

January 5, 2018

Dear Long Island Farm Bureau Member,

Much has happened over the last few months regarding the Farmland Preservation Program, the lawsuit and appeal and actions by the Agricultural Partners Group.

Early last summer the County filed with the Court of Appeals a “Motion of Preference” to expedite the appeal due to the hardship that has been placed upon the farm community because of Judge Whelen’s decision in September of 2016. That “Motion of Preference” was granted by the court despite strong opposition from the Plaintiff. Subsequently, the court set a date of December 11, 2017 for oral arguments and providing the County’s position was Lisa Kombrink, Special Council for the County. Lisa, in our opinion, did an excellent job of representing the farm community and the County. We are not certain, at this point, when the court will rule on the appeal but expect it to be at least a few more weeks.

While all of this was happening, Long Island Farm Bureau, Peconic Land Trust, and Farm Credit East took the lead on preparing and submitting an amicus curie brief (friends of the court brief) to the Appeals Court. Each organization spent considerable time and resources to pull this together. The brief we wrote gave the perspective of the agricultural industry from the advocacy, preservation, and economics of the current state of the industry and what this all could mean to the farm community if the decision was left to stand “as is”. Additional signers on the brief were the NY League of Conservation Voters, LI Wine Council, Cooperative Extension of Suffolk, and American Farmland Trust. Since the original arguments did not have agricultural representation, this brief gave the farmers a voice to express their concerns to the Court of Appeals and provide the court with a new viewpoint.

At the end of last year’s legislative session, with the help of Senator LaValle and Assemblyman Thiele we introduced legislation that would allow for Farmland Preservation Programs in Suffolk County to permit “farm operations” on preserved land in County and Town programs. “Farm operations” by definition would allow for structures and infrastructure pertaining to farm operations to be allowed on preserved land. While the legislation passed the Senate, it stalled in the Assembly and did not pass the legislature last year. We are working to include this bill in this year’s NYS budget. We are hopeful that if this legislation is passed it will resolve the issue of structures and farm operations on preserved land.

We believe we have made significant progress in resolving many issues for the farm community that Judge Whelen’s verdict has created, but there is still work to be done before everything is decided. At this point in time, I would like to highlight the session that is being offered at this year’s Agricultural Forum where representatives from the County will be on hand to provide an update to the farm community and answer questions about this appeal, where things stand with the program, and other matters of concern. We hope you will be able to attend this important event:

LI Agricultural Forum Farmland Program Update
Wednesday, January 10th, 2018
1:00 to 1:45 pm
Suffolk Community College Eastern Campus
Shinnecock Room 101

In the meantime, if you have any questions or concerns, please feel free to give me a call.

Robert Carpenter
Administrative Director