legislative intent.

§ 8-2. Definitions.

§ 8-3. Procedure for purchase of development rights.

§ 8-4. Alienation of development rights.

§ 8-5. Farmland Committee established.

§ 8-6. Farm stands.

§ 8-7. Provisions to control over other legislation.

[HISTORY: Adopted by the Suffolk County Legislature 3-24-1981 by L.L. No. 16-1981. ¹ Amendments noted where applicable.]

GENERAL REFERENCES

Agricultural operations -- See Ch. 206.

§ 8-1. Statutory policy; legislative intent.

- A. The State of New York, by various legislative enactments, has emphatically stated it to be a most important state policy to conserve and protect and to encourage the improvement of agricultural lands, both for the production of food and the preservation of such lands as valued natural and ecological resources. It has further stated that the expenditure of county funds to acquire legal interests and rights in such lands is in furtherance of such policy and is a proper expenditure of public funds for public purposes.
- B. The county is in complete accord with such policy, and this chapter is intended to indicate generally the procedures which will be employed by the county in its pursuit of its goal to protect and conserve agricultural lands, open spaces and open areas.

§ 8-2. Definitions. [Amended 9-9-1992 by L.L. No. 12-1992]

NOTE: Local Law No. 12-1992 also amended other sections of this chapter and provided as follows:

Section 1. Legislative intent.

This legislature hereby finds and determines that clarification is necessary regarding operation of farm stands on lands in which Suffolk County has acquired development rights, under the Farmlands Preservation Program.

This Legislature further finds that with proper safeguards and limits, operation

of farm stands on such properties will enhance the Farmland Preservation Program by enhancing the economic benefit from participation, at no cost to the taxpayer.

This Legislature further finds and determines that such enhancement will strengthen the program by enabling more farmers to participate.

This Legislature further finds that inclusion of farm stands as a permitted use on such properties is consistent with the goals of the program.

Now therefore, the purpose of this law is to clarify the policy regarding operation of farm stands on land in the Farmland Preservation Program.

As used in this chapter, the following terms shall have the meanings indicated:

AGRICULTURAL LANDS -- Lands used in bona fide agricultural production.

AGRICULTURAL PRODUCTION -- The production for commercial purposes of all those items and products as defined in the New York State Agriculture and Markets Law, § 301, as may be amended. [Amended 6-29-1999 by L.L. No. 25-1999]

NOTE: Local Law No. 25-1999 also provided as follows:
Section 1. Legislative intent.

This Legislature hereby finds and determines that it continues to be in the best interests of Suffolk County and its residents to acquire farmland development rights through the Suffolk County farmland preservation program.

This Legislature further finds and determines that two of the definitions in our farmland preservation program incorporate by reference the definitions used in New York State Agriculture and Markets Law § 301, as they existed when Suffolk County's program was enacted. Our static definition should be amended to accommodate the dynamic changes of that section of state law which have occurred since the inception of our program.

This Legislature further finds and determines that more farmland development rights can be obtained by leveraging the county funding therefor by inducing the financial participation of other entities including the federal, state and municipal levels of government along with other private entities, not only in this program, but also in other environmental acquisition programs, such as the Suffolk County land preservation partnership program and the Article XII-A, Suffolk County Greenways County Fund Program to accomplish this goal.

This Legislature further finds and determines that the farmland development rights portion of all of these environmental acquisition programs, in addition to the farmland preservation program, would be enhanced if said governmental entities would be able to derive an ownership interest in the subject acquisition as consideration for their portion of the funding by these entities.

This Legislature further finds and determines that participation by these entities would also be enhanced if said municipal governmental entities were authorized to manage these acquisitions, if not contrary to law, through municipal cooperation agreements with Suffolk County.

This Legislature further finds and determines that the best way to accomplish these ends is to amend the Suffolk County Administrative Local Law Chapter 8, Development Rights to Agricultural Lands, §§ 8-2 and 8-3.

Therefore, the purpose of this local law is to authorize the incorporation by reference of New York State Law § 301, as it may be amended, from time to time; to provide the ability for Suffolk County to share title in the acquisition of farmland development rights acquired through the farmland preservation program in addition to the other Suffolk County environmental acquisition programs which require the financial participation of other entities in addition to Suffolk County, as consideration therefor; and to allow municipal cooperation agreements between Suffolk County and other participating municipalities to manage these acquisitions where the same is not contrary to law or policy.

ALIENATION -- The transfer of any development right in real property from Suffolk County to another.

COMMITTEE -- The Suffolk County Farmland Committee.

DEVELOPMENT RIGHT -- As authorized by § 247 of the New York State General Municipal Law, as amended, the permanent legal interest and right to permit, require or restrict the use of the premises exclusively for agricultural

¹ Editor's Note: Local Law No. 16-1981 repealed Local Law No. 19-1974, Local Law No. 2-1978 and Sections 1 through 5 of Local Law No. 18-1976.

APPENDIX II: FARMLAND DEVELOPMENT RIGHTS PROGRAM

production as the term is defined in § 301 of the New York State Agriculture and Markets Law, as may be amended, and for operation of a farm stand, as defined herein, and the right to prohibit or restrict the use of the premises for any purposes other than agricultural production or operation of a farm stand. [Amended 6-29-1999 by L.L. No. 25-1999²]

FARM STAND -- A retail sales outlet primarily for sales of fruits, vegetables and ornamental plants grown on the premises and wines made from grapes grown on the premises. Operation of such farm stand shall be subject to the permit requirement specified in this chapter.

INTEREST or RIGHT -- In real property, includes all legally recognized interests and rights in real property other than fee simple.

STRUCTURE -- Anything constructed or erected which requires location in, on or under the ground or attachment to something having a location in, on or under the ground, including fences.

§ 8-3. Procedure for purchase of development rights.

- A. When authorized by the Suffolk County Legislature, the County Executive shall solicit offers for the sale of development rights in agricultural lands to the county. Following receipt of such offers, the County Executive shall cause an appraisal of the market value of such development rights to be made. After a report on the matter by the County Executive to the County Legislature, the County Legislature shall hold a public hearing on the question of the acceptance of one or more of such offers. Said hearing shall be held upon such notice given in such manner as the Legislature may determine.
- B. Within 30 days after such public hearing, the County Legislature shall make a decision upon the matter of such offers.
- C. When the County of Suffolk acquires title to development rights with funds received from the federal, New York State or local governments or from private sources, such title may be acquired subject to restrictions, conditions or encumbrances required as a result of the funds received. Such restrictions, conditions or encumbrances may include but are not limited to a reverter interest held by the source of funds. Such restrictions and conditions shall be reviewed by the Suffolk County Attorney. Acceptance of such funds and the terms and conditions for acceptance shall be subject to legislative approval. [Added 8-12-1997 by L.L. No. 22-1997]

**NOTE: Local Law No. 22-1997 also provided as follows:
Section 1. Legislative intent.**

This Legislature hereby determines that the County of Suffolk's Farmland Development Rights Program could be enhanced by receipt of funds from the

United States Department of Agriculture or other sources, to purchase development rights for additional acreage.

This Legislature further finds that such funds may come with a requirement that the county take title subject to specified conditions, restrictions or encumbrances, such as a reverter interest held by the source of funds.

Therefore, the purpose of this local law is to clarify the county's ability to purchase development rights subject to such conditions, restrictions or encumbrances.

D. [Added 6-29-1999 by L.L. No. 25-1999³] Where the County of Suffolk acquires the farmland development rights through this Chapter 8, Development Rights to Agricultural Lands, or through an environmental acquisition program, which conditions said acquisition upon the financial participation of a governmental entity or other private source, the title may be held by:

- (1) The County of Suffolk; or
- (2) The County of Suffolk and the subject governmental entity as tenants in common, each on an undivided pro rata interest to the extent of the financial participation stipulated in the legislation authorizing the respective Suffolk County environmental acquisition or acquisition program; or
- (3) The County of Suffolk and the subject governmental entity, by physically dividing the property up between the County and the subject governmental entity, with the County owning all of the interest in its respective portion of the property, and with the subject governmental entity owning all of the interest in its respective portion of the property.

E. If it is not contrary to any statute, the Suffolk County Charter, this local law or any other local law, any regulation or other county policy, the county is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the respective town or village for the management of said county acquisition, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the county department charged with the management and operation of said property. [Added 6-29-1999 by L.L. No. 25-1999⁴]

§ 8-4. Alienation of development rights.

- A. Unless authorized by local law recommended by the Committee and approved upon mandatory referendum, development rights acquired by the county in agricultural lands shall not be alienated in any manner.
- B. In determining whether to recommend the alienation of development rights, the Committee shall take into

³ Editor's Note: See the note at § 8-2, definition of "agricultural production."

⁴ Editor's Note: See the note at § 8-2, definition of "agricultural production."

² Editor's Note: See the note at § 8-2, definition of "agricultural production."

APPENDIX II: FARMLAND DEVELOPMENT RIGHTS PROGRAM

consideration:

- (1) The continuing practicality of the use of the remainder fee of lands.
- (2) The development rights which have been acquired by the county.
- (3) Such factors as the uses to which adjacent lands have been put.
- (4) The necessity for the use of the lands for another governmental purpose.

§ 8-5. Farmland Committee established.

- A. The Committee is hereby constituted as a continuing agency of Suffolk County government.
- B. It shall consist of 19 members, nine of whom shall be appointed by the County Executive with the approval of the County Legislature and shall serve at the pleasure of the County Executive; and the other 10 shall be designated one from each town within the county and shall serve at the pleasure of the respective town boards.
- C. The designees of the towns shall be certified to the Clerk of the County Legislature by the town clerk of the respective towns.
- D. The Chairman of the Committee shall be designated by the County Executive and shall serve at his pleasure.
- E. The Committee shall have the authority:
 - (1) To recommend to the County Legislature the lands which may be acquired for development rights.
 - (2) To review requests to subdivide the remainder fee of lands and to thereafter make a recommendation to the Legislature whether such request be granted.
 - (3) To review any matters relevant to development rights and the agricultural economy in general.
 - (4) To serve as a review board for the granting of permits for the construction or erection of structures on those properties covered by the development rights.
 - (5) To serve as a review board for the granting of permits for the operation of farm stands on properties covered by the development rights program. [Added 9-9-1992 by L.L. No. 12-1992]
 - (6) To promulgate such rules and regulations as may be necessary to carry out the intent of this chapter and to govern the administration and functions of the Suffolk County Farmland Committee.

§ 8-6. Farm stands. [Added 9-9-1992 by L.L. No. 12-1992 ⁵]

- A. The Farmlands Committee may grant a permit for operation of a farm stand on a property covered by the development rights program subject to the following conditions:
 - (1) With the exception below, fruits, vegetables and ornamental plants sold at the farm stand shall be grown on the premises covered by the development rights program.
 - (2) With the exception below, wine sold at the farm stand shall be made from grapes grown on the premises covered by the development rights program.
 - (3) Supporting products grown or made off the premises may be sold in an amount not to exceed 20% of the total sales for the sales outlet.
 - (4) Gravel or dirt parking facilities for the farm stand may be permitted as necessary.
 - (5) The size of the farm stand structure, excluding parking, shall be approved by the Farmland Committee and shall not exceed 500 square feet.
 - (6) The farm stand structure shall be semipermanent and shall be designed for use in growing seasons only.
 - (7) The farm stand shall be constructed and operated in compliance with all applicable federal, state and local legal requirements, including but not limited to zoning restrictions.
- B. The Farmland Committee may impose such additional conditions as it deems necessary to carry out the purposes of this chapter.

§ 8-7. Provisions to control over other legislation.

Notwithstanding the provisions of any special law, charter law, local law or resolution which may be inconsistent herewith, in whole or in part, this chapter shall in all respects control in the matter of the acquisition or alienation of development rights in agricultural lands.

⁵ Editor's Note: This local law also renumbered former § 8-6 as § 8-7.

APPENDIX III: OPEN SPACE PRESERVATION PROGRAM

Intro. Res. No. 1771-86
 Introduced by the Presiding Officer
 at the request of the County Executive & Legislators Foley and Englebright

RESOLUTION NO. 762 - 1986, AMENDING THE 1986 CAPITAL BUDGET AND PROGRAM, APPROPRIATING FUNDS AND AUTHORIZING THE COMMISSIONER OF REAL ESTATE TO ACQUIRE FEE TITLE FOR THE PARCELS INCLUDED IN THE ACQUISITION OF LAND FOR THE OPEN SPACE PRESERVATION PROGRAM (CP 7144)

WHEREAS, Resolutions No. 745 of 1985, No. 26 of 1986 No. 57 of 1986 and No. 272 of 1986 provided funds to have surveys and appraisals prepared for approximately 4,833 acres of land or open space to preserve our precious water supply, wetlands and woodlands; and

WHEREAS, this land, which was identified in a report prepared by the Planning Department, should be acquired at the earliest possible date because of the imminent danger of development; and

WHEREAS, the commissioner of Real Estate has submitted to the County Executive appraised values for the property listed on resolutions listed above; and

WHEREAS, the land will be purchased in phases over the next three years; and

WHEREAS, the priority for such acquisitions is based on those parcels which are in immediate danger of development or which the purchase of such parcels is advantageous to the county; and

WHEREAS, the appraised current cost of the acquisition is \$53.2 million; and

WHEREAS, because this project calls for a phased-in acquisition, the sum of \$6.8 million will be appropriated to make land value adjustments based on updated appraisals and for contingency, interest and other incidental expenses; and

WHEREAS, the county Legislature, by resolution of even date herewith, has authorized the issuance of \$60,000,000 in Suffolk county Serial Bonds to cover the cost of said acquisition; and

WHEREAS, the following is a listing of approximately 4,833 acres of land that should be acquired:

Site	Appraisal I Town	Acreage
Red Creek	Southampton	366.0
Port Jefferson Headlands	Brookhaven	39.0
Carlls River	Babylon	48.0
Camp Barstow	Brookhaven	66.5
Carmans River	Brookhaven	112.0
Southaven Park	Brookhaven	37.5
Inlet Pond	Southold	2.0
Orient Point	Southold	48.4
Pine Barrens	Southampton	425.0
Sears Bellows	Southampton	216.0
Long Pond	Southampton	342.0
Montauk	East Hampton	25.6
Robins Island	Southold	460.0
Total Acreage = 2,188.0		
Total Value = \$37,931,000.		

Site	Appraisal II Town	Acreage
Crab Meadow	Huntington	19.1
Nissequogue River	Smithtown	27.3
Fresh Pond	Huntington & Smithtown	34.0
Bergen Point	Babylon	11.4
Sans Souci	Islip	21.8
South Setauket	Brookhaven	49.3
Terrels River	Brookhaven	260.5
Peconic River	Riverhead	822.4
Maple Swamp	Southampton	664.0
Dwarf Pine	Southampton	372.9
Mill Pond	Islip	14.0
Harbor View	Brookhaven	16.3
Hither Woods	East Hampton	317.0
Little Plains School	Huntington	15.8
Total Acreage = 2,645.8		
Total Value = \$25,279,150.		

and

APPENDIX III: OPEN SPACE PRESERVATION PROGRAM

WHEREAS, the Suffolk county charter provides pursuant to section 28-3A-2 for the Board of Trustees of the Department of Parks, Recreation and Conservation "to recommend long-range plans for parks and open space acquisition and facilities development in conjunction with the Commissioner"; now, therefore, be it

RESOLVED, that the 1986 Capital Budget and Program be and they are hereby amended as follows:

Proj. No. 7144

Project Name: Acquisition of Parkland for Open Space Preservation

	Total Est'd. Cost	Current 1986 Capital Budget & Program	Revised 1986 Capital Budget & Program
1. Planning, Design & Supervision	\$702,000	\$385,000 G	\$385,000 G
2. Land Acquisition	\$60,307,000	\$149,000 G	\$149,000 G
		\$0	\$60,000,000 G
6. TOTAL	\$61,009,000	\$534,000	\$60,534,000

and be it further

RESOLVED, that the proceeds of \$60,000,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Proj. No.	Project Title	Amount
01-CF7144.211	Acquisition of Parkland for Open Space Preservation	\$60,000,000

and be it further

RESOLVED, that the Commissioner of Real Estate be and he hereby is authorized to acquire fee title to the parcels listed herein from the reputed owners in a phased expenditure of this bond authorization over the next three years; and be it further

RESOLVED, that the Board of Trustees of the Department of Parks Recreation and Conservation minus its ex-officio members, shall establish criteria, priorities, and time tables to implement the contemplated phased-in acquisition of the above-described parcels; and be it further

RESOLVED, that the Board of Trustees of the Department of Parks, Recreation and Conservation, minus its ex-officio members, shall, pursuant to section 28-3A-2 of the Suffolk County Charter, recommend to the Commissioner of the Suffolk County Department of Real Estate those parcels to be acquired under this resolution by an affirmative vote of the entire membership of said Board, minus the ex-officio members thereof, taking into consideration the criteria, time tables, and priorities established by said Board; and be it further

RESOLVED that the Commissioner of the Suffolk County Department of Real Estate shall only consummate the acquisition of any such parcel under this resolution pursuant to and in accordance with the recommendation by said Board to the Commissioner of the Suffolk County Department of Real Estate.

DATED: July 8, 1986

APPROVED BY:

/s/ Peter F. Cohalan
County Executive of Suffolk County

Date of Approval: July 22, 1986

APPENDIX IV: DRINKING WATER PROTECTION PROGRAM

**LAWS OF SUFFOLK COUNTY, NEW YORK
PART I CHARTER, SUFFOLK COUNTY CODE,
ARTICLE XII¹
Suffolk County Drinking Water Protection Program
[Added 7-14-87 by L.L. No. 40-1987²]**

§ C12-1. Creation.

There are hereby created a Suffolk County Pine Barrens Wilderness and a Suffolk County Water Protection Preserve as defined in § C12-2 of this Article, which shall be preserved and protected in their natural states and in perpetuity.

§ C12-2. Definitions.

The following words and phrases when used in this Article, unless otherwise expressly stated, are defined as follows:

SUFFOLK COUNTY PINE BARRENS WILDERNESS - The Pine Barrens Zone described in Local Law No. 7 of 1984³ and any other land as Suffolk County may in the future designate by resolution and any other area as may be designated by the County Executive with the approval of the Legislature.

SUFFOLK COUNTY WATER PROTECTION PRESERVE - The special groundwater protection areas in Suffolk County identified in the Long Island Regional Planning Commission report on special groundwater protection areas and any other land as Suffolk County may in the future designate by resolution and any other area as may be designated by the County Executive with the approval of the Legislature.

UNDEVELOPED LAND - Land that has not been improved upon in any manner whatsoever by humankind and remains intact in its natural state, and land that has only been nominally disturbed by humankind and remains substantially intact in its natural state.

§ C12-3. Acquisition of property.

- A. Upon resolution duly adopted, and within such appropriations as may duly be made available therefor, the County of Suffolk may acquire one (1) or more parcels of undeveloped land within the Suffolk County Pine Barrens Wilderness and/or Water Protection Preserve. Land so acquired from any funds authorized under this Article shall remain in a natural state and be managed so as to perpetuate the natural ecosystem of said lands as a nature

preserve under § C1-7 of this Charter, with the sole exception of those portions of said lands which the Suffolk County Legislature may determine as being necessary for use for water supply production and distribution, including ancillary facilities required specifically for such production and distribution.

- B. Before any parcel shall be acquired pursuant to this Article by the County of Suffolk, it shall be reviewed by the Board of Trustees of the Department of Parks, Recreation and Conservation, minus its ex officio members, which shall, pursuant to § C28-3A of the Suffolk County Charter, recommend to the Commissioner of the Suffolk County Department of Real Estate any parcel to be acquired under this Article which has been approved by an affirmative vote of the entire membership of said Board, minus the ex officio members thereof, taking into consideration the criteria, time considerations and priorities which said Board shall establish in order to implement the purposes of this Article.
- C. The Commissioner of the Suffolk County Department of Real Estate shall not enter into any negotiations for the acquisition of, nor consummate the acquisition of, any such parcel so contemplated unless and until said parcel has been recommended by said Board for acquisition.
- D. The Commissioner of the Suffolk County Department of Real Estate shall not be authorized to enter into any negotiations for the acquisition of, nor consummate the acquisition of, any such parcel which will require the expenditure of county funds in excess of the appropriations provided therefor unless and until sufficient additional appropriations are provided by this Legislature.

§ C12-4. Payment of costs.

- A. In the event that the New York State Legislature enacts enabling state legislation, prior to November 30, 1989, for the explicit purpose of extending, within the territorial limits of the County of Suffolk, the additional sales and compensating use tax of one-fourth of one percent (1/4 of 1%) imposed by the County of Suffolk pursuant to the provision of § 1210 of the New York Tax Law and Suffolk County Resolution No. 823-1984,⁴ and, in the event that the County of Suffolk extends, prior to November 30, 1989, by appropriate legislative action, within the territorial limits of the County of Suffolk, the additional sales and compensating use tax of one-fourth of one percent (1/4 of 1%) imposed by the County of Suffolk pursuant to the provisions of § 1210 of the New York Tax Law and the Suffolk County Resolution No. 745-1968 as amended by Resolution Nos. 114-1972, 115-1972 and 823-1984, then any revenue generated by the extension of such one-fourth-of-one-percent sales and compensating

¹ Editor's Note: Former Art. Xii, Department of Fire Safety, added 10-23-63 by L.L. No. 5-1963 and amended 1-6-64 by L. L. No. 1-1964, was repealed 9-27-83 by L. L. No. 16-1983. See Art. XI of this Charter.

² Editor's Note: This local law was approved at referendum 11-3-87.

³ Editor's Note: See Article XXXIV of this Charter.

⁴ Editor's Note: this resolution and these resolutions subsequently named in this section are on file in the offices of the County Legislature.

APPENDIX IV: DRINKING WATER PROTECTION PROGRAM

use tax, so authorized by appropriate state and local action, shall be used for the payment of any and all costs associated by the program authorized by this Article for the period of December 1, 1988, to December 1, 2000. In addition, every effort shall be made to apply for any state or federal aid money that may be available to defray the costs of this program.

- B. Any such sales and compensating use tax collected pursuant to this Article shall be held in a Water Quality Protection Reserve Fund ("reserve fund") which shall be created for such purpose and established as of January 1, 1989. Moneys in the reserve fund shall be expended for the purpose specified in this Article. Moneys in the reserve fund may, in the event that obligations have been issued to pay the cost of either the acquisition of land in the Pine Barrens Wilderness and the Water Protection Preserve or the cost of any capital project to be undertaken as part of the Water Quality Protection Program, be expended to pay debt service on such obligations from the reserve fund. [Amended 6-28-88 by L.L. No. 35-1988⁵]
- C. Notwithstanding any provision of this Article to the contrary, this Legislature may, pursuant to the provisions of the Local Finance Law, authorize the issuance of general obligation serial bonds and/or bond anticipation notes to pay the cost of both the acquisition of land in the Pine Barrens Wilderness and the Water Protection Preserve and the cost of any capital project to be undertaken as part of the Water Quality Protection Program. Any issue of such obligations may be additionally secured, as this Legislature shall determine, by the irrevocable pledge of such portions of the sales and compensating use tax proceeds allocated to land acquisition pursuant to § C12-5A of this Article or to the water quality protection programs pursuant to § C12-5E of this Article, respectively. [Added 6-28-88 by L.L. No.35-1988⁶]

§ C12-5.Acquisition program costs and related expenditures. [Amended 6-28-1988 by L.L. No. 35-1988;⁷ 6-9-1993 by L.L. No. 26-1993;⁸ 6-11-1996 by L.L. No. 21-1996⁹]

Note: Local Law No. 26-1993 which amended § C12-5E, also provided as follows:

Section 1. Legislative intent.

This Legislature hereby finds and determines that management of the County Drinking Water Protection Program is virtually nonexistent at the present time because of overlapping and confusing administrative assignments of personnel, responsibilities and jurisdiction for this program.

This Legislature further finds and determines that this lack of management threatens the primary environmental protection objectives of the program which can readily be eroded by administrative manipulation and distortion.

Therefore, the purpose of this law is to prevent such abuses from occurring in the future by establishing the Division of Real Estate within the Department of Law as the entity with primary jurisdiction and responsibility for the program. Section 5. Form of proposition.

The proposition to be submitted to the electorate at the next general election pursuant to Section 7 of this law shall be in the following form:

"Shall Resolution No. 388-1993, Adopting a Charter Law to Provide Management of the One-quarter Per Cent (1/4%) Drinking Water Protection Program by the County Division of Real Estate, be adopted?"

Section 6. Applicability.

This law shall apply to the allocation of any sales and compensating-use tax made on or after the effective date of this law.

NOTE: Local Law No. 21-1996 also provided as follows:

Section 1. Legislative intent.

This Legislature hereby finds and determines that the preservation of environmentally sensitive land within the County of Suffolk and the protection of vital water resources are of essential significance to the promotion of the health, safety and general welfare of the people of the County of Suffolk.

This Legislature further finds that the preservation of such lands and water resources will protect, enhance and promote the county's inherent physical and aesthetic qualities which have captured the attention, fancy and imagination of the residents of this county as well as numerous visitors.

This Legislature also finds and determines that recent action by the New York State Legislature to enact the Long Island Pine Barrens Protection Act has provided a comprehensive settlement of the issues that previously divided developers and environmentalists by creating a land use planning mechanism to protect and develop the Central Pine Barrens area of Suffolk County, which program requires reliable funding by the state, local and federal government in order to be effectively implemented.

This Legislature also finds and determines that Local Law No. 40-1987 and Local Law No. 35-1988, establishing a One-Fourth-Percent County Drinking Water Protection Program, each approved by the electorate for the purpose of extending a one-fourth-percent sales and compensating use tax through December 1, 2000, combined land acquisition with water quality protection and tax mitigation.

This Legislature further finds and determines that the use of \$25,000,000 in such moneys by the County of Suffolk to fund a portion of the county's general fund operating budget represents an act of bad faith on the part of Suffolk County that threatens to compromise the integrity, goals and objectives of the existing One-fourth-Percent County Drinking Water Protection Program as originally contemplated.

Therefore, the purpose of this law is to ensure an orderly, rational fiscally prudent, cost-effective, carefully structured program of environmental protection narrowly targeted at unique environmental resources in the Pine Barrens which are vital to watershed, ecological and aquifer protection for the residents of Suffolk County that will be coupled with protection of the One-Fourth-Percent County Drinking Water Protection Program against any diversion of funds from land acquisition via an amendment to said Drinking Water Protection Program to ensure the use of unallocated funds, above and beyond a minimum statutory allocation of 10% for tax relief, for the acquisition of Pine Barrens land as well as parkland (inclusive of beach nourishment) by prohibiting the use of the remaining unallocated reserve funds for purposes other than land acquisition.

Section 4. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type I Action pursuant to Section 617.12(b)(1) and (4) of Title VI of the New York Code of Rules and Regulations (NYCRR) and will not have a significant impact on the environment within the meaning of § 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW for the following reasons:

- A. Enactment of this law will not exceed any of the criteria in Section 617.11 of Title VI NYCRR which sets forth thresholds for determining significant effects on the environment.
- B. This law will continue the Drinking Water Protection Program of promoting beneficial environmental impacts, including the following:
 - (1) It will provide enhanced protection of groundwater quality and quantity through preservation of additional above-lying Pine Barrens areas of the Central Pine Barrens and parklands (inclusive of beach nourishment allocation) in as many as five towns; and
 - (2) It will ensure implementation of the Long Island Pine Barrens Protection Act and will advance a comprehensive settlement of the issues that have divided developers and environmentalists

⁵ Editor's Note: This local law was approved at referendum 11-8-88.

⁶ Editor's Note: This local law was approved at referendum 11-8-1988.

⁷ Editor's Note: This local law was approved at referendum 11-8-1988.

⁸ Editor's Note: Local Law No. 26-1993 was approved at referendum 11-2-1993.

⁹ Editor's Note: This local law was approved at referendum 11-5-1996.

APPENDIX IV: DRINKING WATER PROTECTION PROGRAM

by ensuring consistent funding to protect and develop the Central Pine Barrens area of Suffolk County, which program requires funding by the state, local and federal governments in order to be effectively implemented.

- C. This law essentially constitutes a promulgation of rules and regulations for preserving the integrity of the One-Fourth-Percent Drinking Water Protection Program while simultaneously providing enhanced protection of the Central Pine Barrens through a more secure funding mechanism.
- D. This law affords an opportunity for the county to acquire, protect and preserve parklands in areas of the county not receiving the full benefit of one-fourth-percent land acquisitions previously authorized under the One-Fourth-Percent Drinking Water Quality Protection Program.

Furthermore, in accordance with Section C1-4(A)(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(c)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to prepare and circulate a SEQRA notice of the determination of non-significance in accordance with this resolution.

Section 5. Applicability.

This law shall apply to funds available for allocation on or after the effective date of this law.

The proposition to be submitted at the next general election pursuant to Section 8 of this law shall be in the following form:

“Shall Resolution 591-1996, Amending the County One-Fourth-Percent Drinking Water Protection Program to Use 98% of All Surplus funds in this Program for County-wide Land Acquisition, instead of General Government Purposes, Coupled with the use of 2% of such funds for County Parkland Operations and Security, Be Approved?”

Section 8. Effective Date.

This law shall take effect immediately upon filing in the office of the Secretary of State if it is approved by an affirmative vote of the qualified electors of the County of Suffolk voting upon a proposition for its approval at the next general election in conformity with the provisions of § 34 of the New York Municipal Home Rule Law. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to § 34(4) of the New York Municipal Home Rule Law, by a vote of the County Legislature, may only be amended, modified, repealed or altered by enactment of an appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

Section 9. Conflicting referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

- A. The first priority of this program shall be the acquisition of land in the Pine Barrens Wilderness and the Water Protection Preserve. For this purpose, sufficient funds shall be set aside during the course of this program to allow for the acquisition of the maximum amount of acres which may be available in the Suffolk County Pine Barrens Wilderness and Water Protection Preserve lands. For each year of this program, pursuant to this article, not less than 40% of the total sales and compensating use tax shall be expended and/or set aside for the exclusive purposes set forth herein and in § C 12-5B, unless funds are advanced through borrowing or financing agreements. These lands shall be acquired in accordance with the prioritization procedures and acquisition criteria set forth in Article II of Chapter 634 of the Suffolk County Code. At the end of each year, any funds set aside pursuant to this subdivision shall be put into and kept in a separate appropriation within the reserve fund. This appropriation within the reserve fund shall not be used for any other purpose until said land acquisitions are completed in accordance with this article. Over the life of this program, 52% of the total sales and compensating use tax, together with 65.34% of unallocated, uncommitted reserve funds determined by the compute model for this program prepared by the Legislative Office of Budget Review, and

calculated for fiscal years 1996, 1997, 1998, 1999 and the first 11 months of the year 2000, shall be used for Pine Barrens Wilderness and Water Protection Preserve acquisitions and related administrative costs which shall be limited to underwriting and bond counsel costs associated with acquiring said land. Approximately 15% of this 52% or 7.8% for land acquisitions and related costs, over the life of the program, shall be for land acquisitions based upon the recommendation of each respective town where such lands are still extant, as such lands are defined in § C 12-2A and B of this article. Such recommendations for such land acquisitions shall be subject to review and approval by the Environmental Trust Fund Review Board and the County Legislature pursuant to § C12-5D(6). These town-recommended lands which are acquired by the county shall not be subject to the provisions of § C12-5B. For the purposes of this subsection, the expenditure of sales and compensating use tax proceeds to pay debt service on obligations issued to pay the cost of the acquisition of land in the Pine Barrens Wilderness and the Water Protection Preserve shall be included in computing the percentage of the total sales and compensating use tax proceeds expended for the purposes set forth herein.

- B. Payments in lieu of taxes shall be made as follows: During the life of this program, whenever property is acquired by Suffolk County pursuant to this article and, as a consequence, is removed from the tax rolls, the County of Suffolk shall make payments in lieu of taxes to municipalities and school districts and any other eligible taxing districts, except for the County of Suffolk and any of its taxing districts, for a period of five years, except that no payments shall be made for any year after the expiration of this program. These payments shall be made, where applicable, as follows: For the first year that such property is removed from the tax rolls, payments shall be made in an amount equal to 100% of the taxes and assessments which would have been received for that year by each such jurisdiction if such acquisition had not occurred; for the second year, payments shall be 80% of the applicable amount; for the third year, 60%; for the fourth year, 40%; and for the fifth year, 20%. The payments for each year shall be based on the assessment for that year in which said property is removed from the tax rolls.
- C. For each year of this program, no more than 10% of the total sales and compensating use tax collected for that year shall be used to reduce the county's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to taxes assessed and collected by the County of Suffolk from parcels within the county. The remaining 2% of these proceeds shall be used to fund operating and security expenses on county-owned or county-leased parklands. The funds for this purpose shall be guaranteed on an annual bases. In no event shall the aggregate tax stabilization component contained in this subsection exceed 22% of the total sales and compensating use tax proceeds generated over the life of the program by implementation of this article.

APPENDIX IV: DRINKING WATER PROTECTION PROGRAM

D. Suffolk County Environmental Trust Fund.

(1) Creation; purpose.

(a) A Suffolk County Environmental Trust Fund ("trust fund") is hereby created. A portion of the funds acquired under this program shall be allocated annually to this trust fund. The moneys in this trust fund shall be made available to the towns for the purposes of capping and closing municipal solid waste landfills, identifying, characterizing and remediating toxic and hazardous waste landfills and for other purposes as provided in § C12-5D(4). These funds shall be allocated annually, pursuant to the provisions contained in § C 12-5D, and based upon the following formula: \$10 per capita for the towns of 100,000 or more in population; \$15 per capita for towns fewer than 100,000 in population; provided, however, that in no event shall the annual allocation to the trust fund exceed 40% of the total sales and compensating use tax collected for that year pursuant to this article. Payments to the towns from this trust fund shall be consistent with the above formula as applied to the respective towns. In the event that this forty-percent limitation comes into effect, then the payments to each town shall be reduced in proportion to the percentage share each town would have received if the forty-percent limitation had not been in effect. The formula for annual payments for any given year, to any given town, may be exceeded for that year if funds are advanced as described in § C12-5D(5), but the total of any advanced funds, together with any other payments made to the towns pursuant to § C12-5D and any related administrative, legal or borrowing costs, may not exceed the estimated share to any given town over the life of this program, based upon the formulas provided herein.

(b) For towns where lands are still extant which fit the definitions of Suffolk County Pine Barrens Preserve or Suffolk County Water Protection Preserve, as defined in § C12-2 of this article, no less than 75% of their respective allocations shall be used for acquisitions of such lands. Land acquisitions made pursuant to this requirement shall be made by the county, on the recommendation of the relevant town in accordance with the provisions contained within § C12-5A. The county shall retain such amounts from the allocations to the respective towns which are calculated pursuant to § C12-5D(1)(a) above.

(2) An Environmental Trust Fund Review Board shall be created and shall be comprised of the County Executive, each of the 10 Town Supervisors, the Commissioner of the county's Department of Health Services and the Director of the county's Planning Department, or their respective designated repre-

sentatives. This Review Board shall be responsible for reviewing requests and making recommendations for the allocation of moneys to the towns, from the trust fund, for the capping and closing of municipal solid waste landfills and/or for the identifying, characterizing and remediating of toxic and hazardous waste landfills.

(3) The Environmental Trust Fund Review Board shall convene at the earliest possible time to prepare an estimate of the moneys that shall be available to the trust fund over the life of the program. The Environmental Trust Fund Review Board shall then take this estimate and apply the various formulas contained in this Article to determine the appropriate estimated annual allocations, the appropriate estimated overall allocations and the appropriate estimated amounts which may be the subject of advanced funding, financing and borrowing. The Environmental Trust Fund Review Board, within sixty (60) days of its convening, shall issue a written plan, based upon these estimates, containing the estimated amounts and percentages, its borrowing recommendations and/or borrowing contingencies, along with a breakdown of principal, interest, time frames and the related costs. The Division of the Budget, within the office of the County Executive, shall assist the Environmental Trust Fund Review Board with its responsibilities as contained herein.

(4) In the event that a town wishes to use funds available to it pursuant to this section for other environmental and water preservation projects consistent with the provisions of § C12-5E(2) and the formula set forth in § C12-5D(1), it shall first present to the Environmental Trust Fund Review Board that there is no demonstrable need for allocating trust fund moneys for the purposes of capping and closing municipal solid waste landfills or for the identification, characterization or remediation of toxic or hazardous waste landfills. If the Review Board is then satisfied, upon the presentation of evidence, that there is no demonstrable need for funds for such purposes, the Review Board may find, by a majority of its members, that there is no such need, and may allocate funds for other allowable environmental or water preservation projects, subject to review and approval by the Suffolk County Legislature pursuant to Subsection D(6) of this section.

(5) In the event that the county enters into any borrowing or financing agreements for the purpose of advancing funds for the purposes provided in § C12-5D(1), then the trust fund shall be reduced by an amount equal to any and all costs incurred by the county and related to such borrowing or financing agreements.

(6) Upon an affirmative recommendation of a majority of the members of the Environmental Trust Fund Review Board of a town's plan and upon approval by the Suffolk County Legislature of such a plan, funding shall be made available to the towns through

APPENDIX IV: DRINKING WATER PROTECTION PROGRAM

the annual capital budget and/or expense budget processes. Each town's plan shall be acted upon annually, if appropriate, and individually. The towns shall report annually to the Environmental Trust Fund Review Board and to the Suffolk County Legislature, regarding expenditures made during the previous fiscal year, the status of the projects being funded and the other sources of funding for such projects.

- (7) If a town has not complied with the programmatic intent of its approved program, then the Review Board or the County Legislature may withhold moneys in an amount equal to the amount affected by the noncompliance in future years.

E. Water Quality Protection Program and enforcement.

- (1) Any surplus funds which exist under this program on an annual basis, after first meeting the obligations under § C12-5A through D and C12-6, shall be allocated to the acquisition as determined by the County Executive and the County Legislature via duly enacted resolution of the County of Suffolk, through the annual budget appropriations process, as follows:

- (a) One-third of any such surplus funds (32.66% of unallocated, uncommitted reserve funds determined by the computer model for this program prepared by the Legislative Office of Budget Review and calculated for fiscal years 1996, 1997, 1998, 1999 and the first 11 months of the year 2000) shall be allocated to the acquisition of parkland (inclusive of beach nourishment allocation) in the Towns of Huntington, Babylon, Islip, Shelter Island and/or Smithtown, based on each town's pro rata share of the county-wide population (most recent LILCO figures) as determined via duly enacted resolution of the County of Suffolk; and

- (b) Two-thirds of any such surplus funds (65.34% of unallocated, uncommitted reserve funds determined by the computer model for this program prepared by the Legislative Office of Budget Review and calculated for fiscal years 1996, 1997, 1998, 1999 and the first 11 months of the year 2000) shall be allocated to the acquisition of land in accordance with § C12-5A of this article, as determined via duly enacted resolution of the County of Suffolk.

- (4) The management, administration and day-to-day supervision of this program shall be provided by the Division of Real Estate in the County Department of Law, which Division shall be responsible for maintaining the official records of land acquisitions consummated and moneys expended pursuant to each of the funding components of this Article.

§ C12-6. Sewer districts guaranty.¹⁰

- A. The Southwest Sewer District and all other sewer districts within Suffolk County which are currently receiving sales and compensating use tax distribution from the present sewer district quarter-percent sales tax shall be guaranteed an amount during the term of this Article equal to the closing fund balance of the present Assessment Stabilization Reserve Fund at the end of 1988, and an amount equal to the actual amount of the sales and compensating use tax that would have been collected from the sewer district quarter-percent sales tax in 1989.
- B. This guaranteed amount shall be allocated to the Assessment Stabilization Reserve Fund in the form of the actual closing fund balance for 1988, and a credit memorandum for the actual 1989 collected sewer district quarter-percent sales tax. For 1989 and the ensuing years of this program, the amounts required to continue tax stabilization for these sewer districts shall be allocated through the annual budget appropriations process until this initial guaranteed amount shall be fully depleted.

§ C 12-7. Expiration of article.

In the event that the sales and compensating use tax extension contemplated by § C12-4A is brought before the County of Suffolk for legislative action and approval, then such sales and compensating use tax extension may only be approved by the County Legislature and County Executive on the condition that the resolution, local law or Charter law imposing such extension contain a condition, term and/or provision mandating the expiration of such sales and compensating use tax extension no later than December 1, 2000.

§ C12-8. Construction with other laws. [Added 6-28-1988 by L.L. No. 35-1988¹¹]

Notwithstanding any law to the contrary, expenditures pursuant to this Article shall not be subject to §§ C4-6B, C4-10E, F and G and C4-IID of the Suffolk County Charter.

¹⁰ Editor's Note: Former §12-6, Criteria for payments to towns, was repealed 6-28-1988 by L.L. No. 35-1988, which local law also provided for the renumbering of former §§ C12-7 and C12-8 as §§ C12-6 and C12-7, respectively.

¹¹ Editor's Note: this local law was approved at referendum 11-8-1988.

APPENDIX V: LAND EXCHANGE PROGRAM

LAWS OF SUFFOLK COUNTY, NEW YORK, v60
Updated 4-25-2003
PART III ADMINISTRATIVE LOCAL LAWS
Chapter 102, LAND EXCHANGES

§ 102-1. Legislative intent.

§ 102-2. Review process for acquisition of environmentally sensitive lands.

§ 102-3. Appraisals.

§ 102-4. Acquisition of land.

[HISTORY: Adopted by the Suffolk County Legislature 12-13-1988 as L.L.No. 5-1989.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Suffolk County Drinking Water Protection Program -- See Charter, Art. XII.
Development rights to agricultural land -- See Ch. 8.
Conveyance of real property -- See Ch. 27.
Environmental quality review -- See Ch. 279.
Land acquisition disclosure -- See Ch. 342.
Freshwater wetlands -- See Ch. 488.

§ 102-1. Legislative intent.

- A. This Legislature hereby finds and determines that it is in the best interests of the people of Suffolk County to acquire environmentally sensitive lands to protect and preserve the environment and quality of life in Suffolk County.
- B. This Legislature further finds that the County of Suffolk possesses non-environmentally sensitive lands, surplus to the needs of the county, which could be traded for the acquisition of environmentally sensitive lands of equal value without the expenditure of county funds.
- C. Therefore, the purpose of this chapter is to establish a mechanism for the County of Suffolk to acquire land which is environmentally sensitive by exchanging county-owned, non-environmentally sensitive land of equal value.

§ 102-2. Review process for acquisition of environmentally sensitive lands.

- A. Upon adoption of a resolution by the Parks, Recreation and Cultural Affairs Committee ("Committee") of the County Legislature, or any successor committee thereto, directing the commencement of an appropriate review process or by direction of the County Executive any potential acquisitions of environmentally sensitive land parcels, other than those covered by the county's Open Space Preservation Program

or by Local Law No. 40-1987,² Shall be reviewed by the following county departments to recommend whether the land in question is environmentally sensitive or otherwise desirable for acquisition by the County of Suffolk:

- (1) The Department of Planning.
- (2) The Department of Parks, Recreation and Conservation.
- (3) The Department of Health Services, Division of Environmental Quality.
- (4) The Department of Real Estate.

B. Such recommendations under Subsection A of this section shall be submitted in writing to the Committee by each department within 45 days subsequent to enactment of the Committee resolution. The Committee shall then review such recommendations and determine whether or not such land is environmentally sensitive or otherwise desirable for acquisition by the county via resolution adopted by a majority of the entire membership of said Committee.

C. County-owned land being considered for potential land exchanges pursuant to this chapter shall be reviewed by the following county offices or departments, which shall recommend to the Committee whether such county-owned land is surplus and non-environmentally sensitive:

- (1) The Department of Planning.
- (2) The Department of Parks, Recreation and Conservation.
- (3) The Department of Health Services, Division of Environmental Quality.
- (4) The Department of Real Estate.

D. Such recommendations under Subsection C of this section shall be submitted in writing to the Committee by each department within 45 days subsequent to the completion of such review. The Committee shall then review such recommendations and determine whether or not such land is surplus and non-environmentally sensitive via resolution adopted by a majority of the entire membership of said Committee.

E. The offices or departments authorized to conduct reviews in accordance with this section shall jointly adopt uniform standard forms for qualitative and/or quantitative evaluations of said land parcels.

F. The Committee may direct, upon adoption of a resolution, that any county-owned surplus parcel of real estate determined under Subsection B of this section to be environmentally sensitive not be sold at a county auction and

¹ Editor's Note: This local law also provided that it apply to exchanges of land proposed, consummated or occurring on or after its effective date.

² Editor's Note: See Art. XII of the Charter, § C12-1 et seq.

that such parcel be dedicated to the Suffolk County Nature Preserve or be dedicated for parks, recreation, conservation or education purposes.

G. Any parcel reviewed and determined by the Committee to be non-environmentally sensitive, under Subsection B of this section, shall be deemed eligible for the following uses:

- (1) For exchange for environmentally sensitive lands not owned by the County of Suffolk;
- (2) For governmental purposes including but not limited to affordable housing; or
- (3) Disposal at county auction to highest bidder.

§ 102-3. Appraisals.

All appraisals of potential land acquisitions pursuant to this chapter shall be performed by independent, outside appraisers selected by the County Department of Real Estate in accordance with departmental procedures or, with prior written approval of the presiding officer of the County Legislature and Chairman of the Committee, or any successor committee thereto, the Suffolk County Department of Real Estate may use its own in-house appraisers and appraisals. Funds for these outside appraisals shall be provided for by budgetary actions and appropriations consistent with the provisions of Article IV of the Suffolk County Charter.

§ 102-4. Acquisition of land.

- A. Environmentally sensitive lands or lands otherwise desirable for park or open space purposes, as determined pursuant to § 102-2A and B above, may be acquired for such purposes in exchange for county-owned non-environmentally sensitive surplus land, as determined pursuant to § 102-2C and D, of equal value, as determined by a fair market appraisal.
- B. The Department of Real Estate alone shall negotiate such land exchanges, in accordance with the provisions of this chapter, as it may be directed to negotiate via a duly enacted resolution of the County Legislature. The actual exchange of lands shall require authorization and approval of the County Legislature via a duly enacted resolution.³

C. In the event that county-owned non-environmentally sensitive surplus land cannot be found which equals the value of any land being sought for acquisition under this chapter or if the county-owned land is less in value than the value of the land being sought for acquisition, and if the owner or owners of the land being sought for acquisition is or are not willing to accept the exchange of county-owned land of lesser value, then the Legislature may authorize the appropriation of funds, in accordance with the provisions of Article IV and/or Article XII of the Suffolk County Charter, to make up the difference in value. In no event may the county exchange county-owned land of greater value than the land being sought for acquisition unless a cash payment by the owner or owners of land being sought for acquisition is made to the general fund of Suffolk County for the difference in value or if the land qualifies as a special groundwater protection area, in accordance with Article XII of the Suffolk County Charter, to make up for any difference in value.

D. Any agreement for the actual exchange of land under the terms of this chapter shall be subject to the approval, authorization and ratification of the County Legislature via a duly enacted resolution.

E. The Commissioner of the County Department of Real Estate, or her designee, may negotiate with the owner or owners of land being sought for acquisition and/or with the town or village board of any town or village in Suffolk County within which county-owned lands designated under this section may be located to attach covenants or restrictions of record to the deeds of any county-owned properties that may be exchanged subject to the provisions of this chapter, which covenants or restrictions of record would allow and provide for the construction of affordable housing within the County of Suffolk. Any such covenants or restrictions of record shall require authorization, approval and ratification of the County Legislature via a duly enacted resolution.

³ Editor's Note: Resolution No. 409-1989, adopted 5-10-1989, provided that final authorization for any resolution introduced in the County Legislature for the purpose of acquisition of land by the county under the Open Space Preservation Program and/or the Drinking Water Protection Program must include certain information in order to detect and discourage speculative sales and purchases of land in such areas. A copy of Res. No. 409-1989 is on file in the office of the Clerk to the Legislature. See also Ch. 342, Land Acquisition Disclosure.

APPENDIX VI: SOUTH SETAUKET WOODS CONSERVATION AREA PROGRAM

Intro. Res. No. 1417-95
Introduced by Presiding Officer at the request of the County Executive

Laid on Table 3/21-95

RESOLUTION NO. 405 - 1995, ACCEPTING AND APPROPRIATING FUNDS HELD IN TRUST BY NEW YORK STATE FOR THE PURCHASE OF PRIVATE LANDS IN THE SOUTH SETAUKET WOODS CONSERVATION AREA, AND AUTHORIZING THE DEPARTMENT OF LAW TO PROCEED WITH ACQUISITIONS FROM THE APPROVED LIST CONTAINED HEREIN

WHEREAS, Suffolk County has been acquiring lands in the South Setauket area through tax default and fee purchase authorized by Resolution 86-762, Suffolk County Open Space Acquisition Program; and

WHEREAS, the Special Groundwater Protection Area (SGPA) Plan adopted by the New York State Department of Environmental Conservation (NYSDEC) recognizes these acquisitions and makes recommendations for further acquisition in the area; and

WHEREAS, Northville Industries Corp. has filed with the NYSDEC a Resource Restoration and Replacement Plan (RRRP) dated January 9, 1995 which allocates 4 million dollars (\$4,000,000) to Suffolk County; and

WHEREAS, One million dollars (\$1,000,000) is currently being held In trust by New York State on behalf of Suffolk County for the direct purchase of private lands In the South Setauket Woods Conservation area, delineated in the RRRP as extending from NYS Route 347 to NYS Rt. 25A in Setauket; and

WHEREAS, the Planning Department and the Department of Law have recommended additional acquisitions in the area in accordance with the RRRP and the SGPA Plans; and

WHEREAS, the Council on Environmental Quality at its February 15, 1995 meeting reviewed the Northville Industries Corp. Resource Restoration and Replacement Plan together with this resolution and proposed acquisitions in the South Setauket Woods Conservation area; and

WHEREAS, the Council on Environmental Quality in Resolution #16-1995 recommended to the County Executive and Legislature that this resolution together with future property acquisitions in the South Setauket Woods Conservation area constitutes a Type I Action pursuant to SEQRA which will not have a significant impact on the environment, and therefore, a Negative Declaration should be issued; and

WHEREAS, the Board of Trustees of the Suffolk County Department of Parks, Recreation and Conservation at its meeting of February 16, 1995 reviewed the RRRP and proposed land acquisitions; and

WHEREAS, the Trustees by resolution duly adopted has recommended to the Legislature acquisitions of parcels listed in EXHIBIT "A" annexed hereto; now, therefore, be it

RESOLVED, that the Suffolk County Legislature does hereby authorize the acceptance of one million dollars (\$1,000,000) from New York State to fund direct purchase of private lands in the South Setauket Woods Conservation area; and be it further

RESOLVED, that this amount of one million dollars (\$1,000,000) be and is hereby appropriated for the direct purchase of private lands in the South Setauket Woods Conservation area, and acquisition expenses pertaining thereto, including but not limited to appraisals, surveys, title searches and title insurance, taxes and tax adjustments, payments-in-lieu-of-taxes, and environmental audits; and be it further

RESOLVED, that the Suffolk County Legislature does hereby approve for acquisition the parcels listed in EXHIBIT "A" annexed hereto which are located in the South Setauket Woods Conservation area and are environmentally sensitive parcels; and be it further

RESOLVED, that the Director of the Division of Real Estate, Department of Law is hereby authorized to acquire fee simple absolute or a lesser interest (i.e. conservation easement) of the parcels listed herein and those lots located in the same section and block listed herein which lots are not listed herein after approval by the Parks Trustees; and be it further

RESOLVED, that any conservation easement acquired for inclusion in the South Setauket Woods Conservation area shall be acquired pursuant to Article XXVIII of the Suffolk County Charter, Resolution 763-1986 and this resolution, through Section 25-6B of Chapter 25 of the Administrative Local Laws of Suffolk County, adopted as Local Law 27-1990; and be it further

APPENDIX VI: SOUTH SETAUKET WOODS CONSERVATION AREA PROGRAM

RESOLVED, that the parcels listed herein shall be managed by the Department of Parks, Recreation and Conservation and a site survey and management report shall be prepared pursuant to the Suffolk County Nature Preserve Handbook for these parcels and others owned by the County in the South Setauket Woods and Columbus Avenue Nature Preserves; and be It further

RESOLVED, that this Legislature being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type I action pursuant to Section 617.12(b)(4)(10) and (12) of the New York Code of Rules and Regulations since such action involves the acquisition of land adjacent to existing parkland in a Critical Environmental Area which will not have a significant adverse impact on the environment (Negative Declaration) for the following reasons:

1. The proposed acquisitions and future acquisitions in the South Setauket Pine Barrens area will be for open space purposes and the property will remain in its natural state for park purposes.
2. The proposed acquisitions are consistent with the Special Groundwater Protection Plan for the South Setauket Woods Area.
3. Preservation of open apace will aid in the protection of groundwater in a deep aquifer recharge area.
4. Acquisition of properties within the area known as the South Setauket Woods Conservation Area is set forth and delineated in the Northville Industries Corp. Resource Restoration and Replacement Plan as agreed to and adopted by the New York State Department of Environmental Conservation.

RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SERA notice of determination in accordance with the resolution.

DATED: April 4, 1995

APPROVED BY:

/s/Robert J. Gaffney
County Executive of Suffolk County

Date of Approval: April 10, 1995

EXHIBIT "A" South Setauket Woods Conservation Area

Old Filed Map Lots In Columbus Ave. Nature Preserve

District 0200-178-05-13, 14
 0200-179-02-25, 26,41.2, 41.3, 42
 0200-202-04-10, 17
 0200-203-01-14, 17
 0200-203-02-02, 11, 35
 0200-203-03-1, 2
 0200-203-04-10, 11, 12
 0200-203-06-6, 10, 18

Described Parcels

Tax Map #	Owner	Acreage
0200-202-04-18	Estate of Acker	21. ac
0200-202-04-19	AVR Realty	16.1 ac
0200-224-01-3	LILCO	6. ac
0200-224-01-4	LILCO	6.2 ac
0200-225-01-p/o 1.302	N/F Dime Savings Bank	10. ac

Old Filed Lots In South Setauket Woods Nature Preserve

0200-252-01-2, 3, 6, 8,12, 20
0200-252-04-3, 4, 5, 25
0200-252-05-1, 18, 20, 23
0200-252-06-5
0200-278-02-17
0200-278-04-3, 15
0200-278-05-1, 4, 23
0200-278-06- 4.3
0200-308-01-6, 8, 10, 16, 17, 35

APPENDIX VI: SOUTH SETAUKET WOODS CONSERVATION AREA PROGRAM

Intro. Res. No. 1560-99
Introduced by the Presiding Officer at the request of the County Executive

Laid on Table 5/11/99

RESOLUTION NO. 643- 1999, ACCEPTING AND APPROPRIATING FUNDS HELD IN TRUST BY NEW YORK STATE FOR THE PURCHASE OF PRIVATE LANDS IN THE SOUTH SETAUKET WOODS CONSERVATION AREA, AND AUTHORIZING THE DEPARTMENT OF PLANNING TO PROCEED WITH ACQUISITIONS FROM THE APPROVED LIST CONTAINED HEREIN

WHEREAS Suffolk County has been acquiring lands in the South Setauket area through tax default and fee purchase authorized by Resolution 86-762, Suffolk County Open Space Acquisition Program, Resolution 405-1995, Phase I Northville Settlement; and

WHEREAS, the Special Groundwater Protection Area (SGPA) Plan adopted by the New York State Department of Environmental Conservation (NYSDEC) recognizes these acquisitions and makes recommendations for further acquisition in the area; and

WHEREAS, Northville Industries Corp. has filed with the NYSDEC a Resource Restoration and Replacement Plan (RRRP) dated January 9, 1995 which allocates 4 million dollars (\$4,000,000) to Suffolk County; and

WHEREAS, two million dollars (\$2,000,000) is currently being held in trust by New York State on behalf of Suffolk County for the direct purchase of private lands in the South Setauket Woods Conservation area, delineated in the RRRP as extending from NYS Route 347 to NYS Rt. 25A in Setauket; and

WHEREAS, one million dollars (\$1,000,000) is currently being held in trust by New York State on behalf of Suffolk County for stormwater and sewer upgrading as delineated in the RRRP; and

WHEREAS, NYSDEC - has approved the reallocation of the aforementioned one million dollars (\$1,000,000) for additional land acquisition in the area, and authorized an extended acquisition area with the SGPA, but south of NYS Route 347; and

WHEREAS, the Planning Department and its Division of Real Estate have recommended additional acquisitions in the area in accordance with the RRRP and the SGPA Plans; and

WHEREAS, the Council on Environmental Quality at its February 15, 1995 meeting reviewed the Northville Industries Corp. Resource Restoration and Replacement Plan together with Resolution 405-1995 and proposed acquisitions in the South Setauket Woods Conservation area; and

WHEREAS, the Council on Environmental Quality in Resolution #16-1995 recommended to the County executive and Legislature that Resolution 405-1995, together with future property acquisitions in the South Setauket Woods Conservation area constitutes a Type I action pursuant to SEQRA which will not have a significant impact on the environment; and

WHEREAS, the Suffolk County Legislature and County Executive, on April 10, 1995, issued a SEQRA Negative Declaration for Resolution No. 356-1995, Making a SEQRA Determination in Connection with the Proposed Purchase of Private Lands in the South Setauket Woods Conservation Area, which was subsequently filed by CEQ; and

WHEREAS, the Board of Trustees of the Suffolk County Department of Parks, Recreation and Conservation at its meeting of February 16, 1995 reviewed the RRRP and proposed Phase I land acquisitions; and

WHEREAS, the Trustees by resolution duly adopted on April 22, 1999, have recommended to the Legislature acquisitions of parcels listed in EXHIBIT "A" annexed hereto; now, therefore, be it

RESOLVED, that the Suffolk County Legislature does hereby authorize the acceptance of three million dollars (\$3,000,000) from New York State to fund direct purchase of private lands in the South Setauket Woods Conservation area; and be it further

RESOLVED, that this amount of three million dollars (\$3,000,000) be and is hereby appropriated for the direct purchase of private lands in the South Setauket Woods Conservation area, and acquisition expenses pertaining thereto, including but not limited to appraisals, surveys, title searches and title insurance, taxes and tax adjustments, payments-in-lieu-of-taxes, and environmental audits; and be it further

RESOLVED, that the Suffolk County Legislature does hereby approve for acquisition the parcels listed in EXHIBIT "A" annexed hereto which are located in the South Setauket Woods Conservation area and are environmentally sensitive parcels; and be it further

APPENDIX VI: SOUTH SETAUKET WOODS CONSERVATION AREA PROGRAM

RESOLVED, that the Director of the Division of Real Estate, Department of Planning is hereby authorized to acquire fee simple absolute or a lessor interest (i.e. conservation easement) of the parcels listed herein and those lots located in the same section and block listed herein which lots are not listed herein after approval by the Parks Trustees; and be it further

RESOLVED, that any conservation easement acquired for inclusion in the South Setauket Woods Conservation area shall be acquired pursuant to Article XXVIII of the Suffolk County Charter, Resolution 763-1986 and this resolution, through Section 25-6B of Chapter 25 of the Administrative Local Laws of Suffolk County, adopted as Local Law 27, 1990; and be it further

RESOLVED, that the parcels listed herein shall be managed by the Department of Parks, Recreation and Conservation and a site survey and management report shall be prepared pursuant to the Suffolk County Nature Preserve Handbook for these parcels and others owned by the County in the South Setauket Woods and Columbus Avenue Nature Preserves; and be it further

RESOLVED, that this Legislature being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to Section 617.5 (c) (20) and (27) of the New York Code of Rules and Regulations since such action involves a local legislative decision implementing routine or continuing agency administration and management of the South Setauket Woods Conservation Area acquisition program; and be it further

RESOLVED, that in accordance with Section C1-4 (1) (d) of the SUFFOLK COUNTY CHARTER and Section 279-5c(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination in accordance with the resolution.

DATED: June 29, 1999

APPROVED BY:

/s/ Robert J. Gaffney
County Executive of Suffolk County

Date of Approval: July 14, 1999

EXHIBIT "A"

SOUTH SETAUKET WOODS - NORTHVILLE TARGET ACQUISITIONS - PHASE 2

SCTM#	ACREAGE	SCTM#	ACREAGE
0200-278-06-004.003	5.0 acres	0200-363-05-027,028	Approx 0.3 acres
0200-306-08-009,011	Approx 0.4 acres	0200-363-06-002,003	Approx 0.4 acres
0200-307-01-001.001	Approx 0.2 acres	0200-363-06-011	Approx 0.1 acres
0200-307-01-001.002	Approx 0.2 acres	0200-363-06-031	Approx 0.2 acres
0200-307-01-009	Approx 0.2 acres	0200-364-01-012,013,014	Approx 0.6 acres
0200-307-01-010	Approx 0.1 acres	0200-364-01-019	Approx 0.2 acres
0200-331-08-069	Approx 0.2 acres	0200-364-01-027,028	Approx 0.7 acres
0200-331-08-070	Approx 0.4 acres	0200-364-01-042,043,044	Approx 0.1 acres
0200-331-08-071	Approx 0.2 acres	0200-364-03-001	Approx 0.5 acres
0200-331-08-072	Approx 0.4 acres	0200-364-03-002,003	Approx 0.2 acres
0200-332-01-004.001 through 020.001	Approx 4.0 acres	0200-364-03-005	Approx 0.2 acres
0200-332-01-044	Approx 0.6 acres	0200-388-03-002	Approx 0.2 acres
0200-332-01-045	Approx 0.5 acres	0200-388-03-005	Approx 0.1 acres
0200-332-03-002.001	Approx 0.8 acres	0200-389-01-015,016	Approx 0.5 acres
0200-332-05-001	9.2 acres	0200-389-01-021	Approx 0.2 acres
0200-332-05-004	Approx 0.2 acres	0200-389-01-039	Approx 0.2 acres
0200-363-04-all	Approx 14.8 acres	0200-389-05-002	Approx 0.5 acres
0200-363-05-021,022	Approx 0.2 acres	0200-389-05-005	Approx 0.9 acres
0200-363-05-024,025	Approx 0.5 acres		
Total			44.2 acres

APPENDIX VII: LAND PRESERVATION PARTNERSHIP PROGRAM

LAWS OF SUFFOLK COUNTY, NEW YORK, v60
Updated 4-25-2003
PART III ADMINISTRATIVE LOCAL LAWS,
Chapter 661, LAND PRESERVATION, ARTICLE I,
Partnership Program

§ 661-1. Establishment.

§ 661-2. Criteria for acquisition.

§ 661-3. Eligibility for consideration.

§ 661-4. Review procedure.

§ 661-5. Categories of use.

§ 661-6. Acquisition of title.

§ 661-7. Appraisal.

§ 661-8. Funding, terms and conditions of acquisition.

§ 661-9. Management.

§ 661-10. Municipal cooperation agreements.

[HISTORY: Adopted by the Suffolk County Legislature as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Development rights to agricultural lands -- See Ch. 8.
Agricultural operations -- See Ch. 206.
Open space preservation -- See Ch. 370.
Purchase of environmentally sensitive land -- See Ch. 634.

ARTICLE I Partnership Program [Adopted 8-26-1997 by Res. No. 751-1997]

§ 661-1. Establishment. [Amended 10-7-1998 by Res. No. 652-1998¹]

The Land Preservation Partnership Program be and is hereby established, which program shall meet the following criteria and shall be funded on a matching basis with the towns and villages.

§ 661-2. Criteria for acquisition.

Properties shall be eligible for acquisition, provided that they meet the specified criteria for acquisition and have completed the specified review procedures for any of the following categories:

- A. Drinking Water Protection Program. Properties shall meet the criteria specified in Suffolk County Charter §§ C12-2 and C12-3 and have been approved for acquisition by the Board of Trustees of the Department of Parks, Recreation and Conservation and the County Legislature, in accordance with Suffolk County Charter § C12-3.
- B. Open Space Preservation Program. The property shall contain wetlands, woodlands or other environmentally

significant natural resources worthy of preservation. Acquisition of such properties shall be subject to prioritization by the Board of Trustees of Parks, Recreation and Conservation under the Open Space Preservation Program and shall have a priority rank. The property shall have been approved for acquisition by the County Legislature. [Amended 4-20-1999 by Res. No. 375-1999]

C. Farmland Development Rights Program. The property shall meet the definition of agricultural lands specified in Suffolk County Code § 8-2. The property shall have been reviewed and approved by the County Farmland Committee. [Amended 4-20-1999 by Res. No. 375-1999]

D. Watershed and/or estuary protection. The property shall be reviewed and recommended for acquisition by the Department of Health Services, Office of Ecology.

E. Other parklands. In addition to containing environmentally significant natural resources, the property may be suitable for use as county parkland. Acquisitions shall be approved by the Board of Trustees of Parks, Recreation and Conservation.

§ 661-3. Eligibility for consideration. [Amended 10-7-1998 by Res. No. 652-1998²; 4-20-1999 by Res. No. 375-1999]

Properties shall only be eligible for consideration by the County of Suffolk upon receipt by the County Executive of a Town Board or a Village Board resolution which represents that the property is eligible for acquisition under one of the above categories; authorizes acquisition of fee title or a lesser interest therein to be held by the County of Suffolk and/or the relevant town or village as hereinafter noted; and appropriates funds for the acquisition in the amount of 50% of the total cost of acquisition, including but not limited to survey, appraisal, environmental audit, title insurance, tax adjustment and taxes prior to exemption and recommends management and use of the property in accordance with existing or new county land preservation and management categories, as listed hereinafter. If no other recommendation is made, the recommended use shall be parks and recreation.

§ 661-4. Review procedure. [Amended 10-7-1998 by Res. No. 652-1998³]

Upon receipt of the town or village resolution, the Department of Planning shall review the property for eligibility. The Director of Planning shall make a recommendation to the County Executive and County Legislature as to the desirability of acquisition and the proposed management and use of the property. The Planning Department shall initiate SEQRA review of the acquisition and proposed use.

§ 661-5. Categories of use.

The categories of use shall be as follows:

² Editor's Note: This resolution was adopted by the Legislature after disapproval by the County Executive on 9-30-1998.

³ Editor's Note: This resolution was adopted by the Legislature after disapproval by the County Executive on 9-30-1998.

¹ Editor's Note: This resolution was adopted by the Legislature after disapproval by the County Executive on 9-30-1998.

APPENDIX VII: LAND PRESERVATION PARTNERSHIP PROGRAM

- A. General park and active or passive recreational use.
- B. Drinking Water Protection Program (Suffolk County Charter Article XII)/water supply production and distribution.
- C. The Open Space Preservation Program (natural resource preservation). [Amended 4-20-1999 by Res. No. 375-1999]
- D. The Nature Preserve Program.
- E. The Farmland Development Rights Program.
- F. Management to avoid an adverse impact on drinking water quality, a watershed or an estuary.
- G. Management to promote a particular use, such as agriculture, or to restrict use, as specified in a conservation easement.

§ 661-6. Acquisition of title. [Amended 4-20-1999 by Res. No. 375-1999]

Upon approval by the Suffolk County Legislature, the County Division of Real Estate may negotiate and acquire, on behalf of the County of Suffolk, fee title or a lesser interest in the properties eligible for this program.

§ 661-7. Appraisal. [Amended 10-7-1998 by Res. No. 652-1998⁴]

The relevant town or village may authorize retention of a county-approved appraiser, to certify an appraisal to the town or village and the County of Suffolk. Prior to acceptance, the appraisal would be subject to an in-house appraisal review process conducted by the county's Division of Real Estate. Such appraisal shall be subject to a confidentiality agreement between the relevant town or village and the County of Suffolk.

§ 661-8. Funding; terms and conditions of acquisition. [Amended 10-7-1998 by Res. No. 652-1998⁵; 4-20-1999 by Res. No. 375-1999]

- A. Fifty percent of the funding for the acquisition costs shall be provided by the County of Suffolk. The remaining 50% of the funding shall be provided at the closing by the relevant town or village.
 - (1) The County of Suffolk; or
 - (2) the County of Suffolk and the relevant town or village as tenants-in-common, each owning an undivided 50% interest; or
 - (3) Physically dividing the property up between the County of Suffolk and the relevant town or village, with the County of Suffolk owning all of the interest in its respective portion of the property, and with the relevant

town or village owning all of the interest in its respective portion of the property.

- B. The county's acquisition shall be subject to terms and conditions approved by the Suffolk County Attorney, including an environmental audit.

§ 661-9. Management. [Amended 4-20-1999 by Res. No. 375-1999]

The county resolution authorizing the acquisition may specify dedication to a county land program or other management category specified herein. Where the county's interest acquired is farmland development rights, such interest shall be managed in accordance with the policies outlined in Suffolk County Code Chapter 8, Agricultural Lands, Development Rights to. The property shall be managed and operated by the County of Suffolk, through the Department of Parks, Recreation and Conservation, unless otherwise specified in the county resolution.

§ 661-10. Municipal cooperation agreements. [Added 4-20-1999 by Res. No. 375-1999]

If it is not contrary to any statute, the Suffolk County Charter, any local law, any regulation or other county policy, the county is hereby authorized to negotiate and to enter into a municipal cooperation agreement with the relevant town or village for the management of said county acquisition, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department charged with the management and operation of said property.

⁴ Editor's Note: This resolution was adopted by the Legislature after disapproval by the County Executive on 9-30-1998.

⁵ Editor's Note: This resolution was adopted by the Legislature after disapproval by the County Executive on 9-30-1998.

APPENDIX VIII: COMMUNITY GREENWAYS FUND PROGRAM

LAWS OF SUFFOLK COUNTY, NEW YORK, PART I CHARTER, ARTICLE XIII, Community Greenways Fund [Added 6-19-1998 by L.L. No. 27-1998 ¹]

NOTE: Local Law No. 27-1998 also provided as follows:
Section 1. Legislative intent.

This Legislature finds that Suffolk County's farmlands are a critical resource which enrich the county's economy and quality of life; that since 1977, Suffolk County has invested in farmland development rights; that without the county's continued investment, Suffolk farms will become housing developments, shopping centers and golf courses; that, as the number of acres dedicated to active farming shrinks, Suffolk's agricultural economy is likely to fail within the decade; and that the county's investment in its farmlands, at this time, will preserve Suffolk's traditionally rich and diverse economy well into the next century.

This Legislature further finds that community parklands such as playgrounds, ball fields, bikeways and concert grounds contribute immeasurably to residents' quality of life, and that the County will expand residents' opportunities for constructive recreation and community-building when it works in partnership with community groups and/or towns and villages to improve and maintain active parklands.

This Legislature also determines that the county's investment in Suffolk's natural environment, including pine barrens, wetlands, beaches and woodlands, must be enhanced by a conscious educational effort to interpret Suffolk's natural gifts to the public, especially Suffolk's school children, and that, as the public's understanding and appreciation of Suffolk's natural environment grows, so will the public's commitment to securing and protecting Suffolk's last remaining open acres.

This Legislature further finds and determines that a commitment of \$62,000,000 in new moneys by the County of Suffolk to protect the Pine Barrens, to protect rapidly vanishing open space throughout the county, and to preserve rapidly dwindling farmland throughout the county is critical to the well-being and quality of life of the residents of this county.

This Legislature further determines that the first-year impact of adopting this program would be \$10.93 per average residential tax bill and \$189.19 per average residential tax bill over 20 years.

Therefore, the purpose of this law is to ensure an orderly, rational, fiscally prudent, cost effective, carefully structured program of enhanced environmental protection narrowly targeted at unique environmental resources throughout Suffolk County which are vital to watershed, ecological and aquifer protection; the preservation of rapidly dwindling open space throughout Suffolk County; the acquisition of land within the Central Pine Barrens Area; the acquisition of active parklands; and the acquisition of farmland development rights, via an amendment to the County Charter to authorize the issuance of \$62,000,000 in bonds, the expenditure of which funds shall be conditioned upon receipt of matching funds from the State of New York, local government and/or the federal government only in the case of farmland acquisitions.

Section 4. Applicability.

- A. This law shall apply to funds available for allocation on or after the effective date of this law.
- B. Article XIII A of the Suffolk County Charter shall not expire upon the expiration of the 1/4% sales and compensating use tax authorized under Article XII of the Suffolk County Charter, anything in any other provision of Article XII of the Suffolk County Charter to the contrary notwithstanding.

Section 6. Form. of proposition.

The proposition to be submitted at the next general election pursuant to Section 7 of this law shall be in the following form:

Shall Resolution 559 -1998, Amending the County Charter to Authorize the Issuance of \$20 Million in County Bonds to Acquire Land for Nature Preserve Purposes; \$20 Million to Purchase Farmland Development Rights; \$20 Million to Acquire Land for Active Parkland Recreational Purposes; and \$2 Million for Construction of a Center for Suffolk County's Natural History, Be Approved?

Section 7. Effective date.

This law shall take effect immediately upon filing in the office of the Secretary of State if it is approved by an affirmative vote of the qualified electors of the County of Suffolk voting upon a proposition for its approval at the next general election in conformity with the provisions of § 34 of the New York Municipal Home Rule Law. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to § 34, Subdivision 4, of the New York Municipal Home Rule Law, by a vote of the County Legislature, may only be amended, modified, repealed or altered by enactment of an appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

§ C12A-1. Suffolk County Community Greenways Fund.

A. Programmatic components. In addition to, but separate and apart from the 1/4% sales and compensating use tax proceeds generated under Article XII of the Suffolk County Charter, and separate and apart from the criteria set forth for acquisitions paid for from such sales and compensating use tax proceeds, either directly or indirectly, the County Executive, County Legislature and County Comptroller are hereby authorized, empowered and directed, regardless of any intervening circumstances, to authorize, issue, appropriate and expend \$62,000,000 in serial bonds of the County of Suffolk, via duly enacted resolutions of the County of Suffolk, pursuant to § 11.00, Subdivision a(21), of the New York Local Finance Law as follows:

- (1) Twenty million dollars (\$20,000,000) shall be authorized, issued, appropriated and expended for the acquisition of various parcels of land for open space preservation, including wetlands, woodlands, pine barrens and other lands which are suitable only for passive, nonrecreational uses, each of which parcels shall then be dedicated to the Suffolk County Nature Preserve, via duly enacted resolution of the County of Suffolk, to be forever wild and in its natural state only, the proceeds of which bonds shall be appropriated for such land acquisitions as are determined to be eligible for acquisition via duly enacted resolution of the County of Suffolk.
- (2) Twenty million dollars (\$20,000,000) shall be authorized, issued, appropriated and expended for the acquisition of various parcels of land for use as active parklands, except golf courses, in those instances in which a town and/or community organization has entered into a written binding agreement or commitment with Suffolk County to improve and maintain the property for the agreed-upon use of additional space for playgrounds, use as a soccer field, use as a football field, use as a baseball field, use for outdoor concerts, use for horseback riding or equine endeavors and/or use for other community recreational needs, all subject to continued public access to such property, the proceeds of which bonds shall be appropriated for such land acquisitions as are determined to be eligible for acquisition via duly enacted resolution of the County of Suffolk, after taking into consideration the advisory recommendations, if any, of the Suffolk County Planning Department and the Suffolk County Board of Trustees of Parks, Recreation and Conservation, which Suffolk County resolution shall also contain approval of such binding commitment or agreement.
- (3) Twenty million dollars (\$20,000,000) shall be authorized, issued, appropriated and expended for the acquisition of farmland development rights pursuant to and in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code, or any successor provisions thereto, the proceeds of which bonds shall be appropriated for such farmland development rights acquisitions as are determined to be eligible for acquisition by duly enacted resolution of the County of Suffolk.

¹ Editor's Note: This local law was approved at referendum 11-3-98.

APPENDIX VIII: COMMUNITY GREENWAYS FUND PROGRAM

- (a) The appropriation and expenditure of any such bond proceeds generated thereunder for the acquisition of farmland development rights shall be conditioned upon receipt by the County of Suffolk of a written binding pledge or commitment to provide at least 30% of the actual cost of acquisition from the State of New York, local municipality and/or the federal government for each such parcel from which such farmland development rights are acquired.
- (4) Two million dollars (\$2,000,000) shall be authorized, issued, appropriated and expended for the construction of an educational and interpretive center, which center shall include exhibit space, classrooms, an auditorium and a gift shop, to foster the public's understanding and appreciation of Suffolk County's unique natural environment, the operating and maintenance expenses of which shall be addressed through future subsequent Charter law amendment and/or future county operating budgets, the proceeds of which bonds shall be appropriated for the construction of said center on such previously acquired County parkland as is determined and designated by duly enacted resolution of the County of Suffolk.
- (5) The County Department of Law, Division of Real Estate, or any successor entity thereof, pursuant to § C16-4E of the Suffolk County Charter and § 119-o of the New York General Municipal Law, may enter into intermunicipal agreements with any town and/or any village located within the County of Suffolk, for any acquisitions proposed under Subsection A(1), (2) and (3) of this section occurring on or after the effective date of this Charter law, for the purpose of having the town or village conduct negotiations on behalf of the County of Suffolk for the acquisition of eligible parcels under the above-described program, to acquire fee simple absolute or a lesser interest (i.e., conservation easement), subject to the following terms and conditions:
- (a) The County Department of Law, Division of Real Estate, or any successor entity thereto, shall make the final decision on any such negotiations;
- (b) The individuals or consultants designated by the pertinent town or village to conduct the negotiations shall act pursuant only to the instruction and supervision of the County Department of Law, Division of Real Estate, or any successor entity thereto;
- (c) The pertinent town or village shall not be reimbursed by the County of Suffolk for any expenses incurred in conducting such negotiations;
- (d) Appraisals made available by a town or village for the purpose of such acquisition may be used, if deemed cost effective and appropriate by the Division of Real Estate or any successor entity thereto; and
- (e) The individuals or consultants designated by the town or village to conduct the actual negotiation shall first be approved by the County Department of Law, Division of Real Estate, or any successor entity thereto.
- (6) The Nature Conservancy, Peconic Land Trust and any other comparable not-for-profit organizations, designated by duly enacted resolution of the County of Suffolk, are hereby authorized and empowered to provide appraisals and conduct negotiations for proposed acquisitions contemplated under Subsection A(1), (2) and (3) of this section with the approval of and under the supervision of the Division of Real Estate, or any successor entity thereto, in the County Department of Law.
- (7) The full faith and credit of the County of Suffolk, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property of said County a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable. The principal and interest of this obligation shall not be paid from the proceeds of the 1/4% sales and compensating use tax authorized by Article XII of the Suffolk County Charter.
- (8) In the event that Subsection A(1), (2), (3) or (4) of this section is not fully complied with, then the pertinent portion of such bond proceeds shall not be expended.
- (9) In 1999, 2000 and subsequent fiscal years, if necessary, the Capital Budget and Program shall be automatically amended, via technical resolution of the County of Suffolk, to conform to the authorized issuance of \$62,000,000 in serial bonds, as described above, anything in Article IV of the Suffolk County Charter or any other law to the contrary notwithstanding.
- (10) The full amount of \$62,000,000 in serial bonds contemplated by this article shall be authorized by the County of Suffolk, regardless of any intervening circumstances, via a duly enacted resolution of the County of Suffolk, no later than December 31, 1998. The full amount of \$62,000,000 in serial bonds shall be issued, appropriated and expended by the County Comptroller, County Executive and the County Legislature, regardless of any intervening circumstances, via duly enacted resolutions and administrative actions of the County of Suffolk, no later than December 31, 2006.
- B. Management. The management, administration and day-to-day supervision of this program shall be provided by the Division of Real Estate, or any successor entity thereto, in the County Department of Law, which Division shall be responsible for maintaining the official records of land acquisitions consummated and moneys expended pursuant to each of the funding components of this article.

APPENDIX IX: NEW DRINKING WATER PROTECTION PROGRAM

**LAWS OF SUFFOLK COUNTY, NEW YORK
PART I CHARTER, v60 Updated 04-25-2003,
ARTICLE XII¹, Suffolk County Drinking Water Protection
Program
[Added 7-14-1987 by L.L. No. 40-1987; amended
6-28-1988 by L.L. No. 35-1988; 6-9-1993 by L.L.
No. 26-1993; 6-11-1996 by L.L. No. 21-1996;
12-15-1998 by L.L. No. 35-1999²]**

NOTE: Local Law No. 35-1999 also provided as follows:

Section 1. Legislative intent.

This Legislature hereby finds and determines that the County Drinking Water Protection Program, which was initially approved in 1987 by the electorate, and then modified by the electorate in 1988, 1993 and 1996, is due to expire at midnight November 30, 2000.

This Legislature further finds that, over the years, this program has provided moneys for property tax mitigation; funds for revenue-sharing for towns to either acquire land or cap and close landfills; funds for sewer district tax rate stabilization; and moneys for water quality protection programs.

This Legislature also determines that, in order to extend this program without interruption in a smooth and orderly fashion, it will be necessary to conduct another public referendum prior to its expiration, while still allowing sufficient time for approval in a timely fashion.

This Legislature also finds and determines that farmland preservation is of vital interest to the people of Suffolk County from an economic and quality-of-life standpoint; that the time to move from a study phase to implementation of planned recommendations for the Long Island Sound, the South Shore Estuary (Great South Bay, Moriches Bay and Shinnecock Bay), and the Peconic Bay under the auspices of the United States Environmental Protection Agency, the New York State Department of Environmental Conservation, and the New York State Department of State has come; and that funding water-quality and habitat-restoration initiatives will materially enhance the quality of life for all Suffolk County residents.

Therefore, the purpose of this law is to renew the 1/4% County Drinking Water Protection Program for thirteen (13) years on a modified basis to provide for sewer district tax rate stabilization, environmental protection, and property tax mitigation to help fund programs in the annual county operating budget.

Section 3. Applicability.

In the event that the New York State Legislature enacts enabling state legislation prior to November 30, 2000, for the explicit purpose of extending, within the territorial limits of the County of Suffolk, on the terms and conditions set forth in this law, the additional sales and compensating use tax of one-quarter (1/4) of one per cent (1%) imposed under Local Law Nos. 40-1987 and 35-1988, and Resolution No. 1568-1988, pursuant to the provisions of § 1210 of the New York Tax Law, and in the event that the County of Suffolk extends, prior to November 30, 2000, by appropriate legislative action, within the territorial limits of the County of Suffolk, additional sales and compensating use tax of one-quarter (1/4) of one per cent (1%) imposed under Resolution No. 1568-1988, pursuant to the provisions of § 1210 of the New York Tax Law, then any revenues generated by the extension of the one-quarter (1/4) of one per cent (1%) sales and compensating use tax so authorized by appropriate state and local action shall be used for the sole and explicit purpose of paying any and all costs set forth in this law, only in the proportions so set forth, for the period December 1, 2000, through December 31, 2013. In addition, every effort shall be made to apply for every federal, state and local aid that may be available to support this program.

Section 6. Form of proposition.

The question to be submitted to the electorate pursuant to Section 7 of this law shall read as follows:

Shall Resolution No. 1100-1998, Adopting A Charter Law, Extending the Suffolk County 1/4% Sales Tax Drinking Water Protection Program for Environmental Protection, Limiting County-wide Property Tax Increases, and Providing for Sewer District Tax Rate Stabilization, Be Approved?

Section 7. Effective date.

This law shall not take effect until the first day of the first fiscal year after its approval by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of § 34 of the New York Municipal Home Rule Law. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to § 34, Subdivision 4, of the New York Municipal Home Rule Law, by a vote of the County Legislature, may only be amended, modified, repealed or altered by enactment of an appropriate Charter

law subject to mandatory referendum in accordance with prevailing law, except that Section 2 of this law will take effect on December 1, 2000.
Section 8. Conflicting Referenda.

In the event that there are other referenda on the ballot pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

§ C12-1. Programmatic structure.

A Suffolk County Drinking Water Protection Program designed to provide funding for sewer district tax rate stabilization, environmental protection and property tax mitigation is hereby recreated in a modified form beginning on December 1, 2000, and ending on December 31, 2013.

§ C12-2. Programmatic expenses.

In the event that the New York State Legislature enacts enabling state legislation prior to November 30, 2000, for the explicit purpose of extending, within the territorial limits of the County of Suffolk, on the terms and conditions set forth in this law, the additional sales and compensating use tax of one-quarter (1/4) of one per cent (1%) authorized and imposed by the County of Suffolk pursuant to the provisions of § 1210 of the New York Tax Law and Suffolk County Resolution No. 1568-1988, then the County of Suffolk shall extend, prior to November 30, 2000, by appropriate legislative action, within the territorial limits of the County of Suffolk, the additional sales and compensating use tax of one-quarter (1/4) of one per cent (1%) imposed by the County of Suffolk pursuant to the provisions of § 1210 of the New York Tax Law and Suffolk County Resolution No. 745-1968, as amended by Resolution No. 1568-1998, and any revenues generated by the extension of such one-quarter (1/4) of one per cent (1%) sales and compensating use tax so authorized by appropriate state and local action during the period commencing December 1, 2000, and concluding December 31, 2013, shall be allocated annually only in accordance with the following formula throughout this entire period of time:

A. Specific environmental protection (open space acquisition):

- (1) 13.55% of the total revenues generated each calendar year to reduce or stabilize the county's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the county, said revenues to be used to offset the county cost of the acquisition of:
 - (a) Freshwater/tidal wetlands and buffer lands for same.
 - (b) Lands within the watershed of a coastal stream, as determined by a reasonable planning or hydrological study.
 - (c) Any tract of land located fully or partially within a statutorily designated Special Groundwater Protection Area.
 - (d) Lands determined by the County Department of Planning to be necessary for maintaining the

¹ Editor's Note: Former Art. XII, Department of Fire Safety, added 10-28-1963 by L.L. No. 5-1963 and amended 1-6-1964 by L.L. No. 1-1964, was repealed 9-27-1983 by L.L. No. 16-1983. See Art. XI of this Charter.

² Editor's Note: This local law was approved at referendum 11-2-1999 and took effect 12-1-2000.

APPENDIX IX: NEW DRINKING WATER PROTECTION PROGRAM

quality of surface and/or groundwater in Suffolk County.

- (e) Lands identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation Management Plan (LICMP) as needed to protect coastal water resources.

- (2) The Suffolk County Environmental Programs Trust Fund is hereby created. 13.55% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this trust fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2013, exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.

B. Water quality protection and restoration program.

- (1) 11.25% of the total revenues generated each calendar year to reduce or stabilize the county's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the county, said revenues to be used to offset the county cost of environmental programs limited to:

- (a) Projects recommended by the Management Committee of SSER, PEP, and/or LICMP, if approved by duly enacted resolution of the County of Suffolk, for infrastructure improvements or operating expenses which may include, but not be limited to, the following:

[1] Nonpoint source abatement and control:

- [a] Conventional or innovative structural or nonstructural stormwater abatement or prevention.
- [b] Establishment and/or testing of innovative and alternative on-site sanitary waste disposal systems.
- [c] Best-management practice demonstration and implementation at commercial, industrial and/or residential sites.

[2] Aquatic habitat restoration:

- [a] Wetlands preservation and enhancement.
- [b] Submerged aquatic vegetation restoration and enhancement.

- [c] Bay scallop and other aquatic species restoration efforts.

- [d] Open marsh water management.

- [e] Native plantings and other near-shore vegetative preservation and restoration projects.

- [f] Shore stabilization and restoration projects.

- [g] Preservation and restoration initiatives targeted at protection of rare, threatened, or endangered species, or other priority species or critical natural resource areas identified by the County of Suffolk.

- [3] Agricultural nonpoint source abatement and control.

- [a] Best-management-practice demonstration and implementation to control or reduce pollutants such as nutrients, pesticides and herbicides from agricultural sites and their impact on surface water quality and habitat.

- [4] Pollution prevention initiatives:

- [a] Best-management-practice demonstration and implementation to prevent pollution at commercial, industrial and/or residential sites.

- (b) Projects to implement "no discharge zones."

- (c) Programs for educational outreach, as long as a matching non-county share of 50% is provided.

- (d) Programs to remediate other nonpoint source pollution.

- (2) The Suffolk County Environmental Programs Trust Fund is hereby created. 11.25% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this trust fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2013, exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.

- C. Specific environmental protection (farmland acquisition): 7.35% of the total revenues generated each calendar year to reduce or stabilize the county's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes

APPENDIX IX: NEW DRINKING WATER PROTECTION PROGRAM

assessed and collected by the County of Suffolk from parcels within the county, said revenues to be used to offset the county cost of environmental programs limited to the county cost of acquiring farmland development rights pursuant to Chapter 8 of the Suffolk County Code. 7.35% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2013, exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.

- D. County-wide property tax protection. 32.15% of the total revenues generated each calendar year to reduce or stabilize the county's general property taxes and/or police/public safety property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County. The Suffolk County Taxpayers Trust Fund is hereby created. 32.15% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this trust fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. These revenues shall not be used to fund new programs or positions of employment (defined as programs or positions not budgeted by Suffolk County in the prior fiscal year).
- E. Sewer taxpayer protection. 35.70% of the total revenues generated each calendar year for sewer district tax rate stabilization only in those instances in which the pertinent sewer district will experience an increase in rates of at least 3% in the aggregate for user charges, operations and maintenance charges, per-parcel charges and ad valorem assessments in the calendar year for which these sewer district tax stabilization revenues are being allocated. The Suffolk County Sewer Assessment Stabilization Fund is hereby created. 35.70% of the total revenues generated each calendar year by such sales and compensating use tax shall be allocated and deposited annually to this trust fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk and shall not reduce the projected rate increase below 3% in the aggregate for user charges, operations and maintenance charges, per-parcel charges and ad valorem assessments for the year in question. If the revenues generated in any year, including calendar year 2013, exceed the amount necessary to provide such stabilization, then such excess revenues shall be carried over as a fund balance for sewer district tax rate stabilization.

§ C12-3. Management of program.

The management, administration and day-to-day care and supervision of this program (not the actual allocation of revenues or appropriations) shall be provided by the Budget Office, which office shall maintain the official records of moneys expended pursuant to each of the funding components of this article.

§ C12-4. Expiration of this program.

In the event that the sales and compensating use tax extension contemplated by § C12-2 of the Suffolk County Charter is brought before the County of Suffolk for legislative action and approval, then such sales and compensating use tax extension may only be approved by the County Legislature and County Executive on the condition that the resolution, local law or Charter law imposing such extension contain a condition, term and/or provision mandating the expiration of such sales and compensating use tax extension no later than December 31, 2013.

§ C12-5. Construction with other laws.

- A. Notwithstanding any law to the contrary, expenditures made during fiscal year 2001 only, pursuant to this article, shall not be subject to §§ C4-6B, C4-10E, F and G, and C4-11D of the Suffolk County Charter. In all subsequent years, all pertinent tax cap and expenditure cap laws shall apply to expenditures made and revenues received under this article.
- B. The revenues generated under this law shall not be available for funding the program contemplated by § C4-6I of the Suffolk County Charter, enacted by Local Law 18-1998, which program is funded under its own separate revenue source.

APPENDIX X: MULTIFACETED LAND PRESERVATION PROGRAM

Capital Program and Capital Budget Amending Resolution No. 1

Introduced by Presiding Officer Tonna and Legislators Postal, Bishop, Caracappa, Cooper, Crecca, Carpenter, D'Andre, Fields

RESOLUTION NO. 459 - 2001, AMENDING THE PROPOSED 2002-2004 CAPITAL PROGRAM AND BUDGET ESTABLISHING UNIFIED PAY-AS-YOU-GO LEVEL DEBT SERVICE, ENHANCED ENVIRONMENTAL LAND PRESERVATION, ENERGY CONSERVATION, INFRASTRUCTURE IMPROVEMENT COST CONTAINMENT PROGRAM

WHEREAS, the County Executive has presented a Proposed Capital Budget for 2002 and a Proposed Capital Program for 2002-2004; and

WHEREAS, the Suffolk County Legislature has held two public hearings on the proposed capital program and budget; and

WHEREAS, pursuant to Sections C4-19 and C4-20 of the Suffolk County Charter, the Suffolk County Legislature wishes to amend the proposed capital program and budget; and

WHEREAS, the Suffolk County Legislature wishes to reaffirm and strengthen the County's current pay-as-you-go policy through designating General Fund transfers to be the source of funding for recurring capital projects; and

WHEREAS, increased operating funding will reduce the necessity for serial bond issuance and will reduce future debt service payments; and

WHEREAS, consolidation of numerous land acquisition projects will ensure that the County's goals of acquiring sensitive properties will be carried out more effectively; and

WHEREAS, maintenance and enhancement of the County's infrastructure continues to be a high priority for the County Legislature; and

WHEREAS, the Suffolk County Legislature has established that energy conservation projects funded through the New York Power Authority be a high priority; and

WHEREAS, the adoption of the 2002-2004 Capital Program and the 2002 Capital Budget will provide the funding necessary to meet the future needs for county residents; now, therefore be it

AMENDMENT

1st RESOLVED, that the Proposed 2002 Capital Budget and the Proposed 2002-2004 Capital Program be and they hereby are amended as specified in the following attachments set forth herein and made a part hereof; and, be it further

ENERGY CONSERVATION

2nd RESOLVED, that the Suffolk County Community College and the Commissioner of the County Department of Public Works, pursuant to Section 8-2(X) of the SUFFOLK COUNTY CHARTER, are hereby authorized, empowered, and directed to use the New York Power Authority Energy Conservation Program for implementing County energy improvements at the Community College; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed, pursuant to Section 8-2(X) of the SUFFOLK COUNTY CHARTER, to request an energy audit from the New York Power Authority for each and every facility, owned, leased, and/or operated by the County of Suffolk, including court facilities owned, leased and/or maintained by the County of Suffolk, for the purpose of determining what energy efficient measures may be taken at such facilities, and then to have such measures undertaken by NYPA at such facilities to implement a County energy program designed to achieve energy efficiency and energy conservation; and be it further

4th RESOLVED, that the Suffolk County Department of Public Works and the Suffolk Community College is hereby authorized to enter into an agreement with the New York State Power Authority to undertake such energy improvement projects in the County and the Suffolk Community College to be funded through the reduction of utility rates; and, be it further

APPENDIX X: MULTIFACETED LAND PRESERVATION PROGRAM

LAND PRESERVATION PROGRAM

5th RESOLVED, that funds from Capital Project No. 7177, the "Suffolk County Multifaceted Land Preservation Program," may be accessed for acquisitions to be consummated pursuant to Resolution 751-1997; pursuant to the traditional Suffolk County Open Space Program (in accordance with criteria attached hereto as Exhibit "A"); pursuant to Chapter 8 of the SUFFOLK COUNTY CODE; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the criteria set forth in the programmatic County legislation designated as the Suffolk County Active Parklands Stage II Acquisition Program; and be it further

CAPITAL RESERVE FUND FOR GENERAL FUND

6th RESOLVED, that a Capital Reserve Fund for the County General Fund is hereby established, pursuant to Section 6-c of the NEW YORK GENERAL MUNICIPAL LAW, for fiscal year 2001 and for each and every subsequent fiscal year, subject to the permissive referendum requirements of Sections 101-103 of the NEW YORK COUNTY LAW for the purpose of accumulating and providing moneys to be used for those lawful purposes enumerated in law, to pay for the financing of all or part of the cost of the construction, reconstruction or acquisition of a specific capital improvement, or the acquisition of a specific item or specific items of equipment, the substantive effect of which shall be to support pay-as-you-go funding to avoid the incurring of interest charges, thereby moderating and stabilizing real property taxes in Suffolk County; and be it further

7th RESOLVED, that the Clerk of the County Legislature is hereby authorized, empowered, and directed, pursuant to Section 101(1) of the NEW YORK COUNTY LAW to cause a notice to be published at least once in the official newspapers of the County of Suffolk, containing the number, date of adoption, and true copy of the 6th and 8th RESOLVED clauses of this Resolution (together with Reserve Fund line items, if any) and a statement that such provision is subject to a permissive referendum; and be it further

8th RESOLVED, that the 6th RESOLVED clause of this Resolution shall not take effect until forty-five (45) days after its adoption nor unless it is approved by the affirmative vote of a majority of the qualified electors of the county voting on a proposition therefor, if within forty-five days after its adoption there be filed with the Clerk of the County Legislature a petition signed by qualified electors of the County in number of not less than ten per cent of the total vote cast for Governor in Suffolk County at the last general election held for the election of state officers; and be it further

CAPITAL RESERVE FUND FOR POLICE DISTRICT

9th RESOLVED, that a Capital Reserve Fund for the Police District is hereby established pursuant to Section 6-c of the NEW YORK GENERAL MUNICIPAL LAW, for fiscal year 2001 and for each and every subsequent fiscal year, subject to the permissive referendum requirements of Sections 101-103 of the NEW YORK COUNTY LAW for the purpose of accumulating and providing moneys to be used for those lawful purposes enumerated in law, to pay for the financing of all or part of the cost of the construction, reconstruction or acquisition of a specific capital improvement, or the acquisition of a specific item or specific items of equipment, the substantive effect of which shall be to support pay-as-you-go funding to avoid the incurring of interest charges, thereby moderating and stabilizing real property taxes in Suffolk County; and be it further

10th RESOLVED, that the Clerk of the County Legislature is hereby authorized, empowered, and directed, pursuant to Section 101(1) of the NEW YORK COUNTY LAW to cause a notice to be published at least once in the official newspapers of the County of Suffolk, containing the number, date of adoption, and true copy of the 9th and 11th RESOLVED clauses of this Resolution (together with Reserve Fund line items, if any) and a statement that such provision is subject to a permissive referendum; and be it further

11th RESOLVED, that the 9th RESOLVED clause of this Resolution shall not take effect until forty-five (45) days after its adoption nor unless it is approved by the affirmative vote of a majority of the qualified electors of the county voting on a proposition therefor, if within forty-five days after its adoption there be filed with the Clerk of the County Legislature a petition signed by qualified electors of the County in number of not less than ten per cent of the total vote cast for Governor in Suffolk County at the last general election held for the election of state officers; and be it further

APPLICABILITY

12th RESOLVED, that this Resolution shall take effect January 1, 2002, except that the 2nd, 3rd, 4th, 7th, 8th, 10th, and 11th RESOLVED clauses shall take effect immediately, the 6th and 9th RESOLVED clauses shall take effect as provided therein and all steps necessary to implement this Resolution shall commence immediately.

EXHIBIT "A"

SUFFOLK COUNTY OPEN SPACE RATING SYSTEM FOR LAND ACQUISITION

*** PRIMARY CRITERIA**

A. Special Features or Habitat Enhancements (30 Points)

- 5–Rare or endangered species, pursuant to Federal or State lists
- 5–Unique land forms (e.g. Kettle Hole)
- 5–River, stream, water body, or flood plain
- 5–Marine or freshwater wetlands or Special Groundwater Protection Area (SGPA) or Critical Environmental Area (CEA)
- 5–Classified or unique vegetation (i.e. New York State Natural Heritage Program Elements)
- 5–Special view
- 5–Multiple in any of the above

B. Size or Shape (30 Points)

- 15 – Over 50 acres
- 5 – Between 20 – 50 acres
- 10 – Perimeter to area ratio less than one (bulky shape as opposed to strips)

C. Proximity or Contiguity to Other Public Open Space (20 Points)

- 10 – Abutting or adjacent to County land
- 5 – Abutting or adjacent to other protected land
- 5 – Strategic parcel associated with further compatible acquisition

D. Greenbelts, Trails, and Public Access (10 Points)

- 5 – Trail link or public access to shore or water body
- 5 – Greenbelt link or buffer

SECONDARY CRITERIA

E. Development Pressure (15 Points)

- 10 – Preliminary development plans filed, and zoning in place
- 5 – Municipal zoning action pending (rezoning)

F. Stewardship (5 Points)

- 5 – Adopt a park or intermunicipal agreement

** Maximum possible score -----110 points*

*Minimum score necessary for
consideration for acquisition-----25 points*

DATED: June 5, 2001

APPROVED BY:

/s/ Robert J. Gaffney
County Executive of the County of Suffolk
Date of Approval: June 21, 2001

The following specific projects are vetoed:

- | | |
|-----------------|------------------|
| CP 1128 o. 1.2 | CP 5180 p. 1.46 |
| CP 1130 p. 1.3 | CP 5200 p. 1.47 |
| CP 1623 p. 1.5 | CP 5347 p. 1.48 |
| CP 1706 p. 1.10 | CP 5371 p. 1.49 |
| CP 1710 p. 1.12 | CP 5374 p. 1.51 |
| CP 1732 p. 1.19 | CP 5529 p. 1.56 |
| CP 1769 p. 1.25 | CP 7079 p. 1.59 |
| CP 3201 p. 1.41 | CP 7099 p. 1.60 |
| CP 5014 p. 1.42 | CP 7510 p. 1.68 |
| CP 5047 p. 1.43 | CP 87.04 p. 1.70 |

MOTION TO OVERRIDE COUNTY EXECUTIVE'S VETO ADOPTED ON JUNE 26, 2001

APPENDIX XI: CRITERIA FOR SUFFOLK COUNTY ACTIVE PARKLANDS STAGE II

Intro. Res. No. 1592-2001
Introduced by Legislators Haley, Bishop and Caracciolo

Laid on Table 6/5/2001

RESOLUTION NO. 602 - 2001, ESTABLISHING CRITERIA FOR SUFFOLK COUNTY ACTIVE PARKLANDS STAGE II ACQUISITION PROGRAM

WHEREAS, the Adopted 2002 Suffolk County Capital Budget provides funding for a program colloquially referred to as the "Suffolk County Multifaceted Land Preservation Program: Capital Project 7177"; and

WHEREAS, there is a desire to establish criteria for access to the funding for that program for a Suffolk County Active Parklands Stage II Acquisition Program; now, therefore, be it

1st RESOLVED, that the **Suffolk County Active Parklands Stage II Acquisition Program** is hereby established and may be implemented in accordance with the following criteria:

- 1.) Funding may be authorized, issued, appropriated, and expended for the acquisition of various parcels of land for use as active parklands, except golf courses, in those instances in which a Town, Village, School District, and/or community organizations, has entered into a written binding agreement or commitment with Suffolk County to improve and maintain the property for the agreed upon use of additional space for playgrounds, use as a soccer field, use as a football field, use as a baseball field, use for outdoor concerts, use for horseback riding or equine endeavors, and/or use for other community recreational needs, all subject to continued public access to such property, the proceeds of which bonds shall be appropriated for such land acquisitions as are determined to be eligible for acquisition via duly enacted Resolution of the County of Suffolk, after taking into consideration the advisory recommendations, if any, of the Suffolk County Planning Department and the Suffolk County Board of Trustees of Parks, Recreation, and Conservation, which Suffolk County Resolution shall also contain approval of such binding commitment or agreement.
- 2.) The County Department of Planning, Division of Real Estate, or any successor entity thereto, pursuant to Section 14-10(E) of the SUFFOLK COUNTY CHARTER and Section 119-o of the NEW YORK GENERAL MUNICIPAL LAW, may enter into intermunicipal agreements with any Town, Village, School District, and/or community organizations located within the County of Suffolk, for any acquisitions proposed under subsections of this clause occurring on or after the effective date of this resolution, for the purpose of having the Town, Village, School District, and/or community organizations conduct negotiations on behalf of the County of Suffolk for the acquisition of eligible parcels under the above-described program, to acquire fee simple absolute or a lesser interest (i.e. conservation easement), subject to the following terms and conditions:
 - a.) The County Department of Planning, Division of Real Estate, or any successor entity thereto, shall make the final decision on any such negotiations;
 - b.) The individuals or consultants designated by the pertinent Town, Village, School District, and/or community organizations to conduct the negotiations shall act pursuant only to the instruction and supervision of the County Department of Planning, Division of Real Estate or any successor entity thereto;
 - c.) The pertinent Town, Village, School District, and/or community organization shall not be reimbursed by the County of Suffolk for any expenses incurred in conducting such negotiations;
 - d.) Appraisals made available by a Town, Village, School District, and/or community organization for the purpose of such acquisition may be used, if deemed cost effective and appropriate by the Division of Real Estate or any successor entity thereto ; and
 - e.) The individuals or consultants designated by the Town, Village, School District, and/or community organization to conduct the actual negotiation shall first be approved by the County Department of Planning, Division of Real Estate, or any successor entity thereto.

APPENDIX XI: CRITERIA FOR SUFFOLK COUNTY ACTIVE PARKLANDS STAGE II

- 3.) The Nature Conservancy, Peconic Land Trust, and any other comparable not-for-profit organizations, designated by duly enacted Resolution of the County of Suffolk, are hereby authorized and empowered to provide appraisals and conduct negotiations for proposed acquisitions contemplated under subsections of this clause with the approval of and under the supervision of the Division of Real Estate, or any successor entity thereto, in the County Department of Planning.
- 4.) In those instances in which a community organization proposes to enter into a written binding agreement or commitment with the County of Suffolk requiring a financial contribution of \$50,000.00 or more by such community organization, the County Department of Parks, Recreation, and Conservation and the Legislative Office of Budget Review shall review the financial capability of such community organization to provide both the proposed short-term capital improvements submitted as part of the proposal and the financial capability of the community organization to carry out the proposed project from the standpoint of improving and maintaining the property in a timely fashion on a long-term basis. Such review shall include a review of the financial statements submitted by the community organization for the past five (5) years, as well as current financial statements. The Legislative Office of Budget Review shall issue a written report to the County Executive and to each member of the County Legislature no later than sixty (60) days subsequent to the receipt of such proposal from such community organization stating its findings and determinations as to such financial capability;

and be it further

2nd **RESOLVED**, that this Resolution shall apply to funds accessed on or after January 1, 2002, from the "Suffolk County Multifaceted Land Preservation Program: Capital Project 7177"; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: June 26, 2001

APPROVED BY:
/s/ Robert J. Gaffney
County Executive of Suffolk County

Date of Approval: July 10, 2001

APPENDIX XII: LAND ACQUISITION REVIEW PROCEDURES FOR THE CLEAN DRINKING WATER PROTECTION PROGRAM

RESOLUTION NO. 2 - 1989, OF THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION BOARD OF TRUSTEES ESTABLISHING LAND ACQUISITION REVIEW PROCEDURES FOR THE CLEAN DRINKING WATER PROTECTION PROGRAM

The following Resolution was offered by Trustee White, and seconded by Trustee Patterson:

WHEREAS, the Suffolk County Department of Parks, Recreation and Conservation Board of Trustees (Board of Trustees) hereby notes that the "Clean Drinking Water Protection Program" (Suffolk County Charter, Article XII) (as amended by Resolution 582-1988) provides Suffolk County with millions of dollars for purchasing environmentally sensitive parcels of land for ground water protection purposes; and

WHEREAS, the Board of Trustees further finds that numerous requests from the Suffolk County Legislature and Town Boards asking the Department of Real Estate to appraise and acquire parcels of land are being made on a frequent basis; and

WHEREAS, this Board of Trustees hereby finds and determines that it is important to have the input of several departments and agencies with regard to reviewing and analyzing which parcels are appropriate for acquisition, before this Board of Trustees makes its determinations and before this Board of Trustees makes any recommendations to the Department of Real Estate for the appraisals and/or acquisitions of such parcels; and

WHEREAS, accordingly, it is the intent of the Board of Trustees to require that the Board of Trustees shall consider the recommendations of various departments and agencies, before they recommend to the Department of Real Estate to begin the appraisal of or the acquisition of any parcel of land that may come under the auspices of the "Clean Drinking Water Protection" program; now therefore be it

RESOLVED, that the departments and agencies which shall be included in this review process are:

- 1) Department of Planning
- 2) Department of Parks, Recreation and Conservation
- 3) Division of Environmental Quality of the Department of Health Services
- 4) Department of Real Estate

and be it further

RESOLVED, that the Board of Trustees shall review the evaluations of the departments and agencies herein listed and shall recommend to the Chairperson of the Conservation, Park Acquisition and Historic Preservation Committee, the Chairperson of the Energy and Environment Committee and the Chairperson of the Ways and Means Committee of the Suffolk County Legislature and the Commissioner of the Suffolk County Department of Real Estate those parcels they deem worthy of public acquisition; and be it further

RESOLVED, that such a review and recommendation shall be in writing (using attached forms) and completed within sixty days from whence the request calling for the appraisal and/or acquisition is made and shall include where possible comments regarding environmental impact, financial and budgetary impact, hydrological significance, any other factors bearing on desirability of public acquisition, and any alternate means of protecting such parcels using little, if any, public funds; and be it further

RESOLVED, that the protection and preservation of Suffolk County's underground drinking water supply will be the primary criteria used in evaluating whether or not a particular parcel should be acquired; and be it further

RESOLVED, that § C12-3 of the Suffolk County Drinking Water Protection Program states that Suffolk County may acquire parcels of undeveloped land only within the Suffolk County Pine Barrens Wilderness and/or the Suffolk County Water Protection Preserve, unless the Suffolk County Legislature designates by resolution any other land; and be it further

RESOLVED, that the criteria used for these parcels of land not located within the Suffolk County Pine Barrens Wilderness and/or the Suffolk County Water Protection Preserve but designated via resolution by the Suffolk County Legislature shall be the following:

APPENDIX XII: LAND ACQUISITION REVIEW PROCEDURES FOR THE CLEAN DRINKING WATER PROTECTION PROGRAM

The proposed parcel for acquisition shall be in its natural and undisturbed state and shall be located within one of the following areas:

- 1) Deep Flow Recharge Areas outside the special ground water protection areas that have historically provided a major portion of the County's water supply (Zones I and III)
- 2) Proximity to the ground water divide
- 3) Aquifer areas that are the sole supply of ground water to a particular portion of the County
- 4) Proximity to Suffolk County Water Authority existing well sites
- 5) Land within the "zone of influence" of proposed or existing well sites
- 6) Any other land the Suffolk County Department of Health Services, the Suffolk County Water Authority or the New York State Department of Environmental Conservation believes should be acquired to protect our underground drinking water supply; and be it further

RESOLVED, that once the Board of Trustees reviews the evaluations from the various departments and agencies they shall forward their recommendations to the Chairperson of the Conservation, Park Acquisition, and Historic Preservation Committee, the Chairperson of the Energy and Environment Committee and the Chairperson of the Ways and Means Committee of the Suffolk County Legislature and the Commissioner of the Suffolk County Department of Real Estate; and be it further

RESOLVED, that the Commissioner of the Suffolk County Department of Real Estate should not conduct any in-house appraisals nor order outside appraisals for, nor enter into any negotiations for the acquisition of, nor consummate the acquisition of any such parcel under this resolution unless said parcel has been reviewed and recommended by the Board of Trustees.

Approved: X
Disapproved:

/s/ Matthew Kruger
Matthew Kruger
Chairman

Dated: 4/11/89

APPENDIX XIII: LAND ACQUISITION REVIEW PROCEDURES FOR AMENDED PORTIONS OF ARTICLE XII OF THE SUFFOLK COUNTY CHARTER

RESOLUTION NO. 13-1997 OF THE SUFFOLK COUNTY DEPARTMENT OF PARKS, RECREATION AND CONSERVATION BOARD OF TRUSTEES ESTABLISHING LAND ACQUISITION REVIEW PROCEDURES FOR AMENDED PORTIONS OF ARTICLE XII OF THE SUFFOLK COUNTY CHARTER

At a regular meeting of the Suffolk County Department of Parks, Recreation and Conservation Board of Trustees meeting held on September 18, 1997, the following Resolution was offered by Trustee Corwin and seconded by Trustee Fritz and unanimously approved by the Board.

WHEREAS, Article XII of the Suffolk County Charter was amended in July, 1996 and ratified by voter referendum in November, 1996; and

WHEREAS, this amendment included the establishment of a surplus fund of uncommitted, unallocated reserve funds to be spent on the acquisition of parkland in the Towns of Huntington, Babylon, Islip, Shelter Island, Smithtown and such other towns as may become eligible for such funds; and

WHEREAS, these acquisitions would only occur after the County first meets its program obligations to purchase land for drinking water protection;

now, therefore, be it

RESOLVED, that the Board of trustees of the Department of Parks, Recreation and Conservation, pursuant to Section C12-3B of the Suffolk County Charter, hereby established acquisition priorities and criteria for those parcels recommended for acquisition in the Towns of Huntington, Babylon, Islip, Smithtown and Shelter Island, utilizing unallocated, uncommitted. surplus reserve funds as follows:

That the parcel meet **any one** of the following:

- Abutting County Parkland
- More than 50 acres
- Abutting federal, state, town, village, private conservation, or other reasonably appropriate properties with management commitments
- Acquisition contingent on management agreement being in place
- Located in a Special Groundwater Protection Area (SGPA)
- Ecologically sensitive site as indicated in a natural resources report
- Designated floodway or drainage way
- Fresh or saltwater wetlands as mapped by NYSDEC
- Endangered by development and requested for preservation by local government;

and be it further

RESOLVED, that parcels meeting the Trustees acquisition criteria for either the County Drinking Water Protection Program or the Open Space Program shall be given the highest priority;

and be it further

RESOLVED, that the Board of Trustees shall consider the recommendations of various departments and agencies in making their determinations regarding the above criteria including:

1. Department of Planning
2. Department of Parks, Recreation and Conservation
3. Department of Health Services
4. Department of Law, Division of Real Estate

and be it further

RESOLVED, that the Board of Trustees shall review the evaluations of the above departments and agencies herein listed and shall recommend to the County Executive and Legislature those parcels that they deem worthy of public acquisition and the preferred circumstances under which the properties should be managed and secured if acquired by the County of Suffolk.

Approved: X
Disapproved:

Isl Richard F. White
Richard F. White, Jr., Chairman

Date: September 18, 1997

**APPENDIX XIV: REVISED PROPERTY PRIORITIZATION CRITERIA FOR THE OPEN SPACE PROGRAM,
LAND PRESERVATION PARTNERSHIP PROGRAM AND COMMUNITY GREENWAYS PROGRAM**

RESOLUTION NO. 16-1999 AMENDING TRUSTEES RESOLUTIONS 36-98 AND 13-97 TO ESTABLISH REVISED PROPERTY PRIORITIZATION CRITERIA FOR THE OPEN SPACE PROGRAM, LAND PRESERVATION PARTNERSHIP PROGRAM AND COMMUNITY GREENWAYS PROGRAM

At a regular meeting of the Suffolk County Department of Parks, Recreation and Conservation Board of Trustees held on November 18, 1999, the following Resolution was offered by Trustee McKay, seconded by Trustee Park, and unanimously approved by the Board.

WHEREAS, the Suffolk County Parks Board of Trustees has reviewed the above previously adopted resolutions; and

WHEREAS, the Board of Trustees has determined that the prioritization criteria established under the previously adopted resolutions for the various acquisition programs need to be revised into a more simplified format;

now, therefore, be it

RESOLVED, that the Board of Trustees establishes the following revised land acquisition prioritization criteria applicable to the Open Space Program, Land Preservation Partnership Program, and Community Greenways Program:

- **“Highly Recommended for Natural Resource Value/Recreation”**. Parcels in a largely natural state with significant natural resource, as well as parcels which have important recreation potential. The adjacency or proximity of the parcel to other current or proposed County holdings may be considered in making this evaluation. (A parcel does not have to be “threatened” to be “Highly Recommended”, nor does being “threatened” automatically qualify a parcel for being “Highly Recommended”.)
- **“Recommended for Natural Resource Value/Recreation”**. Parcels with limited natural resource or recreation value whose acquisition would further the goals of the park system, but whose value is isolated and/or small compared to “Highly Recommended” parcels. If an otherwise small and/or isolated parcel is nonetheless very significant to the community (e.g., recreation, water access, etc.) or to resource protection (e.g. species habitat), it should be considered for a “Highly Recommended” rating.
- **“Not Recommended for Natural Resource Value/Recreation”**. Properties which have either no value for the program for which they are nominated, or whose value to that program is so limited (e.g., the cost of operating a facility, the lack of a sizeable recreation constituency, extreme logistical or financial difficulties in managing or developing the parcel) that they cannot be recommended for acquisition under the program. (Note that a “Not Recommended” rating under one program does not necessarily imply the same rating under another program.)
- **“Imminently Threatened”**. This priority may be assigned to any “Highly Recommended” or “Recommended” parcel which, in the Trustees’ opinion, may soon be lost to the County program under which they were nominated if action is not taken soon (e.g., within 6 to 12 months).

Approved: X

Disapproved:

 /s/ Raymond Corwin
Raymond Corwin, Chairman

Date: November 18, 1999

Suffolk County Department of Planning

Thomas A. Isles, AICP
DIRECTOR

ADMINISTRATION
Kimberly Kennedy
Dorothy Sonnichsen
Margaret DeKams

ENVIRONMENTAL ANALYSIS
DeWitt Davies, Ph.D.
Lauretta Fischer
Ronald Verbarg

ZONING AND SUBDIVISION REVIEW
Gerald Newman
Andrew Freleng, AICP
Theodore Klein
Christopher Wrede
Claire Chorny

COUNCIL ON ENVIRONMENTAL QUALITY
James Bagg
Penny Kohler

PLANNING AND RESEARCH
Roy Fedelem
Carol E. Walsh
Frank Dowling
Peter Lambert

AFFORDABLE HOUSING
Marian Zucker
Linda DiCola

CARTOGRAPHY AND GIS
Carl Lind
James Daly
Thomas Frisenda
Vincent Leogrande

SPECIAL SUPPORT PROJECTS
George Proios

LONG ISLAND REGIONAL PLANNING BOARD
Seth Forman, Ph.D.

Division of Real Estate

Christine D. Costigan, Esq.
DIVISION DIRECTOR

ADMINISTRATION
James M. Burke, Esq.
William Moore
Lynne Chieffo
Gale Savello
Colleen Badolato

ACCOUNTING
Karen Slater, CPA
Jean Gerken
Carmen L. Pulido
Marianne Arena
Patricia Loparo

RENTAL/INVENTORY UNIT
Gerard Goehringer
John Austin
James Docherty
Samuel Bail
Alice Kubicsko
Lisa Wansor

APPRAISAL UNIT
Teresa A. Allar
Gary Taibbi
Donna Ross

ACQUISITION UNIT
Catherine O'Neal
Rashmikant Bhatt
Robert Zaher
Peter Belyea
Amy Sand
Laura Casillo
(Condemnations)
Geoffrey Mascaro

REDEMPTION UNIT
Betty Schmitt
Robert Reich
Ann Gladstone
Susan Curtis

AUCTION UNIT
Wayne Thompson
Peter Hoffman
Agnes Miele
James F. Donovan
Lori Bertone
Lori Sklar
Auria Camacho

ABSTRACTS UNIT
Donna Waide
Loretta Bunch

SPECIAL SUPPORT PROJECTS
Louis Bonacci

