

**ENVIRONMENT, LAND ACQUISITION & PLANNING COMMITTEE  
of the  
Suffolk County Legislature**

**Minutes**

A regular meeting of the Environment, Land Acquisition & 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 **February 3, 2003.**

**Members Present:**

Legislator David Bishop - Chairman  
Legislator Michael Caracciolo - Vice-Chair  
Legislator Ginny Fields  
Legislator Martin Haley  
Legislator Vivian Fisher

**Members Not Present:**

Legislator George Guldi - Excused

**Also In Attendance:**

Paul Sabatino - Counsel to the Legislature  
Nanette Essel - Aide to Presiding Officer Postal  
Claudia Carravetta - Aide to Legislator Fisher  
Tom Carroll - Aide to Legislator Bishop  
Sean Clancy - Budget Review Office  
Nicole DeAngelo - County Executive's Office/Intergvnrmental Relations  
Vito Minei - Director-Environmental Quality Division/SC DHS  
Walter Dawydiak - Chief Engineer/Div of Environmenal Quality/DHS  
Thomas Isles - Director/Suffolk County Planning Department  
Lauretta Fischer - Suffolk County Planning Department  
Christine Costigan - Director/Division of Real Estate/Planning Dept  
James Bagg - CEQ/Suffolk County Planning Department  
Matt Hanson - Intern/Suffolk County Planning Department  
Judith Gordon - Commissioner/Suffolk County Parks Department  
Steve Raptoulis - Deputy Commissioner/Suffolk County Parks Dept  
Ben Wright - Director/Division of Sanitation/Dept of Public Works  
Janice McGovern - Sanitation Division/Department of Public Works  
Camille Koorey - CJ2 Communication Strategies  
Don Seubert - Medford Taxpayers Civic Association  
Charles Ott - Country Road Neighborhood Block Association  
John Caracciolo - Nominee/Suffolk County Planning Commission  
Robert Parrino - Paradise Point Oyster Farms  
Robert Pryor - Attorney representing Paradise Point Oyster Farms  
Wayne Prospect - Hauppauge Industria Association???  
All Other Interested Parties

**Minutes Taken By:**

Alison Mahoney - Court Stenographer

1

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(\*The meeting was called to order at 1:37 P.M. \*)

CHAIRMAN BISHOP:

Good afternoon. Welcome to the February 3rd meeting of the Environment, Land Acquisition & Planning Committee. Please rise for the Pledge of Allegiance to be led by Legislator Fisher.

Salutation

This committee, as you may know, has six members, two of the members, Legislator Fields and Guldi, have excused absences for illness. Legislator Haley I assume is in transit. So that puts us at a disability, we lack a quorum. When Legislator Haley arrives, with four of six members it still requires to pass a resolution four votes, so we'll need unanimity to move anything out. Tabling, however, requires a majority of those members who are present.

(\*Legislator Haley entered the meeting at 1:39 P.M. \*)

Legislator Haley, excellent. So we now have a quorum, that solves a lot of the problem. Good afternoon.

LEG. HALEY:

Hi.

CHAIRMAN BISHOP:

We have a number of presentations and a number of cards. We'll begin with -- we're not going to begin with Mr. Parino because he's here so often he has regular status, so he gets pushed to the back, we'll let the new people go first. Mr. Charles Ott and Donald Seubert, I assume are on the same issue, right? You can come forward at this time, if you want to. They're here on Resolution 1917. Gentlemen, is this your first time before the Suffolk Legislature?

MR. SEUBERT:

No.

CHAIRMAN BISHOP:

So you're familiar with the drill.

MR. OTT:

I think. I don't know if you go in order or you go out of order.

CHAIRMAN BISHOP:

Well, I only have four cards and two are on one issue and two are on another. You need your mike in front of you.

MR. OTT:

What you see over here is Granny Road and Overton Road, that would be also Middle Island Road in Medford.

CHAIRMAN BISHOP:

I'm, sorry your name is?

MR. OTT:

Charles Ott.

2

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CHAIRMAN BISHOP:

Okay, just for the stenographer. Charles Ott of --

MR. OTT:

You want my address?

CHAIRMAN BISHOP:

Yes, please.

MR. OTT:

6 Fairview Avenue, Medford, which is just off of Country Road.

CHAIRMAN BISHOP:

And you're here on Resolution 1917-02.

MR. OTT:

That's correct.

CHAIRMAN BISHOP:

Okay. Thank you very much. Now you may proceed.

MR. OTT:

What you see here I took this morning. It starts at the junction of Granny Road and Middle Island Road in Medford, going down Middle Island Road which at that point is called Overton Road and it's -- we'll go with my presentation at this time.

When you visit the new as yet to be inhabited Brookhaven Town Office Complex on Bald Hill, look east at the rolling hill that appeared to be Farming Furrows in a mammoth field tilled by a giant farmer. That farmer was the glacier who scoured the landscape of Long Island thousands of years ago. The moraine of that glacier deposited Bald Hill, formed the north/south oriented hills and scooped out the kettle holes, ponds, seen on this property. The ponds would later in pre history become gathering places for all manner of vorner, especially attracted to the area during early dry springs when water was not available. This in turn attracted migrant prehistoric peoples because

of it's available gain and other food supplies. Proof of these visitations has been found in the vicinity, if not on this property, in the form of blackened cracked camp fire rock, quarts, flint used for animal butchering and quarts, arrowheads and spear, spindles described in the EIS chipped and as hexagonal -- hexagonal in shape. Further circumstantial proof that historic people would seek out this area would be its hilly nature which would offer a temporary lee from the prevailing west east flow of the cold winter wind.

The trend in development in Brookhaven Town is to take as much earth above grade and sometimes below grade as the law and/or opportunity will allow. I ask you, if this site is not brought -- bought for preservation, will we be landfilling Long Island's prehistory? It is not truly -- is it not truly a site worthy of perhaps even an American history museum that would cover both the human and geological past of Long Island? Preservation of this site has been strongly supported by representatives of the Gordon Heights Civic, the Long Island Pine Barrens Society, the Long Island Open Space Council and Connie {Kleped} (sic) of Middle Island. Thank you.

3

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MR. SEUBERT:

Hi. My name is Don Seubert from Medford and I'm here on behalf -- I guess Charlie just took you through what probably you would call -- that's Locust Valley. So if you've ever been to Locust Valley, well, the people in Medford, the old timers, they call this area Locust Valley. So you don't have to go that far west to find it, but maybe if we could preserve it here, maybe we would have a little part of it and keep it as well as they do in that part of our Long Island.

On behalf of the Medford Taxpayers and Civic Association Board, President Joan Travan and myself, I would like to thank Legislator Fred Towle, his office, especially Bill Doyle, for his patience in listening to me concerning the attributes of this unique property from County Legislature consideration and purchase. Thanks goes out to Legislator Brian Foley who represents the majority of residents for his steadfast help and encouragement. A letter and description of this parcel was also sent over to Legislator Joseph Caracappa and is very close to his district, especially to the large populated Blue Ridge Condominiums, the Breton Woods Condominiums and surrounding areas. Knowing his mom's sensitivity, ability to bring help to blue collar communities like Farmingville, Selden, Gordon Heights, Yaphank, Coram, Medford, etcetera, irregardless of district lines and her great ability to work cooperatively for any community's good. I perceive this acquisition as a win/win situation for this whole area and Suffolk County where rural reminders and even the smallest amount of open space is becoming bulldozed.

Purchase of this parcel will enhance, enrich and establish clearly for

Suffolk County residents the very real and worthy goals of Suffolk County's Land Acquisition Programs. Acquisition of this parcel would seem to meet the goals of any comprehensive preservation criteria or program. The parcel's attributes include about 1,500 feet off Route 112, this parcel offers watering holes, unlike much of what Route 112 is famous for. It offers kettle holes, marbled salamanders, breeding grounds for the tiger salamander, deer, rabbit and fox. Unique upland and low land vegetation on this 35% plus moderately steep and steep slope property in the Ronkonkoma moraine is unique to Medford and is reminiscent of Connecticut or Upstate, New York. The thickest of thickets making walking these woods dangerous at times. Deer hunting, hiking at times, even ice skating made this area a place for public use and recreation; as the old timers would call it, Locust Valley.

The parcel is in Hydro-Geological Zone III, Special Ground Water Protection area, the Central Pine Barrens Compatible Growth area. It is a large track of land surrounded by additionally huge tracks of undeveloped land. The parcel sits west of Paint Ball on David Overton Road, family of the Brookhaven Town Historian. Very possibly an historic town road dating back on some maps to the early 1800's, thus make it historically significant with rights being given over to Brookhaven Town. The adjacent upland parcels to the east seem to have wetlands and kettle holes also. Knowing the County likes to look into possible links to other large and environmentally sensitive municipally owned or protective lands, this parcel could become a major keystone parcel associated with further acquisition, Greenbelt, wildlife buffer, links, etcetera.

4

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Adjacent to the north of this parcel is definitely another vanishing relic of the past, the Long Island Dairy Farm. And I'm happy to hear that last month you purchased the Setauket Farm. Often old man Manzonni's dairy cows dined on both sides of Mill Road. I myself often used David Overton's dirt road is a short cut to get non-homogenized milk; milk with the cream at the top with my three oldest girls. My three oldest girls are in their 20's and early 30's, so it's not too long ago that you could buy fresh milk locally. The part of the farm on the south side of Mill Road is very rocky and hilly. As of this minute, this area has a big expanse of contiguous, undeveloped land, perhaps the largest one, I'm told, lies outside of the Pine Barren core area, so there's right for other acquisitions. Close to the large populations in western Suffolk, coupled with the necessity for all Suffolk County to have crystal clear drinking water at a reasonable transportation cost, the location of this Pine Barren parcel calls out for purchase.

By any sense of priority, this parcel has great credentials, none of which ironically is its surprising location just off Route 112.

Keeping development towards the center of Medford near the Long Island Railroad Station provides communities like Medford, Farmingville, Coram, Yaphank, Gordon Heights, breathing room. Wooded areas and open space provide that breathing space and/or relief which helps to define and forge a sense of place. We need clear separations between hamlet centers and rural space as our Medford plan expressed. This area needs to be preserved in order to save remnants of our rural character. What better way than to purchase this parcel can we preserve compatible growth pine barren acreage, wetlands, kettle holes, wildlife habitat, a valuable ecosystem, a rare community of Pitch, Pine, Oak, Heath woodland, possibly significant archeological artifacts, geophysical, historical features, scenic terrain, community character. Because of the large size of this parcel and adjacent, undeveloped parcels, I would estimate 300 acres or more, County purchase will allow us to retain more of the area's natural habitat values; bigger is better.

(\*Legislator Fields entered the meeting 1:50 P.M. \*)

This 84 acre salamander pond, bucolic parcel needs to be saved and not to be home to a 240 unit development, some of which is seemingly a de facto development shifted from lands outside the Pine Barrens into the Pine Barrens. This part of Suffolk is in desperate need to preserve its disappearing character, an identity contribute to so much to -- because identify contributes so much to the quality of life.

With a little snow on the ground, these woods appear and would remain pristine and gorgeous forever. Build it and they will come, save it and it will be there for everyone. Just down the road from the ugliness of Route 112, Horseblock Road, the LIE 64 and Route 25, this parcel is truly unique, and once lost it will be lost forever. Land's end is now, most especially in Medford. Yours Truly, Don Seubert, Board of the Medford Taxpayers and Civic Association, Joan Travan President.

I also have -- I just want to recall -- I know the review that the County put upon us, I think it could get -- more points could be earned for this parcel's rating system, might be earned additional

5

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points. Rare or endangered species, unique vegetation, perimeter to area ratio, especially considering public adjacent protected lands or wetlands and a possible plan trail link or buffer and the obvious development pressure along -- alone is worth 15 points. The development pressure alone, I didn't include that, are some of the areas that could be discussed, researched and revisited.

I would also mention that over the years The Nature Conservancy had very much interest in this area for probably historical as well as physical and environmental reasons also. And it will be a shame, we

have very little in Medford, there's not too much you can even come to -- I could even come to you to see and this is on the Medford/Coram line and it was actually -- when it was advertised, they never mentioned Medford but substantially our fire district is in Medford, I'm not sure about the zip code but it was advertised as Coram. And it would be just -- there's nothing left the land is at the end. I would like to see it preserved and anything you can do I would really appreciate that could be done. And if we can find more information, we only learned of this about five o'clock on Friday but we did get a lot of the groups because a lot of other groups have expressed interest over the years because of the unique area. Some people in years past passed it by because people dumped on it and it's really a gorgeous area and there's not much left and there's a lot of area there. Okay? Any questions?

CHAIRMAN BISHOP:

Thank you. If members have questions of the two speakers, administration will come forward later.

LEG. FISHER:

I just have a brief question.

CHAIRMAN BISHOP:

You do have a question for these speakers, yes, please.

LEG. FISHER:

Hi. Mr. Seubert, I believe that's --

MR. SEUBERT:

Don is good enough.

LEG. FISHER:

Hi. You mentioned that you had done a hamlet study.

MR. SEUBERT:

Right.

LEG. FISHER:

Was that one of the hamlet studies that was done in 1998 in Brookhaven Town?

MR. SEUBERT:

Right, right, right.

LEG. FISHER:

Okay. Had you identified this piece?

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MR. SEUBERT:

Actually I don't think so, okay, but we tried to make -- the point was to make the hamlet study most of our development around the railroad station. And some of the areas also, we even -- there were going to be so many strip malls that we were into the one with we didn't mind like around Brookhaven Town Hall putting a couple of condominiums on either side of areas like that so there wouldn't be a continuous strip mall. But we wanted to have that relief where you come into a community, "Hey, this is Medford, this is Farmingville, this is Yaphank" and know where it is.

LEG. FISHER:  
Right.

MR. SEUBERT:  
And so that was part of our area --

LEG. FISHER:  
Kind of a downtown identity.

MR. SEUBERT:  
-- and we have both on sides of Granny Road.

LEG. FISHER:  
Okay. I just wondered if this had been identified previously because the question would have been why had no one gone after it earlier.

MR. SEUBERT:  
Well, you know what? I'll tell you the truth, I think it was ignorance on our part and also maybe unselfishness. Because at that time when they were doing the hamlet studies, this was one of the first ones, we knew the core area and we knew this area wasn't in the core area so we weren't asking anybody to go out and start, you know, preserving all of this land, yo know. We would have liked it and everything, but we were being realistic and we didn't put that in cost. But I'm not sure, I haven't read the hamlet plan in a month or two, in a few months anyhow. And so it may be in there but I don't think -- the idea of it was to keep the core area and then bring out so when you leave Granny Road on 112 it is woods and it remains woods. Like if you go up Long Island Avenue in the middle of Medford and go to Yaphank, it is rural and it can remain that way. Charlie lives on a rural block not far from there, too. You know, rural routes, there aren't too many rural routes left in Medford or anything else. So it would be something that's -- and it would be a benefit to Medford, Coram, Yaphank, it's all on the corner on the line and there's plenty of condominiums and multi-families there already and we don't really need another one.

LEG. FISHER:  
Thank you.

MR. SEUBERT:  
The development is over developed.

CHAIRMAN BISHOP:  
Thank you.

7

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LEG. CARACCIOLO:  
Question. I have a question.

MR. SEUBERT:  
Yeah, sure.

LEG. CARACCIOLO:  
The video is very nice and part of the video showed a public hearing sign; was that on the subject property?

MR. OTT:  
That is the property.

LEG. CARACCIOLO:  
Right, and that's a Town of Brookhaven Public Hearing Notice?

MR. OTT:  
That's correct.

LEG. CARACCIOLO:  
And what was that notice for?

MR. OTT:  
It's for the Planning Board.

LEG. CARACCIOLO:  
Could you elaborate?

MR. OTT:  
The Planning Board put 290 units to go in, I believe condominiums --

MR. SEUBERT:  
Two forty.

MR. OTT:  
-- in approximately 50% of the land.

LEG. CARACCIOLO:  
Do you know when the -- I see the reputed owner is an entity called Dexter Company.

MR. SEUBERT:

He can't hear you, it's a long story. I'm sorry, what was your question again?

LEG. CARACCIOLO:

Well, the resolution indicates there's a property owner by the name of Dexter.

MR. SEUBERT:

Dexter. We never -- we went to the Planning Board hearing and we spoke up and we tried -- I speak up earlier to the Town Board. You see, it was never identified as Medford at any time and part of it is, you know, what's a hamlet, there is no such thing. But we went to the Planning Board hearing and tried to get them to understand that it was, you know, actually sometimes like a shift of development from

8

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outside the Pine Barrens into it because it was like a change of zone sort of deal. But we -- you know, it just --

LEG. CARACCIOLO:

Do you know when that application was filed with the town?

MR. SEUBERT:

It was filed about -- well, for the Planning Board it was about two weeks ago.

LEG. CARACCIOLO:

And when is the public hearing?

MR. SEUBERT:

They had it. They had a hearing on the site plan review.

MR. OTT:

Right after September 11th, in October, the earlier part of October.

LEG. CARACCIOLO:

Of 2001.

MR. OTT:

2001 is correct.

MR. SEUBERT:

No, no, no, wait. What; what did you say?

LEG. CARACCIOLO:

I didn't say anything, he was speaking.

MR. OTT:

The town board had a hearing on it right after September 11th

somewheres in the early part of October which got by us.

CHAIRMAN BISHOP:

To rezone.

MR. OTT:

And I'm made to understand that the motion to change the zoning was done on the board's own motion.

MR. SEUBERT:

And it came up at the Planning Board about two weeks ago.

LEG. CARACCIOLO:

Let's --

MR. OTT:

We didn't have access, we didn't have --

LEG. CARACCIOLO:

Okay. I'm trying to get a sense of --

MR. SEUBERT:

You know what it is, though?

9

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LEG. CARACCIOLO:

I know the size of the property, I would like to know what the zoning on the property is.

MR. SEUBERT:

The zoning was an interesting -- the zoning was very interesting because it was one acre zoning before maybe a year-and-a-half ago and then in I think October of 2001 it became sort of a quasi double-edge sword, I don't know what you want to say. If they're applying and got the zoning, then the town would get the Rocky point Golf Course, okay, so if they got the plans approved then they would get that. And the thing was that the Rocky Point Golf Course, as you probably know, it's outside the Pine Barrens and this is it. So here we are clearing 30 some odd acres of natural Pine Barren woods when we're saving maybe contaminated, old and alien golf course with nitrified to the hilt, and so that's another part of it.

LEG. HALEY:

Put me on the list.

MR. SEUBERT:

It became a two-edged sword; if you give me the golf course then we'll give you the zoning. That's -- you know, like --

**CHAIRMAN BISHOP:**

What is the current zoning; they received the rezoning?

**MR. SEUBERT:**

I think it hinged on the Planning Board's approval two weeks ago, I think.

**LEG. CARACCIOLO:**

You're not sure, all right. We'll save those questions for the Planning Department.

**CHAIRMAN BISHOP:**

Or maybe our administration.

**MR. SEUBERT:**

The Planning Board gave it a Negative Dec, okay, and then I think they approved it with conditions, with conditions.

**LEG. CARACCIOLO:**

I appreciate you trying to answer the question --

**MR. SEUBERT:**

Right, I agree.

**LEG. CARACCIOLO:**

-- but your answers would not be sufficient for me to make any kind of an informed decision.

**MR. SEUBERT:**

I agree. Right, I understand.

10

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**LEG. CARACCIOLO:**

So we'll save those questions, a lot of questions I have for the Planning Department. Thank you.

**MR. SEUBERT:**

Okay. Thank you very much.

**CHAIRMAN BISHOP:**

Thank you both, gentlemen. You obviously spent a lot of time preparing that presentation. Wait, before you leave, Legislator Haley has --

**MR. SEUBERT:**

Well, we only had since Friday at five o'clock.

**LEG. HALEY:**

I just have a quick question for you. What would you deem more

important, recreation for human beings or the tiger salamander?

MR. SEUBERT:

I would very much like to see the golf course remain, too, for public use, of course. But here is an area that we don't have, I mean, the golf course is right across from --

LEG. HALEY:

Is this in the compatible growth area?

MR. SEUBERT:

Yes, it's in the compatible growth area and the golf course has 1,600 think acres right across the street. Sixteen hundred acres, we don't have anything left in that, okay. So I think there's a balance, we do have open fields for --

LEG. HALEY:

It's over 5,500 acres but that's part of a --

MR. SEUBERT:

Fifty-five hundred acres?

LEG. HALEY:

Yeah, that's in the Pine Barrens.

MR. SEUBERT:

Right.

LEG. HALEY:

See, north of 25A --

MR. SEUBERT:

Is not.

LEG. HALEY:

-- that's compatible growth; you're in compatible growth.

MR. SEUBERT:

No, north of 25A is not in the Pine Barrens. The golf course is not in the Pine Barrens --

LEG. HALEY:

Correct.

MR. SEUBERT:

-- it's outside of it.

LEG. HALEY:

Correct.

MR. SEUBERT:

This parcel is in the Pine Barrens.

LEG. HALEY:

It's in the compatible growth area of the Pine Barrens region.

MR. SEUBERT:

It's in the compatible --

LEG. HALEY:

It's not in the core area.

MR. SEUBERT:

It's not in the core area, no, it's in the compatible growth area.

LEG. HALEY:

Right.

MR. OTT:

This land, despite what the EIS says, is basically pristine land. If you walk on it, there's no farmer in his right mind that would want to plant any crops in there.

LEG. HALEY:

You mentioned Connie -- you mispronounced her name -- Kepert before; and what group is she representing?

MR. SEUBERT:

Well, she was sending something over to the Planning Board and I don't know what she represents, but I'm sure you probably know Connie Kepert.

LEG. HALEY:

Yeah, I do know Connie very well.

MR. SEUBERT:

She was head of --

LEG. HALEY:

I know her very well, but I still -- over the years I've been trying to ascertain who she really represents.

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MR. SEUBERT:

Well, she used to be on the Middle Island Civic Association, President of ABCO.

LEG. HALEY:

Yeah, eight people a month go to that meeting. But does she really represent the community?

CHAIRMAN BISHOP:

All right, Legislator Haley, obviously --

MR. SEUBERT:

She was head of ABCO.

LEG. HALEY:

I'm finished. Thank you.

CHAIRMAN BISHOP:

Thank you, gentlemen. I appreciate it. Later in the meeting our Planning Department and Real Estate Division will be represented and I'm sure they'll have comments on this purchase so you may want to stay for that.

CHAIRMAN BISHOP:

The order of presentations, we'll have Mr. Pryor and Mr. Parino at this time followed by Mr. Walter and then we will have a presentation from Vector. Vector can't go; their presentation is the longest, that's why you're going to go at the end.

MR. PRYOR:

Good afternoon, once again. My name is Robert Pryor and I represent Paradise Point Oyster Farms, Inc. Just in terms of where we are, my understanding is that -- well, my client made an application to redeem about 776 acres of under water parcels back in August of 2002. And after appearing at several meetings before the subcommittee, I got a sense from the subcommittee that your concern was that in light of the Aquaculture Committee's June, 2002, report which indicated that there was an overall intention to enter into a leasing program for the entire Gardiner's Bay and Peconic Bay Estuaries that you weren't so inclined to grant my client's application absent the better sense of how that leasing program is going to move forward.

Receptive to this committee's concerns, we tried to find a way to accommodate this issue and what we proposed to do was even though we still would like this committee to grant our redemption application and to take over the land and pay to the County some 40 somewhat thousand dollars in back taxes so we can properly develop this under water aquaculture endeavor that we think the County and the people here need so badly, what we propose to do instead was to enter into our own lease with the County so that while this committee and other committees were laboring to try and work out some leasing program, as you well know which has been so troublesome to reach an accommodation on over the many, many years that it's been in progress, we could have a lease so we could be developing this under water land and

shellfishing and helping the County and its constituents in the meantime.

13

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So we most recently sent a letter to the committee outlining our proposal to lease the land --

CHAIRMAN BISHOP:

This committee or the Aquaculture Committee?

MR. PRYOR:

I believe the letter went to this committee, Sir.

CHAIRMAN BISHOP:

This committee, right.

MR. PRYOR:

This went to the Environmental, Land Acquisition and Planning Committee by letter dated January 17, 2003. We basically asked you to consider our proposal to lease 776 acres of under water land.

CHAIRMAN BISHOP:

I don't think that's our jurisdiction; is it, Counsel? We couldn't -- or maybe perhaps we could. His letter was to this committee proposing that we lease the 776 acres to him, the property, the under water

property that he's trying to redeem and that which the Aquaculture Committee is trying to have us affirmatively block.

MR. SABATINO:

Well, it's a legitimate inquiry, I mean, this would be the right place to make the inquiry. The problem is that, as we discussed a couple of meetings ago and then also at the last meeting, under the State Statute there has to be a procedure in place to make all of that happen. So we passed legislation at the end of last year which I believe Planning will be getting a response back to us some time at the end of March or the beginning of April with regard to the surveying of the land. So you've got to get the surveying of the land as step number one and then you have to put in place a Local Law to deal with all these issues.

CHAIRMAN BISHOP:

Okay.

MR. SABATINO:

So at some point there could be a leasing concept, but at this particular juncture it's premature. But this committee moved the process forward by recommending that bill back in the end of November, the beginning of December, whatever the date was.

CHAIRMAN BISHOP:

If there was a lease arranged it would come through this committee, not Ways and Means?

MR. SABATINO:

Well, this is under water, this is aquaculture. The aquaculture --

CHAIRMAN BISHOP:

All right. If this is --

14

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MR. SABATINO:

-- jurisdiction is in this committee. The aquaculture is in this committee and, I mean, barring a Local Law that would say something differently it would be here.

LEG. HALEY:

What is this for?

MR. PRYOR:

This land is in the --

LEG. HALEY:

Did you have a copy of the letter?

MR. PRYOR:

Oh, yeah, sure.

CHAIRMAN BISHOP:

You're missing the point about the letter. There's nothing we can do now anyway because we need -- as Paul was pointing out, there has to be a whole procedure and State action as well -- not State action but there has to be a whole --

LEG. HALEY:

Yeah, but I think you'd want a copy of the letter anyway.

CHAIRMAN BISHOP:

Of course you would.

MR. PRYOR:

Well, this is exactly our catch-22. That what we'd like to do is redeem this land so we can start

CHAIRMAN BISHOP:

Right. You want to redeem the administration of the Aquaculture Committee that was formed by Legislative resolution wants to prevent any redemptions, so we have allowed this bill to be out there tabled

to apply pressure on the people of the opposite position of yours to move forward and to begin a process that would allow for leasing so that your client could be accommodated and we can move the process forward. If you're forcing the issue, then we're going to vote up or down on the administration's bill; do you want that? I don't think you do. I mean, I don't understand what you're doing here.

MR. PRYOR:

No, the last thing we want to do is to force any issue. We simply want to bring to your attention the fact that we are ready, willing and able to develop this land any way that the Legislature believes it to be appropriate. We do want to just note for the record that our concern, and it's a substantial concern, is that so much time has gone by and it appears will continue to go by. So we would like just to note that the land that we're seeking to redeem is .7% of the under water land in the Gardiner's and Peconic Bay Estuaries, that there are already people who own the land, who own portions of the land in much greater percentages than this meager .7%. We think that our redemption will do little harm, if any, to the overall Aquaculture

15

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Committee's proposal and we would like get moving at your -- under any schedule that you believe is appropriate.

CHAIRMAN BISHOP:

But we are moving and that's why we adopted the resolution to do the survey because apparently by State Statute we couldn't engage in a leasing program unless the surveys were conducted first. So towards the end of last year, I don't know when, towards the end of last year was it that we adopted -- the beginning of this year we adopted the surveying resolution, so that process has to move forward first before we could do anything towards leasing; that's my understanding, that's how Counsel explains the law to us.

MR. PRYOR:

Well, perhaps I could say it another way.

CHAIRMAN BISHOP:

All right.

MR. PRYOR:

We have no problem with any legal relationship you want to create between my client and the County, perhaps we want to call it a license if that obviates the problem. He would like to develop the land and bring shellfish back into these bays. Anything that would not do an injustice to the overall scheme and to your intention would be satisfactory to us, we simply want to go into business in that area. Just for those of you who weren't there at previous hearings, the problem we have is that currently we have approximately 300 and

somewhat acres that we're doing this aquaculture in in the Peconic Bay. The Peconic Bay has problems with red tide and brown tide and, therefore, our clam harvest have been devastated periodically at the substantial detriment to my client financially and to the County. So that we're trying to move into Gardiner's Bay where there is no red or brown side tide and we simply want to do that quickly if there's any possible way of doing that.

So we don't care about the legal relationship. We have no problem paying \$46,000 in back taxes to redeem, if that's what you desire. We have no problem in leasing if we can find a way around the various requirements. We can call it a license, we can do anything, we would like to find a way to do it, that's our only purpose. And we certainly aren't putting -- attempting to put any pressure on the subcommittee.

LEG. FISHER:

Mr. Chairman, I have a question. I wasn't on the committee last year and I just have a question. If Mr. Pryor were to enter into a leasing agreement, would he then negate his application for redemption?

CHAIRMAN BISHOP:

Yeah, he just wants to farm the land.

LEG. FISHER:

Okay.

16

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MR. PRYOR:

The proposal that we made, and this was only our proposal, indicated that if a leasing program could not be thoroughly created within, say, I think it was a three year period, then we would ask that you act on our application and grant our redemption application, but that's simply a proposal. We want to go back into business in Gardiner's Bay as quickly as possible.

CHAIRMAN BISHOP:

Are there any questions from members of the committee, comments?

LEG. CARACCIOLO:

The question I have is directed to Counsel. Based on the previous inquiry by the speaker, is there any actions that can be taken independent by this committee at this time?

MR. SABATINO:

No, at this juncture what I wanted to inject into the discussion is that it's going to take a little bit more time I think than people's expectations may be, only because this very arcane and somewhat archaic State Statute that goes back to, I think it's 1969 or '70, lays out a very detailed series of steps and measures that must be

taken, one of which includes at some point when the surveys are completed adopting a Local Law that's going to layout with specificity how the properties are going to be appraised and then be made available for use. So I don't want anybody to walk away from today's meeting that with an expectation that in a couple of weeks or a couple of months it's going to be resolved because it's not. The resolution that was adopted at the end of last year is a good first step because it broke the 30 or 40 year gridlock by starting the process, but all we're going to know at that March or April date is what does the surveying entail and how do we go about moving forward with the surveying, but then the surveying is going to be the next step and then it's going to take some time.

So at this particular juncture, to give you the short answer, there's nothing you can do today that can achieve the goal of what the applicants want simply because we're constrained by this archaic statute.

LEG. CARACCIOLO:

Mr. Chair, I would just note for the record that at the last committee meeting in December we had this discussion and I thought it was clear at that time that we had constraints and we couldn't move forward and we so indicated that to both Mr. Pryor and Mr. Parino. So I hope this clarifies the matter until such time as Counsel advises we can take action and I would think at that time the Chair and this committee will be in touch with you.

MR. PRYOR:

So then our application is tabled until we are able to --

LEG. CARACCIOLO:

Until those constraints that Counsel enumerated to are favorably resolved.

17

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MR. PRYOR:

Thank you. I appreciate it.

LEG. HALEY:

(Inaudible)

CHAIRMAN BISHOP:

Yes, continue to check in.

LEG. HALEY:

My suggestion is to communicate with Counsel on a regular basis.

CHAIRMAN BISHOP:

Legislator Crecca was the sponsor of the surveying resolution and you

should also be in touch with him to see where that's out.

MR. PRYOR:

Thank you.

CHAIRMAN BISHOP:

All right. Counsel, at our last meeting there was an executive session and information came out of the executive and now a Riverhead attorney wants to address the committee. Was there any information at that executive session that suggests that any further discussion of this has to remain in executive session?

MR. SABATINO:

Well, there may be something but -- I don't know if litigation actually got filed in the intervening period, so that's one issue.

CHAIRMAN BISHOP:

No, there was no litigation filed.

MR. SABATINO:

Okay. I'm not sure what the town wants to present. If it's just factual material, I have no problem with it being in an open session.

CHAIRMAN BISHOP:

Well, the only thing we'd go into executive session over is our own litigation strategy, right?

MR. SABATINO:

Well, no, if there's pending -- if there's pending litigation against the County or, you know, involving a County matter then you have -- you don't have an obligation, you have discretion. There's confusion about how the State Law works. The State Law doesn't say you must go into executive session, the State Statute says that you may go into executive session under one of seven categories. One of the seven categories is pending litigation, another category is where something would have an adverse impact or effect on an acquisition value. But quite frankly, based on the discussion we had the last time, I don't think there's a problem with having some preliminary discussion about the facts but, again, I don't know what the speaker wants to do. So let's just listen --

18

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CHAIRMAN BISHOP:

Obviously, we never know in advance of what they're going to say.

LEG. CARACCIOLO:

Okay. I would just note again for the record, Mr. Chair, that Mr. Walters (sic) is here at the request I made in executive session to have the town representative inform this committee as to what

transpired and leads us to the matter we have before us.

**CHAIRMAN BISHOP:**

Right, okay. Mr. Walter, Sean.

**DIRECTOR COSTIGAN:**

I will just remind the committee, the matter we're here on is the Gatz Farms. This was an acquisition that in November of 2001 the seller signed a contract for development rights on 32 acres for \$15,000 an acre with the County to pay 14,000, Riverhead to 1,000 an acre. And the transaction was subject to the seller's right to pursue a four-lot subdivision, the County would be buying the development rights.

There were various delays before the County and the town were approved, the contracts were approved in March of 2002. So as of March, 2002, we had signed contracts signed by both sides and then Riverhead proceeded. I will let Sean take it from there. So we were in contract with the 15,000, that was in March of 2002. I gave you the transaction for the 32 acre farm, there's another 16 acre farm which follows the same time line.

**MR. WALTER:**

I'm not here -- Sean Walter from the Riverhead Town Attorney's Office. I'm not here to discuss any litigation, so I'm mindful of executive session and be that as it may.

At this particular point, the Gatz Family I guess has made a proposal to the County to release them from one part of the contract so that they could proceed with the Town of Riverhead; I'm here to answer your questions regarding that aspect. The town stands ready to purchase the property either with the County or purchase one property with the County and one property on its own. At this particular juncture, I'm here to answer your questions.

**CHAIRMAN BISHOP:**

They're numerous. I'll let Legislator Caracciolo who has -- it's in his district, let him take the lead.

**LEG. CARACCIOLO:**

Hi, Sean.

**MR. WALTER:**

How you doing?

**LEG. CARACCIOLO:**

Good. The primary question I have is I guess how did the town find itself in a situation, having agreed with the County to jointly purchase this property at a purchase price of 14,000 County cost and 1,000 an acre town cost, to subsequently to the same seller offer a

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purchase price in excess of additional or about \$10,000 an acre more, same property?

MR. WALTER:

The original contract was signed, I guess it was signed by Bob Kozakiewicz in December of 2001; I think December 11th is when the transmittal letter was. The contracts had not been signed by the County. The sellers -- as you know, the real estate prices had increased, the seller's attorney contacted us and indicated that they were no -- that the County hadn't signed the contract, that they considered that the deal was not going to go forward with the County and they inquired as to going forward with the town. I don't know what transpired between December and March, why the contracts were not signed. I do know that the sellers did not make a demand for a return of the contracts until I think June of 2002. But it was our understanding that the contracts were to be returned and that they were not going to go forward with the County/town purchase and they were pursuing a town purchase.

We have not formally made them an offer. We have done an appraisal. When we realized -- we put it on for public hearing July of 2002. When we realized that the contracts had not been returned on -- I guess around June of 2002, we did not hold the public hearing and we spoke with Ms. Costigan and Mr. Burke and we stopped -- and I believe -- well, we stopped the process at that particular point. The entire time it was -- we were operating under the premise that the contracts were going to be returned if the County wasn't going forward with it.

LEG. CARACCIOLO:

Well --

CHAIRMAN BISHOP:

Is it Riverhead's position that the contracts are not binding or challengeable?

MR. WALTER:

No.

CHAIRMAN BISHOP:

So the original contracts are valid.

MR. WALTER:

Yes.

CHAIRMAN BISHOP:

But you're coming and saying release the seller from one of them; which one is that, the 16 or the 32, the larger of the two?

MR. WALTER:  
The 16.

DIRECTOR COSTIGAN:  
The 16, that Riverhead would go ahead on the 16, we would go ahead on the 32 and they're conditions would be lifted.

20

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CHAIRMAN BISHOP:  
We would go forward under the 32 under the deal that we struck and then on the 16 we would be out of the deal and Riverhead would handle it on their own.

DIRECTOR COSTIGAN:  
That's correct.

CHAIRMAN BISHOP:  
Okay.

LEG. CARACCIOLO:  
Do we have a contract signed for both parcels by the seller?

DIRECTOR COSTIGAN:  
There are two different contracts, one for each parcel, both are subject to subdivision. If we went ahead with the compromise there would be no condition on our contract so we could go right ahead and close.

LEG. CARACCIOLO:  
I understand that, but --

CHAIRMAN BISHOP:  
It --

LEG. CARACCIOLO:  
It really --

CHAIRMAN BISHOP:  
From the County's perspective, just if I may, we're not suffering any harm or detriment as a result of this deal except to the extent that we share constituents in Riverhead. I mean, it seems to me that it's Riverhead Town that has to answer to its constituency why it chose to do this. But from our perspective --

LEG. CARACCIOLO:  
That's really the question. I understand that, Mr. Chairman, I appreciate the clarification. So the question to Mr. Walter would be why would the town want to involve itself in a matter that is going to create a public perception that if contracts are signed by two

parties, a buyer and a seller, that they really don't matter because at a later date another party may come along and up the ante and pay more for that same property; in both instances you're dealing with municipalities. And I find it hard to believe, quite frankly, that there was no conversation with County officials between December of 2001 and June of 2002 on this property?

MR. WALTER:

Well, to answer the first part of your question, I think the town is caught here in a catch -- it's a catch-22 because no, we do not want to be perceived as purchasing above the contract price. However, we were proceeding on the assumption that the contracts were not valid because the County took in excess of four months to sign the contracts which is a little unusual.

21

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LEG. CARACCIOLO:

Let me ask a question to Ms. Costigan then. Did anyone in the Division of Real Estate have any conversations with the Town of Riverhead between December of 2001 when this contract was signed and June of -- or any subsequent time before the second offer came on the table to the Gatz'?

DIRECTOR COSTIGAN:

I can only speak for the period from March until May as I wasn't here before then. I didn't have any conversations, although this was on our list, our joint list the entire time.

LEG. CARACCIOLO:

And we had meetings during that period of time and I don't remember any conversations with the town about them upping an offer in excess of what was an agreed upon contract price. Mr. Isles, could you join this conversation, because you attend those meetings. Hi, Tom.

DIRECTOR ISLES:

Hi, Mike.

LEG. CARACCIOLO:

Do you have any recollection or have you had any -- had you had any communication, you, Mr. Burke, anyone in the Division of Real Estate, Department of Planning under your jurisdiction with the town regarding the matter we're discussing today, and if so when?

MR. ISLES:

What I can recall, which goes back now almost a year ago, is that -- I don't recall any specific discussions, however, we did have fairly regular meetings between the County and the Town of Riverhead regarding the status of acquisitions. And this one, Gatz, being a joint acquisition with the County putting in most of the money on the

current contract parcels, the town putting in a small amount of money, it would probably have been on the agenda, I don't recall it specifically because we deal with scores and scores of parcels. So in direct answer to your question, I can't pin to a pinpoint off the top of my head a specific date of meetings and so forth. However I can answer you generally saying that it was a customary practice every two to three weeks or perhaps a month we would get together and review pending acquisitions, generally speaking.

LEG. CARACCIOLO:

When did this particular matter come to your attention?

MR. ISLES:

Here again, specifically it's hard to say. I have been familiar with the Gatz matter as a parcel that the Farmland Committee of the Legislature approved for some time. I hadn't been following it on a day-to-day basis as it went through the County Attorney's Office and the process of getting the contract signed. But more recently, obviously when this issue came about, it's been taking more of my attention.

LEG. CARACCIOLO:

But that's what I'm trying to pinpoint, when was that? When did we

22

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learn that the town was prepared -- and Sean, maybe you can clarify that point. Has the town offered the sellers, in this case the Gatz family, a --

MR. WALTER:

No, the town takes a little different track than the County. We don't send contracts out first, we hold a public hearing, get input from the public, and once the public hearing is held we'll pass a Town Board resolution authorizing the purchase and then we forward contracts. So no formal offer has been made at this particular juncture.

LEG. CARACCIOLO:

Okay.

MR. WALTER:

The most that can be said is we ordered an appraisal. And the one thing I will say is in the intervening period from -- as you all know, from December, 2001, to July when this public hearing of 2002 was being held, real estate prices went through the roof. So without the signed contract in hand and the sellers operating under the premise that the County for whatever reason wasn't going forward, it would be unusual for us to take another look at it to get the price locked in and preserve the parcel. Because I can't comment on whether the conversations we had, I was aware of the meetings that you folks had.

I guess what the town is proposing -- I'm not here to say who did what and when, but there's a bad situation here. You folks were discussing litigation, a subdivision process is going to take a year, we certainly don't want to alienate the farmers. We're not in the -- Riverhead stands ready to work with the farmers within the appraised values to purchase the property. To my way of thinking, there's a rational way around this to get -- move forward, purchase the property. And as you said, the Town of Riverhead may have to say, "Well, farmers, we spent or taxpayers of Riverhead, we spent -- offered 25,000 as opposed to 15,000," but the Town Board has committed to purchasing these properties at fair values from the farmers and they're ready to do that.

LEG. CARACCIOLO:

Well, what I would point out to the town board then is that they have a fiduciary responsibility first and foremost to the taxpayers and they should not be involving themselves in a legal contract that has been executed between two parties after the fact --

MR. WALTER:

We're a party to that contract, so we were directly involved.

LEG. CARACCIOLO:

Well, that's why I find it a little peculiar that the town would not have known that there was a fully executed contract in March of '02?

MR. WALTER:

When we went forward with this there was not a fully executed contract.

23

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LEG. CARACCIOLO:

When was that?

MR. WALTER:

It was probably in the wintertime of 2002.

LEG. CARACCIOLO:

Well, you said the supervisor signed the contract on December 11th --

MR. WALTER:

Right, that's not a fully executed contract.

LEG. CARACCIOLO:

-- of '01. Okay. Well, you didn't have an offer acceptance.

MR. WALTER:

We didn't have a contract from the County. So that the supervisors --

LEG. CARACCIOLO:

When did the County sign the contract, Tom?

DIRECTOR COSTIGAN:

March.

LEG. CARACCIOLO:

March. When did the Gatz' sign the contract?

MR. WALTER:

I would say the early part of December, from what I read from the file.

LEG. CARACCIOLO:

Okay, so they were the first party to sign, the sellers signed first, the town signed second, the County signed three months later; it's a legally binding contract.

MR. WALTER:

And the Town of Riverhead stands ready to move forward with the contract if that's what you choose. At this point they have to make, the Gatz' have to make an application for a four lot subdivision and that's going to take some time. And then, you know, I'm going to be quite honest with you, I don't know what the Gatz -- I don't speak for the Gatz', they have to take care of what they have to take care of. You folks are mentioning litigation, I have not heard them taking that posture with the Town of Riverhead so, I don't know, maybe you have more information.

LEG. CARACCIOLO:

Okay, maybe we can get clarification then from the Director. Christine, where did we get a hint that there might be litigation? And if there is litigation, is the County's position, in your opinion, defensible and will the County's position prevail in the court of law?

LEG. FISHER:

Is that executive session?

24

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CHAIRMAN BISHOP:

That's a discussion of litigation.

DIRECTOR COSTIGAN:

No, no, there is not -- we have not discussed litigation nor is there any pending. The reason that we were talking executive session before had to do with the price of contracts was the original motivator for why we were there. The Gatz' -- the position that we understand from the Gatz' attorney is that having been understood to have been offered

25,000 from Riverhead, they would like to pursue that on the smaller property. It's not a question of litigation, it's a question of expediency on the larger property. Because of the fact that they haven't started the subdivision, we could wait forever if that ever gets done and we would like to close on it.

CHAIRMAN BISHOP:

Are we completely out of the deal on the 16 acres if we accept?

DIRECTOR COSTIGAN:

If we buy the 32 without condition, we're out of 16.

CHAIRMAN BISHOP:

So technically --

DIRECTOR COSTIGAN:

And then Riverhead can grapple with that.

CHAIRMAN BISHOP:

Well, not technically, actually we save the County taxpayers \$16,000 by --

LEG. CARACCIOLO:

Fourteen.

DIRECTOR COSTIGAN:

Fourteen times 16 acres, yes, that's right.

CHAIRMAN BISHOP:

Oh, we were in for 14 times 16, okay. So from our --

LEG. FISHER:

Riverhead is only 1,000 per acre.

CHAIRMAN BISHOP:

From our perspective we're saving money.

LEG. CARACCIOLO:

Right.

CHAIRMAN BISHOP:

Okay.

LEG. CARACCIOLO:

Counsel, you've heard the conversation from -- in your opinion, I should say, how should -- what advice would you give this committee?

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MR. SABATINO:

The advice I would give initially is to find out what problem it is that we're trying to resolve. I mean, I think what came out of the last executive session was that it was unclear to me as to what the proposed stipulation was contemplated to resolve. I mean, somebody is proposing a solution but nobody has defined the problem, so once you know what the problem is you can make a business judgment as to whether you think the proposed solution makes sense.

CHAIRMAN BISHOP:

I think they stated the problem essentially is that they have good faith with the farming community in Riverhead.

MR. WALTER:

I would say that's a fair assessment.

CHAIRMAN BISHOP:

That's the problem that --

MR. SABATINO:

Looking at it as an outsider, I'm just sitting here listening to the testimony, we've got two binding contracts, we have a seller who would like to get more money --

CHAIRMAN BISHOP:

But not from the County.

MR. SABATINO:

Well, somebody who would -- we have a seller who would like to get from taxpayers in general or taxpayers in particular, they don't necessarily care which group of taxpayers, they would like to get more money at the end of the day and that's a legitimate position for them to take. But people on the other side of that equation have to make a judgment as to whether or not it fits into some sensible scheme and if it's consistent with the discharge of your fiduciary responsibility. So --

CHAIRMAN BISHOP:

My fiduciary responsibilities are towards County taxpayers. You know, you're moving past -- I don't know what you're -- you're making an argument and the question I guess is from a legal -- he wants a legal opinion, not a target.

MR. SABATINO:

From a legal standpoint you've got two valid contracts, my advice to you would be to adhere to the two contracts.

CHAIRMAN BISHOP:

Okay.

DIRECTOR COSTIGAN:

I did not mention and I sent over the terms of the contract where the seller has a complete out, that's the problem. The problem is we have two attractive contracts but in both instances the seller has control of the contract in that if they don't proceed with the subdivision that's the end of the deal.

26

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LEG. FISHER:

Then that defines the problem, doesn't it?

DIRECTOR COSTIGAN:

So what we achieve here is we save the larger piece, we buy the rights, we preserve the contract while the seller goes off to battle on a subdivision on the second piece.

CHAIRMAN BISHOP:

Okay, thank you.

LEG. CARACCIOLO:

Good, that clarifies it.

DIRECTOR ISLES:

Good point.

CHAIRMAN BISHOP:

Thank you. Okay.

LEG. CARACCIOLO:

Before everybody goes, I just want to make certain I understand that last point and that is -- anyone at the panel or Legislative Counsel. Given those conditions in the contract, subject to a fallout subdivision, it would then -- you could then say that this contract cannot be consummated until such time as application and approval of that application was made by the Town of Riverhead.

DIRECTOR COSTIGAN:

Those are the terms of the contract.

LEG. CARACCIOLO:

And that, as Mr. Walter has represented, may take up to one year.

MR. WALTER:

Well, the only clarification would be the seller would make the application to Riverhead Planning Department for a subdivision.

LEG. CARACCIOLO:

Right, right. So it's really in their hands at this point as to whether or not they want to consummate these contracts sooner rather than later. There apparently is no time frame in the contract for

them to apply for a subdivision?

DIRECTOR COSTIGAN:

That's correct.

LEG. CARACCIOLO:

Okay. So they could do it immediately or they could do it a year from now or they could, I guess, do it any time in-between or any time thereafter.

DIRECTOR COSTIGAN:

Or never.

27

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MR. WALTER:

Right.

LEG. CARACCIOLO:

Okay, thank you.

CHAIRMAN BISHOP:

Thank you.

LEG. HALEY:

Thank you, Sean.

CHAIRMAN BISHOP:

Our final presentation is from the Suffolk County Department of Health, Mr. Walter Dawydiak and Mr. Vito Minei. They are, of course, from the Division of Environmental Quality and the issue is the study of the County's Vector Control Plan which is on the agenda for approval.

MR. MINEI:

Good afternoon.

CHAIRMAN BISHOP:

Good afternoon.

LEG. CARACCIOLO:

Hi, Vito.

MR. MINEI:

Good to see friends here this afternoon.

LEG. HALEY:

Friends?

MR. MINEI:

We haven't started yet. As you mentioned, Dave, we're here to talk -- give you an overview of the Vector Control, the proposed management plan and GEIS. It relates, at least in the context of today's meeting, to two resolutions before you I believe, 1045-03 which is the final scope for the GEIS for the Vector Control and Wetlands Management Long-Term Plan as well as 1067-03 which deals with the proposed budget to carry out the management plan and the GEIS.

As the package that you have before you indicates, we hope to address several issues through this presentation. One, the management issues and the challenges before us, before the County as we move forward. Number two, an outline of the initial approach. And number three, what -- the biggest question I guess is how the costs and the scope of the project has expanded over the last several months.

As you mentioned, Dave, I'm joined today by my colleague, Walter Dawydiak, who is our Acting Chief Engineer for the Division of Environmental Quality, and if this project moves forward Walter would also serve as the Project Director. So with your acceptance, I'll let Walter proceed with the presentation.

28

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MR. DAWYDIAK:

Thank you, Vito. And thank you, Mr. Chairman and members of the committee. The package that was handed out to you has a couple of pieces of paper which I tried to make convenient. On top is actually a printout of the presentation itself. There's a lot of slides, I'm not going to go through all of these in detail, I'm going to blow by them quickly, but if anybody wants to stop on any particular slide or discuss an issue, we'd be happy to stop and do it in greater depth. The other two pieces of paper that you have relate to the package that was mailed to you last week, but the two of interest to you today are the program cost estimates which should have been the second piece of paper in your package, this outlines the initial estimate of about two million -- the 2.5 million proposal, how we got to \$4 million in consulting fees and a half million dollars in operating expenses. The last piece of paper of interest to you is the breakdown of four and a half million dollars over the two year duration of the study, so we can refer to those later as we get along.

CHAIRMAN BISHOP:

Okay.

MR. DAWYDIAK:

As Vito pointed out, we're going to spend just a few minutes talking about how we got here, what our initial proposal for tackling this problem was and where we stand now in terms of increases and scope as well as costs.

First and foremost, vector concerns are not merely a nuisance program. We do take them very seriously, not merely for Malaria but also Eastern Equine Encephalitis and everybody is aware of the West Nile Virus issue. And this slide shows the latest statistics from the CDC updated just recently tallying the year-end stats on incidents rates as well as deaths, and you see that in the nation we're up to over 4,000 human cases with 263 deaths, roughly equates to a 6.6% death rate doing some simple math. Again, we don't know what the actual exposure rate is and how many people that are exposed become seriously ill, enough to be reported, but those statistics enough are certainly cause for a concern.

The fact that the nation's blood bank may have a contamination issue with respect to West Nile Virus is yet another complication that the CDC is concerned with from a human health perspective. From an ecological perspective, the concern with West Nile is its unusual spread both in terms of repetitivity and pervasiveness. Over 175 species of birds and 20 species of mammals, thousands of horses, birds possibly up into the millions dead of West Nile primarily within the past year as the spread has become explosive. There's a concern about endangered species as well as exotics and zoo species as more and more species become infected and succumb to this lethal virus nationwide. This slide shows the CDC and USGS approximation of the spread of the virus as a function of bird infection rates. You see from east to west the rapid spread, the white areas, many of which are expected to become red, the results are just not in yet.

29

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What have we done about this problem? Going back into the 1990's, we were aware of a lot of the chemical, public health and ecological issues with respect to West Nile. This is just to give a little bit of perspective that with respect to Resmethrin, {phseumethrin} and PBO, the adulticides, Malathion, {Methyprin}, {alarvacide}, we've been aggressively pursuing in both groundwater and stream samples going back to 1998, we've got over 3,000 groundwater samples, we're up over 300 since 2,000 in terms of stream samples and we haven't picked up any of these chemicals in the environment which is good news and we take it with a word of caution and that these are not nearly exhaustive enough and targeted enough to give us a clean bill of health. But at least to the extent that we've been looking, and we've been looking aggressively, we haven't found these things; again, no surprise, they're meant to break down rapidly in the environment and they're applied in such a manner to prevent their reaching our groundwater and surface water. The US Geologic Survey is doing additional studies at lower detection limits and we hope to get yet additional insights as to whether this is present at very low levels.

One of the things that sort of kicked off the big controversy about Vector Control in the summer of 2001 was the fish kill in Priest's

Pond off of Reeve's Bay and Flanders Bay and the department presented testimony at a series of hearings indicating that we did corroborate the findings of the baykeeper and others who analyzed a sample for Pyrethrin and other chemicals. Pyrethrin was found in those fish, Vector Control chemical was not found in those fish. And I can't state that strongly enough, that PBO, a common synergist, was found which is consistent with Pyrethrin. Vector Control uses Pyrethroid which has an entirely distinct chemical signature which was not found in the fish. Again, an area -- we have spoken to the marina owner, we've got lots of historic data on dissolved oxygen and fish kills on our own in that area, it has been prone to historic fish kills, low DO a likely cause. Possibly non Vector Control pesticides and, again, we haven't been able to construct any data, analysis or causal mechanism analysis to suggest that Vector Control caused this kill.

At least an equally big issue than the chemical issue is the water management issue. This is a pretty sobering statistic that in the County of Suffolk with roughly 11,000 acres of title wetlands, much greater than 90% of those have been fundamentally, hydrologically and ecologically altered by ditching. You know, more than 10,000 acres of our nearly 11,000 acre stock of title wetlands, this precious resource, ecologically, aesthetically, environmentally has been fundamentally altered and we don't know the extent to which that's had impacts on those wetlands, the species that use them and on the receiving waters from which fish would be filtering pollutants.

Just a couple of quick factoids. These 660 plus miles of ditches, if you walked from Huntington to Montauk, you do it eight times before you got near the length of what these ditches, laying back to back would equal. It's a tremendous length, less than 10% of it is being maintained annually as per the scaled back plan of work. But with respect to wetlands, it's fair to say nobody can contest that there is no activity more fundamental to the management of wetlands than vector control water management. Just a slide showing the extensive ditching of William Floyd, this is replicated all up and down the south shore

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as well as the rest of our estuaries.

The Peconic Estuary Program has been cognizant of this issue, there are management plans and recommendations dealing with it. Vector Control is not doing any significant reopening of ditches once they have been filled in, they're not doing new ditching. The degree to which a ditch is filled in is still subject to controversy. DEC has not come to closure about whether that means 51%, 99% or some number in-between which is what it means. And there are various other recommendations that do need to be harmonized. But essentially the Vector Control Program was one of the basis for the Peconic Estuary Program recommendation and we have been moving in that direction.

The Open Marsh Water Management issue is particularly critical because we applied for an EPA grant and we haven't been able to get this program off the ground since application in 1999 and funding in 2000, mainly because the DEC refused to fund any demonstration projects; they don't believe we have enough data to justify positive impacts for open marsh water management. Again, OMWM as it's know has a lot of benefits, by impounding the water and altering hydrohydrology of the marsh area, you're creating an area for fish to eat mosquito larvae. Mosquitoes are controlled which is a good thing, public health is protected, you're using less chemicals to control mosquitoes, you're improving the habitat on the marsh, you're also preventing storm water inputs and other pollutants from flowing into the marsh by retention, settling and natural treatment processes. It's really a win/win situation all around when done properly, but we haven't had a lot of success getting demonstrations here on Long Island even though those have been done elsewhere. Legislator Caracciolo?

LEG. CARACCIOLO:

On just that point, are those type of methods used elsewhere and effectively?

MR. DAWYDIAK:

Yeah. In fact, one of the consultants proposed for this study is heading up a pilot study of a number of open marsh water management projects in the northeast. {Mary Jane Jamesperie} who's worked with Charlie Roman, University of Rhode Island and the Fish and Wildlife Service has spearheaded a number of OMWM programs through Rhode Island and other areas in the northeast with reported success. There have been limited trial basis projects done in Suffolk County, the DEC is still not satisfied that they have been done well or successfully. And part of the scope of this effort is to bring in expertise from elsewhere, to bring in the literature, the monitoring techniques, the restoration techniques and to do some of these early demonstration projects with both Cornell and Ducks Unlimited doing those demos.

MR. MINEI:

And New Jersey as well. New Jersey carries OMWM operations year-round with the planning and design in the winter months, any ditching or impounding done before the springtime. So New Jersey and certainly Rhode Island are two areas in the northeast that we're familiar with.

LEG. FIELDS:

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New Jersey does it in a very large way, too.

LEG. CARACCIOLO:

Given that, given those facts, what remains to be proven to the DEC that they have been reluctant to put their seal of approval on this method?

MR. DAWYDIAK:

When you find out, we'd appreciate it if you can let us know. It's kind of a mystery to us that they haven't been engaged to work cooperatively. You know, they've taken the role of regulator and the burden of proof that they demand to show that a project will be absolutely beneficial has just been extremely high and it's a mystery to me why they haven't cooperated with us to implement this. But putting this project out with this level of expertise and cooperation, you know, we think that they're at the table, they have to be at the table and hopefully this will finally get off the ground.

LEG. CARACCIOLO:

Are there any material differences between those demonstration projects that you've conducted with Rhode Island and New Jersey, are they the exact same methodologies?

MR. DAWYDIAK:

They have been much smaller scale and there haven't been the same number of resources dedicated I think to preimplementation and post implementation monitoring. That's probably a fair statement, there's just not been a large group of people doing this on a large scale. And DEC fears that in some areas altering the hydrology of the marsh may have actually harmed it by impounding too much water, so they want more detailed studies done before these things are implemented. But the short answer to your question is it's fundamentally the same procedure.

LEG. CARACCIOLO:

So at this juncture, in the absence of further studies that meets with DEC approval, this method's on hold.

MR. DAWYDIAK:

We have been stuck for quite a while with this method, that's correct.

LEG. CARACCIOLO:

Is there any way to break that log jam? Can we go to Senator Marcellino and Assemblyman DiNapoli and have a meeting with the DEC and show them the evidence and say, "What gives here?"

MR. MINEI:

Mike, throughout the Peconic Estuary Program we thought we were heading in a direction of rapid and timely implementation of OMWM with the sanction of the DEC; as we got to the last stages, we understood that they had very profound reservations. What we think would move ahead would be within the context of this work plan with demonstration projects that would bring them to the table as well as everyone else

throughout the course of this program. We believe demonstration projects here in Suffolk County is probably the only proof they'll

32

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accept at this point.

LEG. CARACCIOLO:

Would you be open then to a meeting that we can arrange with our State elected officials and the DEC to try to, you know, get over that gap?

LEG. FIELDS:

Can I --

MR. MINEI:

We'd absolutely welcome it, Mike. One of the frustrations is trying to meet with DEC on this subject.

LEG. CARACCIOLO:

Well, I think if we go through the elected officials, DEC will be there.

MR. MINEI:

It's worked before, Mike.

LEG. CARACCIOLO:

Right.

LEG. FIELDS:

Can I interject? Over the last two years I have held meetings with DEC and with members of the County and other entities. One of the major complaints, and it's mostly because of Chuck Hamilton and Karen {Graulic}. They have a couple of complaints, but one in -- one of them is that in towards the city in Jamaica Bay, they feel that the marshes are drowning and they have not proven why the marshes have gotten wetter there, and we don't think it's due to that reason, but it's a natural process and it could be due to a couple of other things. But in the interim, we have not fulfilled what DEC would like to see and that is pre and post monitoring. And until I think they establish that we have monitored the areas before we alter them and then after we alter them and making sure that, you know, they haven't done harm, they're not going to be happy with it. But I think that is also one of their ways of saying, "No, we don't want to give you the permit because it just pushes it further. "

A third reason I think was because they felt that our Vector Control people had not followed some of the rules with ditching and that was what I think that Walter was talking about, was if you ditch an area you're supposed to ditch -- you're supposed to ditch a certain amount

and they felt that our Vector Control had ditched beyond that and it almost seemed like it was new ditching.

So I think that, you know, having the meetings is fine, but I think probably Erin {Croddy} is the person that we need to meet with, not necessarily DEC here on the local level.

VICE-CHAIR CARACCIOLO:

So we need the boss, all right. Legislator Fisher was next.

LEG. FISHER:

33

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Actually my question was about the demonstration projects and you have spoken to that.

MR. MINEI:

When we get into the work plan we can identify different tasks in the work plan.

CHAIRMAN BISHOP:

Legislator Haley.

LEG. HALEY:

So it seems in absence of working with this OMPWM (sic) is that --

LEG. FIELDS:

OMWM.

LEG. HALEY:

OMWM, OMWM, sorry. What are we doing? We're doing -- so what you're trying to say is OMWM will give us the opportunity to have an appropriate mix between some ditching, marsh water management and Vector Control and that's what we're trying to establish. And in absence of doing that or getting DEC, what are we doing? In other words, could we say to DEC in absence of that we're doing C, D and F trying to figure out how we could resolve our issues here on Long Island, such as nuisance control, health considerations and the like. Why wouldn't DEC say, "You know what? All right, maybe this isn't the best thing for us but maybe it's better than what we're doing. You follow me at all?"

MR. MINEI:

Yeah. There are several things that can occur. One, in the absence of this management plan and the EIS, Vector Control has been allowed to maintain some ditches, and we'll identify that it's done on a very limited basis. I just returned from a national conference on coastal --

LEG. HALEY:

That's less than it used to be.

MR. MINEI:

Right, exactly. I was just going to say that --

CHAIRMAN BISHOP:

Can I -- you'll be allowed to answer, I just want committee members to understand, this is preamble. We're not here to have an in-depth conversation about this presentation, we're trying to get to the issue which is the size and scope of the study. And they're just trying to give you background and if we go in-depth on particular issues within this then this is going to take an awfully long time and we're going to lose site of what our real goal is which is to discuss how big a study we want and what we want in the study.

LEG. FIELDS:

But I think in order to understand what the study involves, this committee needs to know what it is -- when they say OMWM, they need to understand what OMWM is. So I think any questions that we're asking

34

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are -- you know, we have experts here that can answer them.

LEG. HALEY:

So the bottom line is so we're looking -- I'm new to the Environment Committee, you know, so the bottom line is getting to the point where we understand that we're going to have to expend X amount of monies for this study so that we can convince DEC that this is the most appropriate way to go; is that --

MR. MINEI:

The plan, the program has both very substantial health ramifications as well as environmental and that was the background we're trying to show you. With regard to this ditching --

LEG. HALEY:

But the bottom line, Vito, is to get to a point where we understand that we need to expend X amount of monies for this study; is that correct?

MR. MINEI:

Right. And the point we were trying to under score is that this is certainly a nationwide problem that people are struggling with. Massachusetts just blocks up their historic ditches and they've having a very difficult time with mosquito infestations. New Jersey and Rhode Island used a scientific approach of impoundments with the restoration of the wetlands.

LEG. HALEY:

No, Vito, I understand. In deference to the Chairman, I understand where we're going now so I'll complete my questioning. I am finished.

CHAIRMAN BISHOP:

Thank you, I appreciate that.

MR. DAWYDIAK:

Okay, this next slide hopefully better elucidates the nature of this very arcane and complicated program. There's a lot of base line housekeeping sorts of activities that this program deals with, complying with the State Environmental Quality Review Act for one. A lot of stuff about digitizing Vector Control records, optimizing and enhancing the way that they do business sort of physically from a record keeping GIS standpoint. But the basic variables that we're dealing here, you know, things like education outreach, surveillance, prevention, those sorts of things are things that can and should be improved and optimized. But the two sets of variables that we're really juggling here are way bigger than just open marsh water management. The chemical piece has to do with larvicides, adulticides and other chemical and non-chemical alternatives. Public Works is trying garlic oil, there may be other physical ways to trap mosquitoes in limited areas rather than applying chemicals.

There's a whole bunch of issues on the table in terms of the physical and chemical mosquito control. And the ultimate goal, again, is to improve and optimize environmental quality while minimizing public health risk both from the toxics and the disease perspective. Open marsh water management is just one piece of the habitat

35

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restoration and water management puzzle. Certain areas probably can and should revert to their natural state, in other areas ditching will not only remove the water and prevent mosquito breeding, it may actually help the marsh. That Jamaica Bay study that Legislator Fields sited is an important one because one of the major stressors there is rising sea level; the more water that comes up into the marsh the more water that will drowned the marsh. Without some ditching to take some of that water off the marsh, the marsh actually dies from the inside out as the { Spartine } or eel grass actually winds up getting drowned. So ditching in some cases is good for public health and the environment potentially.

There is no one size fits all, that's part of the reason we're looking at 20 to 25 pilot studies of different types of subsystems, so we can tailor these programs to these different 11,000 acres. Legislator Fields?

LEG. FIELDS:

Isn't ditching -- the ditching that we're talking about, though, for OMWM in Suffolk County, is that not done in high marsh rather than low marsh?

MR. DAWYDIAK:

The ditching is done up into the high marsh to remove some of the water.

LEG. FIELDS:

Not ditching, I'm talking about impounding --

MR. DAWYDIAK:

But I believe that it extends into a low marsh as well. I'm sorry, the OMWM itself.

LEG. FIELDS:

OMWM itself is not done in low marsh, it's done -- impoundments are done generally in high marsh.

MR. DAWYDIAK:

Yeah, that's generally true. There's a big debate about what OMWM is and what does and doesn't work, but sort of as a general statement that would be true, you would impound the water further up.

Okay, just a quick note about some confusion between this long-term plan and annual plans. This long-term plan can actually more fairly be considered a program than a plan because it has so many elements of operational activity and early demonstration. The annual plans of work are required by the Charter to be approved every year. This long-term plan is considering open marsh water management, fundamental policies about ditch reversion, reconstruction and reopening various alternatives and a long-term monitoring, oversight and management structure. Again this impact statement is really ancillary to this long-term plan or program. It's on the order of three to \$400,000, on the order of 10% of what this overall program is proposed to cost. And you've got a slide there, I won't go over all of these, but basically GEIS' like those performed for Westchester and New York City end up being fairly superficial paperwork exercises on a predetermined course

36

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of action.

So you start with a proposal, you look at a couple of alternatives and you do some mitigation. In Westchester, their mitigation was keep a hundred foot setback and give notice before spraying so people aren't exposed to stuff that we already do anyway. In essence, when you have a management plan, it's very site specific, you collect local data, it's fluid, you don't have a predetermined course of action, you do a

cost benefit analysis for alternatives and you end up hopefully in a place which is better and different than where you started. And you also have a mechanism for continuing monitoring and oversight.

We in the Health Department are in the middle of these two district but closely related processes. We have technical and citizens advisory committees reporting to a steering committee which we facilitate and support in terms of this long-term planning process. We also support DPW and the Council on Environmental Quality and ultimately you as a Legislature have the final say on the scope and the environmental impact statement.

Again, some of the likely outcomes are in your material. Very specific recommendations on habitat restoration and water management for these 20 to 25 primary study areas as well as guidelines and manuals for broader applicability. The very specifics about allowable chemical usage, types of chemicals, rates, methods, locations, setbacks and alternatives, definition of nuisance spraying versus public health spraying and various other recommendations and early actions.

Quickly to get to the cost, this is how we came up with these numbers. We essentially scoped out what we believe was an appropriate management program and we acted as if we were proposing on it using a number of \$100 an hour which is a pretty typical consultant number. And in these 14 tasks, which I'll highlight very briefly in a moment, we came up with a number of about \$2 million. The other sort of reality check that we performed is we checked with Westchester and New York City and, again, these exercises which had no field work, no wetlands component, much smaller scope, no early action or demonstration projects were on the order of 1.2 to \$2 million.

The initial proposal wound up coming in at just over \$2.7 million and through a lot of trimming and negotiating for various work elements, we got it down about 10%. Two point five million was the number that we were comfortable with that the consultant proposed to perform the EIS as well as a long-term management plan, as long as they stayed within the scope of the original proposal with their subconsultants. This is a two-and-a-half million dollar that we start with and that's outlined in detail in your materials.

This went to the Quarter Percent Committee after it was expanded and it was reviewed; I won't go into detail in terms of conformance with Quarter Percent criteria unless people have questions because I know we're running a little bit long.

You got the cost estimates by task in your package. Again, as a rough

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rule of thumb, if you divide by a hundred you'll end up with the actual number of hours for a cost estimate. So for this task one or task two, looking at laws and programs, \$50,000 is roughly 500 hours or roughly 12 weeks of staff work. Task three which includes literature review, planning and early actions is \$200,000. That seems like a high number and it is higher than most of our studies, but what you have to keep in mind is that we have about a half different dozen disciplines here with expertise. We have medical expertise from Harvard School of Public Health, Dr. Spielman is the national expert on West Nile Virus; we have public health expertise in terms of toxicity, children's health issues, breast cancer, Dr. Teitlebaum at Mt. Sinai School of Medicine; risk assessment, CPF is a nationally renowned firm; chemical expertise in the form of Dr. Brownell and McElroy at SUNY Stony Brook, Stony Brook; Entomology expertise at Rutgers; Wetlands expertise in terms of University of Rhode Island Fish and Wildlife Service as well as SUNY Stony Brook. Each of these people plays a role and this is way beyond superficial, it's not just literature, it's published, it's unpublished, it's agency interview, it's direct expertise and it's a major synthesis by the prime consultant, Cashin & Cameron who did really a terrific job both on the initial proposal as well as on the follow-up to put together this program.

Really quickly, breaking down the Vector Control operation and digitizing it so that it can be reconstructed is task four. Task five is environmental status and trends, a pretty modest price tag actually for a major, major effort. Monitoring including biological monitoring we have already done some work with dry deposition and semipermeable membrane devices, that will continue. And again, this is a very ambitious program, really capitalizing on in-house resources and the Health Department by way of estuary programs, looking at air deposition, groundwater quality, stream quality, sediments and surface water qualities as well as {biota}. Part of this is to look at approximately 70 samples of actual living tissue of finfish/shellfish crustaceans to see what, if any, materials are being exposed to.

Task seven is those 20 to 25 wetland sites that I had mentioned. Tier 1 of those areas, the consultants would actually get into the field and characterize the vegetation, plant and animal communities for purposes of defining impacts as well as for purposes of defining early demonstration and implementation projects. The health and ecological impacts on the order of a half million dollars, you have to keep in mind that the 1.2 to two million spent in New York City, the lion's share of that was really simply a health impact assessment. So this is significantly cheaper to look at a much broader range of issues. Management alternatives, the management plan, peer review, meetings, overall management, early demonstration, the education and outreach budget has been proposed at 150,000 and the GEIS piece was estimated at 260,000 in the original proposal.

That's how we get to 2.5 million for the original proposal which, again, was pretty close to what we estimated to do something of this scope that's going to be meaningful. Again, if you spend 1.2 to two million, you end up with a product that may or may not satisfy SEQRA, but that's definitely not going to satisfy any of the agencies or the public commentators here. And for two-and-a-half million, we were

38

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extremely pleased that we came up with a product that was so ambitious, again, leveraging in-house resources.

The thing I want to mention about the scoping process is that there were four categories of commentators. We had a lot of public comments, we had a lot of agencies, in particular DEC telling us to do what a lot of people felt they should have been doing to begin with. We had advisory committees and we had a subcommittee of the Council on Environmental Quality. They pretty much picked apart this whole thing and there was no element that was deemed to be excessive, superfluous or inappropriate or not relevant to the scope. To the contrary, a number of issues were added including expanding health issues, more focus on sensitive subpopulations, fetuses, children, pets, various different subgroups that might be exposed to chemicals, doing more intensive work with local exposure and infection rates, better defining nuisance versus health issues, food crops, organic farming, those sorts of exposures. That actually wound up being relatively modest in terms of the amount that it wound up increasing the scope. All of those issues were on the order of \$200,000 which would be summarized in your materials.

In terms of better refining vector control operations issues, things like thresholds for spraying and treating with chemicals, how effective controls really are on mosquitoes and disease, looking at ground versus air spraying, looking at the West Nile Virus plan in detail, storm water systems and there are a bunch of other issues. One of them that's not up here is non Vector Control chemicals in terms of monitoring and risk assessment. All these things rolled together for an increase of just over \$100,000 in scope.

This next piece is where the lion's share of the increase really resides. The ecological recommendations, many of which were made by DEC, to look at fate and transport studies, to look at wetlands issues in greater detail and other related issues came to \$970,000. I'll blow over this slide on the advisory committee because most of you I think are familiar with how these have been set up. But this is another {discortization} of how these costs wound up shaping out. Those public health evaluations, 200,000, Vector Control 100,000. Direct and indirect impacts included very ambitious caged fish study experiments as well as well studies of birds and insects, that was over -- where

are we here, 300,000, \$330,000. Fate and transport included looking at very detailed measurements of groundwater inflow and chemical composition as well as increased measurements in other areas, that was \$200,000. And the wetlands piece is the single biggest subcomponent of that overall budget. To do a decent remote sensing program as well as full scale open marsh water management demonstrations, the price tag came to \$420,000 with the various additional subconsultants.

So that kind of gives you a feel for where the program was at two and a half million dollars. It went to about \$3 million with all of the public health and vector control pieces, went to about \$4 million based on the ecological pieces. The last \$500,000 -- and Legislator Bishop is already smiling but we're not quite finished yet -- the last \$500,000 was for agency support. To do all of these ambitious caged fish studies, groundwater measurements, stream measurements, biological experiments, we needed staff people, equipment and supplies

39

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at both Health and Public Works; that tally came to \$500,000. So this is how we went from two and a half million dollars to four and a half million dollars. I hope that was sufficiently simplified from what is really fabulously complicated. I'd be happy to answer any questions.

CHAIRMAN BISHOP:

Okay, thank you. A question on the process. Am I understanding the process correctly, that the contract is awarded to a consultant, in this case it was Cashin Associates, and that contract is to scope the project and once they scope the project, and scoping is determining what they're going to do, then they conduct the project; is that essentially what happens?

MR. DAWYDIAK:

Yeah. The way that this project was structured is that we wrote up tasks 1 through 14 and we issued a request for proposals. Funding was only guaranteed for task one, task 2 through 14 were contingent upon approval from the County as well as the Legislature.

CHAIRMAN BISHOP:

Okay. And task one was scope it out.

MR. DAWYDIAK:

Essentially, it was already written up. Task 2 is to refine the scoping of the work plan based on additional climates, so it was to improve the scoping. The scope was drafted by the Health Department for the EIS and the scope of the work plan essentially was the consultant's proposal. And I want to also mention that the consultant went up from 2.5 million to about 3.2, 3.3 million. The other 1.2 million was for agencies like Cornell, like Ducks Unlimited, like the USGS and like the Health Department to do this field work that was

called for by the agency. So --

**CHAIRMAN BISHOP:**

So it's -- but it is, it's a four and a half million dollar endeavor and this Cashin Associates would get 3.2 million of that.

**MR. DAWYDIAK:**

Three point to to 3.3, I don't have the number in front of me.

**CHAIRMAN BISHOP:**

And they were in charge of scoping out the breadth of the project.

**MR. MINEI:**

No. What happened was -- I think we're getting caught up in semantics here, Legislator Bishop.

**CHAIRMAN BISHOP:**

Well, untangle me.

**MR. MINEI:**

The scope of the RFP had all 14 tasks. Task one was SEQRA types of scoping issues, so the scope is already there going through all the health and ecological assessments. There was discussion of marsh management, alternatives, management alternatives.

**CHAIRMAN BISHOP:**

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All right. Let me put it in layman's --

**MR. MINEI:**

So that was in the scope.

**CHAIRMAN BISHOP:**

In layman's language then, they were not in charge of determining what's going to be done.

**MR. MINEI:**

No, we wrote that RFP.

**CHAIRMAN BISHOP:**

Okay.

**MR. MINEI:**

And we estimated that it was on the order of two million plus, they came in at 2.7, as Walter mentioned, we trimmed it down to 2.5 then we went into the SEQRA scoping which they were paid for under the aegis of the CEQ and that's when people came in and said, "Great RFP, great response, but we'd like you to do this much more work."

**CHAIRMAN BISHOP:**

Now, a GEIS, a Generic Environmental Impact Study, is different than a management plan, right?

**MR. MINEI:**

Absolutely.

**CHAIRMAN BISHOP:**

And so if I was a Legislator who believed that I was going down a path of studying whether the Vector Control Program harms marine life and people, and/or people, that would be a GEIS. A management plan answers the question what should I do about it or -- what is the difference between a GEIS and a management plan? I know you have a slide on there, on that, but wasn't the original charge to do a study about whether it harms people and marine life? That's how I understood it to be.

**MR. MINEI:**

Well, there were a number of questions raised by the public, I mean, from this, all the no-spray lists and all the concerns about Vector Control. As Walter outlined it, you could possibly address some of those issues about harm, etcetera, through an EIS. The Westchester approach was looking at various alternatives to their program and it kind of got at the issue you mentioned, but under law you don't have to really address the hard corp issues we're about to address in the management plan approach. Do you have that slide?

**CHAIRMAN BISHOP:**

Let me go back to my simplified language. I just -- I'm not speaking for the Legislature, I'm speaking for myself and if I were the Legislature speaking, I said to you, "Give us a study on whether the Vector Control Program as we currently conduct it harms the public or marine life; " this goes far beyond that, correct?

**MR. DAWYDIAK:**

41

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It goes significantly beyond that. A part of the problem is that there is a general consensus that there was not enough actual information in either the Westchester or city program to answer those questions adequately.

**CHAIRMAN BISHOP:**

Right. So wasn't the point that we were going to study our own marine life and our own people and see -- and our own practices and see whether harm is being done? I thought that's what we were signing on for initially.

**LEG. FISHER:**

Could I just expand on that question?

**CHAIRMAN BISHOP:**

Sure.

**LEG. FISHER:**

When you were mentioning that chart to us, management plan versus GEIS plan, and you spoke of the superiority of the management plan, right, and that we were able to have that management plan done for 2.5 million, yes?

**MR. DAWYDIAK:**

The initial proposal for the management plan and the accompanying GEIS was 2.5 million.

**LEG. FISHER:**

So why are we at 4.5 if we were already getting a superior study done at 2.5?

**MR. DAWYDIAK:**

Because a lot of folks suggested that a lot of initial data gathering essentially be conducted locally which is a very expensive proposition to do in a two year period. I also want to point out that the ultimate authority or the ultimate decision on how large this should be was with CEQ in conjunction with the County. So it wasn't the consultant essentially writing in a wish list, it was people like DEC, EPA and others making recommendations, they were sifted out, some made it in, some didn't.

**CHAIRMAN BISHOP:**

You built on my question, I'm building -- that's an important -- so what you're saying is that the ultimate, this list of 14 items that took a million dollar study that may have cost two million to four million, that came from an entity called CEQ, the Council on Environmental Quality.

**MR. MINEI:**

Through the scoping process overseen by CEQ.

**LEG. FIELDS:**

It came from the public.

**MR. MINEI:**

42

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It came by suggestions from DEC, other federal agencies, a lot of citizens, environmental activist groups, that's where it came from. That's why I was trying to draw the difference between the scope of the management plan and scoping as required by SEQRA, that's the

difference.

MR. DAWYDIAK:

If I could just make one point about how SEQRA works, and I've got an awful lot of background in SEQRA. SEQRA you have a proposal on the table, so Vector Control would say, "We want to do the biggest full scale program we could possibly do. We want to use a lot of chemicals, we want to use them near the wetlands, we want to open up all the ditches." Then SEQRA requires that you take a hard look, that you look at some alternatives, not a whole lot, and that you look at mitigation measures and issue a finding statement. It's not systematic, doesn't rely on new information and it's not fluid in terms of cost benefit analysis and there's no dynamic steering committee or advisory committee structure associated with it. So we're sort of marrying the two in terms of something that will satisfy SEQRA but also result in something new and better and different than that which occurred before. So yes, it answers your question what harm may be done to the environment or the public, but it does the corollary of what can be done better and what are the impacts of that. Does that make sense?

LEG. FIELDS:

CEQ -- Dave? I guess we lost half our committee. CEQ was present while the public came at a public meeting for the scoping session; in other words, the public was out in the audience and they said, "This is what we would like to see when you perform the GEIS." And there was a time --

CHAIRMAN BISHOP:

Does that get put on the list, then, does that become number 13 or 14?

LEG. FIELDS:

No, that was part of it.

MR. MINEI:

No, it got incorporated into the 14 tasks.

CHAIRMAN BISHOP:

Who voted on the 14 tasks?

LEG. FIELDS:

As a part of SEQRA you have to incorporate all of the comments from the public and anyone else that has any interest, any interested parties. So there was also a comment period that was extended past the public hearing or public scoping session, according to SEQRA, and the other part of that SEQRA project also is you can do this, this, but the other part of it is and you can do nothing; you have to look at that. And so that was incorporated, which it has to be according to SEQRA.

CHAIRMAN BISHOP:

43

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Okay. SEQRA mandates that CEQ hold public hearings and at the public hearings the public comes forward and says, "Oh, you're doing a study on Vector Control, I'm concerned about the effect on robins." So if you were concerned about robins, that gets put on the list and that becomes a task?

MR. MINEI:

Under the review of CEQ, they made the cut as to what was appropriate to add to the scope, among all the questions.

CHAIRMAN BISHOP:

That's what I'm asking. So CEQ was the entity that decided how much of a study or how much of a management practice --

MR. MINEI:

Right. Basically what they did was they had a subgroup of their multi member staff that went through the process with us, sort of culled through all the comments and they said, "This is legitimate, this is a little out of line with what we anticipate." And what was neat was -- and it shows you how prescient we were in preparing the 14 tasks, the comments and the additional work could be fit in under the original scope of the 14 tasks. But now we're doing two things here, we're trying to address all of the issues that constitute a proper management plan. And I think you characterized it correctly, you could go so far with an EIS and kind of evaluate whether you're being harmed by this program and whether there are alternatives and then we come back to you with a \$2 million EIS and you ask us, "Well, what do you do about it? " And we want to be able to answer those questions of what appropriate management solutions to what do you do about it, do you leave them to revert by themselves, do you go OMWM, do you spray, do you not spray. That's a big step and we took that exercise on ourselves.

CHAIRMAN BISHOP:

None of the prescient suit-sayers on this committee could see that Legislators were going to have a conniption when it went from a million to four and a half?

MR. MINEI:

No. I mean, we knew that the scope and the costs were rising dramatically and we were hearing the commentary, but quite honestly, we followed the process that was laid out by CEQ.

MR. DAWYDIAK:

I do want to clarify something, though; I think I owe it to you to do

this. There is the action and there is the environmental review and this becomes very messy because there is a lot of overlap here. Technically, the action is DPW's action with us managing it on their behalf. The environmental review is what CEQ passes on, not the action itself.

Let me just illustrate with respect to this additional cost slide. Some of those additional costs are things which are probably required as part of the SEQRA review meaning we need to do public health environment -- public health evaluations to see what the impact on {public health RS part of SEQRA}; that's a SEQRA environmental review

44

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issue in the scope of CEQ. The issue of how many OMWM demos we do, that's part of the action which can change as the proposal changes. So a lot of these fundamental studies that are part of the action are not part of the environmental impact analysis, they're part of the program itself. So there's more degrees of freedom there.

CHAIRMAN BISHOP:

Right, that's exactly right. If I could memorize that phrase exactly, that's the key. And what I thought we were heading towards was just an evaluation of the program and not the implementation of the --

LEG. FISHER:

Not the action.

CHAIRMAN BISHOP:

Not the action, and it changed and that concerns me, speaking only for myself, I don't know what the view of the committee is.

LEG. FIELDS:

Can I ask another question?

CHAIRMAN BISHOP:

Yes, Legislator Fields.

LEG. FIELDS:

On the alternatives, one of the things you have listed here is an evaluation on garlic oil or other alternatives. Wasn't that already being done by D,PW wasn't that according to a resolution that somebody put in?

MR. DAWYDIAK:

It was implemented on a small scale locally, but there hasn't been a great deal of pre or post implementation monitoring and I think that the intent would be to repeat it, do it a little bit bigger and have additional monitoring to see how effective it is. You know, treating an acre in an area, if it's successful once you don't have sufficient

control of a number of variables to know how successful it might be in all places under all conditions. Yes, it's been tested, it can and should be tested more.

LEG. FIELDS:

Just out of curiosity, it was tested; has anyone been told what the results were?

MR. DAWYDIAK:

I haven't.

LEG. FIELDS:

Vito?

MR. MINEI:

I'm not aware of the results.

LEG. FIELDS:

The garlic study, part of this is that we do a garlic study --

MR. MINEI:

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I think it was done at Smith Point.

LEG. FIELDS:

-- and yet we had a resolution that asked us to do that and we don't even know the results of what happened with the original study, and they don't know the results, so I'm curious.

MR. MINEI:

And part of concern is garlic oil may have very limited aerial accessibility. To answer your question how this expanded, that was done at our suggestion, Dave. I mean, we could have done the very, very limited EIS that you're talking about, but we were already apprised of the situation from the city and Westchester and we knew that the questions were going to come from you and from the public as well as other agencies. Okay, now that we've done this EIS, we've spent close to \$2 million, we've kind of evaluated a few different alternatives, what we going to do about this major program that effects wetlands? And in trying to foresee that outcome, we tried to incorporate it and the process was suggested by us. So if that's an intrigue to you, it shouldn't be from this point forward, we suggested the process.

CHAIRMAN BISHOP:

In terms of -- and I know you have question. In terms of a study and an action that costs four and a half million dollars, only -- I mean, the lion's share of that is going to a consultant, \$3 million. Couldn't -- or why is it not more prudent to do that if it costs so

much to adjust County government to meet that goal, to use the money to fund new positions, wouldn't it be cheaper that way?

MR. MINEI:

As far as I know, we do not have the expertise of Dr. Speilman who wrote the book on communicable diseases nor the expertise of Dr. Teitelbaum on the possible breast cancer expertise. What we were trying --

CHAIRMAN BISHOP:

But just -- just so I -- I'm sorry, forgive my --

LEG. FISHER:

But that was in the two and a half million, that was in the first two-and-a-half million, wasn't it? Okay, that wasn't in the additional costs, those experts are in the first two and a half million.

MR. MINEI:

No, they were in there but their activities have expanded as a result of scoping.

CHAIRMAN BISHOP:

And let's say -- pick one of these doctors, an expert from --

MR. MINEI:

From Harvard School of Medicine.

CHAIRMAN BISHOP:

46

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From Harvard. Now, what is he -- is he coming to Suffolk County for a year?

MR. MINEI:

No, you get so many hours of his time as part of the consulting team. When you say the Cashin --

CHAIRMAN BISHOP:

So we pay Cashin to contract with him, so why don't we just contract with him direct up at Harvard?

MR. MINEI:

Well, that's one of the interesting parts, is that the core consulting team did not charge which often times is legitimate under our contracting process, an administrative fee for contracting with them. What we're getting is all these multiple components at the rate we would contract with them. The other point you were saying, why can't we do it on our own, part of this team is really a vector control

overseer for Houston, Texas who's also tied in to the gulf state, so we're getting expertise on vector control from outside the area.

CHAIRMAN BISHOP:

But what are we paying Cashin to do?

MR. MINEI:

We're getting -- they have expertise in a number of the areas. Number one, project management, they also have expertise in wetlands. In fact, one of the things that was interesting to me is as far as the Peconic Estuary Program we got I believe one of the best products out of Cashin on submerged aquatic vegetation. They were also our contractor on the Peconic River Health and Environmental Assessment, so they had the background on that.

What has happened is the team has expanded dramatically to other levels of expertise and brought in areas on vector control which Cashin does not have the expertise. Cameron, the other consultant, has the Nassau County head from DPW's to oversee vector control. But you're getting many consultants on wetlands from SUNY Stony Brook, from the University of Rhode Island and other areas besides that as part of the consulting team. So it isn't just one or two consultants, it's a number of consultants as part of this project.

CHAIRMAN BISHOP:

I guess what I'm asking -- and it doesn't require an answer, perhaps it's something I need to address to Budget Review -- if you have something that's reoccurring, expertise that you need in the Peconic River, expertise that you need in Vector Control, perhaps in the Long Island Sound and the Great South Bay, then why continually go out to a consultant, why not just hire an expert already here? You know, so -- but then you point out, well, they have the expertise, they're doing it in these other areas around the County. So I don't know, that's another question perhaps for another day.

MR. DAWYDIAK:

47

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The other part of the answer is that you really need to mobilize a significant number of experts over a very short period of time which we just can't easily do. I mean, for us to hire 20 people for a year and then kind of lay them off is just not a practicality in the context of how we operate.

CHAIRMAN BISHOP:

Right.

MR. DAWYDIAK:

Just to give you a feel for the numbers, again, Cashin is about a million and a half dollars, the risk assessment specialist is about a half million and it's a little over a million for about twelve other subcontractors who are specific areas of expertise, whether it's public health, ecology or any one of a number of different areas. So a million and a half of that would go to the prime consultant to do a lot of the SEQRA leg work as well as a lot of the environmental review.

LEG. FISHER:

That's what he's saying we should do.

CHAIRMAN BISHOP:

Right.

LEG. FISHER:

But you're saying -- I think that that's what the Chairman was asking. That preliminary leg work that we're paying Cashin to do for a million and a half dollars is not being earmark to those experts from around the country, that's that preliminary SEQRA legwork which you guys do all the time in Health and in DPW, you know what you're doing there. These aren't the experts from Rhode Island and Harvard and wherever else. So that's a million and a half dollars that we're paying to Cashin that I believe, along with the Chair, I'm not convinced that we don't have the capability of doing that.

MR. MINEI:

But Legislator Fisher, what you're saying is drop other major programs we're doing in the Division of Environmental Quality and concentrate X number of staff just to this project. And what we're saying is I believe it's more cost effective over time to the County to hire a consultant team for a concise period of -- you know, for an explicit period of time, let them put all the members together, be responsible for that administrative headache rather than diverting time we just don't have for a major project of this size.

LEG. FISHER:

But since I have been in the Legislature I have seen you present a variety of data to us here in the Legislature and there are people in the department who are doing this type of work.

MR. MINEI:

Not Vector Control. What we're doing --

LEG. FISHER:

But you have been -- I mean, it has been testified here or represented here that there have been studies; Legislator Fields refers to an alternative study that has been studied.

MR. MINEI:

And we plan to commit those kind of resources as part of our activities. But all of this other work, you're asking why don't we just take it on, is a major, major effort, I mean, it's probably at least six months effort to this point. I mean, I proposed this process to the County Executive's Office probably a year ago at this time and it took Walt and his staff probably a month, month and a half to write the RFP, we went through the selection process and then we were in scoping in August; I mean, you're talking about diverting a lion's share of many programs in the Department of Health Services just for this one activity. And what we're saying to you, and I believe strongly, is that this is money well spent because it would have taken us longer for one thing, I think we would have spent more time trying to secure these individual experts over time and executing contracts one after the other with these experts would have taken us a long time to do and we would be debating this five years from now on where we are on the health evaluation, the ecological assessment and looking at the programs for vector control; it just doesn't happen that easily, to just take off time and divert staff to oversee a major program.

CHAIRMAN BISHOP:

Legislator Fields? Oh, sorry.

LEG. FISHER:

I had interrupted you but I wanted to ask another question.

CHAIRMAN BISHOP:

Okay, I'm sorry.

LEG. FISHER:

I'm sorry.

CHAIRMAN BISHOP:

Legislator Fisher, finish.

LEG. FISHER:

I had another question regarding the chart that's on the board and -- no, actually what you had spoken about earlier regarding an EPA grant. When you were describing the slide that's on the screen now you used the word demonstrations there; are demonstrations part of this whole project and are they the type of demonstrations that you would need for the EPA grant?

MR. DAWYDIAK:

Well, the EPA grant was for \$75,000 and that was essentially to

demonstrate a regional plan to implement OMWM. It was done after a couple of early trials when we didn't think that implementation was a questionable issue, it was a matter of picking out the highest priority sites, setting a time line and developing costs to do it. We had to retreat and take a step back and use that 75,000, that I'll probably use to fund one of the implementation projects. We have a

49

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site in Goose Creek in Flanders Bay right now that we're looking at as a potential priority, this may cover some or all of that demonstration. But we would certainly be looking at a larger one, there's one being discussed at the Wertheim Refuge on the south shore, we may pick some areas on the north shore to do some habitat restoration or wetlands work as well.

LEG. FISHER:

I was just trying to see that any kind of grant would be -- would help this be a little more cost effective, but we're talking about \$75,000 when we're looking at --

MR. DAWYDIAK:

Our hope is to procure additional funding. I mean, this is stuff that the Federal and State Government should be doing as part of the chemical registry process. I mean, intuitively you would think as a citizen that government that allows this stuff to get out there would be responsible for the impact assessment, control and management of it, I mean, it is a big burden for the County to bear.

LEG. FISHER:

Okay. Mr. Chair, I think this is a very important point here that is being made, that there should be Federal funding available for this kind of study. Do you have grants in place seeking that kind of funding? Because we're looking at a lot of money here and I'm just trying to see if there is any part of this plan that looks to give the County some relief.

MR. DAWYDIAK:

We haven't made formal applications. We're investigating the possibility but, quite honestly, blindly applying for money is rarely successful without sponsors and sort of support. I mean, we need to kick off a dialogue, have some meetings and drum up a little more support before we're likely to garner funding. Environmental Protection Fund Program funding at the State level, Clean Water Act, 604B funding at the Federal level; these are options that we've tapped into in the past, we just haven't been successful in identifying a specific amount for a specific purpose and applying for it now. But it's legitimate, especially -- you know, as you look at that chart of additional costs, the top two were things that legitimately should be done as part of the EIS at 300,000. The next million dollars worth of

stuff there, we seriously hope that the State and the Feds would wind up coming to the plate and supporting.

LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

Legislator Fields?

LEG. FIELDS:

At one of the meetings recently, I think Legislator Guldi suggested that he was one of the original sponsors of quarter percent monies and he at that point thought that this money shouldn't be spent for an EIS from quarter percent money. So I guess the question is have we determined that quarter percent is appropriate. And secondly, to the

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Legislators on this committee, if the decision was not to go ahead and spend this kind of money for the EIS, then what kind of money would you be able to pay for consultants with, out of what money? So let's say you're saying based on what you're discussing, well, why are we paying Cashin, why don't we just hire these consultants and why don't we do it, under what funding would we be able to pay for that is my question.

CHAIRMAN BISHOP:

Well, I assume what happened is that the Health Department presumed that it would be eligible for quarter cent funding and, therefore, it was not in their budget request to the County Executive for the Operating Budget.

MR. MINEI:

That's absolutely correct. In fact, I'm here on behalf of Acting Commissioner Mermelstein and she's asked me to make that point explicitly to you; that if not quarter percent, she has no wherewithal in the Operating Budget.

CHAIRMAN BISHOP:

She doesn't have money -- right.

MR. MINEI:

Also, we are part of that committee, the Water Quality Protection and Restoration Program Committee, and we helped establish criteria for that. And that committee voted unanimously that this project was indeed. Appropriate, in fact, Legislator Fields was part of that committee with regard to it. We do not believe there's any question that this is appropriate source of funding. We were party to the preparation of the list of criteria that went into the sales tax amendment, we worked with the citizens who proposed it to this body

here, we know what we were thinking. In fact, major -- if you look at the guidance with the criteria we sent to you, the guidance from DPW, it talks about projects, programs, planning, operating funds are all appropriate uses dealing with these projects. And as Walt said, there is no program that effects the wetlands of Suffolk County any more profoundly than the Vector Control Program.

CHAIRMAN BISHOP:

Well, if that's true then -- I mean, the argument has been from Mr. Ninivaggi that it is has very little impact, that his program has very little impact on the wetlands, so. My concern is that this went far beyond what was originally intended, what we wanted answered was the question of the impact on humans and on marine life and this takes it to another level presuming -- can't we just fund an answer to those questions first, segregate this? And then come back to us when we -- you say, "Yes, this is having a significant impact, so we need to do things differently and here's what you need to fund." Why are we doing it all at this point?

MR. MINEI:

Because I think that prolongs the agony. I mean, you know that there are different groups right now, I mean, I've lived on the south shore of Long Island my whole life and I know people are coming up to me saying, "Why didn't you spray more this summer?" You hear from a lot

51

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of people saying, "Stop spraying altogether." I'm telling you that one of the legitimate initial activities is to get a feel from a survey as to what people have. The answer to your question, Dave, is yes, you could answer partial questions, answer some of the issue, but then you're left with the frustration of what do we do next. What we're saying is this is I believe the most appropriate procedure, this is what we go through in the Estuary Program. We could have picked out a few very high priority issues and just address them and people would have been left with the frustration that you didn't look at all these other issues about estuaries.

CHAIRMAN BISHOP:

But this ends the Estuary Program, you're using up all the money.

MR. MINEI:

No, that's not true, Dave.

CHAIRMAN BISHOP:

You are, it's four and a half million.

MR. MINEI:

Dave, it's several million dollars over at least two years so, I mean, you're talking about -- if it's left at a two year study, you're

talking about two million plus out of \$6 million a year. There's at least \$4 million left from this approach over two years. If you planned -- it's getting to be a very ambitious program. If you suggest we extend it, it will cut down on the impact of annual appropriations. It is not using up all the money, it's right now proposed to two years, so it's about two million plus over two years out of about \$12 million and there's several million dollars already in the bank from the 2002 appropriation. So there's several million dollars there that go untouched by this major, major program. And to be honest with you, I anticipate that this may be one of probably a few major environmental management programs we should take on with the Quarter Percent, but it won't consume all of the money or even the lion's share of it.

CHAIRMAN BISHOP:

And then the other concern that I have, and I know Legislator Guldi is not here and he shares it, is that we don't feel that staff positions should be funded out of the Quarter Cent Program and this resolution includes that.

MR. MINEI:

Yes. And my rejoinder to that at the last meeting and I'll repeat it today is that it is always seen as an appropriate -- regardless of the Bond Act money or Environmental Protection Funds. Again, you're asking us why didn't we take on the project all by ourselves; I'm saying that this is a major project that isn't in the work plan of the Division of Environmental Quality. And I can tell you, we're pretty full tilt, whether it's Frederick Canal Investigations or Hampton Bays MTBE Investigations or North Fork Agricultural Investigations, I thought it was a minimal request of one entry-level environmental analyst and one clerical type.

CHAIRMAN BISHOP:

52

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Absolutely and that should be funded out of the Operating Budget. And it's not a 'dis' of the department, it's a matter of protecting the integrity of the budget process. And what would happen, I feel inevitably, is once you start down that path is that more and more of your budget needs are going to be pushed into the Quarter Cent Program and that's going to create a crowding out of the purpose of the program. And I feel that your department deserves more respect than that.

MR. MINEI:

I appreciate that, Dave. But I'm just saying, we will hold ourselves to the standard that staff are only hired in the explicit purpose of working on the project identified. It isn't -- we have not suggested that the staff be added for our general program needs in Environmental

Quality.

CHAIRMAN BISHOP:

Okay. I'm going to make motion to take this out of order so we can -- when we conclude this we'll have concluded it. 1067 of --

LEG. HALEY:

1045.

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN BISHOP:

1045 first.

LEG. CARACCIOLO:

Take it out of order, motion.

CHAIRMAN BISHOP:

Motion to take out of order 1045, second by Legislator Caracciolo. It's now before us.

1045-02 - Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County vector Control and Wetlands Management Long-Term Plan (Presiding Officer Postal).

LEG. CARACCIOLO:

Motion to approve.

LEG. HALEY:

Second.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, second by Legislator Haley. They both want to be heard on it, Legislator Haley asked to be recognized first.

LEG. HALEY:

Mr. Chairman, I think that the concern is this is obviously a reaction. We've been listening to this Vector Control problem for a couple of years now and we've heard from every conceivable

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jurisdiction, we've heard from the public and everything like this, and it appears that they're trying to come up with a solution to resolve all of these issues. The question is just a matter of money. We know where we're getting it from, Vito just mentioned that he believes there's sufficient funds in there and it's not going to

detrimentally affect the entire Quarter Percent Program. I think the question is is -- and it's maybe -- it's difficult for me, maybe it's difficult for you, too, is to say is it a four and a half million dollar project; should it be 4.3 million, should it be 3.3 million?

LEG. FISHER:

That is difficult.

LEG. HALEY:

And that's difficult for us to figure out. But you know what? We've been doing this a long time and we have individuals who I think are quite capable in ascertaining what's going to work. I don't think they're going to make it in four and a half million. My suspicion is that when you start -- when you have so many entities and so many variables it's extremely hard to control. And in due deference to you guys, they may wind up coming back and asking for some more at some time which obviously we can say, "No, you can't have more." But if we can't come up to some sort of conclusion as to whether or not four and a half million is appropriate, then we're going to just -- this is going to languish for another year or two and we're not going to resolve the issues. And the thing that concerns me since I've been a Legislator is that some of the issues health wise have increased, have been exacerbated when you look at -- you know, not just the West Nile, but the Equine and some of the other things, how far do we let that go before we finally decide to react? Given that we have to give them sufficient time to come up with not only a solution, but then to try to get DEC to buy into all of it.

So, you know, we have to -- we're at a crossroads and, you know, four and a half million in my view, when we think about how we spend four and a half million in other arenas, all right -- and I can imagine, for instance, there's something on the table today to scope out -- not to scope, to figure out what it might cost for that Medford property, that far exceeds four and a half million, it's in the compatible growth area, has scored low on our priority list, all right, yet here we are talking about a program that's going to impact the entire County not only from an environmental perspective but from a health perspective. So in my view, four and a half million in that large a question I think is inconsequential.

VICE-CHAIR CARACCIOLO:

I'll recognize myself as the Vice-Chair.

LEG. FISHER:

Can you recognize me after you?

VICE-CHAIR CARACCIOLO:

Yes.

MR. MINEI:

54

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I do that a lot in my office, Mike.

VICE-CHAIR CARACCIOLO:

It's too bad Dave had to momentarily step out. So maybe I'll withhold my comments and let Legislator Fields and then Legislator Fisher.

LEG. FIELDS:

What does the TAC say about the four and a half million dollars?

LEG. HALEY:

You have to tell me what the acronym is.

LEG. FIELDS:

Technical Advisory Committee as compared to Citizens Advisory Committee.

MR. DAWYDIAK:

The Technical Advisory Committee has not been asked to pass judgement on any specific opponent of this budget, that's not been part of their initial charge. They've been charged with reviewing materials and with providing input which they've done, but there has not been a formal vote about this 4.5 million the right number.

LEG. FIELDS:

I'm just wondering whether or not they should, I don't know.

MR. MINEI:

I can tell you this, Ginny, that one of the representatives on the TAC is the head of the Pesticide Unit for United States Environmental Protection Agency out of Edison, New Jersey, and he really commended us for the extent of the work. And that's when his response to a question we posed about, "Gee, haven't you been doing this all along?" And their response is, "No, we take the information from the pesticide manufacturers," and I think several of us audibly gulped at that point because I was shocked. So to hear you, I would be surprised if many members of the TAC would say back down because they know what Legislator Haley just indicated, that you start shaving some of the activities that DEC recommended we do, and they're some of the more costly items, you tend to lose their support. So now we're going to end up with a study that takes two years and at the end we have no assurance that DEC will buy into it. So we will pose that question explicitly at the next TAC Committee which I think is next week, Walter?

MR. DAWYDIAK:

Yes.

MR. MINEI:  
Next week.

LEG. FIELDS:  
You don't have any feeling of whether DEC is going to buy into this to begin with, right?

MR. MINEI:

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Your cynicism suggests you know the DEC very well.

CHAIRMAN BISHOP:  
No, they tell you what to do --

LEG. FIELDS:  
My cynicism is that I had a conversation with --

MR. MINEI:  
I withdraw all my pressonabilities with regard to forecasting their position at the end of this. But you can be assured that if you start taking out the work items they indicated, you've given them a major excuse not to support the program.

LEG. FIELDS:  
Because -- and perhaps I spoke to Chuck Hamilton about it and he was like, "I don't know." So maybe it wouldn't be bad to sit down and talk to them and ask if they --

MR. MINEI:  
Well, they're the ones who suggested that caged fish study at several hundreds of thousands of dollars. They're the ones that suggested --

LEG. FIELDS:  
No, I'm talking about getting the permit in order to do the stuff that we want to do; are they going to give us the permission to do it.

MR. MINEI:  
Oh, I see; that's always a question.

MR. DAWYDIAK:  
They suggested at the last meeting we had with them and Ducks Unlimited that they will cooperate. It's unlikely that we'll get the demonstration done this year as we had hoped, but next winter is probable. If I could just follow up about that Technical Advisory Committee. Again, I can't speak for the group, but I'm fairly confident that the committee would not indicate that any of these are

not appropriate. They would endorse these, the rough costs are certainly there. Believe us, we've finetuned this, we've been through a number of iterations with the consultant. The fundamental issue is one of policy as to whether the County should be funding any or all of these add-ons. So we'd be happy to bring it to the TAC but I'm not sure that would make your job any easier in the end.

CHAIRMAN BISHOP:

Are we ready to vote or you want to speak?

LEG. FISHER:

I was on the list.

LEG. CARACCIOLO:

Yes.

CHAIRMAN BISHOP:

All right.

LEG. FISHER:

56

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I agree with Legislator Haley that this is critically important. We've been having this dialogue for years now, as long as I've been in the Legislature we've been dialoguing on this. And my queries are based on the concerns that having sat on the Public Works Committee for two years and having sat on this committee before, having sat on the Parks Committee and Land Acquisition, that there are a lot of people who make a lot of money off the County, and I always look very critically when there is a consultant whose name I see a lot making a million and a half dollars. And I don't know how connected this person is, I mean, we didn't know how connected owners of different properties were. And this is very -- it really does concern me and it's a legitimate concern, a million and a half dollars is a lot of money. This is a very important project and questioning it, questioning the amount of money is not questioning the importance of the project, I want to make that very clear, because it is about public health. But just as we have to have very careful scrutiny when we are looking at land acquisitions, I think that there has to be very careful scrutiny whenever we engage a consultant for this amount of money.

MR. MINEI:

And we agree with you, Legislator Fisher. I think that's why the rigorous process of the RFP, the review that was done, and it was not done just by our staff alone. I will tell you, I know members of the consulting team, I knew members of the other consulting team that did not get it and there were reasons for our selection of this group. But the million and a half dollars, to be clear, gets split between two key consultant firms, Cashin Associates as well as Cameron, and you get multiple task and multiple administrative oversight.

CHAIRMAN BISHOP:

Actually, we're in the debate portion and that wasn't a question to you. Is there anybody else who wants to be heard on the resolution?

LEG. FIELDS:

Just one more comment.

CHAIRMAN BISHOP:

You have a comment.

LEG. FIELDS:

There was a hearing that I -- a committee meeting I went to, and I believe Dave and maybe Mike were there, and it was regarding a Cashin Associates response to the Brookhaven radioactivity. Are you --

CHAIRMAN BISHOP:

Yes, that's when they didn't follow the resolution.

LEG. FIELDS:

Well, that's my point, is that it seemed to me that the drive originally was is the radioactivity a problem to the public and the answer from Cashin was we need to do tests to see whether the radioactivity poses a problem to the public. So the original question was does it and the answer was we need to find out if it does.

MR. MINEI:

57

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And we were doing the analysis, the Health Department. The response was would you follow-up to the Health Department, we said we would because we thought that was just an outlier bit of information in the context of all the sampling down the stream corridor of Carman's River and we did follow up and we do not find that as a problem. What the Cashin response was their evaluation based on one sample and one analysis and what we did was we followed up.

CHAIRMAN BISHOP:

I thought the point was that they didn't follow the resolution.

LEG. FIELDS:

They didn't follow the original resolution, that was my question.

CHAIRMAN BISHOP:

They did something entirely different --

LEG. FIELDS:

Right.

CHAIRMAN BISHOP:

-- and we had a whole hearing on that.

LEG. FIELDS:

Right.

MR. MINEI:

I know, I was here for that hearing.

LEG. FIELDS:

And so I guess that if this committee were to agree that this money should be spent, I at least would want to know some periodic results. For instance, the example of does garlic oil --

MR. MINEI:

Right.

LEG. FIELDS:

-- pose a problem, is it a good alternative, we still don't have an answer and that was a year-and-a-half ago. If this were going to happen, I think I would like to have a report every three months, you know, where are we --

MR. MINEI:

Right. And I think that's what a management plan does for you, an EIS doesn't.

LEG. HALEY:

Why can't they come every meeting?

MR. MINEI:

We can come before you however often you want. And I think that's the power of the management planning process, again, as compared to an EIS. You get different points to respond to an EIS, we are here to discuss every task and portions of the task to you.

CHAIRMAN BISHOP:

58

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Right. Okay.

LEG. CARACCILO:

On the motion.

CHAIRMAN BISHOP:

The motion has been made and seconded. I'm going to make a motion to table.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

There is a seconding on that. When I was part of the Legislative body that renewed the Quarter Cent Program and presented it to the public, I told my constituents that the Quarter Cent would now have a portion of it go to protecting surface water quality and that they could count on tangible projects that would make a difference that they could see. And I have a natural bias against studies because I feel that I have sat here for ten years and we've had enumerable studies done by excellent people that too often sit on the shelf. Now, I recognize also that we do need to study this particular question of whether our Vector Control Program is harming marine life and the public in Suffolk County and I thought that's the path we were going down, and it was a limited study on that question; limited but still exhaustive, it was going to cost a million dollars. Now we learn that to do that portion of it right it would cost \$2 million, and I'm even willing to put \$2 million towards that, put my vote towards a \$2 million project. But this is a four and a half million dollar endeavor that goes far beyond that initial question and I think we need to ask that question first and then once we have that answer take on the question of what actions to take as we move forward.

There's also the question of are we using the funds appropriately when we start to fund staff positions that are going to be ongoing out of the Quarter Cent Fund. You know what that's an invitation for, the Executive -- the budget that the Executive is going to present in future years is going to have more and more physicians in the area of the environment, in the Health Department, in Public Works, wherever, anything that touches the environment they're going to look to draw down from this Quarter Cent Fund. And that's further damage to the original goal which would be that we'll use this fund to implement projects.

So for those reasons, I made the motion to table. I believe that this goes too far, I'm willing to undertake an extensive, thorough study, but this is far beyond that. Am I the last word? I'm the last word. So there's a motion and a second to study --

LEG. HALEY:

No.

LEG. FIELDS:

Is it possible to discharge without recommendation?

CHAIRMAN BISHOP:

59

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Sure, there are all sorts of possibilities here.

LEG. FIELDS:

Maybe --

LEG. HALEY:

Tabling takes precedence.

CHAIRMAN BISHOP:

Well, why don't you see if the tabling which has precedence goes through. There is a motion and a second. All in favor?

LEG. HALEY:

On the motion.

CHAIRMAN BISHOP:

On the motion.

LEG. HALEY:

Mr. Chairman, I understand, but in absence of being able to establish that four and a half million is sufficient or insufficient, or I should say -- we've been through this years-in and years-out and it seems to me that over the past two or three years it's actually been, for lack of a better expression, your side of the aisle who has driven the process by trying to get something accomplished in this particular arena. Now, I don't want to say you're the whole side of that aisle, but now you're trying to slow the process down a little bit.

I don't think you're going to be able to take out a couple of items, you're not going to make DEC happy. What you're going to do is you're going to make, with all due respect, yourself happy for about six to eight months and then we're going to have to come back to this anyway. And so while I understand and I'm concerned about the positions, I think that's important, I'm concerned about how it affects the Quarter Cent moneys, I think at the end of the day this is exactly where we have kind of sent them. This includes a Citizens Advisory Committee, the Technical Advisory Committee, all of these other things and the many people who spend many hours in public debate over this, this is exactly where we went where everybody -- now if you're looking to trim it out, you might be able to trim it out, but I don't think -- unless you're willing to spend the time to say and list the items that they have listed and find out which one is DEC sensitive and which is not DEC sensitive. Because I have dealt with DEC and the DEC at the end of the day will give you a whole lot of ideas and say, "Yeah, you can take that approach but at the end of the day you have to mitigate that problem. We're not going to tell you exactly what it is," for fear that if they tell you this is the approach, A, B and C and you fail, they're not in the position where they have to approve because they have given you the approach A, B and C. They're going to give you some guidance, they giving you -- and we have the indication that they're willing to work with us, but at the end of the day you have to

show them a plan that's going to mitigate some of the concerns that they have. And it seems that everybody is on the same page here and I hate to see this process slowed up here today.

CHAIRMAN BISHOP:

60

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Okay. There's been a motion and a second. All in favor of the tabling? Opposed?

LEG. HALEY:  
Opposed.

LEG. FIELDS:  
Opposed.

LEG. CARACCIOLO:  
Opposed.

CHAIRMAN BISHOP:  
It fails by a vote of 2-3 (In Favor: Legislators Bishop & Fisher - Not Present: Legislator Guldi).

LEG. FIELDS:  
Then I'm going to make a motion to discharge without recommendation.

LEG. HALEY:  
Second.

CHAIRMAN BISHOP:  
Motion to discharge without recommendation, seconded by Legislator Haley. All in favor? Opposed? I'm opposed.

LEG. CARACCIOLO:  
Opposed.

LEG. FISHER:  
Opposed.

CHAIRMAN BISHOP:  
That fails 2-3 (In Favor: Legislators Fields & Haley - Not Present: Legislator Guldi).

Now, there's a motion to approve --

LEG. CARACCIOLO:  
Motion to approve.

CHAIRMAN BISHOP:

Motion to approve is the last motion before us. Motion by Legislator Caracciolo, second by Legislator Haley. All in favor? Opposed? I'm opposed.

LEG. FISHER:  
I'm opposed.

CHAIRMAN BISHOP:  
It fails, 3-2 (In Favor: Legislators Caracciolo, Haley & Fields - Not Present: Legislator Guldi).

So what I --

LEG. FISHER:

61

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Can we reconsider the motion to table?

CHAIRMAN BISHOP:  
You want to reconsider the motion to table. Who was on the prevailing side? Legislator Fields was on the prevailing side. Was I on the prevailing side?

LEG. FISHER:  
No.

LEG. HALEY:  
No, you made the decision.

LEG. FIELDS:  
Can we reconsider the discharge without recommendation?

CHAIRMAN BISHOP:  
No. We can reconsider the tabling if you want to do that, you were on the prevailing side.

LEG. FIELDS:  
No.

CHAIRMAN BISHOP:  
No? Okay, it fails.

LEG. FIELDS:  
So now may I reconsider the discharge without recommendation? I am asking to reconsider. I'm asking to reconsider the --

CHAIRMAN BISHOP:  
No, you were not on the prevailing side.

LEG. CARACCIOLO:  
Dave or Vivian?

LEG. FISHER:  
No, I don't want this just to die here. I'll make a motion to reconsider the discharge without recommendation.

CHAIRMAN BISHOP:  
Motion to reconsider discharge without recommendation by Legislator Fisher. Is there a second?

LEG. FIELDS:  
Second.

CHAIRMAN BISHOP:  
Second by Legislator Fields. All in favor? Opposed? It's now before us. There's a motion to discharge without recommendation. Motion by Legislator Fields, second by Legislator Fisher I assume. All in favor? Opposed? I'm opposed, it is approved 4-1 (VOTE: 4-1-0-1 Opposed: Legislator Bishop - Not Present: Legislator Guldi). Resolution 1045 IS discharged to the full Legislature for consideration at our next meeting.  
Resolution 1067-03 - Amending the 2003 Operating Budget to transfer

62

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funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Department of Health Services for the preparation of the Suffolk County Vector Control and Wetlands Management Long-Term Plan and Environmental Impact Statement (EIS) and creating positions in the Departments of Health Services and Public Works (County Executive).  
Is it the same motion?

LEG. HALEY:  
Yeah.

CHAIRMAN BISHOP:  
1067 is the companion. Same motion, same second, same vote; it too is discharged without recommendation on a vote of 4-1 (VOTE: 4-1-0-1 Opposed: Legislator Bishop - Not Present: Legislator Guldi).  
Congratulations.

MR. MINEI:  
Is there any guidance you would like to give us for that? I mean, we can come up with other mid-range alternatives, we could discuss the staffing, we could discuss a \$3 million --

CHAIRMAN BISHOP:  
I think that removing the staffing would be at the very least prudent.

MR. MINEI:

If that's a threshold issue with you, we feel strongly enough about it, I will be pleased to discuss that with you. I will also be pleased to discuss to the full Leg interim measures about cutting out some of the -- what I deem is research and give us time to go after the funding sources Legislator Fisher had.

CHAIRMAN BISHOP:

That would be terrific. That's what I was --

LEG. FISHER:

That would be very helpful.

LEG. FIELDS:

That was going to be a recommendation.

CHAIRMAN BISHOP:

That's why it should have been tabled.

LEG. FIELDS:

Could you pair it down?

MR. MINEI:

Well, what I'm saying is will we be invited to present before the full Leg; would that be helpful to you and your colleagues?

LEG. FISHER:

If we have time, yes.

CHAIRMAN BISHOP:

63

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There is a period at the full Legislature now under the new rules at 2:30 when we come back from lunch.

LEG. FISHER:

No, not 2:30, that's public hearings.

CHAIRMAN BISHOP:

I thought the -- what time is the elected officials, two o'clock?

LEG. FISHER:

I think it's in the morning, first thing, before public hearings.

CHAIRMAN BISHOP:

Nine thirty, right at the beginning of the meeting, excuse me, 9:30 for public officials like yourself to make presentations. So if you'd

like to make a presentation at that time you can. I think it would be -- you would probably get unanimity if you did some of the ideas that you offered.

LEG. FISHER:

Excuse me, Mr. Chair. Might not we want Vito to present early in the morning and then come back in the afternoon in case there are Legislators? I mean, you can leave and we might want to call you back, you should be available.

MR. MINEI:

Thank you. I think there are legitimate differentiations between management requirements and research on this issue that I think we should be calling other agencies on. So we will discuss these alternatives of no staff and pairing down the \$4.4 million.

CHAIRMAN BISHOP:

You might want to take out the SUV's also. Thank you.

MR. MINEI:

Will do.

LEG. FISHER:

He's got enough acronyms to worry about.

CHAIRMAN BISHOP:

Yes. Mr. Caracciolo who is here, he is Resolution 2276 please come forward at this time. Yes, I didn't know he was here at the beginning.

LEG. FISHER:

Sorry, sir.

MR. CARACCIOLO:

That's quite all right. I just wish I had a vocabulary like that guy; wow, that was amazing.

CHAIRMAN BISHOP:

That was with a scientific background and many years as a --

MR. CARACCIOLO:

64

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Yes, and my vocabulary is nowhere as near entertaining as that, so.

CHAIRMAN BISHOP:

You have been nominated for a position on the Suffolk County Planning Commission as a representative from the Town of Huntington. So by tradition, the committee abandons; no. By tradition, the committee

likes to met the new nominees and find out what they believe they -- why they want the position and what they believe they offer to the commission as a whole.

MR. CARACCIOLO:

Great. Okay, I'd like to begin very briefly to tell you a little bit about myself.

LEG. FISHER:

You want to wait until they come back?

MR. CARACCIOLO:

Sure, whatever you like.

LEG. FISHER:

Okay, because there was something very quickly. A couple of days after our last meeting when your name did come up, I think I read about you in the Business News, something had just occurred and I said, "Ah, there's the man that wants to be" -- yes, am I correct?

MR. CARACCIOLO:

Yes.

LEG. FISHER:

Okay. Well, that gave them time and they didn't come back, so go ahead.

MR. CARACCIOLO:

Okay. My name is John Caracciolo, I am the President and owner of the {Morey} Organization. The {Morey} Organization is an entertainment marketing company on Long Island, we've been doing business on Long Island for over 16 years. We own three FM radio stations, we own a weekly newspaper, an entertainment complex and a graphic design and advertising company. I'm also Chairman and Co-Founder of the LIX which is the Long Island Executives and that's probably what you were referring to that you read in the paper.

LEG. FISHER:

Yes.

MR. CARACCIOLO:

The Long Island Executives is a business group that my partner and I started ourselves over a year ago that takes the issues -- and it was really started because the largest business group on Long Island, the Long Island Association, wasn't addressing the needs of the younger business people on Long Island, the younger people and some younger issues that new businesses starting out have, so we started the LIX. And recently I was appointed to the Board of Directors of the LIA because the LIA agreed with us in a little less than a year that they don't represent smaller businesses on Long Island which makeup a large

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majority of businesses on Long Island and they don't represent younger business owners.

I'm also on the board for the New York State Tourism Board. And you know, with all of that, you know, you might ask yourself, well, why would I want to be involved, why would it be an honor for me to serve Suffolk County on the Planning Commission. And, you know, with the LIX, we really found with 850 young business owners and smaller businesses, we found that we all want the ability to grow but we need -- we all feel that we need to grow smart. We need to protect our groundwater, we need to protect our wetlands, we need to protect Pine Barrens and we need development with preservation in order to maintain our quality of life and the natural environment that is one of Long Island's biggest assets.

We have a new generation of business owners on Long Island and these are young executives, young leaders that call Long Island their home. And unlike our parents and our grandparents, we actually work here, we live here, we play here and we have to remember as we grow the Island, as we add jobs, as we add housing, as we add all of this, our natural resources must be protected, we must grow, we must prosper but we not must -- we must not do so at the cost of our environment.

You know, our children need to be guaranteed a home where they can live, work, play and raise their families that is as rich in natural resources as Long Island is beautiful now. And it would be my honor to serve on this committee and it would be my honor to serve for Suffolk County so I can say to my grandchildren that together we provided the guidelines for the environmental, social and the economic development of this County.

CHAIRMAN BISHOP:  
Legislator Haley.

LEG. HALEY:  
Hi, thanks for coming.

MR. CARACCIOLO:  
Thanks for having me.

LEG. HALEY:  
You know, I served on the Suffolk County Planning Commission with Mike Macco, so the two of us -- you know, we used to like to stir it, so I hope that you can -- you're willing to still stir it up. Sometimes that group can fall asleep, you know?

MR. CARACCIOLO:

Well, I think Matt Crossen and the LIA is going to be in for some stirring when I finish with him.

LEG. HALEY:

Now you got my vote; as soon as you said that, you got my vote right away.

And the other thing, when I was on the commission there was a

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propensity sometimes when we looked at some applications by some Commissioners to suggest that when property was to be set aside they would actually suggest that it be set aside for specific purposes -- for instance, forever wild was an expression that the fellow from I think East Hampton used to use -- and I was reluctant on the commission to do that. I thought that we should -- you know, recommendations were good but I thought that when it came to approving or disapproving projects relative to setting aside properties that we allowed the towns themselves to ascertain what they might want to do with those properties, whether albeit recreation, passive recreation or active or open space. I don't expect you to respond but that's in my view how I feel that a Commissioner should approach applications before the Suffolk County Planning Commission.

MR. CARACCIOLO:

Thank you.

LEG. HALEY:

And I wish you luck.

MR. CARACCIOLO:

Thank you, I appreciate it.

CHAIRMAN BISHOP:

Motion to take it out of order by Legislator Fisher, second by myself. The resolution is now before us.

LEG. FISHER:

I will make a motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher, second by Legislator Haley. All in favor? Opposed? 2276 is approved to go to the full Legislature (VOTE: 4-0-0-2 Not Present: Legislators Caracciolo & Guldi). This is an appointment that would run until the end of 2005, just so you know.

MR. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

So you'll be voted on by the full Legislature on Tuesday. Traditionally, if the committee approves it they approve it, so congratulations.

MR. CARACCIOLO:

I appreciate it. Thank you for your time.

LEG. HALEY:

Thank you.

CHAIRMAN BISHOP:

To the agenda. Three down. Commissioner Isles, Director. Do we have another appointment to the Planning Commission?

MR. ISLES:

67

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Yes.

LEG. FISHER:

Is he here?

CHAIRMAN BISHOP:

Is he here? He's not here; okay, we'll do him next time.

MS. DE ANGELO:

I just want to explain something.

CHAIRMAN BISHOP:

Nicole.

MS. DE ANGELO:

Mr. Cyr is unable to attend on Mondays, he is manager of a bank and he happens to be the only manager there on Mondays. I don't know if you want to be in contact with him over the phone.

CHAIRMAN BISHOP:

Why don't you suggest that he come to the Tuesday meeting of the Legislature --

MS. DE ANGELO:

Okay.

CHAIRMAN BISHOP:

-- an he'll -- at nine o'clock, 9:30 rather.

**MS. DE ANGELO:**

Okay.

**LEG. FISHER:**

The other appointee?

**CHAIRMAN BISHOP:**

The other appointee can't make Monday committee meetings.

**MS. DE ANGELO:**

Are you going to be discharging it?

**CHAIRMAN BISHOP:**

We'll discharge him without recommendation and we'll present it and then he'll speak to the full Legislature on Tuesday.

**LEG. FIELDS:**

Why?

**CHAIRMAN BISHOP:**

Because he can't make any of the Monday meetings.

**LEG. FIELDS:**

But why can't we just table it?

**MS. DE ANGELO:**

68

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No, he can't because he's --

**CHAIRMAN BISHOP:**

Ever.

**MS. DE ANGELO:**

He's the manager of a bank and he's the only manager available on Mondays, so he can't leave. Okay?

**LEG. FISHER:**

I will make a motion to take it out of order. Oh, no, we don't have to, when we get to it.

**CHAIRMAN BISHOP:**

No, when we get to it. Okay, thank you. Thank you for the information.

Director Costigan, everybody is here; is that everybody? Okay, to the agenda.

## INTRODUCTORY PRIME RESOLUTIONS

1031-03 - Authorizing planning steps for land acquisition under water quality protection component of the 1/4% Drinking Water Protection Program (NYCONN Property, Town of Islip, SCTM No. 0500-407.00-05.00 p/o 025.008 and 0500-407.00-05.00 p/o 025.013) (Fields). Legislator Fields?

LEG. FISHER:  
Planning steps.

CHAIRMAN BISHOP:  
Planning steps only. I thought we did the NYCONN -- oh, no, this is where the people came and made a plea?

LEG. FIELDS:  
This is actually additional to the NYCONN one and it actually -- there's a correction that has to be made, so I'm going to make a motion to table and I would ask the committee --

MR. SABATINO:  
No, the corrected copy was filed on January 31st.

LEG. FIELDS:  
Oh, it was? Okay. Then -- I thought I missed the date. Very good, thank you. This is along Atlantic Avenue and Montauk Highway in West Sayville and it comes up against Greens Creek and I guess I'm going to ask Tom Isles to talk about it a little bit.

DIRECTOR ISLES:  
Okay. We have provided both an aerial photograph and a summary sheet of the facts of the acquisition as we know them at this point. This is only a planning steps resolution but as indicated, there was a prior resolution approved by the Legislature several years ago which incorporated a purchase of most of the property that's highlighted in green with the exception of the portion extending along Atlantic Avenue which was set out separate from the resolution and was intended

69

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to be developed for single family homes. From that resolution the Real Estate Division commenced appraisals of the property in negotiations which were not fruitful in terms of an agreement with the property owner.

This particular resolution at this point now takes in the entire parcel as we know it at this time, including the parcels that could be developed along Atlantic Avenue. We reviewed this in terms of the criteria utilized by the Legislature and as you'll note, the parcel does certainly contain title wetlands as well as fresh water wetlands. The parcel is approximately 15 and a half acres and it did achieve a

scoring of 35 and, once again, the typical threshold is 25 as a minimum. So in terms of the new Quarter Percent Program which has five primary criteria for inclusion in acquisition, this does qualify at least for the portion requiring that the site have wetlands on it as one of the five criteria. So it does qualify under the new Quarter Percent Program.

Another point is that the County has purchased the parcel on the south end of Greens Creek which is also for park purposes and preservation purposes, so this would be a continuation of the stream corridor.

And then the last point is that as far as obviously the acquisition, we don't know at this point if this new configuration would be fruitful, it is dependent upon the acquisition procedures, appraisals and consent to the seller but, of course, this would authorize us to take it to that next step.

CHAIRMAN BISHOP:

Okay. Are we buying everything in the green, is that what's --

DIRECTOR ISLES:

That's my understanding, I'll defer to the Legislator, that's what we see as the boundary of the property at this point.

LEG. FIELDS:

Yes.

CHAIRMAN BISHOP:

And we didn't previously purchase any portion?

LEG. FIELDS:

If we were to see the bottom of this map, you would see NYCONN I.

CHAIRMAN BISHOP:

Okay. Because I knew we didn't --

LEG. FIELDS:

There's a marina and there's NYCONN I and it's about nine, nine acres maybe?

DIRECTOR ISLES:

Yes.

CHAIRMAN BISHOP:

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All right. Now, everything in the pink can't be developed upon, correct?

DIRECTOR ISLES:

Everything in the pink is regulated by New York State DEC.

CHAIRMAN BISHOP:

And everything in the blue can't be developed on.

DIRECTOR ISLES:

Well, the word can't be developed is --

CHAIRMAN BISHOP:

Speculative.

DIRECTOR ISLES:

Most likely it can't be developed. Anybody can apply to the State for anything and they regulate it, it's unlikely that it could be developed.

CHAIRMAN BISHOP:

Okay. Why would we not simply buy the developable lots along Atlantic Avenue and count on the existing regulatory framework to preserve the rest of it?

DIRECTOR ISLES:

That's an option, certainly. I think number one, if we were to buy the wetlands we'd have to buy it based on the value which would be, we think, relatively low based upon the fact that it really is not easy to develop. Secondly, when we get into the issue of should we buy it or should we allow the regulatory agencies to protect environmentally sensitive land and wetlands and so forth, the best protection you can provide is through fee ownership in terms of tying in uplands and wetlands and having the ability to manage it and so forth. So there's no question that regulatory controls can provide a minimum level of protection; in this case, then if there were an acquisition it would go above that and provide further protection. It's really almost like a philosophical point of view.

LEG. FIELDS:

The owner of this property also would like to build 12 condominiums I think the number was?

DIRECTOR ISLES:

Yes.

CHAIRMAN BISHOP:

Where?

LEG. FIELDS:

Right along --

DIRECTOR ISLES:  
Atlantic Avenue.

LEG. FIELDS:

71

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-- Atlantic Avenue next to where you see some houses.

CHAIRMAN BISHOP:  
Okay, I got it.

LEG. CARACCIOLO:  
Tom, would you consider this possible acquisition a priority acquisition, one that you would enthusiastically support?

DIRECTOR ISLES:  
Well, at this point this is a planning steps resolution. I certainly would support efforts to protect the wetlands to the maximum extent possible. The jury is out in my mind in terms of the question of the lots along Atlantic Avenue. The original application to the Town of Islip was for five lots, the applicant or the property owner then, in discussions with us in terms of arguing what the value might be, suggested that he could get 12 lots, I'm not convinced that that's the case, both in conformance with town requirements as well as County Health Department standards and so forth. So I can't say that I would enthusiastically support it at this point.

I do think it's warranted planning steps approval, at least in my recommendation, since we have an investment on parts of Greens Creek, that the parcel has obvious compliance with the new Quarter Percent Program and I think it's worth going to the next step.

LEG. CARACCIOLO:  
Do you and the Planning Department have a priority of acquisitions we, this committee, should be reviewing and acting upon other than those that are now coming to us with regularity that are under development pressure or potential development pressure? Because clearly when that's the case, the latter scenario, development pressures are present, we the taxpayers are going to pay more for these acquisitions than if we were to be proactive and identify well in advance of applications being submitted, zoning changes being requested and so forth. It seems to me that when I look at this agenda, it's with regularity we're dealing with situations where we have a developer, we had a presentation earlier in Medford, we have a developer, we have a town considering change of zone and the County taxpayer is left to foot the bill because everybody says, "Oh, you've got to stop development." Why aren't we more proactive?

DIRECTOR ISLES:  
I think there's two sides to that. One is that if there are limited

open space dollars the argument is that they should be spent on those parcels that are most threatened with development where development is imminent. And in fact a resolution that was submitted tabled last week, 1078, proposes that -- Legislator Binder has put in states that acquisitions must be prioritized, that those that are most threatened would go first. The argument on that side I think, as you're pointing out, is that, A, it puts the County in a very reactive position, number one. Number two, it's puts us in at the eleventh hour where we're possibly dealing with the contract vendees in an expectation of an investment return and so forth.

So I think generally speaking this County has had a good record in

72

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terms of open space planning. There are a number of documents such as the Pine Barrens plan, the special groundwater protection plan and so forth, the Greenways Plan more recently that have stated in an affirmative way recommendations for open space acquisitions. I don't think we're ever going to totally have void situations whereby parcels may come up that are the subject of some development discussion, especially as the County is reaching build-out in at least the western part of the County. This one, by the way, has been the subject of development pressures for at least 12 years, so this is not something new.

LEG. CARACCIOLO:

So this isn't imminent then? In other words, the fact that someone is proposing to build four, twelve, whatever, doesn't raise it to a level where it's imminent because zoning changes would have to be granted --

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

-- and County Health Department regulations would have to be satisfied.

DIRECTOR ISLES:

To my knowledge, they're not applying for a zoning change. They did apply for a subdivision for five lots and potentially to get the twelve they could do a cluster subdivision. So there's no change of zone or increase in density by that.

LEG. CARACCIOLO:

What about the Health Department, because you made reference to that earlier.

DIRECTOR ISLES:

Any subdivision would be subject to the approval of the Health Department, so the subdivision has not been completed or perfected at this point and there's been no Health Department approval granted to my knowledge.

LEG. CARACCIOLO:

The final point I'd like to make is that I'm not objectionable to the resolution as presented, I just would like to see -- and Mr. Chairman, I would request -- that the Planning Department provide this committee as soon as possible with a list of priority acquisitions in a proactive fashion as opposed to this, you know, reactive mode that we've been in where Legislators through constituencies that come to them, through constituencies that come to the Planning Department, you know, respond by sponsoring resolutions to preserve properties. I'm not going to question the motives but I think it's clear now that we've had -- we had a layoff period last year where we went and reformed our procedures and as such we should now be prepared to move to the next phase and be proactive.

CHAIRMAN BISHOP:

73

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That's fine as long as the stuff in my district is at the top of the list. Legislator Fields?

LEG. FIELDS:

Just a comment responding to Legislator Caracciolo's comment. This parcel is not going to be purchased at any more than the fair market value. So whether or not it's a question of potential development, the seller isn't going to sell it for less than it's worth and we're not going to buy it for more than it's worth.

LEG. CARACCIOLO:

I understand.

CHAIRMAN BISHOP:

Is there a motion?

LEG. HALEY:

I'm going to support this because of the planning steps component, but when you look at 15 acres, he owns 15 acres as a -- yeah, there's only a very small portion of it that is developable and at the end of the day -- and we always have this discussion. You know, chances are at the end of the day, if they develop 12 units along Atlantic Avenue all the rest of it's going to wind up remaining open space and protected anyway. I mean, it's just a matter of who's it going to, the town or the County.

**CHAIRMAN BISHOP:**

I too -- I'll support it for planning steps. I will say that I reserve decision on the final acquisition if it comes to be.

**LEG. FIELDS:**

I make a motion to approve.

**CHAIRMAN BISHOP:**

Motion to approve by Legislator Fields, second by Legislator Haley. All in favor? Opposed? It's approved for planning steps (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1043-03 - Making a SEQRA classification and determination for the purposes of Chapter 279 of the Suffolk County Code and for the Division of Vector Control 2003 Annual Plan, Suffolk County (Presiding Officer Postal). Geez, I was hoping we were done with all the controversial ones. Paul, what is this?

**MR. SABATINO:**

Well, I think you probably are in a position where you're going to want to table this because it's going to be inconsistent with the previous action that you took.

**CHAIRMAN BISHOP:**

All right, motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1044-03 - Making a SEQRA determination in connection with the proposed

74

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reconstruction of Culvert on CR 21 - Yaphank Avenue at Lower Lake, CP 5371, Town of Brookhaven (Presiding Officer Postal).

**LEG. HALEY:**

Motion.

**CHAIRMAN BISHOP:**

Motion by Legislator Haley, second by Legislator Fisher. All in favor? Opposed? It's approved (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1045, previously approved.

1046-03 - Making a SEQRA determination in connection with the proposed modification of restroom for compliance with Americans with Disabilities Act at the Vanderbilt Museum, CP 7450, Town of Huntington

(Presiding Officer Postal). Motion by Legislator Fisher, second by Legislator Fields. All in favor? Opposed? 1046 is approved (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1067, previously approved.

1068-03 - Approving the appointment of Ronald L. Cyr as a member of the Suffolk County Planning Commission representing the Town of Shelter Island (County Executive). Motion to discharge without recommendation by myself, second by Legislator Caracciolo. All in favor? Opposed? 1068 is discharged without recommendation (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1074-03 - Adopting Local Law No. 2003, A Local Law to penalize illegal clearing or building in the Suffolk County Pine Barrens (Cooper). Does this need a hearing?

MR. SABATINO:

Back on 10 -- I'm sorry, on 1068 there's an error in the term, it should expire 12/31/2004, not 2005.

LEG. CARACCIOLO:

Save that as a scrivener's error?

CHAIRMAN BISHOP:

Is that a scrivener's error or there's --

MR. SABATINO:

Well, there's time -- it could be -- a corrected copy can be done today just to fix it.

CHAIRMAN BISHOP:

I'm directing Counsel to make that correction. Thank you.

MR. SABATINO:

It's an Executive's bill.

CHAIRMAN BISHOP:

The Executive is directing Counsel to make that correction.

MS. DE ANGELO:

75

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(Nodded affirmatively).

CHAIRMAN BISHOP:

They nodded affirmatively, Counsel.

MR. SABATINO:

I mean, I can't, all I can do -- I don't have access, but the Clerk's

Office will accommodate their request.

**CHAIRMAN BISHOP:**

He's still to come on Tuesday is the bottom line. It's discharged without recommendation.

1074 is to penalize illegal clearing or building in Suffolk County Pine Barrens, a Local Law. Is the hearing closed?

**MR. SABATINO:**

The public hearing is closed, yes.

**CHAIRMAN BISHOP:**

Okay.

**MR. SABATINO:**

No, I'm sorry. The bill was just filed, the public hearings are all open, I'm sorry.

**CHAIRMAN BISHOP:**

Motion to table by myself, second by Legislator Fields. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1096-03 - Extending deadline for expiration of Smart Growth Committee (Fields). Motion by Legislator Fields, second by myself. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

#### CEQ RESOLUTIONS

CEQ No. 01-03 - Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on December 17, 2002 and January 2, 2003. Motion by myself, second by Legislator Caracciolo. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

CEQ No. 03-03 - Proposed CR 3 - Wellwood Avenue, Bridge widening over the Southern State Parkway, Town of Babylon (Unlisted Action/Negative Declaration). Motion by myself, second by Legislator -- who's closest? Legislator Fields. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

#### TABLED RESOLUTIONS

**LEG. HALEY:**

My three I'm tabling.

**CHAIRMAN BISHOP:**

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1028 (sic) 1828-03 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property of WDP Enterprises at Ronkonkoma, Town of Brookhaven) (Caracappa).

LEG. FIELDS:  
Motion to table.

LEG. CARACCIOLO:  
Second.

CHAIRMAN BISHOP:  
Motion to table, Legislator Fields, second by Legislator Caracciolo. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1040 is --

LEG. HALEY:  
1840.

CHAIRMAN BISHOP:  
1840, why do I keep saying 10? Excuse me. 1840-02 - Appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot/Paumanok Wetlands Property, Town of Huntington (SCTM No. 0400-191.00-024.000) (Presiding Officer Postal). This requires four votes to pass. Is there a motion?

LEG. CARACCIOLO:  
Motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Caracciolo.

LEG. FISHER:  
Why does it require four votes, because it's budget changing?

CHAIRMAN BISHOP:  
No. It requires four votes because we're a six member committee and there's only five members present today, and I know that one or two members are voting against this. So motion to table by Legislator Fisher, second by myself. All in favor? Opposed? 1840 is tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

LEG. HALEY:  
Table 1911, 12 and 13.

CHAIRMAN BISHOP:

1911-02 - Appropriating Greenways Infrastructure Improvements Fund Grant for miller Place property in the Town of Brookhaven (Haley). Motion to table by Legislator Haley, second by myself. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1912-03 - Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) (Town of Brookhaven (Haley). Same motion, same second, same vote. Tabled

77

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(VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1913-03 - Approving acquisition under Suffolk County Multifaceted Land Preservation Program for State II Active Parklands (Property in Ridge, Town of Brookhaven) (Haley). Same motion, same second, same vote. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

1917, the year we got into World War I, 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) (Towle).

LEG. CARACCIOLO:  
Motion to table.

CHAIRMAN BISHOP:  
Motion to table by Legislator Caracciolo, second by myself. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

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) (Caracciolo).

LEG. CARACCIOLO:  
Mr. Chairman, I would like to table this for one cycle and I'd like you to schedule a visit to the property.

LEG. HALEY:  
Second.

CHAIRMAN BISHOP:  
Land of Carman, we're going to Sound Avenue in Riverhead.

LEG. HALEY:  
He's buying lunch, remember?

LEG. CARACCIOLO:  
Sure, McChicken.

CHAIRMAN BISHOP:

Mr. Carman I hope is; no, I'm joking. Motion by Legislator Caracciolo to table, second by myself. Your request for an on-site visit has been noted, will be acted upon. Table (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

2004-02 Suffolk County Private Well Water Remediation Program (Caracciolo). Motion to table by myself, second by Legislator Caracciolo. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

2043-02 - Declaring a governmental need for underwater lands located in Peconic and Gardiners Bays (County Executive). Motion to table by myself, second by Legislator Caracciolo. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

2051-02 - Authorizing planning steps for implementing Greenways

78

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Program in connection with acquisition of active parklands at Broadway, Amityville Village (Town of Babylon) (Postal). Motion to table at the request of Legislator Postal, second -- motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

2083-03 - Amending the 2002 Capital Budget and Program and appropriating funds in connection with the Environmental Health Sanitarian Computerization (CP 4066) (County Executive). Are we prime? We are prime.

MR. SABATINO:

There has to be a correction to bring it into 2003.

CHAIRMAN BISHOP:

That correction hasn't been made, so motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

2257-02 - Establish land development policy for mixed use smart growth in Suffolk County (Bishop). Motion to table by myself, second by Legislator Fields. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

2276 has been previously acted upon.

2332-02 - Making a SEQRA determination in connection with the proposed construction of Kings Park outfall pipe protection, CP 8144, Town of Smithtown (Presiding Officer Postal).

LEG. FISHER:

I will make a motion to approve.

CHAIRMAN BISHOP:

Is this the first time on?

LEG. FIELDS:

No, but Bill Shannon -- no, Ben Wright.

CHAIRMAN BISHOP:

Oh, yes. Ben Wright is here to tell me that it's not going to have any impact on the environment.

MR. WRIGHT:

This project is to protect an existing outfall that runs from the Kings Park Sewage Treatment Plant into Smithtown Bay.

CHAIRMAN BISHOP:

Are we making any modifications to do better filtering at the pipe since we're --

MR. WRIGHT:

Filtering at the pipe; you mean at the treatment plant?

CHAIRMAN BISHOP:

79

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Are we doing any -- what are we doing? Let's try that one. What are we doing there?

MR. WRIGHT:

The project is only to protect about 300 feet of pipe that's along the Nissequogue shore line. We're replacing a manhole that has some structural problems and we're removing a section of abandoned outfall that at high tides receives water and then it appears as if it's discharging which it isn't and we've had complaints about it before. So it's just to protect about a 300 foot section of pipe. There's other projects that are dealing with the treatment plant, you know, which were previously received --

CHAIRMAN BISHOP:

Motion by Legislator Fisher. Is there a second?

LEG. HALEY:

Second.

CHAIRMAN BISHOP:

Second by Legislator Haley who was first. All in favor? Opposed?

It's approved (VOTE: 5-0-0-1 Not Present: Legislator Guldi). I still don't like it.

2339-03 - Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (Hilaire Drive Property) (Town of Huntington) (Cooper).

LEG. CARACCIOLO:  
Motion to discharge without recommendation.

LEG. HALEY:  
Second.

CHAIRMAN BISHOP:  
Is there a motion?

LEG. CARACCIOLO:  
Motion to discharge without recommendation.

CHAIRMAN BISHOP:  
Motion is to discharge without recommendation; why without recommendation?

LEG. CARACCIOLO:  
Well, I find it to be questionable.

CHAIRMAN BISHOP:  
Okay.

LEG. CARACCIOLO:  
But I'm willing to listen to the plans.

LEG. FIELDS:  
Did you go on the tour today?

CHAIRMAN BISHOP:

80

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Yes, he did, but not with us, he went separate.

LEG. CARACCIOLO:  
I was there. Dave checked me out to make sure I saw the cul-de-sac with the basketball hoop.

CHAIRMAN BISHOP:  
Right.

LEG. HALEY:  
I'm with Legislator Caracciolo.

CHAIRMAN BISHOP:

Well, I mean, I'm --

LEG. FIELDS:

How many do we need to approve this?

CHAIRMAN BISHOP:

You need four to discharge without recommendation.

LEG. FIELDS:

So we don't have it.

CHAIRMAN BISHOP:

Why, are you in favor of this?

LEG. FIELDS:

Yes.

CHAIRMAN BISHOP:

But there's five members of the committee. How are you voting?

LEG. FIELDS:

I would like to approve it.

LEG. FISHER:

You're not going to get the votes.

LEG. FIELDS:

That's what I'm saying.

CHAIRMAN BISHOP:

All right. So there's a motion to discharge without recommendation. All in favor of discharging without recommendation? All opposed? List me as opposed. So it is approved by a vote of 4-1, it goes to the full Legislature to be considered on Tuesday. Discharged without recommendation (VOTE: 4-1-0-1 Opposed: Legislator Bishop - Not Present: Legislator Guldi).

LEG. FISHER:

It's not approved, it's discharged without recommendation; he meant the motion was approved.

LEG. CARACCILO:

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Mr. Chairman?

CHAIRMAN BISHOP:

Yes.

LEG. CARACCIOLO:

Tom, just refresh my memory. I was there today, it's very hilly terrain; given that, how many single and separate -- I think that's the plan.

CHAIRMAN BISHOP:

Well, why don't we do this. It's already -- why don't you discuss it with him after, we're almost done.

LEG. CARACCIOLO:

All right, I'll discuss it with you privately.

DIRECTOR ISLES:

Okay, I'd be happy to.

#### TABLED CEQ RESOLUTIONS

CHAIRMAN BISHOP:

CEQ No. 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). Do we need to move this along in tandem with the other resolutions?

MR. SABATINO:

Yeah, to be consistent with the earlier motion.

CHAIRMAN BISHOP:

Motion to discharge without recommendation by myself, second by Legislator Fisher. All in favor? Opposed? Discharged without recommendation (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

Same thing on CEQ No. 70 -02 - Proposed Suffolk County Department of Public Works - 2003 Vector Control Plan of Work (Recommendation - impermissible segmentation).

MR. SABATINO:

No, 70 should be tabled to be consistent with your previous action.

CHAIRMAN BISHOP:

Motion to table by myself, second by Legislator Fisher. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Guldi).

Tabled subject to call we don't need to deal with, but we do need to deal with a Sense Resolution, No. 62.

MR. SABATINO:

That's tabled subject to call.

**CHAIRMAN BISHOP:**

**82**

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Oh, that's been tabled subject to call as well. Okay, that's it.

**MR. SABATINO:**

Just to correct the record, back on that 1068, I was mistaken, the term of office is correct, there was a mistake in my votes. So we can leave it alone.

**CHAIRMAN BISHOP:**

Motion to adjourn by myself, second by Legislator Caracciolo. We are adjourned. Thank you.

(\*The meeting was adjourned at 4:34 P.M.\*)

Legislator David Bishop, Chairman  
Environment, Land Acquisition & Planning Committee

{ } - Denotes Spelled Phonetically

**83**