

**ENVIRONMENT, LAND ACQUISITION AND PLANNING COMMITTEE  
of the  
SUFFOLK COUNTY LEGISLATURE**

**Minutes**

A regular meeting of the Environment, Land Acquisition and Planning Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **January 21, 2003.**

**MEMBERS PRESENT:**

Legislator David Bishop - Chairperson  
Legislator Michael J. Caracciolo - Vice Chairperson  
Legislator Ginny Fields  
Legislator Vivian Fisher  
Legislator George Guldi  
Legislator Martin W. Haley

**ALSO IN ATTENDANCE:**

Paul Sabatino, II - Counsel to the Legislature  
Erin Cohan - Aide to Legislator Bishop  
Leonard Greco - Aide to Legislator Caracciolo  
Neal Capria - Presiding Officer's Office  
Judith Gordon - Commissioner of Parks Department  
Stephen Raptoulis - Parks Department  
Denise Speizio - Parks Department  
Alpa Pandya - The Nature Conservancy  
Thomas Isles - Director, Planning Department  
Lauretta Fischer - Planning Department  
Kevin Duffy - Budget Review Office  
Sean Clancy - Budget Review Office  
Nicole DeAngelo - County Executive's Office  
Vito Minei - Department of Health Services  
Walter Dawydiak, Jr. - Department of Health Services  
Christine Costigan - Director of Real Estate  
George Proios - Soil & Water Conservation District  
Bruce Williamson - Health Services  
Jim Bagg - Council on Environmental Quality  
Bill Sanok - Cornell Cooperative Extension  
George M. Motz - Mayor of Quogue  
Adrienne Esposito - Citizens Campaign for the Environment  
Margo Myles - Town of Huntington Department of Planning  
Robert Hughes - Town of Huntington Historian  
Kevin McAllister  
Rob Parrino  
David Hotine

Other interested parties

MINUTES TAKEN BY:

Ana Grande - Court Stenographer

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(THE MEETING WAS CALLED TO ORDER AT 1:35 P.M.)

CHAIRMAN BISHOP:

Good afternoon. This is the Tuesday, January 21st, 2003, meeting of the Environment, Land Acquisition & Planning Committee. Please rise for the pledge of allegiance led by a new member of the Committee, Legislator Fisher.

(SALUTATION)

CHAIRMAN BISHOP:

I also want to welcome Legislator Guldi as a new member of the Committee.

LEG. GULDI:

I've actually been here before

CHAIRMAN BISHOP:

So, you're back. We welcome you back. And welcome Legislator Fisher back. She points out she used to chair in one of its manifestations.

We have a request for an executive session. We will do that after we complete the agenda. We have cards from the public. If you are here to speak before the Committee, you need to fill out a yellow card. Yellow cards are right next to the Stenographer. And we also have a presentation from a member of the government.

Let's begin with the presentation. Bill Sanok has a presentation, he's from the Cornell Cooperative Extension on the agricultural program, report on the pesticide clean up program. Mr. Sanok, are you here? Okay. We will not begin with Mr. Sanok. We'll begin with the cards.

We have two cards from the Town of Huntington, Margo Myles and Robert Hughes. Mr. Hughes is the Town Historian and Ms. Myles is the Director of Planning. Are they here? Come on up, please.

MS. MYLES:

Thank you. Just to correct the record, I'm the Coordinator of Open Space for the Town Planning Department. We're here today to talk about the project that's called the Park Avenue Dairy site. It is an extension of a project that you've heard before, the Hilaire Woods Park Project, which basically became the corner-stone for the

Huntington Heritage Trail, a brand new trail that's planned through the heart of one of the oldest sections of Huntington Village.

The Park Avenue Dairy site is a 7.4 acre site. It's right now pending preliminary subdivision before the Planning Board. Our Planning Board issued a positive declaration, which means that they're required to bring in an environmental impact statement. That was done in February of 2002. They've not brought in that documentation, so that application is not proceeding right now.

This site is listed on the National Register of Historic Places, it contains several historic structures. It's mapped on the New York State Freshwater Wetlands Map, approximately two and a half acres of

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the site are area that is regulated by the State DEC for freshwater wetlands. It has a pond as well as a contiguous wetlands system that involves underground springs that have certain surface expression as well as some very marshy land.

It contains some very steep slopes. Approximately twenty-five percent of the site is greater than twenty-five percent in slope and there are several elements that are really going to require very careful planning for this site.

The importance of the parcel is really how it fits from an environmental natural resource standpoint into the plans for the Huntington Heritage Trail. As soon as I'm finished, Robert is going to address the historic component of the project.

Just this past year we closed on the Hilaire Woods site, which was the eight-acre park site which is really going to be the base for this trail. I can bring this up and show you a little closer. Hilaire Woods Park, you have the Hilaire Woods additions --

LEG. FISHER:

You can pick the mike up if you want.

MS. MYLES:

I don't know if everyone can see this. We have the Hilaire Woods additions, which are also on your agenda today. Both of these projects being shared Town and County.

Preservation projects, the planned trail would run along the backside of County and Town recharge basins connecting through an easement to the Park Avenue Dairy site and then to make a large circuitous route through Huntington Village. There was a nice article in Newsday on the planned trail in December. I've brought copies of that if anyone would like to see it.

We're here today to encourage your support to authorize the planning steps for this shared County/Town acquisition. There's already been Town funding committed towards this acquisition, and I'd like to pass the mike to Robert Hughes.

MR. HUGHES:

Good afternoon. I'm Robert Hughes, the Huntington Town Historian. And in addition to the environmental qualities that make this an appropriate site for public acquisition are the historic resources located on the site.

The Town of Huntington was settled beginning in 1653 and that settlement was centered right here on this Village Green area. In fact, kitty-corner from this site is a house surviving from 1653. Across on the other side is a house owned by the Huntington Historical Society as a house museum built in 1755. And on the site itself we have several historic resources spanning two or three centuries. In 1740, a tannery was established on the site and that was continued in operation through into the 19th century.

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The British troops actually encamped on the site during the Revolutionary War. The story goes that one of the families that lived here were very concerned about the impending arrival of the British, they were pacing back and forth wringing their hands and a knock came to the door and somebody, it was a British officer, and he said, lock up all your valuables, my troops are the worse devils you can imagine, they're Hessians and you know what that means. Well, as it turns out, the Hessians did camp on the site, but didn't cause too many trouble.

But even earlier than that, as early as 1676, a house was built here and it was later moved and enlarged to another site, another part of this site, but this may be the only surviving thatched cottage building in the country. There is evidence of the thatch rafters in the basement, they were very thrifty and recycled materials from the roof rafters down into the basement.

And the development continued. So, we have that house, we have a house from 1790, we have two houses from the mid 19th century, a house from the turn of the 20th century, as well as a 20th century cinderblock Dairy Barn, which may not sound like it's anything of great importance, but the New York State Office of Historic Preservation has looked at it and said this is a rare example of this type of agricultural architecture and is worthy of preservation and they recommend adaptive reuses for the building.

The history is important of the site and it's also a very important component of the Heritage Trail. The Heritage Trail is more than just

an environmental walk, it is intended to be a walk from this earliest settlement area of the Town of Huntington up through the Village Green, Heckscher Park and onto Huntington Harbor eventually, and it will tie the historic resources and the environmental resources.

And this is a very important piece of the puzzle. The Hilaire Woods acquisition is not as valuable without this missing link in the trail, and because of its importance, the Town of Huntington last year, they've done an application to the New York State Parks Department under the Land and Water Conversation Program to acquire it. And we understand there may not be money in that program, so State funding may not be forthcoming, but as part of that application process, the Town of Huntington did commit five hundred and fifty thousand dollars to the acquisition of this site. So, County participation would be imperative.

MS. MYLES:

Could I just add one thing? One of the concerns that we had heard as we were trying to encourage interest in preservation of this site was that there are many structures on the property and that it's not the County's policy to acquire these structures. The Town is forming its own historic trust and the Town would work with the County to lay out a plan for acquisition so that the Town would acquire those portions that have those structures.

CHAIRMAN BISHOP:

Okay. Any questions? When Legislator Cooper called me about this, he said we have to take a look at this resolution, because it's to preserve one of the original dairy barns, and I thought he meant the

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store. He explained it was a cinderblock dairy barn. All right.

In any case, so this will be a partnership ultimately. This is a planning steps only resolution and obviously there is some legal considerations as well, because I don't know if we have a program under which -- this is sort of a hybrid, it's to be preserved as open space, but I think you're envisioning a trail going through it.

MS. MYLES:

Absolutely.

CHAIRMAN BISHOP:

So we'd have to find the proper home for it. But as a first step, since planning steps, you undertake the same planning steps in any program that it ends up in, it doesn't present a problem at this point. I guess we'll vote on it when we get to it on the agenda. There are no questions? No questions.

LEG. FISHER:

I'm trying to find it.

CHAIRMAN BISHOP:

It's 2339. Okay. Ms. Myles, are you familiar with the other acquisition that the Town of Huntington has been urging us to undertake? The name escapes me.

MS. MYLES:

Camelot?

CHAIRMAN BISHOP:

Yes, Camelot. We have a new proposal from the Supervisor, are you familiar with that proposal?

MS. MYLES:

Yes.

CHAIRMAN BISHOP:

Would you care to go through that with the Committee at this time?

MS. MYLES:

Sure.

CHAIRMAN BISHOP:

We received correspondence, I'm having copies made for all members the Committee.

MS. MYLES:

What we have presented back to you, one of the concerns that had been raised when we've been before you before is the limitation as you saw it on how much the Town was committing toward the acquisition, that the Town Board had only committed eight hundred thousand and there was concern that there was not more forthcoming.

What the Supervisor asked us to do was to submit a proposal which would show how we would use this site actively for environmental education purposes. And what we've submitted is a proposal that

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outlines all of the steps that we would take to provide access in terms of parking, to provide whole access trail that would course through the site, including elevated cat walk-in the area that is somewhat in proximity to the wetlands so you would have a good vantage point as a fully accessible property.

It would really be opened up a great deal more for use. It adjoins, as you know, the high school and very close to West Hills Day Camp, so we have two known user groups immediately in proximity if we were to

do this.

We've also tried to identify for you along with our hard costs for construction, costs that identify what the Town believes its long term security and maintenance burden is going to be if we do implement this proposal. And we did come up with a proposal that shows I believe the one term correction to be close to a hundred and seventy-five thousand dollars.

And then our administration programming, one of the things we would commit to would be to take on a part-time individual that would do environmental education programs, so that would be somebody that would be available to facilitate use of the site by schools or whatnot that might want to come visit. And we're showing that our annual programming administration and maintenance might run as high as seventy-five thousand a year.

So, these are hard costs above and beyond what the Town has proposed for acquisition. And I don't know if you have any specific --

CHAIRMAN BISHOP:

How many years would the commitment run for?

MS. MYLES:

I believe that we're looking at a perpetual commitment, we're not going to establish any short term on this. If we make that kind of capital commitment to making these improvements, we would hope to have them available for the long term.

CHAIRMAN BISHOP:

If the County were to enter into this kind of, type of agreement, there would probably be a request from our side and from the Committee that the Town commit to this program existing for at least a period of, you know, five years.

MS. MYLES:

Absolutely. And we've done or we anticipate, we're working on it right now, having those agreements in place for all of our active recreation partnerships with the County, Benjamin, the PDG parcel that we're hoping to come talk to you about shortly, wherever we're going to be making physical improvements, we want to have that type of agreement in place.

CHAIRMAN BISHOP:

Okay. I'm passing out copies of the Supervisor's letter at this time. Legislator Caracciolo has a question.

The question I have relates to a resolution that's on today's agenda, pardon me, approving the appointment of John W. Caracciolo as a member of the Suffolk County Planning Commission representing the Town of Huntington. I do not know this individual, same surname, but there's no relationship with my family that I'm aware of. So perhaps maybe in your capacity, you could share with us some information about this individual. Is he present?

MS. MYLES:

Actually I'm sorry, I can't, I do not know this individual.

CHAIRMAN BISHOP:

He doesn't appear to be present.

LEG. CARACCIOLO:

I would request that we table this resolution until the individual can come before the Committee.

CHAIRMAN BISHOP:

Anybody else? Questions for the Town of Huntington? You are the Town of Huntington, you personify the Town of Huntington. Okay. Thank you very much, both of you.

MR. HUGHES:

Thank you.

MS. MYLES:

Thank you.

CHAIRMAN BISHOP:

I have no other cards. Is that to be taken to mean that nobody else wants to speak to the Committee? We're in the public portion, no other cards. Okay. Mr. Sanok, good afternoon.

MR. SANOK:

Good afternoon.

CHAIRMAN BISHOP:

Joined by Mr. Proios.

MR. SANOK:

Good afternoon. Thank you for the opportunity to report on a very successful program we had last fall. It's called Clean Sweep New York. It's a pesticide collection program very similar to the Stop Program that each town conducts. This is done for commercial pesticide applicators, both private farmers and horticultural industry.

This was done this past fall during the week of November 18th. We had four sites. The first one was in Huntington on Monday, the 18th. The

second one in North Sea on the South Fork. The third one in Cutchogue in Southold. And the Thursday and Friday of that week, the fourth and fifth days, were at the Indian Island Golf Course in Riverhead.

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The extent of the program was that we collected a hundred and fifteen thousand pounds of pesticides that people wanted to get rid of, and that included farmers, greenhouse operators, some horticultural businesses, retailers, County and State parks, DPW's, the whole -- it was across the board for commercial pesticide applicators. And it was a good way to get rid of the pesticides.

I might give you a little background on it. The money used for this program came through the State, DEC had some money in a consent order. They had a company that was in violation of pesticide laws and they were fined and some of that money was earmarked for this pesticide collection program. Two hundred and fifty thousand dollars of that was allocated for Long Island.

I don't have the final figure on what this cost, I think it's probably in the area of a hundred and fifty to two hundred thousand dollars for this past program. Generally it runs about a dollar and a quarter per pound to get rid of it, plus the administrative, you know, the consultants and a few other expenses.

With that, I'd like to answer any questions about this particular program. As I said, it was highly successful. We did one very similar to this in 1995, and the Nassau/Suffolk Landscape Gardeners did one about three years ago.

CHAIRMAN BISHOP:

Any questions? I have a question. Okay, Legislator Fisher.

LEG. FISHER:

Perhaps you said it at the beginning of the presentation, when would it be repeated? When would you --

MR. SANOK:

There's none scheduled for the future. I think what we need to do, and George Proios and I have been talking about this for several years now, is to try and set up more of a permanent program where we can do this either once a year, twice a year or maybe once every second year, because if you do it on a regular basis, it's a lot cheaper.

This was a special project and I think one of the reasons we had such a large turn in is because there was a lot of accumulation of materials out in the, around the County. What happens with pesticide applicators, if they have a material on hand and the registration is withdrawn, they can no longer use it. From the day the registration

runs out, it's no longer usable, it's illegal to use in New York State. There's no way to get rid of the extra, so that's one way to accumulate it.

We've had people from different organizations call because they assumed a new building or a building, an old building, a new property for them, and open up the doors and they might find something that was left there. Just like walking into somebody's house, as you move from one house to another as someone buys a house. We've had farmers tell us that they buy a barn and there was old materials left in there. So, that's one way to accumulate these things.

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Another one was the County. In the Pesticide Phaseout Law the County parks, in the golf courses, DPW and Vector Control had material they no longer wanted to use because of the Pesticide Phaseout Law, and they can't get rid of it through the Stop Program, because the Stop Program is not geared for the highly toxic or large quantities. That's one reason why we had quite a turn -- quite a large turn in from various municipalities, including State parks and State DPW and County property.

LEG. FISHER:

So the answer to that is that there is no, right now that there is no schedule, there is none scheduled, but you anticipate discussing perhaps having this done on a regular basis so that farmers can anticipate having --

MR. SANOK:

What I'd like to do, and I think part of the discussion, and George and I talked about this, if we can identify some funds, and I've talked with the consultant who's out of Washington D.C. that worked on this project, and he said it would run generally about twenty-five to thirty thousand dollars a year for an area like ours. And we were hoping if we can get some money that's matched from some other sources as well as maybe some quarter percent money or whatever it is, and run a project like this.

The County facility at Indian Island would be an outstanding area, because it's paved, it's very secure, it's not a high traffic area. And that's what we're hoping in the near future, is to do this on a regular basis. George, I don't know if you want to comment.

LEG. GULDI:

Before we go to George's comment, aren't you concerned that the proximity of Indian Island to the Peconic Bay Estuary and the fact that it's close to wetlands makes it an undesirable site and aren't there far more secure upland sites that we could utilize that are on County property?

MR. SANOK:

I'm sure there are other sites we can use, we haven't, you know, identified those. It just turned out that we wanted something in the Riverhead area. And because this area is paved and we had professionals come in, this one happened to be Clean Harbors, the disposal company, what they do is they spread out plastic, make sure that if there is any spill, it's easily contained. And their job is to dispose of this, so I think it's done very professionally, it's done in a very secure way so we don't get into the wetland area. It's much better to have it confined, no matter where it is, and centrally located certainly would help.

MR. PROIOS:

I was going to add to where we're going from here. In the past we've had the Soil & Water District assist for a couple of reasons. One, there's an indemnification clause in State Soil and Water Law that says that anything done pursuant to an approved plan by State Ag and Markets by a district is indemnified by the State of New York. So for the past five years, we have been including as part of our work plan

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to the State the fact that we want a whole Pesticide Amnesty Programs, this would enable, any agency in the County to participate in it and be indemnified if there was a an accident and anyone were to sue for any spillage that occurred or any accident that might have occurred.

Secondly, as you know, we've been trying to get the State to help participate. A recent survey was done, I just gave you some synopsis of the report, I didn't have the full report with me, that looked at all the fifty states, and New York ranked forty out of fiftieth in terms of dealing with pesticides, primarily because it doesn't have a program. The only thing New York does have is places like Suffolk, Erie, Dutchess that have done their own County-wide programs.

That resolution I gave you, a mock one, is one that we passed several different places. And my position on the State Soil & Water Conservation Committee, we passed it there, it's a policy making Board, we sent copies to Senators Marcellino and Assemblyman DiNapoli asking them, urging them to provide State matching funds to do this, like many of the other states around the country do.

Not only do they do this in other states on a yearly basis, sometimes they'll do it in the spring and the fall. They do it for an extended period of time, not just one day. And several of the states that ranked high also have vehicles that were purchased under various state programs to allow Counties to go out and visit the farms and collect the materials for those farmers that aren't willing or don't have the time to come for those days set aside for them to turn it in.

And sometimes it might be better, because some of the conditions that we've seen with the County Program, the bags have been laying on the ground for in some cases up to twenty years and were deteriorating and it would be better to pick it up right there with a hazards waste hauler than to have the farmer try to move it and have the material all spill out on the ground.

So, that's one of the ways in which we think that we can move this program forward. If the State were able to put together something under the Environmental Protection Fund, we could then use quarter percent money from the County level and help fund this for the next twelve years that funding is available.

As you know, you've held hearings last year about the County's testing program. And it seems like we're in sort of a time warp here, the phrase is paralysis by analysis. You know, we've done testing in dramatic increase over the last five years, we know there's pesticides out there, what are we doing about it.

And so part of what we've tried to do with Cooperative Extension, working together with Soil & Water District is implement an agricultural environmental management program. And we're at the point now where we want to do physical construction of different activities. Clean Sweep is one of those, pesticide pads is another. I think it's kind of abominable that Suffolk County, the largest agricultural state -- County in the State has only two pesticide mixing pads in the entire area.

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You go to upstate areas where their agricultural produce is much less significant than Suffolk and they have dozens and dozens of these pads. We can pay for these out of the -- again the Environmental Protection Fund provides seventy-five percent funding to the farmer to build these pads, the other twenty-five percent can come out of quarter percent, so there's no out-of-pocket expense for the farmer, so there's no excuse why we shouldn't have fifty of these pads built within the next twelve months.

Another couple of examples of how we can use money to address this issue, there are new pesticide sprayers on the market, they use sixty percent less pesticides, they give an electric charge so the material does not drip off the leaf of the plant that it's applied to. And the only problem is that they're expensive. And if we found a way to help subsidize these, putting them on County contract so we can bring the cost down, we can hopefully then encourage farmers to buy these new devices.

The same thing goes with irrigation systems. If you ever visited, I'm

sure Legislator Caracciolo has seen many of these irrigation systems out East that in some cases are held together with spit and duct tape, where they're leaking, you have a lot of leaching that occurs in those leakage areas. There are much more efficient types of sprayers on the market. Again, it's a problem of how do you get the farmer to invest in that, and maybe the quarter percent is the avenue to help bring down the cost.

So, these are the next steps that could be done to address the issues you've raised in your previous hearings last year. We know we have pesticides out in our water supply, we're a sole source aquifer. Clean Sweep is the beginning of one major type of activity we can do to get these things out of the places where they're being stored improperly, and these other are additional examples of how we can be proactive using the data from the Health Department to try to change the impact farming is having on our water supply system.

LEG. CARACCIOLO:

Thank you. George, with respect to the plan you mentioned, the agricultural environment management plan, whose responsibility would that be, would that fall under?

MR. PROIOS:

We have had a committee made up of people from NRCS, Natural Resource Conservation Service, the Soil & Water District, Cooperative Extension, I'm not sure who else was on it, but basically Bill Sanok has taken a lead, a member of his staff, We've been working on developing worksheets that fit into the State AEM Program.

The State was really focussing on a New York City water shed, we want something that was more apropos for the Long Island farmer. We developed at least thirteen worksheets. They were all approved by State Ag and Markets.

The Commission on Ag and Markets came down here last year and did a kickoff at {Loehman's} Farms where one of the farmers there is actually using these worksheets. We're at the point now where we need

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to have some money for staff in the Soil & Water District and Cooperative Extension that would be dedicated to going out to farmers.

It's a five-tiered program in AEM and what you need to do is you go out to each farm that wants to participate, and I would hope that we would encourage farmers that we've purchased the development rights to be first ones to get involved in this, because we have a legal interest in those properties and so we should be putting more pressure on those people to actually participate in becoming an AEM implementer.

And you do a top to bottom survey of that farm and find out what deficiencies there are, you develop a plan. And once that plan is approved, you go out and seek funding, which again is available through the New York State Clean Water/Clean Air Bond Act and the Environmental Protection Fund and under quarter percent. So there's no reason why we can't get funding for the farmers to implement all of the improvements that would be necessary after you do your AEM survey and develop your management plan.

LEG. CARACCIOLO:

To date, this has not been done for any particular reason?

MR. PROIOS:

No. No funding and, you know, the reluctance of the farmers, it's taken a while to get them educated. A lot of the farmers sit on this committee. Some of them that are proactive are very interested. We're doing it now at the County Farm. We've gone through phase one and phase two. So that we'll use the County Farm as a model to again show the farmers that you can do this without any significant loss in crops or revenues, you know, to their operating.

LEG. CARACCIOLO:

So there's an educational component. But would this program be carried out administratively or does it require legislation?

MR. PROIOS:

It doesn't require any legislation, it just requires some bodies dedicated to work on it.

LEG. CARACCIOLO:

And under whose jurisdiction within County government, for example, should this fall under?

MR. PROIOS:

It's the Soil & Water District Cooperative Extension that had jointly undertaken this. We've been working on it for the past almost three years now.

LEG. CARACCIOLO:

And when would you expect to have it implemented?

MR. PROIOS:

This is the year we put in the budget requests, which I'm not sure, you know, with all the other problems where it went, but we had put a joint request in for an additional individual at the Soil & Water

with members of the Suffolk County Health Department to go out and do the surveys on each of the farms that want to participate.

LEG. CARACCIOLO:

And with respect to funding, how much in resources would you need?

MR. PROIOS:

Basically, that's it. The two individuals and then whatever equipment.

LEG. CARACCIOLO:

Can you put a dollar amount on that, approximately?

MR. PROIOS:

I think we put initially it was going to be -- it was seventy-five thousand, you know, with whatever the salaries plus --

LEG. CARACCIOLO:

Two positions, a total of seventy-five thousand?

MR. PROIOS:

A hundred and fifty, it's a hundred and fifty and then we also requested an additional vehicle for them.

LEG. CARACCIOLO:

And that request has so far not been acted upon or --

MR. PROIOS:

No. We did a presentation to the Budget Review Office and gave them the information for that. We also told them that it was important --

LEG. CARACCIOLO:

The Legislature's Budget Review Office?

MR. PROIOS:

Yes.

LEG. CARACCIOLO:

Okay.

MR. PROIOS:

It's important, because as you know we were going through that special funding with the Environmental Facilities Corporation to bond at the lower rate that they have available. For open space, they have no problem with doing that. For agricultural purchases, they've raised a concern that how can you insure that if you buy a farm that you're not going to continue to cause environmental damage that the farm may be causing. And what we told them in our application is that we are in the process of implementing an agricultural environmental management program in Suffolk.

If we do get that actually on track, that will help our ability to get EFC financing for the agricultural --

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LEG. CARACCIOLO:

If the funding could be, somehow or another we can find funding of a hundred and fifty thousand dollars plus the cost of the vehicle, who would be in charge of this, who would have oversight and would it be under Cornell's jurisdiction or would it be under County Health Department, who would have jurisdiction?

MR. PROIOS:

Right now both the Soil & Water District and Cooperative Extension. And we have this, what we call a Stewardship Committee, because we want to have continuous input from the farmers, we want them to be part of the process, because they're the ones that are going to have to be participating with us. So, I see it as a joint effort between the two agencies, Cooperative Extension and Soil & Water, and the Advisory Committee that has existed now for this past three years that's been putting it together.

LEG. CARACCIOLO:

Can one consider this presentation a formal request to try to see this initiative get off the ground?

MR. PROIOS:

Sure.

LEG. CARACCIOLO:

Okay. Because I think there's a consensus here, I know my colleagues, how they feel about these important environmental issues, to perhaps inform the Budget Review Office to help us find the money so we can get the plan going. So I think collectively you'll see a lot of support for this.

MS. SANOK:

I'd just like to point out to the Committee, what had happened over the past three years is one of my staff, in particular Dale Moyer took the leadership on that with the Soil & Water Conservation District, Tom McMahon, and developed these worksheets.

Prior to that, the AEM, Agricultural Environmental Management Program, was developed for New York State, but it could be included almost -- about ninety percent of it was on dairy, and we don't have any dairies on Long Island to speak of, so that's why we had to develop it.

And these were submitted last year and last summer were finally approved to be included. So what we did here is now going to be used

throughout the State with all our fruit and vegetable growers and ornamental growers, greenhouse and nursery too. So, I think we're talking the lead on it.

I think, as George said, we need to take the next step and get some funding so we can hire the technicians to go out there and do the inventory on farms so that we know who's eligible and who can have practical application for the environmental programs.

LEG. CARACCIOLO:

It's ironic that, as the Chairman knows, we in the Legislature had sponsored I believe a budget amendment to increase fines for

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environmental spills and the like, and unfortunately that was vetoed and we couldn't override the veto. Did we override the veto? I stand corrected then.

MR. SABATINO:

We overrode the veto. That was the one where the County Executive said it was vetoed because it might deter compliance with the environmental laws and then we overrode it on that basis. That's 2.6 million dollars, but the money was targeted for Health Department initiatives.

LEG. CARACCIOLO:

George, you may want to look into that and, you know, I'll follow-up and I know other members will follow-up with the Budget Review Office to identify and perhaps earmark this money for this purpose. Thank you.

LEG. FIELDS:

George, the car, is that above and beyond the car that I put into -- so, in addition to the two cars, there's a third car?

MR. PROIOS:

Yes. This would be the fourth. The committee -- it might be with Cooperative Extension, I'm not sure where it would be housed.

LEG. FIELDS:

Okay. Thank you.

CHAIRMAN BISHOP:

No further questions? Mr. Proios, you're dismissed. Mr. Sanok, would you stay there a minute.

Suffolk County ranks first in New York State in terms of our value of our agricultural crop, we are ahead of most jurisdictions in the State by leaps and bounds in terms of our environmental commitment,

particularly in the area of pesticides, and we're doing more and more innovative things in the years ahead. And that's a foundation that you helped create.

It's my understanding that this is your last meeting in an official capacity before the Legislature.

MR. SANOK:

Well, my plans for retirement are at the end of March, so I still have a few more weeks. So, if you catch me in between, that's fine.

CHAIRMAN BISHOP:

Well, you may not be back. So, in private industry when someone retires after a long, distinguished career, perhaps you get a golden parachute or a gold watch, in public service you get a proclamation with a gold seal.

LEG. GULDI:

Which is not real gold.

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CHAIRMAN BISHOP:

Which is not real gold. But it is real deep appreciation, you're leaving this County in better shape agriculturally and environmentally. And on behalf of the Environmental Committee as a whole, I want to present this to you and tell you how much we appreciate your many years of service. You came here in 1967?

MR. SANOK:

1967. As I told people, I took the job temporarily.

CHAIRMAN BISHOP:

Well, it's a thirty-five year legacy of tremendous accomplishment. Thank you.

(APPLAUSE.)

CHAIRMAN BISHOP:

To the agenda. This is a new year, usually we don't get to the agenda until six o'clock at night. Page one. Maybe we should do CEQ Resolutions first. On page two it begins.

#### CEQ RESOLUTIONS

72-02 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on December 5, 2002.

CHAIRMAN BISHOP:

First one is 72-02, proposed SEQRA Classifications for Legislative

Resolutions Laid on the Table December 5th, 2002. Motion by Legislator Guldi, second by Legislator Fisher. All in favor? Opposed? (VOTE: 5-0-0-1) (ABSENT: HALEY) APPROVED

73-02 Proposed I.R. 2235-02 to More Fully Identify Parcel Acquired Under Greenways Farmland Development Rights Program at Sherwood-Jayne Residence, East Setauket, Town of Brookhaven. (Type II action)

CHAIRMAN BISHOP:

73-02. Proposed I.R. 2235-02, to more fully identify parcel acquired under Greenways Farmland Development Rights Program at Sherwood-Jayne Residence, East Setauket, Town of Brookhaven. It's a Type II action. Is there a motion?

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed? (VOTE: 5-0-0-1) (ABSENT: HALEY) APPROVED

74-02 Proposed I.R. 2236-02 for Acquisition of 36 Acres of Open Space, Sherwood-Jayne Property, East Setauket, Town of Brookhaven.

CHAIRMAN BISHOP:

74-02 is also Sherwood-Jayne.

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LEG. FISHER:

Same motion.

CHAIRMAN BISHOP:

Under the Open Space Program. Same motion, same second, same vote. (VOTE: 5-0-0-1) (ABSENT: HALEY) APPROVED

76-02 Proposed Reconstruction of Culvert on CR21-Yaphank Avenue at Lower Lake, CP 5371, Town of Brookhaven.

CHAIRMAN BISHOP:

And finally, 76-02. Proposed reconstruction of Culvert on County Road 21 at Lower Lake, Town of Brookhaven.

MR. BAGG:

This project involves the reconstruction of the culvert on CR21, Yaphank Avenue at Lower Lake, repairing cracks and spalls in all concrete surfaces and installing approximately two hundred and fifty feet of large and small stone riprap for slope protection.

Counsel feels it's an unlisted action and will not have an impact on

the environment for the following reasons, none of the criteria contained in Section 617.7(c) of the New York Code of Rules and Regulations will be exceeded, no significant habitats will be affected, the project will prevent further erosion, and protection of protected culvert and the historic culvert north of the existing culvert will be repaired and maintained.

CHAIRMAN BISHOP:  
Legislator Caracciolo.

LEG. CARACCIOLO:  
The only -- I don't have a question about this particular resolution, but I do, well, what I would like to do, Mr. Chairman, is make a request that in the future when Mr. Bagg gives his report, that he inform the Committee as to the vote on each of these resolutions.

LEG. FIELDS:  
It's attached.

LEG. CARACCIOLO:  
I know it's attached and I have my copy, but that's not always the case. And I think it's -- it would help the Committee sometimes to deliberate on not the proforma type, but some of the more controversial CEQ resolutions.

B, can you report to the Committee either today or at the next meeting what the attendance -- the attendance record of each member of CEQ has been over the last two years?

MR. BAGG:  
Yes.

LEG. CARACCIOLO:  
Thank you.

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CHAIRMAN BISHOP:  
Did this have a negative vote against it?

LEG. CARACCIOLO:  
No.

LEG. FISHER:  
Thank you, Jim.

CHAIRMAN BISHOP:  
Is there a motion at this time?

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Fisher. All in favor? Opposed? It is approved. (VOTE: 5-0-0-1) (ABSENT: HALEY) APPROVED

CHAIRMAN BISHOP:

That concludes CEQ. Now back to the top of the agenda, page one.

#### INTRODUCTORY PRIME RESOLUTIONS

2330-02. Making a SEQRA determination in connection with the proposed intersection improvements on CR 16, Smithtown Boulevard, at Gibbs Pond Road, Town of Smithtown, CP 5118, Phase II. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

CHAIRMAN BISHOP:

2330 is making SEQRA determination in connection with the proposed intersection improvements on CR 16, Smithtown Boulevard, at Gibbs Pond Road. Is there a motion?

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

Listed as Type II.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Fields, second by Legislator Guldi. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

2331-02. Making a SEQRA determination in connection with the proposed Koch & Donoher Nature Preserve donation of 1/10 acre of wetlands to Suffolk County, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

CHAIRMAN BISHOP:

2231 is making a SEQRA determination in connection with the proposed Koch & Donoher Nature Preserve donation of 1/10 acre of wetlands in

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the Town of Brookhaven.

LEG. GULDI:

Motion.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

2332-02. Making a SEQRA determination in connection with the proposed construction of Kings Park outfall pipe protection, CP 8144, Town of Smithtown. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

CHAIRMAN BISHOP:

2332 is making a SEQRA determination in connection with the proposed construction of Kings Park outfall pipe. What's the SEQRA determination on the construction of an outfall pipe?

LEG. GULDI:

Explanation by Counsel is my question. What are we talking about, the scope of this project?

MR. SABATINO:

This designation was unlisted with no adverse impact contemplated based on CEQ's determination that two things, one there would be no significant habitats that would be affected. And number two, that this particular installation would prevent erosion and protect the outfall pipe.

CHAIRMAN BISHOP:

An outfall pipe, does anybody from the County government have any information on this project? Intuitively, I'm troubled by it.

LEG. GULDI:

The only rationale, and I'd like someone from government, is this an alteration of an existing outfall pipe or the installation of a new outfall pipe that would be -- I can't see doing a negative dec on the new outfall pipe, it's counterintuitive.

LEG. FISHER:

It says the construction of a {reventment} to protect the outfall pipe along the shores as well as the removal of the abandoned pipe.

LEG. GULDI:

So it's already existing.

LEG. FISHER:

It's existing.

CHAIRMAN BISHOP:

Okay. Mr. Isles, do you have information on this?

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MR. ISLES:

Mr. Bagg does.

CHAIRMAN BISHOP:

Mr. Bagg does. Well, how dare he leave. Inform us, Mr. Bagg.

MR. BAGG:

This was brought before the Committee before, this is an existing outfall.

LEG. FISHER:

Is your mike on, Jim?

MR. BAGG:

This is an existing outfall pipe, which is currently existing -- experiencing erosion and they want to protect it so it doesn't erode further and undermine the pipe and prevent a problem.

CHAIRMAN BISHOP:

Is there any additional filtering that's occurring at this time since we're in there to begin with?

MR. BAGG:

No. I mean basically it's coming out of the existing system and it meets State requirements, as far as I know.

CHAIRMAN BISHOP:

All right. Okay. Is there a motion?

LEG. FISHER:

I'll make a motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher. Is there a second? Second by Legislator Fields. All in favor? Opposed? List me as opposed.

LEG. GULDI:

List me as an abstention.

CHAIRMAN BISHOP:

Okay. Resolution is approved 3-1-1. Thank you.

MR. SABATINO:

You have a six member committee, I apologize, it's a six member committee, so --

CHAIRMAN BISHOP:

Motion to table? Motion to table by myself.

LEG. GULDI:

How about a motion to discharge?

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? Tabled to the next meeting.

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LEG. GULDI:

Opposed.

CHAIRMAN BISHOP:

Opposed to tabling, Legislator Guldi. (VOTE: 4-1-0-0)  
(OPPOSED: GULDI) TABLED

CHAIRMAN BISHOP:

I guess this is DPW's project. Mr. Bagg, I'm going to ask that you ask them to answer my question about additional filtering at this time, since they're going into the area to begin with. I would appreciate that. Okay.

2333-02. Making a SEQRA determination in connection with the proposed improvements to Long Island Steamers Facility, Southaven County Park, Yaphank, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

CHAIRMAN BISHOP:

2333 is making SEQRA determination in connection with proposed improvements to Long Island Steamers Facility, Southaven County Park. This is the miniature train track thing that goes on there. Motion by myself, second by Legislator Fields. All in favor? Opposed?

LEG. FISHER:

Is there anybody who can answer a question?

CHAIRMAN BISHOP:

Question on that. Mr. Bagg, I guess this is you again.

LEG. FISHER:

Jim, do you have any information about this project? About the Steamers, the Long Island Live Steamers?

LEG. FIELDS:

Jim, perhaps what you could do in the future for the Committee is that the information that's presented to CEQ with photographs or other

incidentals could come in addition to this Committee, so that they can also see the same drawings and layouts and so forth.

MR. BAGG:

Okay. They are sent to Mr. Bishop, but if you would like them sent to the entire Committee with the background, we'll do that.

LEG. FIELDS:

Thank you.

CHAIRMAN BISHOP:

Okay.

LEG. FISHER:

Okay. Jim, how much expansion is there going to be? It's not an expansion of four thousand square feet, is it?

MR. BAGG:

No. It's less than four thousand square feet. Basically they're just

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going to extend the existing railroad track a small bit.

LEG. FISHER:

Oh, it's just the railroad track itself that's being expanded?

MR. BAGG:

Yes.

LEG. FISHER:

Okay. Because they had had some improvements a couple of years ago when I was still sitting on the Parks Committee where they had facilities that they were working on. This is just the track improvements?

MR. BAGG:

Yes.

LEG. FISHER:

Okay. Thank you.

CHAIRMAN BISHOP:

All right. Is there a motion on that one?

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fields.

**LEG. CARACCIOLO:**

Second.

**CHAIRMAN BISHOP:**

Second by Legislator Caracciolo. All in favor? Opposed? Resolution is approved. (VOTE: 6-0-0-0) APPROVED

2334-02. Making a SEQRA determination in connection with the proposed resurfacing of existing paved areas at Timber Point County Park, Great River, Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

**CHAIRMAN BISHOP:**

2334 is a SEQRA determination in connection with proposed resurfacing of existing paved areas at Timber Point County Park. Motion by myself, second by -- motion by Legislator Fields, second by myself. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

2335-02. Making a SEQRA determination in connection with the proposed renovations to existing clubhouse at Timber Point County Park, Great River, Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

**CHAIRMAN BISHOP:**

2335. Is making SEQRA determination in connection with the proposed renovations to existing clubhouse at Timber Point. Same motion, same second, same vote. (VOTE: 6-0-0-0) APPROVED

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2336-02. Making a SEQRA determination in connection with the proposed addition to the Riverhead Suffolk County Center Court Record Storage Facility, CP 1643, Town of Southampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

**CHAIRMAN BISHOP:**

And 2336 is making SEQRA determination in connection with proposed addition to the Riverhead Suffolk County Court Record Storage Facility.

**LEG. GULDI:**

Motion.

**CHAIRMAN BISHOP:**

Motion by Legislator Guldi, second by Legislator Caracciolo. All in favor? Opposed? It is approved. (VOTE: 6-0-0-0) APPROVED

2338-02. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Park Avenue Dairy Site

at Village Green) Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Cooper)

CHAIRMAN BISHOP:

This brings us to the Huntington resolution that we heard from representatives from the Town earlier. Counsel, somebody told me that they may not be eligible at this time, because they lack an EAF, is that correct, or are we eligible to vote on this? It's just planning steps, correct.

MR. SABATINO:

I'm not aware of an EAF problem. Who communicated that to you?

MS. FISHER:

It was only 2339.

CHAIRMAN BISHOP:

2339. All right. Why don't we start -- we'll go in order. 2338 is authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program. What's the different between 38 and 39? They're two different parcels, okay, I'm sorry.

LEG. GULDI:

One is planning steps and one is an acquisition.

CHAIRMAN BISHOP:

All right. It's the 1st of the year, I'm not in top form yet. So this is 38. We have our map in front of us. The proposed acquisition is the green, in the blue is freshwater wetlands, and I see structures on it as well. Are there questions from the Committee members?

LEG. GULDI:

Motion.

LEG. CARACCIOLO:

Second.

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CHAIRMAN BISHOP:

Motion and a second. It's planning steps only again. Summary of funds I call your attention to. All in favor? Opposed? The resolution is approved. (VOTE: 6-0-0-0) APPROVED

LEG. CARACCIOLO:

Good job, Tom.

MR. ISLES:

It saves a lot of questions, doesn't it?

LEG. FISHER:

Thank you, Tom.

2339-02. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Hilaire Drive Property) Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Cooper)

CHAIRMAN BISHOP:

2339. The proposed acquisition in this one is not the green, but the blue.

LEG. GULDI:

I have a question. In the memo you just circulated, Mr. Isles, it indicates that the Town of Huntington has indicated that they will pay fifty percent of the acquisition costs. Do we have a Town resolution approving and appropriating the funds or what's the nature of the indication that you have?

MS. COSTIGAN:

There's a Town resolution. It not only commits the funds, but it commits the management plan in perpetuity.

CHAIRMAN BISHOP:

On this one we're buying those four small, blue squares, they equal less than an acre and it's for an active park?

MS. COSTIGAN:

Yes. This is again, Ms. Myles discussed this, it's part of that trail. When you look at the lot, it's adjacent to the Hilaire Woods piece that we already bought. And this allows for a bit of parking area and completes the site.

MR. ISLES:

I think there was some debate on this one in term of which program it should be funded under. It's under Multifaceted, but active parkland. I think the basis for that apparently was due to the trails that are proposed to be here. I know their argument might be that it should be under Open Space under active rec -- under Multifaceted, pardon me.

CHAIRMAN BISHOP:

But if it's under Open Space, isn't it rendered a nature preserve at that point?

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MR. ISLES:

No. Just it's regular open space, it's not a nature preserve, you can't put a trail in for that. So I think one point with this would then be the question of does the Legislature want to consider trails

to be active recreation in terms of future acquisitions?

CHAIRMAN BISHOP:

Well, not in terms of Greenways, that's not the intention of the Greenways Program. But if that's what this is contemplating, the Greenways Active Recreation?

MR. ISLES:

It refers to that indirectly through Multifaceted. So I think that's just a question, it's --

CHAIRMAN BISHOP:

Well, are these -- these two resolutions are related, right?

MR. ISLES:

Only in the sense that one is at one end of the trail and one is at the other end essentially, that's about it. Otherwise, they're separate owners, separate parcels, separate programs, I think.

CHAIRMAN BISHOP:

And this would be a parking lot?

MR. ISLES:

I don't believe a parking lot is anticipated, I think it's a trail connection.

CHAIRMAN BISHOP:

It trails into somebody's backyard if it's a trail connection.

MR. ISLES:

Yes.

MS. COSTIGAN:

The residential road ends at this site and there is a part of -- the end of the road is adjacent to this site. And the intention of the Town is perhaps to gravel that so this would provide the turn off for the cars on to that little parking area. It would only hold one or two cars, they're not planning on mountains of people here, this is a sort of a selectively used trail, a couple of people at a time.

CHAIRMAN BISHOP:

The other one seemed to make a lot more sense.

LEG. GULDI:

I have a point on the motion. The four apparently vacant lots from the photograph that are located immediately south of the Suffolk parcel --

MS. COSTIGAN:

They are now improved.

LEG. GULDI:  
They are now improved?

MS. COSTIGAN:  
Yes.

LEG. GULDI:  
Were they the same owner?

MS. COSTIGAN:  
Yes.

LEG. GULDI:  
So doesn't the preservation by parkland of the adjacent parcel enhance the value of those lots substantially?

MS. COSTIGAN:  
They were already sold and they were already built on before we came into the picture.

LEG. GULDI:  
So the answer to my question is if they do, they don't inure to the benefit of this seller?

MS. COSTIGAN:  
That's correct, yes.

LEG. GULDI:  
Any longer.

MS. COSTIGAN:  
Yes.

CHAIRMAN BISHOP:  
Legislator Caracciolo.

LEG. CARACCIOLO:  
Who completed the appraisal?

MS. COSTIGAN:  
There were two appraisals. One by Frederick Woods Associates, the other by Benjamin Berger. Both appraisals exceeded the value that we're paying for.

LEG. CARACCIOLO:  
Are copies of those appraisals available?

MS. COSTIGAN:  
We have those appraisals, yes.

LEG. CARACCIOLO:  
And when were they prepared?

MS. COSTIGAN:  
One was in September and one was in October of '02.

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LEG. CARACCIOLO:  
And these -- both appraisals went review appraisal?

MS. COSTIGAN:  
Yes.

LEG. CARACCIOLO:  
And I note in the information summary that the amount -- the purchase price was approved by the Real Estate Division, so one would have to assume that the amount approved by the Division is less than the appraised amounts?

MS. COSTIGAN:  
No. It's not less, it's equal or greater.

LEG. CARACCIOLO:  
Okay. So it's equal -- wait a minute now. Real estate approved --

MS. COSTIGAN:  
The price that we're paying is less than the appraisals.

LEG. CARACCIOLO:  
That's what I said.

MS. COSTIGAN:  
It is an approved price.

LEG. CARACCIOLO:  
You said equal or greater, I thought Real Estate was approving something that was greater than the appraised values by the two outside appraisals, no. Okay.

MS. COSTIGAN:  
No. The appraisals exceed the price.

CHAIRMAN BISHOP:  
This is not simply to approve for planning steps, this is the actual acquisition?

MS. COSTIGAN:  
That's right.

CHAIRMAN BISHOP:  
And it's ranked as non-environmentally significant, but the argument is that it would be in essence a gateway to a pathway, is that what I'm --

MS. COSTIGAN:  
I think that's correct, yes.

LEG. GULDI:  
Mr. Chairman, if I may?

LEG. CARACCIOLO:  
I thought I had the floor.

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LEG. GULDI:  
I thought the Chairman was speaking.

CHAIRMAN BISHOP:  
Well, I guess I interrupted you. If you want to reclaim it, I'll let you.

MS. COSTIGAN:  
Can I just finish the answer to that? It's not only a gateway, but if you don't do this, it becomes rather difficult to access the other one, not impossible by any means, but then there's no place to park or to -- there's no entryway, the road ends and there are four houses.

CHAIRMAN BISHOP:  
Why do I have to do all four?

MS. COSTIGAN:  
Why?

CHAIRMAN BISHOP:  
Yes.

MR. ISLES:  
It's also -- geographically, it's a flat part of the site. Hilaire Woods is essentially a very steep parcel, the first one we already bought. This actually becomes a clearing and a flat area where if you were going to have a starting point for the trail perhaps or a point where you might park a couple of cars, it does seem somewhat logical geographically to do this. Beyond that, it becomes a judgment call.

If I could just make one point in reference to what you said earlier,

and that is in terms of the ranking and the environmental significance, we don't do ranking for active parkland, at least we haven't been asked to do that in the Planning Department in a similar way to open space.

What we have done, however, is that we looked at this and since this is essentially open space, even though it's going to have an active trail through it, we did do a ranking hypothetically that if it were ranked under one of our open space programs, it came in at a ranking of twenty-five to thirty-five, in that range, so to give you that as a benchmark.

In terms of the environmental significance point, there's nothing of extra special concern, either wetlands or endangered species that we've identified on the property. It's a generally wooded parcel with a small field area and that has whatever significance and what I would attach to it, but just explain both of those items that are on the information form before you.

MS. COSTIGAN:

I can tell you, Mr. Bishop, having looked at it when we were looking at Hilaire One and having tramped through both fields, when you're there, you get a different sense of the thing. Without those four lots, it is a steep drop off from where the green line starts, where the green and the blue abut. In fact, I fell down a hill, that's how

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steep it is.

Without those blue lots, you really have sort of a very steep drop off if that's where our property started and you didn't have that kind of staging area.

CHAIRMAN BISHOP:

All right. Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. The green area encompasses how much acreage?

MS. COSTIGAN:

7.9 acres.

LEG. CARACCIOLO:

And that's the adjoining resolution?

MS. COSTIGAN:

No. We acquired that last year.

LEG. CARACCIOLO:

Okay. So this is property we currently own?

MS. COSTIGAN:  
The 7.9, yes.

LEG. CARACCIOLO:  
7.9. When it was purchased, what was its contemplated use?

MS. COSTIGAN:  
This was the contemplated use, for the trail.

LEG. CARACCIOLO:  
Was any consideration given to parking at that time?

MR. ISLES:  
Not on that site.

MS. COSTIGAN:  
No.

MR. ISLES:  
It would not be used for that.

LEG. CARACCIOLO:  
Where was it contemplated? We bought something, we didn't have a plan then, we didn't know how we were going to utilize this property?

MR. ISLES:  
I think at that point it wasn't anticipated for parking, because it was just going to -- (A) number one, topographically there was a problem with it. Number two, it was viewed as link on an existing Heritage Trail in the Town of Huntington and there are other points where you could access and park. I think with the four lots that are being talked about today, they would provide an additional opportunity

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for parking.

LEG. CARACCIOLO:  
I understand that. But my question really goes to the heart of the acquisition, that is this is the cart before the horse. In other words, we now own the cart, which is the green 7.9 acres, now we're trying to find accommodation for parking. It seems to me that when acquisitions are made, there needs to be a plan and the plan needs to be comprehensive so we know how we're going to use the property. And if additional acreage is necessary, that that be, that the Committee and the Legislature be informed of that at the appropriate time.

Because when I look at the map, you have the red, outlined red area,

which is owned by the Town of Huntington at the top of this map, how much acreage is that?

MR. ISLES:

I'm not sure of exact acreage, I would guess it's maybe three or four acres.

LEG. CARACCIOLO:

Okay. Then we have -- the County apparently owns another piece of property there that's outlined in yellow.

MR. ISLES:

Right.

LEG. CARACCIOLO:

Is any of that property -- what category is that property under?

MR. ISLES:

That's in the general Public Works category, it's a drainage basin. The idea was to use the rear portion of the property as a rail link.

LEG. CARACCIOLO:

Why would not some of that property be suitable for parking? If we're only talking about one car, why are two governmental entities spending 1.4 million dollars to allow one car to park?

MR. ISLES:

There are other points to park along the trail --

LEG. CARACCIOLO:

It's seven hundred thousand dollars.

MR. ISLES:

There are other points to park along the trail. I think what we're looking at with these four lots if the Legislature wants to approve this, is that this provides an additional point of parking so it's not just down by the Village Green. It would be an enhancement, further parking.

(Legislator Haley entered the meeting at 2:30 P.M.)

MR. ISLES:

I think we're looking at this piece, and the reason it ranked at least

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in terms of the open space the twenty-five to thirty-five is that it does help in terms of piecing the puzzle together of the scattered parcels and that what we're looking at here is a very small frame. And I think what Margo Myles referred to before in the Newsday story,

for example, provided a nice graphic showing how all these pieces come together.

LEG. CARACCIOLO:

There is a gap in the pieces.

MR. ISLES:

Well, I think -- we knew there was a gap from day one, because it's part and parcel of being put together at this time. And the Town of Huntington as well as the County has been working on putting together the pieces. The Village Green is publicly owned, a lot of the pieces are already in place.

But I think the question in terms of, well, maybe we should have waited until everything was perfectly in place, there were certain development pressures that were in place on both the Hilaire parcel we've already acquired and the pending one, the pending one is already subdivided, that there is a certain point where the parcel is developed and it's no longer available for that purpose.

LEG. CARACCIOLO:

So we have .8 acres --

MS. FISCHER:

Can I adjust one thing?

LEG. CARACCIOLO:

Let me follow up with one question. Purchase price of seven hundred thousand dollars to be shared with the Town of Huntington, 350/350.

MR. ISLES:

Right.

LEG. CARACCIOLO:

And the primary purpose would be for additional parking of how many vehicles?

MS. COSTIGAN:

The primary purpose -- that's only one purpose. If you look at the map that Ms. Myles left for you, it shows where this piece gives you the link on to the rest of the trail around the bottom. This was contemplated before we even bought the property. In fact, I know the sponsor was drafting his planning steps at the time we looked at the former Hilaire Woods piece, so it has all been in the works for sometime. But if you look at the map that Margo gave you, the purple area on the bottom shows how it links up to the rest of the trail. In addition, it provides for parking. That's only the link --

CHAIRMAN BISHOP:

Are you saying that without this purchase, the trail is not whole?

MS. COSTIGAN:

You'd have to walk along the street according to Huntington's plans.

LEG. CARACCIOLO:

That, Mr. Chairman, brings me back to my point, and that is when you purchase pieces of property in a segmented fashion, there's not always a guarantee that a year later or subsequent to the original purchase you're going to have success in acquiring the pieces to complete the puzzle, if you will. And that being the case, that's very problematic. I don't like that approach at all.

MR. ISLES:

Let me just make one other point, and that is we've talked a lot about the trail, but this parcel also qualifies under the new Drinking Water Program, the original parcel, because it fell within the water shed of the Long Island sound management area. So this began, and my recollection of it, not so much as doing a trail, the trail was an adjunct to it, it was something that was another benefit of it.

But more importantly, there are five criteria in the Drinking Water Program, one of which is protection of water sheds in designated areas and so forth. This definitely met that criteria. So I think when this began with Hilaire One, it was primarily for the purpose of surface water protection of the Long Island Sound, number one, and then secondarily, there were other benefits, such as the trail connection that's been discussed. But I don't think that was first and foremost as part of this, I think the initiation was more of an environmental protection initiation.

LEG. CARACCIOLO:

So this property, the 7.9 acres that we own, was purchased under which program, Quarter Percent Water Protection?

MR. ISLES:

The new Quarter Percent Drinking Water Protection Program.

LEG. CARACCIOLO:

And now we're going to include a trail system on this property?

MR. ISLES:

Yes.

LEG. CARACCIOLO:

And that's consistent with ground water protection?

MR. ISLES:

For a passive trail, yes. Not for active recreational use.

LEG. CARACCIOLO:  
It would only be for --

MR. ISLES:  
Bird watching, hiking, things of that nature. Walking through the park, it would be permitted.

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LEG. CARACCIOLO:  
Equestrian?

MR. ISLES:  
No.

LEG. CARACCIOLO:  
Is any of this property -- I don't know how recent this aerial is, is it fairly recent?

MR. ISLES:  
2001.

LEG. CARACCIOLO:  
Sorry?

MR. ISLES:  
2001.

LEG. CARACCIOLO:  
Okay. Has any part of this property been marred by ATV use?

MR. ISLES:  
Not that I'm aware of.

LEG. CARACCIOLO:  
Okay. I think it's a questionable acquisition, Mr. Chairman.

CHAIRMAN BISHOP:  
Legislator Guldi, then Legislator Fisher, and then Ms. Myles from Huntington would like another bite at the apple.

LEG. GULDI:  
Yes. I just wanted to be recognized to acknowledge that the parcel in question -- that the acquisition in question meets our criteria, the Town of Huntington is putting up half the money. It's got -- it meets the threshold of all of our acquisition needs. The price, the aggregate price is below the appraised value and we're getting it for less than half of that, because the Town of Huntington is putting up

it's half.

I don't feel it's a questionable acquisition at all, it's precisely the kind of acquisition we ought to be doing and I'll make a motion to approve.

CHAIRMAN BISHOP:

No, you won't, because there's no EAF, so it can't be approved today. Legislator Fisher.

LEG. FISHER:

Ms. Costigan, I'd like to -- I'm trying to overlay these two maps so that I can get a better picture. Is 2338 depicted on this map, the aerial? The other resolution, where would that piece lie?

MS. FISCHER:

If you take the 2338 and put it on top of 2339.

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LEG. FISHER:

Okay. So it's not --

MS. FISCHER:

You can connect.

LEG. FISHER:

Is it contiguous with this?

MS. FISCHER:

You can see the red area, it's a continuation. And put them both together you'll see how they --

LEG. FISHER:

Okay. All right. And if I were looking at these three pieces and then overlying them with the newspaper picture, okay, the photograph, we don't have the benefit of the color photograph, so if you could tell me where 2338 would appear on -- here comes the Town of Huntington with it.

LEG. GULDI:

With the big map.

LEG. FISHER:

With the big map.

MS. MYLES:

Excuse me for walking in front of you, but I'll show you exactly. 2338, the Park Avenue Dairy is here.

LEG. GULDI:

You need to use the microphone. If you're going to speak, you need to hold the microphone so it's on the record.

MS. MYLES:

I'm sorry. What shows in pink at the top of this photo is the Park Avenue Dairy site that you just discussed before.

LEG. FISHER:

Can I just stop for a second, I'm trying to compare it to this.

MS. MYLES:

Right there. Corner of Woodhull, right there. That's Park Avenue Dairy, that's what you discussed before. Hilaire Woods Park is what's shown in green here and the yellow are the four lots adjoining that you're discussing right now.

LEG. FISHER:

Okay. So the trail doesn't really cut straight across the piece, is it, it goes in a circular pattern out of the piece from -- out from the dairy barn?

MS. MYLES:

The corner right now would go right through the center of the dairy property. As far as these four parcels that you're discussing right now, the roadway ends. It's a paper road right now that these four

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lots front on, it's the Town's intention that with this acquisition completed, then they can initiate a formal abandonment of that section of the roadway that's fifty feet, a fifty foot wide right of way that would be abandoned into the park. So with the Town and County being owner of this parkland, we can initiate that proceeding.

These four lots are imminently buildable, they're single and separate building lots, they can come in tomorrow for a building permit on any of those four lots.

LEG. FISHER:

Am I looking at the size right? It says here in the resolution that it's .8 acres?

MS. MYLES:

That's true. These are small parcels.

LEG. FISHER:

And they would be shy of a quarter acre each?

MS. MYLES:

Yes. And that's consistent with the zoning there.

LEG. FISHER:

And that's consistent with the zoning.

MS. MYLES:

The four parcels that are immediately behind to the south of these parcels were owned by the same owner, were sold a year ago, already have four new houses on them. So, if these properties are not protected, they could clearly have four new homes on them, which would clearly compromise the existing setting of the park that's been protected.

There is access, though, I wanted to point out to Legislator Caracciolo, to Park Avenue from Hilaire Woods. I didn't want him to think that that was something that hadn't been planned very definitely, there is street access to Hilaire Woods Park.

LEG. FISHER:

On the east side of it?

MS. MYLES:

Yes.

LEG. FISHER:

Okay. Thank you.

CHAIRMAN BISHOP:

Question, Legislator Caracciolo.

LEG. CARACCIOLO:

The existing subdivision that's around this property, how many homes are contained therein?

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MS. MYLES:

I dont know off the top of my head.

LEG. CARACCIOLO:

Would it be several, would it be several dozen?

MS. MYLES:

In terms of --

LEG. CARACCIOLO:

Where these four lots are located, on my aerial I see several cul-de-sacs, I see rows of houses.

MS. MYLES:

Most of the area is developed.

LEG. CARACCIOLO:

Yes, it's fully developed. So that brings the question, in my mind anyhow, what harm four more houses in a subdivision -- if you didn't have a subdivision there, then maybe I could see that point, you already have access. I'm not sure this is the best use of taxpayer money. That's my opinion.

CHAIRMAN BISHOP:

All right. Is my information correct that there -- that this resolution requires an EAF form completed and that one has not been completed, is that accurate?

MR. ISLES:

Right.

CHAIRMAN BISHOP:

So we have to table it anyway.

LEG. GULDI:

Good, we get to do this again.

CHAIRMAN BISHOP:

Yes.

LEG. FISHER:

Motion to table.

CHAIRMAN BISHOP:

I think that the concern of some members of the Committee is that -- I think that if you can help us next time bringing to light the importance of these four parcels to the overall scheme.

MS. MYLES:

Absolutely. And I'll bring you the topographic maps next time so you can see how any development on these could definitely impact downgrading on our Hilaire Woods Park.

CHAIRMAN BISHOP:

Okay. Very good.

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LEG. CARACCIOLO:

Let me just add that I will come out at your invitation to take a look at this property firsthand.

MS. MYLES:

I would love to visit it with you.

LEG. FISHER:

I would be happy to join you.

MR. ISLES:

I think that's worthwhile, because I didn't have a full appreciation until I was there. Just the second point is I understand it too in terms of the timing of the development trail, not to belabor this, but my understanding is that the owner was a willing seller for the first parcel, but not for the additional four lots until after the first transaction had been completed. So, in terms of being able to buy both parcels at the same time, I don't think that was an option when Hilaire One was originally purchased.

MS. MYLES:

He told us he had every intention of developing these four lots.

LEG. FISHER:

I just have one more question before you go. May I, Mr. Chair?

CHAIRMAN BISHOP:

Why do we need all four? That's the question that I have lingering, and maybe when we go out there, you'll explain that.

LEG. FISHER:

Okay. With the topography in mind, if this is a walking trail and if it is as steep as Ms. Costigan has indicated, then how would the walkers access across these four parcels on to the Hilaire Woods, wouldn't that be --

MS. MYLES:

There are existing trails right now. It's not that we're going to be cutting anything all that new, it's used right now by the community as a pathway. What we'd be using this property for is essentially as one of the trail head areas to access the trail, because the Heritage Trail as it's planned incorporates not only parkland and other public properties, but also certain roadway segments. As Robert Hughes said before, it's to allow the interpretation of the heritage of the area. So, this is one of the trail head access points from the adjoining roadway.

LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

Okay.

LEG. HALEY:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Haley, second by myself. All in favor?  
Opposed? 2339 is tabled. (VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

What I will do is -- what's the Committee preceding this Committee, is it Budget?

MR. SABATINO:

Budget.

CHAIRMAN BISHOP:

Which is at what time?

LEG. HALEY:

That doesn't meet on a regular basis.

CHAIRMAN BISHOP:

And the meetings are rather short. So, I think as a tentative schedule, perhaps 12:30 of the meeting day we would visit the site of our next meeting, because I'm sure we could see it within a half hour, right, and we'd be back here to start the Committee.

LEG. FISHER:

Unless we want to see a movie at the Huntington Arts Center.

CHAIRMAN BISHOP:

So, Erin, you'll set that in motion and that's our tentative schedule.

LEG. HALEY:

Mr. Chairman, with your permission I'd like to cast my vote with the majority on Resolutions 2330 through 2338.

CHAIRMAN BISHOP:

No objection being heard, so ordered. We did the CEQ's. Let's go to the tabled primes.

LEG. GULDI:

What about the procedural motion?

LEG. FISHER:

That already passed.

LEG. GULDI:

We passed that at the meeting?

LEG. FISHER:

Yes. That was passed at the meeting.

## TABLED PRIME RESOLUTIONS

1828-02. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (property of WDP Enterprises at Ronkonkoma) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Caracappa)

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CHAIRMAN BISHOP:

1828, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program, property of WDP Enterprises at Ronkonkoma, Town of Brookhaven. This one has been perpetually tabled. This scored very low, is that correct, a five?

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

1840-02. Appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot/Paumanok Wetlands property, Town of Huntington (Suffolk County Tax Map No. 0400-191.00-02.00-024.000). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Presiding Officer)

CHAIRMAN BISHOP:

1840. Is appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot property. Now, we heard earlier from the Town of Huntington about their renewed offer, which is modified to demonstrate that they would essentially be putting a hundred and seventy-six thousand dollars immediately into the facility and then seventy-five thousand dollars a year for at least five years. That would be approximately a six hundred thousand dollar increase in the Town contribution. That's on top of the eight hundred thousand that they committed earlier.

I know there was concern that the Town's discretionary actions previously in granting a permit for the construction of, what is it, assisted living facility had increased the value of the property. They argue that the permit does not increase the value of the property. But in any case, they are billing to step forward with an additional commitment to the property.

Last year the Committee was not amenable to this proposal, I don't know what the will was this year. So, that's the background on this.

LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

You have a copy, you can have my copy. So, is there any discussion, Legislator Caracciolo, that you want to have on this? I know you have an interest in this.

LEG. CARACCIOLO:

You don't intend to take this up today, do you?

CHAIRMAN BISHOP:

Well, it's on the agenda.

LEG. CARACCIOLO:

Well, I understand that. I would make a motion to table it for two

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weeks so we can digest the Town's new additional incentive, if you will.

CHAIRMAN BISHOP:

Okay. Motion to table by Legislator Caracciolo, is there a second?

LEG. FIELDS:

I'll second.

CHAIRMAN BISHOP:

Second by Legislator Fields. We have the intention of voting this up or down at the next meeting. All right. 1840 has been tabled.  
(VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

Did the Town leave? We'll write to Supervisor Petrone and let him know that it's going to be considered at the next meeting.

1911-02. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Haley)

CHAIRMAN BISHOP:

1911 is appropriating Greenways infrastructure improvements fund for Miller Place property. Counsel, is this resolution now eligible to be voted on?

MR. SABATINO:

I was just going back to that previous resolution, I had a question on it. But on 1911, you still need a Town Board resolution.

CHAIRMAN BISHOP:  
It requires a Town Board resolution.

LEG. HALEY:  
May I?

CHAIRMAN BISHOP:  
Yes.

LEG. HALEY:  
You don't need a Town Board, you need a resolution from --

CHAIRMAN BISHOP:  
This is the improvement, this is the Capital Improvement Fund of a hundred thousand dollars?

LEG. HALEY:  
Yeah, but the Town isn't involved in this particular parcel.

MR. SABATINO:  
I'm sorry, 1911 is PAL. I'm sorry, 1911 is PAL.

LEG. HALEY:  
PAL, right. And we have a resolution -- we have an agreement with them now, a Board resolution for the -- to take over the management of

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that site, but we don't have a resolution regarding the hundred thousand, is that correct, Counsel?

MR. SABATINO:  
Correct. I was looking at the wrong resolution. This is the one where PAL has not committed to the dollar amount. You can do the fifty percent match, but you need to have a resolution from them committing to something so can you apply the fifty percent.

LEG. HALEY:  
I don't have a problem with that, because --

MR. SABATINO:  
And that's what's missing is that resolution.

LEG. HALEY:  
If you don't mind, I'd like to take this opportunity to ask Real Estate to give me an update on contracts for -- we've pretty much come to some sort of resolve on how we're going to deal with that, not only that particular parcel, but outlying parcels, and I've been waiting to find out whether or not contracts have arrived at the attorney of the sellers. I was wondering if Real Estate can help me with that?

MS. COSTIGAN:

No. We're not in a position to do any contracts yet on this matter, because of the subdivision --

LEG. HALEY:

Why not?

MS. COSTIGAN:

Because the Town hasn't even approved the subdivision and the discussions between the owner aren't final, nobody has told us their final. At the last meeting --

LEG. HALEY:

I was at every one of those meetings, we kept this particular parcel, what we were concerned about is to make sure that this seventy-five acres was not subject to anything. When we looked to tie it altogether, we still need to have contracts generated by us. It's a clean purchase. It's at appraised value, there's no covenants or restrictions that we're adding to it, because we don't want to affect the value. There's no transfer of development off of that property.

What we did is we wanted to work it out so we can have a clean contract. What they're going to do is that the seller and the developer on the other parcels will have covenants and restrictions, but in the meantime we should have -- I don't see any reason why we can't have contracts generated, so that they have those in their hands so that they can start any questioning process they might have with a straight forward contract.

LEG. CARACCIOLO:

Mr. Isles, do we have a summary sheet on this acquisition?

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MR. ISLES:

No, we don't. This parcel was authorized for acquisition some time ago. We have not yet acquired the property, as Legislator Haley has pointed out. It's a rather involved acquisition, but the Legislature I think previously approved the acquisition, it wasn't in planning steps, it was past that point. So, we don't have an information sheet, because this predated when we did those.

LEG. CARACCIOLO:

We're not in a possession today to consider favorably or unfavorably this resolution.

LEG. HALEY:

That's correct.

LEG. CARACCIOLO:

Right. So I would request in the interim, while those actions are pending, that we be provided with the typical or standard, what we now call summary information sheet, so that we can know who the sellers are and all the interested parties. And I'd like to see a copy of the appraisal report.

LEG. HALEY:

That's not a problem, but may I, because I had the floor? I am getting concerned now, because we've had an agreement basically on the portion that the County is going to purchase and I'm concerned why we don't have contracts out. And I've been very patient about this, I've been asking for a couple of months and I'd like to know why we don't have contracts out? That's in the form of a question.

MS. COSTIGAN:

Well, as you know, Jim has been handling this and is most up-to-date on it. I spoke to him last week about it, though, and he said we were nowhere near contracts, that the agreements between the seller and the Town and as to the use of the outlying pieces --

LEG. HALEY:

Excuse me, I understand. I had a conversation with him, and you know what he said to me, and I was curious to know if anybody was up-to-date and what was going on. I spoke to him a couple of weeks ago and he said, well, you know what happened, we did generate contracts at one time, and obviously you don't know that, but that was for a much lower appraised value and that was a couple of years ago when we originally approved it, but it went to a different attorney.

Now the sellers, the {DeLea's}, in this case have a new attorney. And the last I heard from Mr. Burke is he was going to send the same contracts with the new figures on it to the new attorney. Now, you're telling me something different. You know, I --

MR. ISLES:

Okay.

LEG. HALEY:

I always thought I had a good relationship with Real Estate and I can't understand why I can't get an answer and can't get contracts

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generated for something that was approved a long, long time ago.

MR. ISLES:

We monitor this on a weekly basis, we meet every week to go over acquisitions. I understood that there was still some issues with this going to contract as well. You are certainly entitled to an answer

and so -- unfortunately, Mr. Burke is not here, but it's our duty to have the answers.

LEG. HALEY:

There are no issues concerning that, because I --

MR. ISLES:

Maybe I misunderstand.

LEG. HALEY:

-- I was there. All right? It's a straight purchase. You have approval, you have an appraisal, would you do me a favor and send contracts out? There's no reason not to.

MR. ISLES:

If we can, we will, but --

LEG. HALEY:

You haven't given me a reason why.

MS. COSTIGAN:

If we can't, I'll send you a written reason, as I will to the rest of the Committee.

LEG. HALEY:

Can I have that within twenty-four hours?

MS. COSTIGAN:

If Jim's child is better and he's in tomorrow, you can. That's why he's not here.

MR. ISLES:

We'll do our best.

LEG. HALEY:

What does Jim have to do with the price of cookies?

MS. COSTIGAN:

He's in charge of this and he --

LEG. HALEY:

Yeah, but you have an attorney that generates contracts, don't you, {Fishbine}?

MS. COSTIGAN:

I'll have that response for you tomorrow.

LEG. HALEY:

Thank you.

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LEG. CARACCIOLO:  
Motion to table, Legislator Haley?

LEG. HALEY:  
I'm sorry?

LEG. CARACCIOLO:  
You're making a motion to table?

LEG. HALEY:  
Yes.

LEG. GULDI:  
Second.

LEG. CARACCIOLO:  
Second by Legislator Guldi. All in favor? Opposed? Abstentions?  
Resolution is tabled. (VOTE: 5-0-0-1) (ABSENT: BISHOP) TABLED

1912-02. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Haley)

LEG. CARACCIOLO:  
1912. Approving acquisition under Suffolk County Land Preservation Partnership Program, Ridgehaven Estates.

LEG. HALEY:  
Table.

LEG. CARACCIOLO:  
Motion by Legislator Haley, seconded by the Chair of the Table. All in favor? Opposed? Abstentions? Unanimous, tabled, 1912.  
(VOTE: 5-0-0-1) (ABSENT: BISHOP) TABLED

1913-02. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge) Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Haley)

LEG. CARACCIOLO:  
1913.

LEG. HALEY:  
Same motion.

LEG. CARACCIOLO:

Same motion, same second. All in favor? Opposed? Abstentions?  
Unanimous. 1913 is tabled. (VOTE: 5-0-0-1) (ABSENT: BISHOP)  
TABLED

1917-02. Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (land on Granny Road, Town of Brookhaven). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Towle)

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LEG. CARACCIOLO:

1917. Authorizing planning steps for acquisition of land under Pay-as-You-Go 1/4% Taxpayer Protection Program. Land on Granny Road, Town of Brookhaven.

LEG. GULDI:

Question. Why was it tabled previously before this Committee?

LEG. CARACCIOLO:

Counsel?

MR. SABATINO:

The last time it was tabled was in December, because Commissioner Isles had contacted Legislator Towle's aide and was waiting for some information to be forwarded by that Legislative aide with regard to the acquisition.

LEG. CARACCIOLO:

Mr. Isles?

MR. ISLES:

The Committee has considered this resolution several times and I think there were just questions about why would this, excuse me, parcel be suggested for acquisition. I then communicated verbally with Mr. Doyle, Mr. Towle's aide. I then sent a formal memo to Mr. Towle about a month ago. I did receive a phone call back from his aide indicating that they would like to have the opportunity, the Legislator would like to have the opportunity to speak before the Committee.

And just to let you know that the parcel, just so you know from the Planning Department's review of this, it is in the Central Suffolk special groundwater protection area, it ranked about thirty points, it's an eighty-five acre parcel. So at this point then in terms of the sponsor's interest, he had requested an opportunity to come before the Committee, I believe.

LEG. CARACCIOLO:

Motion to table.

LEG. FISHER:  
Second.

LEG. CARACCIOLO:  
Second by Legislator Fisher. All in favor? Opposed? Abstentions?

LEG. GULDI:  
Opposed.

LEG. CARACCIOLO:  
One opposed, approved for tabling. 1917 is tabled. (VOTE: 4-1-0-1)  
(OPPOSED: GULDI) (ABSENT: BISHOP) TABLED

1986-02. Authorizing planning steps for the acquisition of farmland under Pay-As-You-Go 1/4% Taxpayer Protection Program (land of Carman at Sound Avenue, Town of Riverhead). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Caracciolo)

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LEG. CARACCIOLO:  
1986. Authorizing planning steps for acquisition of farmland under Pay-As-You-Go. I'm going to make a motion to table. And this is one of the resolutions, Mr. Isles, I'd like to speak to you about, because -- well, actually I'd like to take members of the Committee to look at this property and maybe we can arrange that for a future occasion before a Committee meeting. I'll make a motion to table, second by Legislator Guldi. All in favor? Opposed? 1986 is tabled. (VOTE: 6-0-0-0) TABLED

2004-02. Suffolk County Private Well Water Remediation Program. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Caracciolo)

CHAIRMAN BISHOP:  
2004, Suffolk County Private Well Remediation Program. I got here just in time, because it's your bill.

LEG. CARACCIOLO:  
Make a motion to table.

CHAIRMAN BISHOP:  
Motion to table Legislator Caracciolo, second by myself.  
(VOTE: 6-0-0-0) TABLED

2043-02. Declaring a governmental need for underwater lands located in Peconic and Gardiners Bays. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

CHAIRMAN BISHOP:  
2043 is ongoing issue declaring the governmental need for underwater

lands located in Peconic and Gardiners Bay. Are there any new developments since we broke in December?

MR. ISLES:

The Legislature did approve a resolution in late December or mid December directing the administration of the Department of Planning, Public Works and Health to within a hundred and twenty days, four months, come back to the Legislature with information regarding what would it take to put into effect an aquaculture leasing plan, what would be the steps and procedures involved.

That was a resolution that was sponsored by Legislator Crecca and it was approved. So we are proceeding on that and will have a product back to the Legislature in April on that.

CHAIRMAN BISHOP:

Okay.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Caracciolo. All in favor?

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LEG. GULDI:

On the motion?

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

The governmental need for the underwater lands is simply a declaration that whatever the future of those lands are, whether it be aquaculture or otherwise, that it should be under the common ownership of the County and not of the private -- not subject to private redemption by owners who have let them lapse for non-payment of taxes.

I don't see the logical relationship between holding off on that and leaving the land subject to redemption during the period we hold off and a determination of when, if, how or why we will be implementing an aquaculture plan.

CHAIRMAN BISHOP:

They don't have redemption as of right, correct, it would require a vote of the Legislature?

LEG. GULDI:

I don't know that all of those parcels will pass the or right program.

CHAIRMAN BISHOP:

Legislator Guldi, I think the Committee understood that this -- leaving it where it was at right now was essentially leaving it in limbo until there was a policy decision, until this process could move forward and that --

LEG. GULDI:

My concern is precisely the opposite, and that is that we have no pending applications for the redemption of right of any of these parcels, but the declaration of governmental purpose cuts off the redemption of right. If an applicant were to submit an application tomorrow while this bill is pending, that application could arguably, since this has not been adopted and no declaration of governmental purposes has been made prior to the application, that could be argued that the subsequent declaration of government purpose could be taken.

CHAIRMAN BISHOP:

Nobody has it as of right, correct? You can't just come in and make a redemption application at this point, is that --

LEG. GULDI:

That's not quite technically correct.

CHAIRMAN BISHOP:

Counsel, that's what I want -- that was the information we were operating under. If it's not correct, it's new information.

MR. SABATINO:

Just to back up. Somebody who's the immediate prior owner of record would have a right to make an application as long as they're within the statutory period of time. They would still be eligible within the

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current time frame.

The reason that this resolution hasn't been adopted the previous two meetings is because a number of interested third parties came before this Committee and made an argument on their own behalf to not have this go into the public domain, because they thought that they could negotiate some kind of a third-party agreement with the County of Suffolk for the use of the property.

What I had explained at the previous Committee was that under the existing State law, you really can't do that, because there's under the State law a series of steps that have to be taken by the County before you can get to the point of putting this property back into any kind of private use. One of the first critical steps to get to that

point is that you need a survey of the land.

That resulted in a compromised piece of legislation that Commissioner Isles correctly stated was adopted in December, which was to start the process in trying to implement the State statute by getting within a hundred twenty days those preliminary surveys and assessments as to what it would take to move this project forward.

Legislator Guldi is correct in the sense that somebody could appear in the intervening period and make an application. If that were to be the case and we were notified, you could still consider this resolution and adopt it to cut off that interest, if there's a consensus, but there was no consensus to do that at two consecutive Committee meetings, simply because a large number of speakers came forward and raised these other concerns.

LEG. GULDI:

I understand the issue. The concern I have about awaiting the determination of implementation of an aquaculture program under the existing State statute with its requirement of a prohibitively expensive, in my opinion, and useless mapping system, is one, however, that could be altered by a change in State law requiring the mere use of commonly available GPS positioning, which would with sufficient setbacks and accuracy permit aquaculture in the bay and be utilizable by both users and enforcement personnel through GPS systems, unlike a method mapping system, which while highly accurate, is invisible, is on the bottom, and can't be accessed by either users or enforcement.

So, frankly, the concern about waiting for the implementation of an aquaculture program versus the declaration of a higher governmental purpose for these lands are separate issues, in my opinion, and that this shouldn't be delayed for that purpose. So I will oppose tabling and urge the Committee to join me in moving this forward and approving this legislation.

CHAIRMAN BISHOP:

Well, why don't we take it up again at the next Committee meeting, we have three new Committee members, so we have to almost start from scratch on something that we spent a lot of time on and that's why we ended up at this point. I don't think it was just two meetings, it seemed like many more than that. So, motion to table by myself.

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LEG. FISHER:

On the motion?

CHAIRMAN BISHOP:

Sir, you should come with your attorney to the next meeting and we're going to go through it again and we'll take up the issue in its

entirety at that time. Legislator Fisher.

LEG. FISHER:

Could you give me the number of the accompanying resolution?

MR. SABATINO:

It was adopted. I'd have to pull it out, it was adopted on December 10th.

CHAIRMAN BISHOP:

By the full Legislature.

MR. SABATINO:

We can get it from the Clerk's office.

CHAIRMAN BISHOP:

Essentially that's a resolution that starts a mapping process. If you want to have an aquaculture program where you lease out the underwater lands, you need to start with mapping. And this gentleman who you see in the front row, he can -- he wants to redeem land that the County took for back taxes and do aquaculture that way.

LEG. FISHER:

So there is someone looking at redemption at this point?

CHAIRMAN BISHOP:

Yes. It's how are we going to get to the goal that we want to get to, and it's unclear, there's no policy decision on that at this time, so we're going back and forth.

LEG. FISHER:

And this was discussed in the December meeting of this Committee?

CHAIRMAN BISHOP:

Right.

LEG. FISHER:

So that I can go back and look at the minutes.

LEG. FIELDS:

It may have been October and November too.

CHAIRMAN BISHOP:

It's been a number of meetings.

MR. SABATINO:

The big discussion was on November 12th and on December 10th, I'm sorry, November 26th.

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LEG. FISHER:

Okay. Thank you.

CHAIRMAN BISHOP:

That's going to make for a long Committee meeting next time.

MR. SABATINO:

And December 10th, I apologize.

CHAIRMAN BISHOP:

It was at least three Committee meetings. Okay. Very good. Thank you. So motion to table, I appreciate that, Legislator Guldi.

LEG. GULDI:

I'm opposed to tabling.

CHAIRMAN BISHOP:

By Legislator Caracciolo, second. All in favor? Opposed? Legislator Guldi is opposed. (VOTE: 5-1-0-0) (OPPOSED: GULDI) TABLED

2051-02. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville Village (Town of Babylon). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Postal)

CHAIRMAN BISHOP:

2051 is authorizing planning steps for Greenways Program in connection with the acquisition of Broadway in Amityville, parklands at Broadway in Amityville. Counsel?

MR. SABATINO:

These are the planning steps for an active parkland. This is basically going to involve the construction of a replica of a colonial era grist mill for educational and informational purposes if it goes forward.

CHAIRMAN BISHOP:

Okay. And that didn't meet with a lot of enthusiasm at the end of last year. Is there a motion at this time? Motion to table.

LEG. FISHER:

I'll second.

CHAIRMAN BISHOP:

By myself, second by Legislator Fisher. We haven't had a presentation on it, maybe it will be different if we do. (VOTE: 6-0-0-0) TABLED

2083-02. Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Environmental Health

Sanitarian Computerization (CP 4066). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING AND FINANCE & FINANCIAL SERVICES (County Executive)

CHAIRMAN BISHOP:

2083 is amending the 2002 Capital Budget, which we -- do we do that at this point?

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MR. SABATINO:

A corrected copy will be necessary to just get a different offset, it's a carry over from last year, but it needs an offset.

CHAIRMAN BISHOP:

Okay. So motion to table by myself, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

2257-02. Establish land development policy for mixed use smart growth in Suffolk County. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Bishop)

CHAIRMAN BISHOP:

2257, establish land development policy for mixed use smart growth. Mr. Minei from the Health Department has a lengthy memo in opposition. I'm preparing something to address some of those issues. Motion to table by myself, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) TABLED

2276-02. Approving the appointment of John W. Caracciolo as a member of the Suffolk County Planning Commission representing the Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (County Executive)

CHAIRMAN BISHOP:

2276 is approving the appointment of John W. Caracciolo as a member of the Suffolk County Planning Commission representing the Town of Huntington. Motion to table by Legislator Caracciolo, second by Legislator Fisher. (VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

Erin, please contact --

LEG. HALEY:

Why are we tabling that?

CHAIRMAN BISHOP:

We're tabling it because the nominee is not before us.

LEG. HALEY:

Oh.

CHAIRMAN BISHOP:

Please contact him and invite him to the next meeting. Okay. Is that the agenda? Tabled CEQ resolutions, do we need to do those?

#### TABLED CEQ RESOLUTIONS

69-02. Proposed Review of the Final Scope for the Draft Generic Environmental Impact Statement for the Suffolk County Vector Control & Wetlands Management Long-Term Plan (Recommendation to approve the Final Scope.)

CHAIRMAN BISHOP:

Number 69 is proposed review and Final Scope for the Draft Generic EIS Statement for the Suffolk County Vector Control Wetlands Management

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Program. Counsel, my question on this is that this is the, this is the incredible growing study, which went from one million to two million to now four and a half million. My point, is there a separate appropriating resolution that will have to be adopted for them to access the money?

MR. SABATINO:

Given the magnitude of that appropriation, I would imagine so, because I don't believe that there's that kind of line item funding in the budget, but I would defer to --

CHAIRMAN BISHOP:

Budget Review, is that the case?

MR. CLANCY:

I believe so, yes.

MR. DUFFY:

Yes, that's correct.

CHAIRMAN BISHOP:

Mr. Minei, do you want to be heard on this? So it requires a separate -- so adopting the CEQ does not commit us to the full study as it's currently envisioned, which is problematic with many of us.

MR. SABATINO:

The copy that I have is that -- I don't believe there's line item funding in the budget, but I think that should be verified. If there's line item funding in the budget and you authorized the designation, then it could go forward, so I think you need clarification on that item. I don't think it's in the budget, but I'm

not the absolute final word on that.

CHAIRMAN BISHOP:

I think what happened was that the, this is the 1/4% Fund Surface Water Program, and I would ask Budget Review Office to confirm it, not just believe it. Can they confirm that's there's no separate line?

MR. DUFFY:

We'll have to check into it.

LEG. GULDI:

Counsel, even absent a line item, since it's out of DPW budget and it's lower than ten percent, can they go forward with the program without a separate appropriation under the County Executive's discretion?

MR. SABATINO:

Actually, Chairman Bishop just made a point, which I think will answer the question. If they're contemplating using quarter percent money, then absolutely it will require a subsequent resolution, because all that money sits in a trust fund and has to be appropriated on a case by case basis. So if it's contemplated to come from quarter percent, I can categorically state to you today that it would require a separate subsequent vote. But with regard to your point, yes, a ten percent transfer can only be done within a department, but four

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million dollars would be a large transfer, but it could be done, but then it wouldn't be quarter percent money.

MR. MINEI:

Good afternoon. Vito Minei, Director of Environmental Quality. The answer to that question is emphatically yes. There is a resolution being prepared that I believe will be laid on the table for the full Legislature on the 28th to be considered by this Committee that lays out the 4.5 million dollar project that now includes the CAC Incorporation as well as staff and equipment for two departments, the Department of Health Services as well as the Department of Public Works Vector Control.

What I would ask, Dave, you've asked me before about the connection between the scope and the budget itself, and I think you made a legitimate point the last time, that maybe committing to the scope certainly would imply to me that you're committing to what was requested by the public and the number of agencies that added to the scope that was in the original RFP.

So, what I was hoping to do and what I promised you last year, actually, was that we could give you a presentation of the different

options that was available to the County. What I would suggest at this point --

CHAIRMAN BISHOP:

Right. Like a menu of options for this.

MR. MINEI:

Yes. To go from a GEIS to what we had in the RFP, which turned out to be a 2.5 million dollar project to the scoping that was required by CEQ, that was overseen by CEQ and, in fact, they've delegated a sub-Committee to sort of chaperone the scoping through a process. So again, when people think of this as a growing project, it was not done at the request of either of two Departments, Public Works or the Health Department, the scoping took on a larger form and a much larger budget, because of a lot of input from the public, from different environmental entities as well as from major Federal and State agencies as well.

So, what we were prepared to do, we can start it today, but we have a break down of the various options. But what I would suggest, because we're getting questions about the consulting team, who's involved, what kind of work, what you get for the various chunks of money, I would suggest maybe we have a presentation by the consulting team. I'm thinking, you know, if you can devote a half hour to that.

I'm joined today by Walter Dawydiak, who will be the project director of --

CHAIRMAN BISHOP:

Why do we need it from the consulting team? I think what we're looking for --

MR. MINEI:

People ask about the consulting team as well.

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CHAIRMAN BISHOP:

I think that what we're looking for is something started out when we were talking about -- speaking about the future of the Vector Control Program, that we're going to undertake a study, and at that time it was estimated that it would cost a million dollars to get a comprehensive study of the impact of vector control in Suffolk County. That's what was said maybe a year ago, year and a half ago.

It has now evolved to perhaps for all the best reasons through public forums, whatever, to a four and a half million dollar program, which is essentially going to be half of our 1/4% Program in terms of surface water protection, more than half.

MR. MINEI:

You get six million dollars a year over thirteen years, you're going to have close to eighty million dollars.

CHAIRMAN BISHOP:

Yeah, but in one year it's seventy-five percent of the program.

MR. MINEI:

Right now it's proposed as a two-year project, so we're talking about two million plus, so about a third over a two year process.

CHAIRMAN BISHOP:

And so I think what we were looking for is the -- is what we can -- what we can get to meet the original goal, how much would that cost, what has been added on since then and then go through each one and make a determination, if that's what we want to do.

MR. MINEI:

We're prepared, you know, we have materials --

CHAIRMAN BISHOP:

I don't think we need the project coordinator to do that, I think that I would more comfortable with you all rather than the project coordinator, who obviously has vested interested in --

MR. MINEI:

We have that break down. What you probably would be more comfortable about is having the actual, a budget resolution before you and then we can go back and talk about the various scenarios. Right now you have at least three, I think the parameters really lay out at least three different alternatives, doing something akin to what Westchester and New York City did, but expand it somewhat for the conditions of Suffolk County, which I believe that was where you were getting that million dollar figure. I think they came in at about million five.

But we always knew, we discussed that because of the breadth of wetlands in Suffolk County, the issues that would be addressed, it would be a bigger budget to begin with. So somewhere about 1.8, two million dollars for a GEIS, which we never recommended.

I'm familiar with the entire process, I've been here since the beginning of SEQRA, GEIS, especially on big, controversial projects, tend to be unsatisfactory to most people and we really recommended a

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different approach. The approach we recommended was this comprehensive plan plus an attendant GEIS.

What has happened since the RFP and the responses is now that scoping

process. You have at least three different alternatives, around two million dollars to do a GEIS, 2.5 million dollars to do the original work as we scoped it in the RFP and response, about four and a half million dollars for what all the scoping added. And then maybe now there might be a fourth alternative somewhere, if you start looking at different tasks and saying can we scale back from 4.4 and get closer to the 2.5. So there's about four alternatives I think that are before the County.

CHAIRMAN BISHOP:

That would be good. And that is not to say the consultant shouldn't be here, but I'm saying that that presentation on the menu of options should come from the two of you.

I have one question, then I'm going to turn it over to Legislator Guldi. How can we have a consultant if we haven't had an appropriation?

MR. MINEI:

We don't have a contract yet. What we were guided to do was establish an RFP on what was being proposed as a comprehensive plan in the GEIS to respond to moving this process forward. The anxiety we were hearing was we were going year to year with scaled back vector controls, let's move this forward and get the management plan and the GEIS process started.

What happened was to meet SEQRA, we were advised in CEQ, let's do it now. So the scoping process on this overall plan and the GEIS started now and things have taken off. You have not committed to anything. I think the only thing we committed to was a thirty thousand dollar contract for scoping, that's the only thing the County has committed to.

CHAIRMAN BISHOP:

And that's the consultant that you would bring?

MR. MINEI:

Right.

CHAIRMAN BISHOP:

So they have the consulting, they have the consulting contract for scoping?

MR. MINEI:

That's all they have right now.

CHAIRMAN BISHOP:

Okay.

MR. MINEI:

And what we're discussing is what size does the County want to be the larger contract as we move forward, how long do you want that to take

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place.

CHAIRMAN BISHOP:

And if you have the consulting contract for scoping, do you get the consulting contract for the actual work, is that understood, or does it have to go through a whole new process after that?

MR. MINEI:

The process was a response to an RFP and the proposal they gave us was indeed the entire management program. So in our parlance, that is the successful consulting team. It is expanded with the scoping. They have indeed added other expertise in response to the scoping.

CHAIRMAN BISHOP:

That's --

LEG. GULDI:

Wonderful.

CHAIRMAN BISHOP:

That's an interesting process. Legislator Guldi.

LEG. GULDI:

Yeah. I'm concerned about a couple of things. The first and foremost is that the quarter percent money for pilot programs for storm water abatement was a program conceived and approved by the voters in order to engage in new and additional programs, it is not, I emphatically state, not available in order to fund either SEQRA compliance of existing programs, staffing of existing programs and that an application by the administration to shift that fund and use it for those purposes would be extremely badly received by this Legislator. Okay?

I was instrumental in the creation of that fund. Where we are is CEQ began to get uncomfortable with the clear contradiction of negative dec'ing the trenching and spraying of poisons in our marsh lands under a Vector Control Program. We're now looking at a four and a half million dollar study to -- drawn from a fund that is totally inappropriate for that purpose. I mean I strongly urge you to reconsider even submitting such legislation.

I mean because if you are going to pursue this line, we're going to have to change the name of the Vector Control Program to the vector out of control program, because we're turning it into a boondoggle, it's simply as a result of an attempt for a first time to comply with

SEQRA.

MR. MINEI:  
Was that a question to me?

LEG. GULDI:  
Yeah.

MR. MINEI:  
I'll respond quickly.

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CHAIRMAN BISHOP:  
It's an invitation to respond.

MR. MINEI:  
I'll respond quickly. This Legislature also created the Water Quality Protection and Restoration Program Committee. And as part of that Committee, a criteria being crafted in order to evaluate various projects that would solicit in proposals to address the six million dollars. I would respectfully disagree with you that this program falls outside the bounds of what that quarter percent program was.

The way it was crafted, and our staff here also helped prepare all the elements that are in that program, what we believed that program is intended to do is to address non-point sources, to enhance, preserve, restore degraded natural resources, including wetlands.

There's also a component about agricultural non-point, and I think your earlier discussions with Bill Sanok and George Proios can be addressed by quarter percent. And then there are other elements of environmental education, etcetera.

It was our suggestion about a year or so ago that quarter percent would be appropriate funding, because to my mind there may not be any project, any program that the County undertakes that so thoroughly addresses all of the wetlands of Suffolk County as the Vector Control Program.

So the point as you read through the criteria and that portion of the quarter percent sales tax talks about recommendations of the Peconic Estuary Program, Long Island Sound Study and the South Shore Estuary Reserve, and what I'm saying again is to my thinking and my participation in all of those programs is that the Vector Control Program does affect wetlands.

We're talking about something much more broader than Westchester County and New York City's approach to vector control. So I believe wholeheartedly that it's thoroughly appropriate to use quarter

percent. The discussion was how much, how long and things like that. I think all of that is certainly appropriate as well.

MR. DAWYDIAK:

If I can just make a point of clarification as well, the environmental impact statement preparation portion of this budget is on the order of less than ten percent of the overall budget. It's a management plan as well as a management program. And a large portion of the budget is dedicated toward issues such as open marsh water management and habitat restoration, which are physical, tangible, early actions, which specifically implement recommendations of management plans and which would not occur but for such a plan.

LEG. GULDI:

If I may? I still have the floor, I'd like to reply. With respect to your respectful disagreement as to the appropriate use of the funds and their Legislative intent, I can tell you that the compromise creating the bill to go out to the referendum that created the fund was one that I crafted together with Legislator Rizzo. And I can tell

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you to a certainty that the replacement and funding of existing governmental programs by that fund is intended to be and is prohibited.

So to the extent that you're going to attempt to tap that fund in order to fund the management of the existing Vector Control Program, that is outside of, contrary to the intent of the Legislature and the sponsors of that compromise at the time that it was approved by this Legislature.

So while I appreciate the scoping sessions and the administrative work that's been done subsequent to that, whatever your understanding is, I can tell you what the intent of that legislation was, because I was here and crafted it. And notwithstanding your respectful disagreement from the language of that or otherwise, I can assure you that's outside of and contrary to this Legislator's intent at the time it was offered.

CHAIRMAN BISHOP:

It's actually consistent with something that I have been saying mostly at DPW for years, which is that they can't use the fund to go down their wish list. This is for additional initiatives that will result in cleaner water. But there is no debate that, I don't feel that there's a debate that there wasn't a desire on the part of the Legislature to know in the simplest language if the Vector Program was killing the fishies, and that's what I thought the study was going to be. And now I guess we're at some place much greater and at our next meeting you'll go through the list of where we're at, right?

MR. MINEI:

I think it was a little bit more expansive with regard to public health an ecological impacts. And the --

CHAIRMAN BISHOP:

I don't. I think it was pretty, you know, at the time that was the debate was --

MR. MINEI:

Well, there's still a legitimate concern that some of the activities may have an adverse public health implication. And I think the whole thrust and the theme of this project is how do you balance the attempt to try to reduce communicable diseases from vectors, mosquitos in this case, with the concern about the ecological impacts and the public health impacts of some of the activities of that control organization.

CHAIRMAN BISHOP:

When you say management, that means the actual vector control operations, right?

MR. MINEI:

Yes.

CHAIRMAN BISHOP:

And that's what Legislator Guldi is pointing out was beyond the pale.

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MR. MINEI:

I'd also wish you would consider another part of his concerns, which was the hiring of staff. Again, from every program, every grant program I've ever seen in the last thirty years, the hiring of staff to oversee the project has always been considered a legitimate use of the funding, and I think our request for staff is very minimal.

CHAIRMAN BISHOP:

It would be if it's a project that's limited in scope, like, you know, it's the study. You're going to study it, you have staff for the study and then it concludes and the staff concludes.

LEG. GULDI:

If I may? The new staff for the new program for new introduction programs arguably would be within the scope of the fund. Existing staff to monitor or correct or comply with existing program as of the date of adoption, i.e., vector control, doesn't qualify.

MR. MINEI:

No, I think I would agree with that. We're talking about staff for this project.

CHAIRMAN BISHOP:

I'm sorry, you would say that new staff in a program that goes on in perpetuity is appropriate?

LEG. GULDI:

Define perpetuity for me.

CHAIRMAN BISHOP:

In other words, they're going to say Vector Control, we're going to do additional work in Vector Control for here on, forever, and then you'd be committing your fund forever.

LEG. GULDI:

Let's forget Vector Control, if I may, if you were creating a new storm water runoff program to interject storm water runoff throughout, or even agricultural runoff, and that program required personnel for management, for Soil & Water management, for implementation, for supervision, even for design, those staff would clearly be covered.

CHAIRMAN BISHOP:

I would argue they wouldn't be, but I think that the --

LEG. GULDI:

The project.

CHAIRMAN BISHOP:

The project, everything associated with the project, with the exception of staff, which should come out of the Operating Budget would be covered --

LEG. GULDI:

Okay.

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CHAIRMAN BISHOP:

-- but I guess we have to have that debate among ourselves as well.

LEG. HALEY:

I have a five o'clock meeting.

CHAIRMAN BISHOP:

You shouldn't have joined this Committee, this Committee typically goes to six or seven. And I think you can anticipate at the next meeting we'll probably be here until seven at night.

MR. MINEI:

Okay. I think we have our directive. We suggested it the last time, and what we would do, if you want to pick it up, because I think the

next meeting of this Committee is the appropriate time, because I believe that resolution will be on the full Legislature, is go through those options, we'll discuss it in as much detail as you'd like as it relates to the work plan and the important aspects of the project. And then I think you'll have a clear picture and then some time to discuss what size project you want and how much you want to devote to it and the funding source, we're here to discuss that as well.

I would just invite you to look at, please, the draft criteria that are being applied by the Quarter Percent Oversight Committee, because we're still testing that criteria. If there's a fundamental flaw with the approach, I think it's best we understand that now.

LEG. GULDI:

Could you provide me, I don't know how or perhaps my -- I don't know if it's on or not.

MR. MINEI:

I'm hearing you loud and clear.

LEG. GULDI:

I know, but I'm notorious for not needing the microphone for that purpose. Could you provide me with a copy of that criteria as well as the scoping comments, documents, prior to our meeting? I'd like to look at the paperwork.

MR. MINEI:

Sure. The scoping comments we have possession of, I did not share the quarter percent. What I will do is I will ask Bill Shannon of DPW to send all the members of the Committee the criteria that we're evaluating. Nothing is firmed up, we used it to test -- we tested it on the vector control, so you can see that as well. So there's generic criteria and also it has the criteria where applied to what we believe is an appropriate use of the fund, so you'll have both.

LEG. GULDI:

Okay.

CHAIRMAN BISHOP:

All right. So you agree that if we adopt the scope, we're essentially, if not --

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MR. MINEI:

That's my feeling.

CHAIRMAN BISHOP:

-- not legally, we're at least implying that we're --

MR. MINEI:

I'm giving you my opinion, I believe you are implying something.

CHAIRMAN BISHOP:

I appreciate your candor. I'm going to make a motion to table, second by Legislator Guldi. All in favor? Opposed?

(VOTE: 6-0-0-0) TABLED

70-02. Proposed Suffolk County Department of Public Works - 2003 Vector Control Plan of Work (Recommendation - impermissible segmentation).

CHAIRMAN BISHOP:

70-02. Proposed Suffolk County Department of Public Works Vector Control Work Plan. This is -- Counsel, what does that mean?

LEG. GULDI:

What does that mean, what's the purpose of segmentation?

MR. SABATINO:

This goes to I think an internal conflict that may have existed at CEQ when they deliberated, because they basically adopted two recommendations. One was to extend the 2002 plan into 2003 based on I believe this determination, which was that they felt if you had a stand-alone 2003 Vector Control plan while the scoping was going on for the draft that GEIS, that they would be in violation of SEQRA, so that's why they basically adopted the two suggestions.

What the Legislature did at the end of last year was adopted the extension of the -- or continuation of the 2002 plan into 2003.

LEG. GULDI:

Narrowly adopted the extension. So, Counsel, does that accurately render this resolution moot?

MR. SABATINO:

Well, it's inconsistent. It's inconsistent to be adopting both.

LEG. GULDI:

Does this resolution pos/dec --

CHAIRMAN BISHOP:

Motion to table.

LEG. CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Caracciolo.

LEG. GULDI:

Can I get an answer to my pending question, please?

CHAIRMAN BISHOP:

You're going the same place, right?

LEG. GULDI:

No.

CHAIRMAN BISHOP:

You want to move it?

LEG. GULDI:

No. My question was does this proposed resolution pos/dec the plan, is that what, the inconsistent action that you just described?

MR. SABATINO:

My recollection is that it does, but maybe -- I don't have the documents with me, but maybe CEQ's representative could just, has a better memory of it.

LEG. GULDI:

Mr. Bagg? Mr. Bagg is here, I'd like an answer to the question if he knows.

MR. BAGG:

With respect to this matter, 70-02 dealt with the Department of Public Works, Vector Control presented a 2003 plan to CEQ. CEQ, when they reviewed that, said if you adopt a new plan for 2003, they felt that that was impermissible segmentation under SEQRA since the Legislature had already adopted a positive declaration on the broader plan and study.

LEG. GULDI:

Okay.

MR. BAGG:

So they then made a recommendation that you extend the existing plan as neg/dec'd under the Legislature for the interim until the study could take place.

LEG. GULDI:

Can you explain to me how that is not impermissible segmentation after the pos/dec?

MR. BAGG:

I think CEQ felt that it was an ongoing program and plan that had been scaled down, had received a negative declaration from the Legislature.

LEG. GULDI:

Is there such an exception under SEQRA for such a scale down or segmentation or is there an exception to segmentation for such a plan?

MR. BAGG:

I think basically they said it is an extension of the existing plan currently being undertaken.

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LEG. GULDI:

That wasn't my question. My question is, is there an exception under the segmentation rules for SEQRA for extensions of existing plans?

MR. BAGG:

That I couldn't tell you. I'd have to look that up.

LEG. GULDI:

Could you look that up and get back to me on it?

MR. BAGG:

Sure.

LEG. GULDI:

Because I don't understand how it's different. I mean if it's impermissible to go forward with a 2003 plan where you're going to -- how could you possibly permit going forward with the same activities under an extension of the 2002 plan? I'm losing the distinction here, I'd like you to draw that for me, I don't see one.

MR. BAGG:

All right. I'll have to bring it before the Council on the 15th.

LEG. GULDI:

Thank you. I look forward to hearing from you.

LEG. HALEY:

Motion to table.

LEG. GULDI:

Mr. Chairman, did you get any update or information from CEQ with respect to 70-02? No, you haven't got any.

LEG. HALEY:

I'm opposed to tabling.

CHAIRMAN BISHOP:

Motion to table by myself, are you opposed to tabling?

Motion to table. All in favor?

LEG. GULDI:

My inclination is that, and has been all along, that we should pos/dec this. I'd be opposed to tabling the pos/dec resolution.

CHAIRMAN BISHOP:

Counsel, the vote is three to two.

MR. SABATINO:

Three/two is tabled.

CHAIRMAN BISHOP:

Thank you. (VOTE: 3-2-0-1) (OPPOSED: GULDI, HALEY)  
(ABSENT: CARACCIOLO) TABLED

CHAIRMAN BISHOP:

Motion to adjourn. All in favor? Opposed? We stand adjourned. I'm

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sorry, I erred. It's a motion to recess. The Committee needs to go into executive session at the request of the Real Estate Division.

LEG. GULDI:

If I may?

CHAIRMAN BISHOP:

And I will get more specifics when the Director provides them. Why did you request an executive session? To discuss County's legal strategy with regard to potential litigation regarding an acquisition.

LEG. GULDI:

Second. Approving the presence of.

CHAIRMAN BISHOP:

Approving the presence of staff, Budget Review, Counsel, my own staff and the Real Estate Division staff. All in favor? Opposed?  
Hearing no opposition, we are in executive session.

(Executive Session: 3:36 P.M. to 4:00 P.M.)

CHAIRMAN BISHOP:

Motion to recess.

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

I think we have to come back from the executive session. Motion to adjourn the executive session by Legislator Haley, second by

Legislator Caracciolo, which we do.

Now I have a motion to adjourn the Committee meeting by myself, second by Legislator Fields. All in favor? Opposed?

(THE MEETING WAS ADJOURNED AT 4:01 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY