

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

MINUTES

A special meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **March 3, 2003**.

Members Present:

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

Also In Attendance:

Paul Sabatino II - Counsel to the Legislature
Legislator Brian Foley
Tom Isles - Director of Planning
James Burke - Planning Department
Lauretta Fischer - Real Estate Department
Christine Costigan - Real Estate Department
Nicole DeAngelo - County Executive's Office
Vito Minei - Department of Health Services
Walter Dawydiak - Department of Health
Jim Bagg - Council on Environmental Quality
Eileen Keenan - NYS Sea Grant
Michael LoGrande - SCWA
Steve Jones - SCWA
Dr. Melvin Fritz - SCWA
Dick Amper - Pine Barrens Society
Sean Clancy - BRO
Charles Ott
Bob McAlevy
Karen Blumer
Debbie O'Kane
Amie Hamlin
Adrienne Esposito
Don Suebert
Dan Morris
Paul Infranco
Victor Massian
Kevin McAllister
All other interested parties

Minutes Taken By:
Donna Catalano - Court Stenographer

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(*THE MEETING WAS CALLED TO ORDER AT 1:39 P.M.*)

CHAIRMAN BISHOP:

Please rise for the Pledge of Allegiance to be led by Legislator Guldi.

SALUTATION

CHAIRMAN BISHOP:

This is the March 3rd Meeting of the Environment, Land Acquisition and Planning Committee. As is usual for this committee, we have a very lengthy agenda. And we have one presentation today and three issues which have generated cards. And I think we also have an appointment to the Water Authority and that also will generate discussion. At this time why don't we begin with our presentation which was scheduled. We don't have enough members to vote on issues anyway at this time. Eileen Keenan is from -- Eileen Keenan is from New York State Sea Grant NEMO Educator. NEMO is an acronym stands for Non Point Education for Municipal Officials. We are municipal officials so you are created, your job, to educate us. So we are about to enjoy the benefit of your work, and I appreciate you being here to speak with us about a very important new federal mandate, which is one that will greatly affect municipal activity here on Long Island.

MS. KEENAN:

My name is Eileen Keenan, and I work for the New York Sea Grant NEMO Program. And as was mentioned, NEMO stands for Non Point Education for Municipal Officials. And the point of -- the objective of our program is specifically to assist municipalities in addressing the problems associated with contaminated stormwater runoff.

As I mentioned, our program is administered by New York Sea Grant, and the main thing that I'd like you to know about Sea Grant is that we're a non advocacy, non regulatory educational program. Our purpose is to assist local governments and coastal resource users in sustainable use of marine resources. And I did bring some brochures with me concerning Sea Grant and also our NEMO Program as well. It looks like I'm a little too far from the laptop, let me see.

Okay. So I'm here to speak with you today about the a new federal program, it's called the EPA Phase II Stormwater Program, and that directly relates to many municipalities here on Long Island. This is a new program. And here in New York State, it's administered by the Department of Environmental Conservation.

In the amount of time that we have I'm going to provide you with a very brief overview, and I did bring with me additional materials should you require additional information. By way of some background, the Phase II Program is based in the Clean Water Act, which was passed back in 1972. And it follows on Phase I, the Phase I Stormwater Program was promulgated in 1990. That regulated large industrial sites, large municipal separate storm sewer system and also large construction sites.

The Phase II Program that we're presently concerned was actually initially adopted in 1999, and becomes effective this year on March 10th. The Phase II regulations are directed at the contaminants that

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are picked up by stormwater. These are such things as oil, gasoline, pesticides, sediment, pathogens and nutrients. And these are all picked up and transported by stormwater and carried by municipal stormwater conveyance systems, where they reach our costal resources largely untreated. These can contaminants cause problems that are widely recognized as being serious economic as well as health concerns. So the objective of the Phase II Program is to ensure seafood safety, to prevent beach closures, enjoy -- enjoyment of our waterways and also to enhance recreational use.

Who's affected by Phase II? Here in New York there are actually two separate permits that have been issued; one from municipal entities that operate storm sewer systems, and the other for construction site operators. While they are two separate permits being issued, municipalities do have specific oversight responsibilities for construction site operators within their Phase II Programs. So what exactly do municipalities need to do to comply with these regulations? Specifically, they need to obtain authorization to discharge contaminated stormwater under a permit. And the first step in that process is the filing of what's known as a Notice of Intent by March 10th of 2003. They then need to develop and implement stormwater management programs. They need to start implementing those programs as soon as they obtain permit coverage, which is right away. They need to be able to demonstrate that they're actively implementing Phase II Stormwater Management Programs and have those management programs fully implemented within five years.

Municipal Phase II Stormwater Management Programs include six overall major components. These are known as minimum control measures, and each one of these have specific requirements as well. And we'll get into some of those in a minute. These minimum control measures or major program components are designed to prevent or reduce contaminants being generated by the general public, by construction sites, and also by municipalities themselves. The first minimum control measure is public education and outreach. For this program

component, municipalities are required to disseminate educational information to the public, specifically as it regards the pollutants picked up stormwater, the impacts that they can cause, and also some of the things that citizens can take in order to reduce the generation of these contaminants.

There's a wealth of materials out there that can be used within municipal Phase II Programs to satisfy this minimum control measure. Some of those are pictured on this slide. For the public involvement and participation components, municipalities are required to ensure that the public has access to and participation in both the development as well as the implementation of Phase II Stormwater Management Programs. Specific requirements are intended to ensure that the public has access to program documents and program development. Specific requirements include a public meeting, providing public notice, establishing and publicizing the name of a stormwater contact, and also promoting access to implementation procedures and responding to public comments as well. Municipalities are required to report to DEC annually on their program implementation progress, and they're also required to include in their reports the comments that they've received from the public as well as their

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response to those comments.

The illicit discharge detection minimum control measure is designed to address illicit or potentially illegal connections to the municipality's storm sewer system, for example, illegal connections from businesses or also motor oil dumping on the part of the public. So this measure is designed to eliminate non stormwater from entering the stormwater conveyance system. Education is also a major component of this measure and may be incorporated into the educational component of the Phase II Programs. To put some teeth in the illicit discharge aspects of municipal Phase II Programs, municipalities are required to enact an ordinance, prohibiting non stormwater discharges and also to implement enforcement procedures. And in order to do that as a practical matter, it's necessary for municipalities to know what constitutes their stormwater conveyance system. And a first required step in that process is to create a map showing all the discharge points for the municipal system into the waters of the United States.

The construction site runoff control component requires that municipalities develop a program to reduce pollutants from activities disturbing sites equal to greater than one acre in size. And this is a significant departure from what is known as Phase I, which applied to sites other than five acres in size. Specific requirements also include an ordinance with penalties requiring erosion and sediment and waste controls at construction sites. And also, that municipalities implement specific municipal procedures regarding site plan review,

site inspection and enforcement and also procedures for the receipt and response to public comments concerning construction activity. Again, this aspect needs to be in accord with the general permit for construction activities with which construction site operators have to comply. The state -- the municipal programs need to be at least as stringent as the state construction program.

In terms of post-construction, municipalities need to develop a program designed to address runoff on a post-construction basis. That means that they need to ensure that the water quality impacts from development are minimized, and that they attempt to maintain predevelopment runoff conditions. To meet the requirements of this minimum control measure, municipalities can employ either structural or non structural best management practices, but the intent is that there is a proactive approach to minimizing the impacts of development on water resources. Perhaps the most noteworthy requirement of this minimum control measure is that municipalities are here required to ensure the long term operation and maintenance of any structural or non structural best management practices that a developer installs at a site on a long term basis. So the municipalities are required to make sure that anything that -- anything such as a retention basin or a sedimentation ditch, any type of stormwater best management practice that is installed or utilized, the municipalities are required to ensure that that operates and that that is maintained on a long term basis.

The pollution prevention good housekeeping measure specifically relates to such municipal operations as building maintenance, parks and open space maintenance, stormwater system maintenance and also roads maintenance. This component requires that municipalities have a

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program to minimize the contaminants that are generated through municipal operations, and that they provide training to their staff to ensure that this occurs on a daily basis through municipal practices.

As you can see I've covered quite a number of municipal policies and practices. Phase II covers a very broad range of municipal activities from proactive land use planning to ensure that long term impacts are minimized, right on through to golf course maintenance and roads maintenance. There is a whole variety, a whole gamut, of municipal activities that are effected by this. And to be effective, municipalities really need to ensure that these programs are coordinated and implemented at the top levels of government in order to ensure that they're effective, that various operating departments are communicating with one another, that they are not working at cross purposes to one another, and that they are basically working off the same page. There are a number of ways in which various operating departments could be duplicitive or actually negate the activities of

another department. So it's very important that the Phase II Programs are coordinated and carefully communicated to staff.

I've mentioned a number of requirements, but there's quite a bit of flexibility built into the Phase II Program. Municipalities can choose the best management practices that are most appropriate to their location. They can also make modifications as needed. They are expected to evaluate and review what they are doing to make sure that they are on target with the objective that they identify when they file for permit coverage. They do have five years to implement all of this, although they do need to demonstrate that they are working on it right away. And perhaps most importantly is the fact that municipalities are encouraged to share implementation with other entities on one or more of the major components of their programs. Municipalities can work with non governmental organizations, they can work with estuary programs, they can work with non profits, they can work with state regulatory agencies, and they can also work with each other.

So here's where it's helpful to recognize that existing policies and procedures and practices and programs can and should be incorporated into municipal Phase II Stormwater Management activities. A tremendous amount has been accomplished on Long Island to achieve restoration and protection of Long Island's valuable water resources, and these efforts should be incorporated into Phase II Programs . In this respect, Phase II represents a very significant opportunity for Long Island's local governments to work together to advance toward previously identified goals and objectives. And the Phase II Program presents a very good reason for municipalities to work together and to partner with existing programs on Long Island, such as the Long Island Sound the Peconic and the South Shore Estuary Reserve Programs. These programs have existing materials in place. They have existing comprehensive management plans that address many issues associated with stormwater, and this is an excellent frame work for municipalities to work with the estuary programs on Long Island to advance their Phase II efforts.

So to conclude, I'd a just like to let you know that our NEMO Program is actively working on developing additional workshops and materials

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specifically as they relate to assisting municipalities with their Phase II implementation efforts. And I'd be happy to work with you in the future and take any questions that you might have. Thank you.

CHAIRMAN BISHOP:

Thank you, Eileen, that's a very well done synthesis of a very complicated issue. I'm going to ask -- I'm going to welcome committee members to ask questions, but ask that we limit the entire questioning

periods until about ten after two, so we can remain on schedule. So if you have any questions, please ask at this time. Well, I have a question. As of next week, March 10th, Suffolk County and the municipal townships throughout the County have to apply for a permit to -- to discharge contaminated stormwater, is that a permit that could be denied or it's just a way for the federal government to keep track of what's being discharged?

MS. KEENAN:

Permit coverage can be denied, and permit coverage can be challenged. In New York, we have what's known as general Phase II permit, and so permit coverage can be assumed after DEC has received their Notice of Intent. However, because this is a federal program based in the Clean Water Act, it is subject to review and challenge by the public. And DEC does plan to have procedures in place. They do have procedures in place for review of the Notices of Intent that come in. And should those be deemed to be deficient, then permit coverage can be denied.

CHAIRMAN BISHOP:

Is the -- is the most important initial step for any municipality whether it's county, town or village to map its discharge point and that's what it should be working on immediately?

MS. KEENAN:

It's difficult for me to say what would be the most important activity for any given municipality to work on, but certainly that's up there on the list. As a practical matter, in order to identify and eliminate discharges to the municipal storm sewer system, the municipality needs to know what that system is comprised of. And I should point out here that with respect to Phase II, we're not just talking about the pipes. A municipal separate storm sewer system consists of anything that is used, designed or constructed or intended to convey stormwater, and that includes the pipes, but it also includes ditches, wells and gutters.

CHAIRMAN BISHOP:

Legislator Fisher.

LEG. FISHER:

Thank you. That was a very interesting and seemed very complete presentation. I just have a couple of questions, and I look at this and look at the public outreach, the educational portion, the mapping, the enacting of an ordinance, and its enforcement. We are in tight budgetary times, and of course the dollar signs were bouncing like sugar plums dancing in my head. How much reimbursement would there be for cost for the County or other local municipalities?

MS. KEENAN:

That would be an excellent question to address to DEC. I do understand that they have specific funding available through or EPF Program, but I'm really not -- I'm really not able to provide you with specific details on that.

LEG. FISHER:

Okay. And getting back to the outreach and public involvement and participation. Is there a process in place for that, or does the municipality design its own form of outreach and public involvement?

MS. KEENAN:

Municipalities are at liberty to design their own public involvement and participation and education programs, but again, we do recommend that they tie into existing efforts and to existing material that are out there, especially but not limited to the major estuary programs on Long Island. And also, there are further requirements within each of those minimum control measures that I -- that I wasn't able to spend much time with. But those specific requirements do give additional structure that what the programs would need to look like.

LEG. FISHER:

Okay. As far as -- no, you answered that question, Legislator Bishop asked that. Thank you very much.

CHAIRMAN BISHOP:

Legislator Guldi.

LEG. GULDI:

The real question that occurs to me is the aspects of the project seem to bifurcate pretty clearly in terms of development on an acre or more of versus municipal stormwater activities. Our municipal activities, us the County, since we don't have planning jurisdiction, would primarily be restricted to our operation of our facilities and construction progress -- programs related to our road. You emphasized, however, the coordination between levels of municipal governments in connection with the plan, and I wondered who and how is that coordination envisioned to occur?

MS. KEENAN:

Are you asking about how the state construction aspects would coincide wit the municipal --

LEG. GULDI:

Take our road system, our road system is an interconnected array of -- Montauk Highway is a classic, because as Montauk Highway proceeds through -- out Suffolk County, it goes from County maintenance to state maintenance. It intersects town roads, village roads, etcetera. To do a project along it or any part of it becomes an intergovernmental -- you know, you've got five or six players, if you will, on a simple road project. There isn't, as I understand it, a

great deal of coordination in that each municipality has its section of responsibility and doesn't. What mechanism or approaches has this program imposed for that intermunicipal coordination, firstly? And secondly, how do you envision it working given the planning and land use restrictions being given to the towns and the County's limited

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role with respect to that?

MS. KEENAN:

I'll take a crack at the first -- the first question that you asked. The intermunicipal aspects of this are paramount especially with respect to elicit detection and the roads maintenance activities and things like that that you mentioned. And municipalities are specifically encouraged to work with one another. And I understand that in New York State there will be funding programs that potentially may be employed to favor requests for funding that are constructed on an intermunicipal basis.

LEG. GULDI:

Particularly if this federal funding were available, that would make sense. My other concern is the selection of the anagram for the name of the program.

LEG. FISHER:

Captain NEMO.

LEG. GULDI:

Not just Captain NEMO. I know the Latin. I had a Trust Professor back at Fordham who constantly used NEMO to refer to things that weren't going to happen, because it is the Latin for no one. So, I mean, who did that, and did they really mean it?

MS. KEENAN:

NEMO was started in Connecticut about ten years ago. And it's an acronym for Non Point Education of Municipal Officials, relate to non point source pollution. And that guy's name who started it, his name is Ched Arnold. And actually there are now close to 30 NEMO Programs around the country.

LEG. GULDI:

Was the pun intended though, given public officials?

MS. KEENAN:

Knowing Ched, probably yes. Knowing Ched, absolutely.

LEG. GULDI:

Okay.

CHAIRMAN BISHOP:
Legislator Fields.

LEG. FIELDS:

Hi, Eileen. I wondered if this program is only for new projects or redevelopment projects. What about all of the things that the County or towns are involvement in now that discharge?

MS. KEENAN:

The pollution prevention and good housekeeping measure would come into play there. And there is a potential that certain retrofits might be necessary depending upon whether or not that could be considered as necessary maintenance to ensure that contaminants are being reduced or prevented to the maximum extent practicable.

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LEG. FIELDS:

Thank you.

MS. KEENAN:

There are -- there are a number of very significant aspects to the program that I really wish I had more opportunity to touch on, and one is that municipalities are required to ensure that non -- that contaminants picked up by stormwater are reduced to the maximum extent practicable for that municipality. And there are addition requirements that come into play of significance here on Long Island. In a municipality discharges to waters that are either 303-D listed or that are discharging to water bodies for which a TMDL has been established, and that's significant in the Long Island Sound which has a nitrogen TMDL.

CHAIRMAN BISHOP:

Do the Peconic Bay or the Great South Bay have that?

MS. KEENAN:

Not to my knowledge, not yet.

CHAIRMAN BISHOP:

What are the 303-D bodies?

MS. KEENAN:

The 303-D list is a listing of priority water bodies that are in need of attention for specific contaminants.

CHAIRMAN BISHOP:

And we get that from the -- that's a DEC maintained list?

MS. KEENAN:

Yes, that's a DEC maintained list. And I did hand out a packet of

materials, and all of this information is referenced in those materials in one place or another.

CHAIRMAN BISHOP:

Okay. We appreciate -- Legislator Foley, do you have a question?

LEG. FOLEY:

Just quickly, Mr. Chairman. Ms. Keenan, I thank you for your presentation. As the Vice-chair of the Public Works Committee, I think it would be very instructive for a presentation to be made to our Public Works and Transportation Committee since the issue of stormwater runoff is directly administered, if you will, by our Public Works. Have you reached out to them as of yet?

MS. KEENAN:

This is the Legislative Committee that you are referring to.

LEG. FOLEY:

Both the Legislative Committee as well as to the Department.

MS. KEENAN:

Yes. As a matter of fact, I am giving a presentation to Suffolk County staff tomorrow, and I have had some contact with them. I'd be

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happy to give a presentation at any time.

LEG. FOLEY:

To the committee as well. Very good. okay. Thank you. Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you. Thank you, and you are welcome to come back on specific aspects of it. It would be helpful.

MS. KEENAN:

I'd be very happy to follow up.

CHAIRMAN BISHOP:

It was a very good broad overview.

LEG. FISHER:

Thank you, Eileen.

CHAIRMAN BISHOP:

There are -- I believe there are four issues which have generated cards. One is Resolution 1917, Granny Road. Then we have the Vector Control Plan and then Legislator Cooper's bill on clearing the Pine Barrens. And we also have the Suffolk County Water Authority

appointment. What I have done traditionally in this committee is I've, to try to expedite it, is we take the issue up as -- and ask that the speakers come up as a panel. So, for example, the first cards that came in were here first and have the first right to speak are regarding Resolution 1917. So if Karen Blumer, Charles Ott, Dan Morris, Don -- can't read the last name -- Paul Infranco and Victor Massian, you are all here on that issue, correct? Is that correct? And you are all on the same side of the issue, correct? So let's come up together.

LEG. FOLEY:
Mr. Chairman.

CHAIRMAN BISHOP:
Legislator Foley.

LEG. FOLEY:
As the panel approaches the table, I have to leave before three o'clock for a long standing appointment, but I did want to attend today's meeting. And although this particular parcel is not within my Legislative district, some of my constituents are here today to talk about it. And I would just like to impress upon the committee the very important nature of this proposal, some of the unique characteristics and features, which this panel discussion will explain and describe. And how we feel that this parcel deserves an even higher point scoring system, if you will, then what it had up to this point received; whether it has to do with the kettle holes on the property, the numerous tiger salamanders that abound the property as well, as well as some other unique features that particularly Ms. Blumer will discuss. It's my hope that this committee can report this planning steps resolution out of committee so we can move forward with getting an appraisal of the property because of how important it is in

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that particular area of Brookhaven Town. So I'm not a member of the committee, but I came here today to voice my strong support for this resolution. We do many things along our shorelines, but here's an example of an inland area where both the kettle holes, the freshwater wetlands some of the other features and characteristics to my way of thinking give it more than enough points in order to have it acquired by our County. So thank you, Mr. Chairman.

CHAIRMAN BISHOP:
Thank you, Legislator Foley. Mr. Amper, are you here on this issue or on the -- Mr. Cooper's issue or both?

MR. AMPER:
I'm not going to speak, they're going to speak.

CHAIRMAN BISHOP:

I see. Okay. Now, panel, can you organize among yourselves an order that you are going to speak in? You're going to speak first. Okay.

MR. OTT:

Charles Ott, O-t-t, I live at 6 Fairview Avenue, Medford. The property locate at Granny Road and abutting both sides of Overton, Middle Island Road is uniquely suited for preservation, possibly as a mini preserve. It is part of the Ronkonkoma Glacial Moraine, which includes Lake Ronkonkoma and Bald Hill. If you were to look east from Bald Hill, you would see furrowed rolling hills running from south to north having been gauged out by the advancement and retreat of the glacials which existed eons ago. This wetland property consists of kettle holes, ponds and is inhabited by the marble salamander, fox turtles, deer, rabbit and possum. The unique combination of furrowed hills or shelter against winter winds, the delicatessen abundance of available game and potable water made this interisland sanctuary an ideal spot for mobile prehistoric peoples. Indeed, miscellaneous quartz artifacts have been found on our near this site. If you were to walk along the edges of this property, as you see here, this could be beautiful -- this could be -- see the benefits which only hint at its unseen inner potential as a natural site worthy of preservation status. Thank you.

CHAIRMAN BISHOP:

Thank you.

MR. INFRANCO:

Hi. My name is Paul Infranco, I'm a social studies teacher at the Longwood Junior High. And for several years our students have been working on a history project, and I get a phone call last week asking me to detail some history about this project. Legislator Towle had been helping us with a number of these projects. He got permission from the Suffolk County Parks Department to let us do an archeological survey along the Connetquot River. And the next project that we had interest in over a year ago was the old Overton Homestead. We located a picture of the home taken in 1911 overlooking the pond. The picture over here shows that same -- where the house stood, same condition almost 80 years later.

This property has not been touched by a bulldozer, by a shovel, it's

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in the same beautiful condition it was when an Indian by the name of {Wind Coram}, according to Brookhaven Town records in 1700 occupied this area between Mill Road and Granny Road, which was called even back then Coram hills. We went to this site with Mr. Overton, town historian, we found a brick laying on the surface. We brought it to the Anthropology Department at Stony Brook University, and they dated

at some time in the mid 18th Century. We requested of Brookhaven Town permission to dig on this site, and they said pending acquisition for the town on that part of the property, they would -- they would not be able to grant that request to us.

Going up further with an archeologist exploring the property, he acknowledged that some of the same land formations, some of the biggest indian sites that they've found on in Brookhaven Town, in notably the one that they found behind the Twin Ponds on Miller Place Road, which actually was a village probably the size of 100 Indians, that this same property has much of the same characteristics as that property. Historically, it's significant in the sense that Mr. Overton has eight sons, seven of the served during the American Revolution, three were pentioned by the United states Government for their activities. The road was the site of when General Washington expressly gave orders for the destruction of the hay, that the men that were designated to perform that, came up this road, up the Overton Road, took a left onto Mill Road, where they destroyed that 300 tons of hay.

After the war was over, it was home to many of the colonial industries of the time; family blacksmith shop, brick helms on either side north of the property and south of the property, there was a tannery along this road. It has tremendous historical significance for the structures that existed in it, which we believe can still be found along that property. And it's a property once you just walk it, you look at the rolling hills and the beautiful features on it. It is a property that -- I know that's it's -- you know, with the economic climate that we're in that things are expensive and it's difficult, but in this general core of property, there is much in here that is worth retaining if possible. Thank you.

LEG. FISHER:

I just wanted to mention -- I just wanted to congratulate you for engaging your students like this. It's good to have them see history come alive like this.

CHAIRMAN BISHOP:

You can't control Legislator Fisher when it comes to education.

MS. BLUMER:

Good afternoon. My name is Karen Blumer. I am representing the Open Space Preservation Trust, which is a new land trust. We are affiliated with an advocacy group, the Open Space Council, but we really do operate independently as a land trust. We are here to speak in favor of this resolution hoping that you can get it out of committee and onto the -- in front of the Legislature. This is 85 acres of -- of wooded rolling topography whose natural resources are really quite extensive. I'm not going to go through them, but I am submitting a letter which I put into your packet from Joe Janson,

who's with the Nature Conservancy and is a herbtologist. He has listed some of just the rare herbtology that are using the fertile ponds on the property.

This property besides being 85 acres of its own, which has quite -- has rare species; a whole population of tiger salamanders that are using these ponds, the three ponds that on the property, but they are also migrating to some of the ponds -- and lets see.

CHAIRMAN BISHOP:

It better be a heck of a point.

MS. BLUMER:

It is, definitely. Actually, it's -- it's almost the punchline to the whole property. It's basically -- the 85 acres is in the northwest corner of four to 500 acres, which we really would like the Legislature to seriously consider taking the initiative partnered with the Town of Brookhaven to create a very large Overton -- Overton preserve. Besides the historic value in the entire area, the parcel is connected -- it's down here in this corner -- but this is still a relatively undisturbed woodland.

This parcel unfortunately has already gone through an approval process in the Town of Brookhaven. It's very unfortunate, because there are 240 units associated with this parcel alone. However, with the properties and the rest of the four to 500 acres, there is little to no approvals that are in so far in this entire area as far as I know. I did call the town on Friday, but I couldn't exactly verify that. But this property really is a portal to the larger preserve. Besides all the history that was mentioned, I did speak with David Overton also. And he explained that it was Nehemiah Overton, the young son of the first David Overton, who when his father was asked -- George Washington asked Benjamin Talmadge to set the fire to 300 tons of hay in order to thwart the British, the young Nehemiah was asked to actually burn the hay itself. This is according to quote family tradition unquote, and is written nowhere except now in the Suffolk County records.

So -- I also included, our land trust did an evaluation according to the County -- Suffolk County Open Space Rating System, and the minimum that a piece of property needs is 25 points. We came conservatively to 85 points, and I've include exactly what they are in your packet. So it is -- it's real quite -- quite high. It gets a very high rating. So we really encourage you to -- we feel that an opportunity exists to not only acquire this property, and we would like to suggest that possibly in the resolution that it might be passed through with perhaps some amended language to include the partnering of -- for

acquisition with the Town of Brookhaven. And we are willing to -- we have a coalition of people growing, which we'll probably call ourselves the Overton Coalition -- Overton Preserve Coalition to help shepherd this through the County and the town. Thank you very much.

Oh, Excuse me. Just -- I did -- I wanted to add the Civic Association, the Greater Gordon Heights Civic Association wanted to be here. They could not, but I am submitting a letter from them signed by their President, Ray Charles, that they want to express their

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overwhelming concern about the 240 units planned for this area. They feel that it will particularly adverse not only their community, but all the natural benefits that the properties provide. And they are proposing that the County and other agencies purchase the property on behalf of Gordon Heights, Medford and Coram communities. Thank you very much.

MR. MORRIS:

Good afternoon, Chairman Bishop and members of the committee. My name is Dan Morris, and I'm speak today for the Board of Directors of the Open Space Council. The Open Space Council strongly urges you to vote in favor of recommending this resolution to the full Legislature for their consideration and hopefully for their approval. The parcel in question is part of a larger area bounded by Granny Road, New York State Route 112 and Mill Road in the Coram-Medford area of the Ronkonkoma Moraine. This area is mostly undeveloped. There is development along the road frontages in many areas, but the interior portions are largely undeveloped. This area -- the Ronkonkoma Moraine is in the deep groundwater recharge zone, has many ecological features and historical features, which you have heard about before I spoke.

By virtue of its large size, it is an important wildlife habitat. The Open Space Council has recommended this area for protection numerous times. When the Pine Barrens Plan was created we asked the area be considered part of the critical resource area of the Pine Barrens Plan. We have proposed the area for acquisition to the Regional Planning Board Open Space Initiative and to the Town of Brookhaven's Open Space Acquisition Committee. Unfortunately, none of these recommendations have been -- were taken up. And now, this particular parcel is faced with development. The Open Space Council again asked that this special area be protected and that the Suffolk County Legislature take the lead in preserving this fantastic area by acquiring this parcel. Thank you for your consideration.

CHAIRMAN BISHOP:

Thank you. Is that it?

MR. SEUBERT:

Good afternoon. My name is Don Suebert of the Medford Taxpayers and Civic Association. And on behalf of the Medford Taxpayers and Civic Association, President Joan Travan and myself and the Board, I would like to again thank Mr. Towle, his office, especially Bill Doyle and all the members of the Environment, Land Acquisition and Planning Committee for their help, time and attention to this request and Mr. Foley for being here today also. Passage of this Resolution, 1917-02, Meadows at the Ponds at Coram will help to establish, make truly visible, the real and worth goals of the Suffolk County Land Acquisition Program.

This parcel may well be of historical, archeological, geological, hydro-geological, plant and animal importance, the complete package. This Pine Barren parcel's amazing uniqueness not far off Route 112, makes it more than rare, a totally vanishing, evaporating, endangered anomaly. We presented a video of the parcel demonstrating its steep slopes, kettle holes, the gorgeous nature of this property. Environmentally in an area with little remaining open space, it

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offered a huge bang for the environmental acquisition buck. The County's purchase will offer a refuge, a relief, a place to bring our children to enhance their sensitivity, respect for plant, animal and human life. For without that respect, no life of any kind will exist.

This is an especially important purchase in an area where the ills of suburbia, ugly strip malls, lack of proper planning and incompatible uses cry out for help. Having everyone on this committee recognize and be totally committed to the worthiness of this parcel places our acquisition program on a strong objective, environmental, professional and scientific footing. As a realist, I understand that the town's downzoning, density increasing approval of 240 plus units has unfortunately done much to inflate the retail -- the real estate price. But as a realist, I also know how down turns in the economy cause drastic down turns and turn arounds in land values too.

We wish our County to be poised and ready to make an offer at an appropriate time and to act in partnership with Brookhaven Town to purchase the property. The superb credentials of this property and the surrounding parcels make further acquisition a genuine possibility. As this minute, the property is surrounded by additional large tracks of similar forested land and runs north to large pasture, the former Manzoni Farm. Acquisition of adjacent Pine Barren lands makes ecological sense. Preserving as much contiguous area enables the ecological integrity of the area, the habitat to remain in tact for future generations.

Karen brought up to you before the land acquisition form. So I noted in the blank are the ratings for the property. This paper here has

the ratings from the County, and I just wanted to go over some of the categories. It has the -- what's circled on the form is how the County rated it, and I just wanted to go over what that is, okay? A break in the action, I guess. Alternative rankings, right. There was five points for rare or endangered species, okay? There are endangered on species the property, agreed. Unique kettle holes is in there. Riverstream water body, as you can see by the picture, there is a water body on there. This area should probably have three different points; marine or freshwater wetlands, special groundwater protection area and a critical environmental area, I think you can qualify for all of them, but you get five anyhow. Classified unique vegetation, there's a couple -- there's a number of vegetation that have been identified on the property and a whole community of oak heath and pine community. Special view, a special view, it's over -- it's probably one of the highest points east of Bald Hill, okay, going out towards Riverhead. At that point, it's over 170 some odd feet high in elevation. So the topography alone, if you go there -- if you go there like and just take a look, it's like you are almost in Connecticut the rolling farm hills that are on the -- just to its north. And of course, we get the multiple of any of the above.

Now this one here, there's a little question about it, over 50 acres we've got, and I'm just trying to figure how to get 30, but we'll take that 15. And then I also noted perimeter to area ratio, I figured it out, the only type of parcel that couldn't get a perimeter to area ratio would be that of 48 by 2 or 49 by 1, okay? So it easily gets the perimeter to area ratio because of its rectangular two to one

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shape of length to width. Abutting or adjacent to County land, I guess not. Abutting or adjacent to other protected lands, possibly, because there's other DEC protected kettle holes along the side -- on the other parcels around it. A strategic parcel associated with further acquisition, I would think so. I think you'd want to acquire this whole are to keep the continuity in this -- just amazingly off Route 112 that's probably been left there for a long time, because it is, you know, it's not Brookville, it's Medford, Gordon Heights so it never -- it never got the attention of the real estate market until now.

Greenbelts, trails and public access points. Trail linked to -- the Overton Road will take you right to the pond, okay? And then the Town of Brookhaven I understand is also in the whole area trying to make links and buffers from one -- from one parcel to another. And it never did get the developmental pressure, but I guess we wouldn't be here probably if it wasn't for that -- for those points right there. And we just found that Karen Blumer and her group, the trust, would adopt that area. So I think we can get a few more points there. So I think it really does have the whole package. And I would like your

people to consider that.

CHAIRMAN BISHOP:

Thank you all very much. When we come to the agenda, then the Planning Department will step forward and they can discuss how they arrived at the scoring that they did. We will consider and vote on this resolution later today. Thank you.

MR. SUEBERT:

Thank you very much for your patience and attention.

CHAIRMAN BISHOP:

Well done. All right. Next by right, and the right is established by who filled out cards first, are folks from various organizations who want to comment on the Vector Control Resolution. Now, they are Adrienne Esposito, Amie Hamlin, Debbi O'Kane, Bob McAlevy and Kevin McAllister. All of you are people who have been long time advocates that have come before this committee before and who appreciate and understand the time constraints. Can I ask all of you limit your remarks to three minutes? Is that possible.

MS. ESPOSITO:

Extremely possibly.

CHAIRMAN BISHOP:

Fifteen minutes in total.

MS. HAMLIN:

I think we have two different issues.

CHAIRMAN BISHOP:

Oh, I thought you were all on --

MS. HAMLIN:

We're the Citizens Advisory Committee, the three of us are. That's what we're talking about, our proposed budget and education and

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outreach.

CHAIRMAN BISHOP:

And Bob and Kevin are --

MR. MCALVEY:

The Peconic Estuary Program, Citizens Advisory Committee. And we passed a resolution, I thought I'd like to pass it on to you. My name is Bob McAlevy. I'm representing the committee, Kevin McDonald asked me to come here, he was unable to come here. It has to do with the, I think it's 1043-03 and 1045-03. I don't know the details, but it has

to do ditching an reditching and other harm to the environment. We have a resolution passed unanimously by the Citizens Advisory Committee to the Estuary Program opposing it. Many reasons, but one of them is that it is absolutely and completely prohibited by the comprehensive conservation and management plan, the way forward, a very, very difficult document to arrive at, many conflicting interests. Everyone gave up something for the greater long term good of the estuary. And we're afraid that if we start ripping it apart, then people who are pressed together to agree to it will start to fall off one by one.

Anyhow, I also -- I guess a primary reason is that you are pledged, Mr. Gaffney pledged you, to abide by this plan. On October 31st, he signed the pledge for Peconic Estuary, an it says in part, we pledge to restore and protect and implement an implementation of the comprehensive conservation and management plan. That is, you're pledged, the County is pledged, to work within the frame work of this plan. On page 437, you are going to get a copy of this I'm sure, it says here that one of the things you have to do to adhere to this -- to this management plan is to establish a policy for not reopening ditches that have been filled in by natural processes. I note it didn't say not filled in 5% or 45% or 65 or something else, not reopening the ones that have been filled in independently of the degree of filling it. If you would authorize that, you would be violating your pledge. Other reasons why you shouldn't is that this document was worth -- well, taxpayers' money is up to 70 -- \$7 million went into this. And based on this whole plan, tens of millions of dollars worth of critical land has been purchased by the municipalities and the County and the state, etcetera, etcetera. So if you start going against this, again, I'm afraid the whole thing will start to unzip.

So I have here a couple of attachments. One is the resolution that was passed last Thursday, it passed unanimously with one abstention. A representative from each of the five East End towns voted in favor of this. I'll leave this with you. It just says, don't violate your pledge really. I have some other attachments here. The question of effectiveness and damage done by mosquito ditching. I have an attachment a here, it's a publication by Dominick Ninivaggi. It's entitled, "Managing New York's Mosquito Coast," and I'll call your attention to a section, how to kill a saltwater marsh. This is -- this is the mosquito killer himself, how to kill a saltwater marsh. And I will leave you to read it. I will tell you from the literature that I've seen, there has been no established benefit on mosquito populations by ditching, none. Also and finally and somehow related

to this, I have a publication where the head mosquito man from the Center for Disease Control of the US Government said that there is no

proof that pesticide application has any beneficial effect on mosquito populations. This will be attachment number three. It might be a little off the point, but you might have it for future reference. Thank you.

CHAIRMAN BISHOP:

Okay. I guess Kevin would be the most logical person to go after that, right? You are not here on the CAC aspect.

MR. MCALLISTER:

I am, but I think actually in the sake continuity, perhaps it is best I go next. My name is Kevin McAllister, Peconic Baykeeper. I want to start by saying how competent I believe your Environmental Division is and certainly your Planning Division. And in my tenure, five year tenure, the interaction I've had with them, I think their work is great work. I do want to speak to the process today a bit on the CIS Program. I believe an element of what may be presented later is looking at obviously the budget pursuant to the EIS process, which I will not speak to. I think that's -- obviously, you're better equipped to make those determinations.

There is one element, however, that the time frame associated with the process will obviously continue out on the order of two to three years. And there may be a session that DPW, Department of Public Works, needs the continuation of their annual work plans, the 2002 work plan. And if you recall going back a couple of years now before you, implored the Legislature to embark on a full comprehensive environmental study pursuant to SEQRA. As of last year, obviously we are pursuing that course. But we have approved the 2002 work plan, that was a negative declaration with the determination there will be affirmatively no environmental impact. This past December this -- or I should say the Legislative Body choose to continue with that 2002 work plan, and there may be a proposal that you maybe hearing that you should, the Legislature or this Committee should support the continuation into 2005 of the 2002 work plan.

Again, I call into question the legitimacy of the process, State Environmental Quality Review Act. We've embarked on this study, that's a positive thing, but I feel firmly and strongly that we have to cease and desist on the activities that are in question. And principally, and again, I will bring up as Mr. McAlevy did the ditching, mosquito ditching. As of this past February, the Department of Environmental Conservation has deemed a complete application with DPW's request for a general permit, a ten year permit, seeking the continuation of ditching maintenance, on the order of 75 linear miles per year. That's pursuant to the annual work plans.

And again, I'm going to sum by say with respect the legitimacy of the process, the spirit of SEQRA and the fact finding mission that we've

embarked on, is it not relevant that we should really cease and desist on the additivities that this study is to ultimately determine the impacts associated with it? You heard Eileen Keenan speak about stormwater concerns and the move from the State of New York to really

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take a look at stormwater discharges. That goes to the crux of my argument pertaining to the ditches, that reopening these ditches act as direct conduits. It might as well be a pipeline in that marsh from upland source pollutants, your nutrient loads, your pesticide loads from either residential as well as your own Division of Vector Control, your coliform loads, etcetera. Again, I implore this body really do the right thing, keep of process legitimate. Thank you.

CHAIRMAN BISHOP:

Thank you, Kevin. Adrienne or Amie or Debbie.

MS. O'KANE:

Good afternoon. I just wanted to make sure that we distinguish ourselves. Bob McAlevy -- I'm sorry. I'm Debbie O'Kane, and we have Adrienne Esposito and Amie Hamlin here representing the Citizen Advisory Committee for the Suffolk County Vector Control Long Term Plan. Bob was here representing the Peconic Estuary Program, CAC. So I just wanted to make sure we make that distinction.

LEG. GULDI:

We get it, you are not with him.

MS. O'KANE:

Well, no, we all sit on the Long Term Plan CAC, but we are today -- the three of us are here today to give you a sense of the educational outreach program that we have put together that we feel is a very important component of the long term plan. To give you just a little bit of background material on the CAC, we've been meeting since September, and we have brought together a very broad spectrum of representation from the community. We have quite a few members from civic associations, from property owners associations, we have members representing problematic geographic areas in Suffolk County; from Mastic Beach, from Fire Island, people who bring concerns, very serious concerns about mosquito control, because they're confronted very often in the summer with problems with mosquitos. We also have a quite a large representation from the environmental community. We also have academics on the -- on the committee.

And we began meeting in September. We put together about 32 different recommendations for the scoping portion of the long term plan. We had consensus on those 32 comments. We also spent two additional meetings in October and November putting together a work plan, which we have handing out to you. And we put an awful lot of work into this plan.

Aime will -- will give you a little overview of what -- what the program entails. And once again, we know that you are going to be revisiting the long term in its entirety today and hopefully making some recommendations on it. We just wanted to give you more information about our particular portion of the work plan.

CHAIRMAN BISHOP:

Does your organization support the resolution, the Vector Control Resolution?

MS. ESPOSITO:

Mine does not. You mean the 2002 extension of the -- which resolution?

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LEG. FISHER:

No, the plan before us.

MS. ESPOSITO:

The CAC supports the scope of the Vector Control Plan, if that's the question.

MS. O'KANE:

We feel that -- well, the CAC feels that it's a very important piece of work that needs to be supported. We'd like to see this done once and for all comprehensively and not have to revisit in a year or two after it's finish. So yes, in essence we do.

MS. HAMLIN:

My name is Amie Hamlin, and I'm here as one of the co-chairs of the CAC. And for the those you who don't know, I am no longer with the League of Conservation Voters. I just wanted to make sure you knew that. Our educational outreach program is a collaborative and comprehensive program to mitigate mosquito populations, to minimize pesticide use and to provide the public with a working understanding of the Vector Control Program, which we believe they currently do not have. The specifics you have in the handout, and I don't think it's really necessary to go through the specifics unless you have questions about them. But I wanted to say that I was involved with the -- with the budget research for this program, and I'd like to assure the Legislature that these are not only reasonable, they are low.

At first, we reduced our budget by 25% to what we felt was a very basic budget to be able to still reach the approximately .5 million people of Suffolk County. Then our budget, which was originally intended to be a one year budget, actually became a two year budget, and therefore, it was cut by 50%. I think that any public relations expert would agree that our budget is extremely conservative considering the goal of reaching a County of this size and geographic

spread. We're also used to working for non profits and getting the most bang for the buck. In addition, we are prepared to provide a large amount of in-kind services.

MS. ESPOSITO:

Adrienne Esposito. The bottom line, Legislators is the bottom line, and that is that we understand that there will be a new budget submitted to you today for the long term plan. And the citizens -- the Citizens Committee would like to request that our budget remain the same. What I mean by that, is that originally when we submitted the budget that you have before you, it requested 77,000 the first year and 77,000 the second year. It's a two year comprehensive plan.

The key -- one of the key components we feel for the Vector Control Long Term Plan is to bring the citizens in and get them to understand what's going and get the involved in the process. That will help make mosquito mitigation and pesticides issues doable here in Suffolk County. That will help us help ourselves. And unless we have a public participation portion of this plan, we just don't think it's going to be as successful as it needs to be or that it could be. So we're here today to ask for the CAC portion to be -- to be funded. We understand there is fiscal concerns --

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CHAIRMAN BISHOP:

Do you have knowledge that it's not funded?

MS. ESPOSITO:

We don't know what you are going to do. We want to -- we're being offensive rather than defensive today. So we'd like to request that we actually get funded. It is, like, less than 1% -- I don't know what the math is, I haven't done it -- of the entire request. We think it's very, very well worth it.

CHAIRMAN BISHOP:

All right. Now, there are two resolutions on the agenda; 1045 and 1067. 1045 makes a recommendation concerning final scope for the generic Environmental Impact Statement of Suffolk County Vector Control Wetlands Management Long Term Plan. In one word, each of the five of you, should we vote for that, yes or no. You're a no, right?

MR. MCALVEY:

No, definitely.

MS. HAMLIN:

I'm not sure I understand the question.

MS. ESPOSITO:

You're not talking about budget, you're talking about scope. We

distinguish between the two, I just don't know if you do.

CHAIRMAN BISHOP:

So you're just here about the budget. You are not here to advocate that we adopt -- that's what I'm trying to get at.

MS. ESPOSITO:

We support the scope. We support a comprehensive scope, which is what we believe is here.

CHAIRMAN BISHOP:

Part of the scope though is ditching, is it not?

MS. ESPOSITO:

No, no, no. Part of the scope is to research ditching and whether it diminishes the value of the bay or -- and the value of the wetlands. The scope does not advocate ditching, the scope pursues evaluating ditching, which is what we want done.

CHAIRMAN BISHOP:

Well, that's not my understanding. My understanding, and, Counsel --

LEG. FIELDS:

It's to exam it.

CHAIRMAN BISHOP:

The reason these resolutions are back here is because they in essence adopt not only a research guidance, but they also are in essence authorizations to enact the plan for the next two years; is that correct?

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MS. ESPOSITO:

That's not my understanding.

CHAIRMAN BISHOP:

Everybody's says I'm wrong, so I'm probably wrong.

MR. SABATINO:

They don't adopt the plan, but they drive the process. 1045 in its current form drives the scope and the magnitude of what you are going to do, which will be the funding in the second resolution. If you don't want to fund at the level in 1067, something has to happen with 1045 in terms of scaling back the full breath and scope of activity, but in terms of the actual Vector Control Plan, that will be an annual process.

MS. ESPOSITO:

So let me just get clarity. So in other words, the Legislature still

has to approve each and every year some sort of Vector Control plan.

MR. SABATINO:

That's correct.

MS. O'KANE:

We're not speaking on that issue. We're speaking to the long term plan.

LEG. FISHER:

Mr. Chairman, if I may. Adrienne, I think what we're saying is that these two issue are intrinsically connected; the scope, which you are talking about and the budget that's required in order to implement that process, that full study. So that's why the Chair is asking if you are indeed in support of this -- of the scope. And you have said yes. And you asked are they tied to the budget, and it is tied. We can't do it if we don't provide the money to do it.

MS. ESPOSITO:

I understand that. I just have to make clarity. The CAC, we have no official position on what the budget should or shouldn't be. We really feel that's --

LEG. FISHER:

No, but you're supporting the scope. And what the Chair was making clear was that the scope and the budget are tied to one another because this is how its been presented.

MS. ESPOSITO:

I thought he was making a different point, but that's fine.

LEG. FISHER:

He was also making an additional point, and that was about the ditching, and that's been clarified.

CHAIRMAN BISHOP:

When we've had the discussions in committee in the past, has not the discussion been that the reason that the cost of this program went from one million to two million to four million is that you were

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getting more than just the basic study of what the impacts would be on human and marine life, you were get a comprehensive action plan? That's how I understood it. And I thought that as part of that comprehensive plan, ditching would continue. Mr. Minei is nodding his head no, he will have a chance to speak later on. But that was the point I was making.

MS. ESPOSITO:

So we support the scope, I just want to be -- with the understanding that nothing is determined until -- no components of the long term plan are yet to be determined until the GEIS has been completed.

CHAIRMAN BISHOP:

That's the point of view of the three of you.

MS. ESPOSITO:

Of the whole CAC.

MR. MCALVEY:

What -- the motion that we passed at the Citizens Advisory Committee, the estuary, is no reopening of ditches that have filled in. My understanding is the County has backed the idea of cutting new ditches. We're saying at least in our estuary, leave it alone. I suggest that we use that as a benign situation, study the mosquitos there, compared to the mosquito populations where ditching goes on and see if it's effective or not. But, please, don't come out and jeopardize our entire program, the federal money, the state money. If they see the lead agency is going to violate this document, then in the others, in these hard economic times as they say, might decide not to fund the future of the Peconic Estuary Program. Thank you very much.

MS. ESPOSITO:

Now, you know that that CAC is different than our CAC?

CHAIRMAN BISHOP:

Yes. That's the third time, yes. I am dense, but that has been made clear to me. Thank you. Thank you. The next issue established by first in time, first in rank, next group that was here is from the Water Authority, that's former County Executive LoGrande, who's the Chairman of the Board, Executive Director Jones and member of the Board of Directors, Mr. Fritz, right? Is that correct? Come together, come forward. Dr. Fritz, Resolution 1137 is reappointing you to the board. We'll just ask you the traditional question which is what -- why do you want to continue to serve and what do you think you bring to the -- to the job.

MR. FRITZ:

Mr. Chairman, may I make a brief statement? I was born in Huntington where my family has lived for 96 years, although I'm not quite that old. And after my schooling, returned in 1962 to be in the practice of medicine. In 1967, I was appointed a surgeon for the Suffolk County Police Department, and in 1970, I was appointed a Deputy Medical Examiner. In 1980, I came on to the board of the Suffolk County Board of Health, where I've remained all these years. In 1987, I was appointed to the Suffolk County Water Authority. At that time

Dr. David Harris, who was the Commissioner of Health, asked, "Why do you want to go to that cesspool?" And I didn't quite know that answer, but I did find out. The Water Authority was rampant with cronyism, nepotism, theft of water and ticket selling to political functions was encouraged on the Water Authority premises. That, of course, all has stopped.

The laboratory that we had was inefficient. Through the efforts that we have made all these years, I must say that the laboratory is an excellent part of our establishment, is the largest groundwater testing facility in the country. We have designed water testing protocols that are used both by the state government, the federal government, and we're very proud of that. We have also made changes in ethics requirements, financial disclosure. And we have enhanced training and equipment, and we feel we have an excellent work force. Our days of consumers has gone in ten years from 285,000 to a little less than 365,000. Our revenues have gone from a 85 to \$120 million. Our bond rating is a double A standard, poised the highest of any authority in the state. Your employees have gone from 610 and 570 in that period of time. And also we supply water that's 40% less costly than the average throughout the country.

We've also made great strides in computerization, we can tell where there are plumes of contaminants. We can tell through our scatter system at our compound post in Bay Shore whether there's an authorized entry at a pump station, and this day in age, that's very important. We're in touch with County law enforcement, state law enforcement and the FBI from time to time. I think that I should also say that I've been the liaison person between the Water Authority and the Board of Health. And I did meet with Dr. Mermelstein, who is the new acting Commissioner of Health about two weeks ago to congratulate her on her temporary appointment and to ensure our full corporation.

I must say to you, Chairman Bishop, that you had a suggestion regarding prevailing wages that we looked into. We thought that we were always paying prevailing wages to the people that would contract with us. Well, we might be paying the prevailing wage to someone, but then we found out that that person was required to have two members of his family work also. So in effect, he was not getting the prevailing wage. So we have recently appointed Mr. Jerry {Scarfetta} as a Clerk of the Works, and he will be our watch dog in that matter. Another thing, Chairman Bishop, that you were concerned about was apprenticeships. We've now started a pilot program for our tank painting contractors that they must have apprenticeship programs. We think that this will be very beneficial in terms of having the standard of the contractors elevated, and ultimately it will even encourage competition. And while it may cost a little more now, I think it will cost less in the future.

I can say that much of what we've done is due to the vision, planning, determination, dedication and ethics of Mike LoGrande as our Chairman. We're also fortunate in having Steven Jones, an excellent CEO, who's able to carry out the mandates of the board. Now, I've been very involved in this process these years, and I would hope that through your support and approval that I will be able to continue to do that. Thank you.

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CHAIRMAN BISHOP:

Question from committee members? Mr. Caracciolo.

LEG. CARACCIOLO:

Thank you, Dave. Dr. Fritz, last year, as you are well aware, the Legislature formed an Ad Hoc Committee on the Water Authority, and that was to look into a cross section of concerns and in some cases, allegations. One of them dealing with a facility the Water Authority maintains -- owns and maintains in Coram, in particular about the roof truss system that was employed there. We just came through a rather significant snowfall, and just out of curiosity, how did the roof hold up?

MR. FRITZ:

Well, I must say that we spent relatively little money in repairing it. In the law ipso res lacotor; the thing stands -- speaks for itself, the roof stood. So I think that answers the crux of the problem.

LEG. CARACCIOLO:

The Budget Review Office of the County Legislature was employed in literally hundreds if not thousands of hours of review and research of the Water Authority at significant cost is to both the consumers of the Water Authority as well as County residents. And in its conclusion while initially there was a lot of fan fare that there was a lot of things wrong with the Water Authority, it was clear that there was very little wrong with the water Authority. But the one area that was cited where there are some problems deals with the board on which you serve, and in particular with reimbursement practices by some of the board members. What can you tell us about that? And what direction is the board moving to either sanction those individuals, seek reimbursement for excesses? What's going on with that?

MR. FRITZ:

Without naming names, you and I are aware who that individual is; some unauthorized uses of the credit card to pay for the Chairman's Club of the Republican Party in the county, for tickets to Carnegie Hall, other purchases in a liquor store and other sundry items that Mr. LoGrande and I certainly don't approve of. We've asked that member to provide some information regarding that. He has give us

some. He has not given us enough. Because as I see, he got 11 miles to the gallon, Mr. LoGrande got 20 miles to the gallon in the same car. Since this was brought out, all of a sudden, his car has improved and is now getting the same milage as Mr. LoGrande. We need more information. Mr. LoGrande an I have in mind what should be done. There are other members of the board that may feel differently. It is possible that an outside agency may even be involved in investigating this, but I can't go into that at this point.

LEG. CARACCIOLO:

With regard to what should be done, what actions should be taken by the Board, because this is a board member we speak of, what is under consideration?

MR. FRITZ:

Well, if the members agree, he could have a censure. So far as what

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could be done, the Legislature, as you know has the right to appoint us, set our salaries and remove us. If it came to that situation where the Legislature got involved, that would be up to them. We could vote -- give a vote of no confidence. As a matter of fact, there was a vote of no of confidence for Mr. LoGrande last year by two of the members. Fortunately, it didn't pass, it would have been a terrible thing.

LEG. CARACCIOLO:

Well, was that action contemplated, Mr. LoGrande?

MR. LOGRANDE:

Yeah, and I should -- I should add to that that we are limited as to what we can say right now, because it is being looked at and -- by another agency with reference to that board member. The other one is that we are looking at some of the practice and past practices of that particular board member. And what we can do and what we have done already is bring it to his attention. We have asked for a written explanation for all of this. We're still waiting for a complete explanation, and the time that we're get it, we're going to deal with it on the board. We will also have to bring it up to the Legislature. It's a matter of -- a subject of conduct or misconduct. It is probably the purview of the Legislature, not even ours. There's nothing we can do in terms of disciplining a board member from that standpoint. We do intend to follow through as we have followed through by the way on almost everything that was done in the Ad Hoc Committee report that was done. Those -- that one and pertaining to the outside counsel are things that we are currently looking into, and we are going to get back to the board with a full recommendation on both. The other ones which were administrative changes and suggestions that were made by the Ad Hoc Committee have been

addressed. And I think the more than half of them have already been implemented by board resolution. As you said earlier, you know, they were all relatively small with the exception of these two matters of personal conduct and performance by the outside counsel. Those were the only two things that dealt with people in the Water Authority, the rest of it worked well. I also would like to send you all a picture of the snowstorm on the Coram roof if you'd like to see what it looks like with 24 inches of snow. You bet your life we've got that.

LEG. CARACCIOLO:

Did anyone go up there to shovel it off?

MR. LOGRANDE:

No, we don't have to. As a matter of fact, we didn't have to even before the repairs were made. And I explained that to the Ad Hoc Committee, you were here and you know that. That was never under any jeopardy in terms of collapse. But it needed, repair, which we have done.

LEG. CARACCIOLO:

With respect to the board member in question, what is the time table for your board to deal with that issue?

MR. LOGRANDE:

Well, in all fairness, it was taken up until the January meeting, and

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we had expected either in the February or March meeting. So within the next month or two we will be -- we will be taking it up.

LEG. CARACCIOLO:

I'd appreciate it if you'd keep this Legislator posted on that.

MR. LOGRANDE:

Very definitely.

LEG. CARACCIOLO:

Because I think it might be -- we might be approaching a time to reconsider the appointment that unfortunately did not prevail last year and have to come up again for consideration. And let me just close, Mr. Chairman, by saying that in all the years I've served in the Legislature, I have heard nothing but very good things about Dr. Fritz. And I'd like to have the Clerk note to list me as a sponsor on this resolution.

CHAIRMAN BISHOP:

Legislator Fisher.

LEG. FISHER:

As you know, I also served on that Ad Hoc Committee, and I do, I congratulate you, Dr, Fritz, for being one of the people in whom we've maintained our confidence and integrity in the good work that you have been doing. And I congratulate you, and I wholeheartedly support your reappointment.

MR. FRITZ:

Thank you. I must add one comment. We have done our best to think of ourselves as customers and everyone else as consumers, and when someone has a problem, we do our best to resolve it. Sometimes a consumer comes directly to us, some times a Legislator will come to us with a constituent problem. We do our best to resolve this. Politics do not play a part. As I've said before, there's no democratic water and no republican water, only good, clean and safe water.

LEG. FISHER:

Dr, Fritz, I just wanted to add very briefly that we live in very uncertain times when there is a great deal of fear. And as you know, during the issues last year with the water department -- Water Authority and the Ad Hoc Committee there were -- there was some advertising that resulted in some fear among the public. But I feel that what you have described as precautions that the Water Authority is taking with the pumping stations, with the computerized monitoring, interfacing with the FBI and other agencies, I think that this is a very good direction as far as assuaging any of the fears that the public has, especially at these uncertain times. So thank you for that effort as well.

LEG. FIELDS:

I've served on a lot of boards prior to being elected to the Legislature and since that time also. And when I was the Chairperson of the Health Committee, it put me on the Board of Health, and I attended monthly meetings with Dr. Fritz. And one of the things that you like to see as a board member of any board is an active member,

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someone that doesn't just sit on the board and not have anything to say and has no input. And one the things that I observed with Dr. Fritz is that he always had something to say an was a valuable and is still a valuable member of the Board of Health. And although I've never witnessed your input into the Water Authority, I think today just hearing from you and knowing that you have a good background of everything that you do, and it sounds to me like you are not just an inactive member of the Board of the Water Authority. So thank you for your participation.

CHAIRMAN BISHOP:

George, go ahead.

LEG. GULDI:

I'm not -- you'll forgive me for taking a whole different tone. But I have -- I want to give you, Dr. Fritz, an opportunity to respond to some rumors, innuendos, suggestions, questions that come up. I mean, I've talked to other members of the Water Authority about these. Frankly, they are just questions. I want to hear your responses. One of the concerns that has been raised to me is that in the last few years -- and I'm blanking on the name -- we brought a special water district, we the Water Authority, bought a special water district, and the cost of rehabilitation for the district were rather pronounced. Refresh my memory as to which one that was. Mike, you and I have talked about it.

MR. LOGRANDE:

Shorewood.

LEG. GULDI:

Yes. Shorewood. What -- what did we pay for that, and how much did it cost us to rehabilitate it?

MR. LOGRANDE:

Before he does that, can I set the ground work in terms of -- in terms of numbers so that everybody understands what it was? The Shorewood Water District, that was a privately held district that served, to my recollection, about 5400 customers. The rates they were paying were two and a half times, almost three times the rates of the Suffolk County Water Authority. The County Legislature, our New York State Senator LaValle, Town Board members, other members of the Legislature, the County Executive and others asked us to look into it to see if we could acquire it. And we originally said, well, it's a private company, we'll try to acquire it. It's rare that we will use condemnation, even though we could have. We said, we'll see if we could acquire it. And at the time, the owners wanted around \$26 million for 5400 customers. We negotiated that number down to something that was still relatively high, which we ended up paying \$17 million for 5400 customers. The reason for that number is if you take a look at anyone, even in your district, Mr. Guldi, when -- when water main are to be extended, we allow for each customer approximately 75 feet of water main -- we allow exactly 75 feet of water main for every customer that signs up. The value of that is about \$3000 per customer. When we offered the \$17 million, which actually turned out to be 16,500,000, because they had \$500,000 in the corporation we acquired, the entire corporation including the cash, when we did that,

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it was approximately the same value of giving the 75 feet of free water main. It was high, and it was higher than our norm acquisition, but what we also did was we went to the people and asked, these are the people of the entire district, and asked, would you approve of the

acquisition by the Water Authority if we reduce your rates by 40%, but they are still almost twice the rates of the Suffolk County Water Authority. They overwhelmingly agreed that we should do it, we should go ahead and buy it. We have letters from the Legislature and letters from -- from different governing agencies supporting that acquisition. And while it was a little bit high, we made the acquisition. In term of repairs and additional money that went in, very little.

CHAIRMAN BISHOP:

The question is to Dr. Fritz. That's all just background, right?

MR. FRITZ:

Basically we knew we'd be paying a fair amount of money, maybe more than it was worth --

LEG. GULDI:

Yeah, in terms of recapture of the investment. Recapture of the investment, that's not going to happen in our life time, is it?

MR. FRITZ:

Hopefully it would.

LEG. GULDI:

In terms of how long it's going to take the rates to recapture the capital investment and the --

MR. FRITZ:

I think it's 2004, 2005.

LEG. GULDI:

Well, the concern I have is we have the County-wide problem of housing that is currently being serviced with contaminated wells of one level or another. Yet for a number of reasons, there is not a pool of hook-up money to subsidize attachment of those dwellings to the Water Authority system. My question to you is how could you justify that kind of expenditure in the private water system, yet continue to take -- continue the Water Authority policy of not having the funding available for -- to take people off polluted water in situations where the customary hook-up fees are not economic for them?

MR. FRITZ:

Well, certainly if someone would come forward to me with that, if you had approached me with that question, I would certainly look and see, what do we have available in our funding to be able do it, how many people would be involved and what the economics would be. So if you specifically send that information to me, I'll try to get you the information that you want.

LEG. GULDI:

Well, it's not really, you know, specific sites. We have specific

sites all other the place. There's some in my district. In the Speonk-Remsinberg area, there's a new plume that's been discovered

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where the residents have been told not only don't drink the water out of your well, don't even shower out of it, it constitutes a health hazard. There are areas in Huntington where they've had the problems with -- with water hook ups, there's areas in Mike's district as well as other areas in my district where people are not on the water system -- there are people all over the County who are not on the water system. And just the number of well tests with contaminants -- and/or contaminants above drinking water standards is just alarming. Yet, there is no systematic way to approach it. My question -- my question to you is really how do you as a board member foresee dealing with this problem, which has been ongoing, I mean, it's been ongoing since -- I've been aware of it since I'm here in the Legislature?

MR. FRITZ:

Well, one of the problems is we can't get water -- we always seem to be doing something which gets the people involved also to participate in a financial way. We can draw out the period of time longer that they must pay, and that's something that we can do. But we can't say, well, we're going to make changes to this one area. But we've had problems in the past I think in Mastic a number of years ago where people had really poor water, and we did remedy that. And I certainly would like to remedy this problem that concerns you. You know, the budget is already made up for this year, but that's something that we could give perhaps some priority to. But once again, it would have to be paid out over a period of time, we can't gift the water to them.

MR. LOGRANDE:

Can I add a brief -- I'll ask the Chairman --

LEG. GULDI:

Well, Mike, I'll give you a chance at the end. Let me run through my questions with him.

CHAIRMAN BISHOP:

No, because I have to move this meeting.

LEG. GULDI:

Well, I'm not going to stop anyway. Sitting next to Mike Caracciolo, it happens. All right. Give me an opportunity to respond and take a shot at Mike just for kicks. How Southold is an area with -- in Mike's district with a fairly limited network of Water Authority maintenance, I think is a fair way to characterize it, and there's -- the universal wisdom out there is that you can't get -- the Water Authority can't expend the maintenance because of source problems, etcetera. Is that truly the case or is it just because Mike LoGrande

lives in Southold and doesn't want any more development in his end of Long Island?

CHAIRMAN BISHOP:

Now you have to answer.

MR. LOGRANDE:

Now I have to answer, that's a direct blow to me. That's a good one. And the -- first off, I think you know that everybody pays for those water mains that are extended in Southold Town, and I paid my share too when I get water connected up. We were the last ones to get

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hooked up. The other is that we would have -- we would have plenty of water and we would be able to extend mains, except that the town, the Town of Southold, asked us to make sure that a vast area that is in the interior portion of the Town of Southold not be developed with water mains, because they were concerned that it would stimulate growth and development. And it was the town board more than anyone else that did that. And we in corporation with your Health Department prepared a map, which is called a distribution map, for the Town of Southold, and we've been following that one. And they can amend that any time they want. The town has been reluctant to do that. And we could also see why, they're trying to preserve the farm belt in those areas. That was the only reason why.

LEG. GULDI:

Well, all right. That gets us to the next question that I want to air publically, and that is the innuendo or suggestion has been made that the water main development will go into various areas of Southold at some date in the future, and that by being aware of when and where that development -- when and where that water main extension will be, they ability to profiteer through real estate speculations will be facilitated. How, I'll let Mr. Fritz take a piece of this first, will you as a board member -- Mike, you'll get a chance -- how will you as a board member assure that that water -- Water Authority service area extensions isn't used to facilitate self enrichment through real estate speculation?

MR. FRITZ:

Well, I think basically it goes back to we're not in the real estate planning business. And I think this is going to boil down to the Town of Southold and what they want to do, and we get the impetus from them.

LEG. GULDI:

Mike, you want to take -- Mike, I'd love to hear your answer to this.

MR. LOGRANDE:

This will be very short, and it will not be a long socratic answer because it's in the code the ethics that was adopted by the Water Authority that under no circumstances can anyone have any inside information or data or anything like that.

LEG. GULDI:

So basically what you do is you tie up the information, you don't -- you keep it in-house in Chinese walls.

MR. LOGRANDE:

Exactly right. And that's a result of the 1964 and 1973 scandals of which some of the board members profited by water main extensions. We learned that, and we incorporated that in the ethics code.

CHAIRMAN BISHOP:

They saw the movie China Town, same plot line.

LEG. GULDI:

You mean the Water Authority is our own little China Town. I didn't that.

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CHAIRMAN BISHOP:

All right. You have more.

LEG. GULDI:

Yeah, the one I do look forward to looking for -- I mean, the endemic problem solving, how do you do the water hook ups, particularly for people who are economically pressed?

MR. LOGRANDE:

You did say I had an opportunity to supplement what he said, and that is that unfortunately we're not a member of Suffolk County Government. We cannot gift. We have pledged in our bonds issues, and our bonding counsels are very very strong about this, that we cannot gift any of the resources of the Water Authority to individuals. What we can do is take the great liberty of extending credit, making it a long period of time with which to have them pay back, but it cannot be too long so that we don't get reimbursement for that. But everyone is treated equally under the system. And even though circumstances may differ, we have pulled out all the stops, whether we did in Mr. Haley's district or we did it in Mr. Towle's district. We pulled out all the stops to help those people who have contamination, including saying that as long as we can get a verbal commitment from you, the mains are coming down. We did that all around the Brookhaven National Laboratory. We got a commitment from the federal government, they finally did pay us. But we put the water mains in because the people's health comes first. But we cannot gift per say. We'll work with grants. And if you can furnish us a grant or furnish some kind of a commitment, we'll be happy to go in there serve those people as

quickly as we can.

LEG. GULDI:
Thank you.

CHAIRMAN BISHOP:
Thank you. Mr. Haley.

LEG. HALEY:
I'll pass.

CHAIRMAN BISHOP:
Thank you. Thank you, gentlemen

MR. LOGRANDE:
Thank you very much.

LEG. FIELDS:
Thank you.

CHAIRMAN BISHOP:
Mr. Amper, you were tardy as were my committee members, but you were even more tardy. So you're the last.

MR. AMPER:
It is absolutely the best for last, it has nothing whatever to do with me. I'm delighted to be the first to report to this Legislature that the Federal District Appeals Court for Second Circuit has upheld the

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constitutionality of the Pine Barrens Act. It specifically said that none of the private property owners were denied any due process or equal protection under the law, and, in fact, that it's a very very good program designed for the benefit of the overwhelming social interest of all of us at the same time that it protects private property interests. So to the extent that you have all been supportive of your efforts, we're delighted to know that you were on good solid footing all along. I'll be very very brief.

The Pine Barrens supports the Fritz appointment. The Pine Barrens Society thinks that Legislator Cooper's effort to make sure that the Pine Barrens Act is enforced, is a sound one. The three towns, the Pine Barrens Towns; Brookhaven, Riverhead, Southampton haven't now at this point introduced local laws that will stiffen the penalty, but we have seen some lax disposition to enforce and the county -- the County's ability to come in and make sure that gets done. If the towns don't do it, the town's can be first line of defense. That's very helpful, in fact, we think it helped impel the towns to finally come forward and meet their responsibility.

And I do want to say to all of you and your colleagues that anybody who has as the Supervisor of Brookhaven has, suggested that there is a member of this Legislature that's entitled to be concerned about the Pine Barrens simply misunderstands this whole concept. The people -- you on behalf of all of your constituents have preserved this ecosystem, and it is a model for the state and for the nation. And to suggest that you have to be from a Pine Barrens Town to have an opinion about that just simply misunderstand the situation.

Finally, Legislator Caracciolo who has been a stalwart of open space preservation, and we understand his motives, has been talking about a Charter Law to restore and ensure honesty and integrity in to the Suffolk County land transactions. You've seen legislation, you've seen our reactions and suggestions as to what can and can't work. What I want to emphasize to you people today, especially in this committee, is that our despite our affection for Mr. Isles and the efforts and burdens that he's been under, the land acquisition program is, as we predicted more than a year ago to this Legislature, in very very sorry shape in terms of how much land we're preserving. We keep being told there is a lot of land in the -- there's a lot of acquisitions in the pipeline. We recommend Roto-Rooter. The pipeline is backed up pretty significantly at this point. We ought to be preserving 4000 acres a year if we are to meet our acquisition goals for farmland and open space preservation before final built out occurs in the Year 2010. We used to preserve 2500 acres, it's been a while since we've preserved 1000. We'll be lucky if we preserve 500 during the course of the last fiscal year.

I would entreat Legislator Fisher and Bishop and Caracciolo and Guldi and their colleagues -- I don't think that the abuses that we've all been concerned about, and we share your concerns about them, we don't think those are continuing. We think we are past those and adequate safeguards have been put in place. I would love it if you would take affirmative action to do what this Legislature can do to get this program back on track, because I know we all say we want these acquisitions to occur, but we cannot be satisfied with the progress to

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date. We've got to get the program back on track. It is among the most important thing you do. When you act for us in the interest of public health and safety, you are doing the best work that you do and you have a creditable record. But it's not happening for any number of reasons. And if we could now focus on how to get this program back on track, we'd all be ahead of the game. So back to you, I'm turning it back to the Legislators who I have known now for more than 15 years. I know what you mean to do much, we need to get the job done. We don't have much more time.

LEG. CARACCIOLO:

Dave. Thank you. Thank you, Mr. Chairman. Dick, thank you for those kind remarks. Let me just mention that I have for the last several months attempted to elicit from the Planning Department and Real Estate Division information that would assist this committee in moving very progressively with the land acquisition program. Recently, just a few days ago, Division Director Christine Costigan was kind enough to e-mail me the following information regarding fund balances, which I think given a resolution that's on today's agenda, some of us would find very interesting, but I think it speaks to your concern about a lot in the pipeline and the need for Roto-Rooter. To my surprise, fund balances for the most part out of almost the majority of our programs are now in the negative. Several are not, so I'll share those with you. The Drinking Water Protection Program currently has about \$5.4 million fund balance; the Farm Land Preservation Program has a \$6.1 million deficit. Now these numbers are projections of what's in the pipeline. Not everything here is consummated, but in fact -- I'll tell you what the e-mail said. It says, as of January 31, '02, -- I think that's supposed to be '03 -- the respected funds set forth below have the following amounts available for future negotiations. These amounts are net of funds allocated to outstanding contracts and to transactions that are in negotiation pursuant to a planning step resolution. I gave you Drinking Water Protection Program --

CHAIRMAN BISHOP:

It counts all the planning steps.

LEG. CARACCIOLO:

Sorry?

CHAIRMAN BISHOP:

It counts all the planning steps.

LEG. CARACCIOLO:

It counts all the planning steps, right. Six million dollar negative in Farmland Preservation; Open Space surplus of one 1.6 million; Land Preservation, \$323,000 deficit or negative; South Setauket Woods, which as you know is a set aside program, 1.491 balance; Greenways Open Space, \$1.7 million to the negative; Greenways Parkland, \$2.6 million to the negative; Farmland under Greenways, \$6.2 million balance. So if you took, the way I interpreted these numbers -- and Ms. Costigan will be up later to explain them I hope -- if you took that \$6.2 million surplus in the Greenways Farmland and you subtracted what they believe they may be able to acquire under the Farmland Preservation Program, which has \$6.1 million negative, that kind of

washes out.

And just quickly to conclude, Pay-As-You-Go Open Space \$7.5 million surplus; Multifaceted Land Preservation, \$6.4 million balance; Pay-As-You-Go Farmland, \$1,9 million negative; miscellaneous acquisitions, \$353,000 and affordable housing, \$3.4 million. My question to you is given the numbers -- I know you don't have them in front of you, and there's to -- to try to recall -- do you see a need for the County to go forward with any additional environmental funding at this time?

MR. AMPER:

I'm really delighted for the question because when I suggested that we could not move fast enough on the state revolving fund, everybody acted as though by last September, October at the latest, we'd have access to those funds. We keep predicting in advance that we are going to run into problems with the program, and everybody said, relax, we haven't had any stoppage, we haven't had any problem yet. I would want to reassure the Legislators that many of the deals that are currently planned of that are addressing some of the dollars, aren't going to happen as you well know, because people are walking away from these deals because of how long it is. For the first time, we're having people who say, the land has so appreciated or I have such a better offered today than I did when we first started talking, that we're going to lose these deals. I don't think we're in danger of running out of money. The public has always committed the dollars that were necessary even in the toughest of tax times. We're either running out of the will or the capacity to do this on an administrative level. I don't think this Legislature has changed its mind, I don't think the priorities of the public are any different, and no one, even in the Real Estate Department is saying, our problem is that we are out of money. I understand the significance of that memo, but I am telling you that we're lucky if we get half of what you've approved for planning steps because of the way we're going about negotiating these deals. I've gotten to the frustrating point of sitting down along side of Joe {Gregelo}, with whom I don't always agree, and said, I think that if the members of this Legislature and you and I have to take off our coats and move into the Real Estate Department and start doing these deals ourselves, we ought to do it, because it isn't happening and we're reassured.

LEG. CARACCIOLO:

The answer to my question.

MR. AMPER:

The answer to you question is I don't think all that money is committed, because I don't think all these deals are going to get done because of the rate -- the time it's taken. And I think we do need to make a commitment, vote for the existing environmental facilities corporation dollars and for the next batch, so that if it takes us another year and a half, we're there with the next appropriation.

LEG. CARACCIOLO:

What are our recommendations to accomplish that. I know you meet periodically with people in the Division of Real Estate, Mr. Isles, I think you had a meeting a month or so ago, what's their response to

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you when you raise these issues?

MR. AMPER:

They're telling me that everything's on track and that I need not be concerned that we're not seeing the closings, I needn't be concerned, it's getting better, and it's going to get better still, that there's enough deals in process that we're going to get ourselves back up other the thousand acre per year level. I think it needs to be higher than that, and I am not persuaded that that's happening. I appreciate all -- all of things that you have tried to do to perform the program so we don't have a repetition of the problems that may have caused this problem in the first place. But I think we need to take affirmative action now to say, what do we need to do to get these -- this thing done.

LEG. CARACCIOLO:

One of the areas that I always felt that, at least in recent times, that we have -- the Legislature has been relaxed is in order of priorities for these acquisitions. There are all types of priority lists established by environmental organizations. Last year we went through them right here in this auditorium at that table.

MR. AMPER:

And I thought that the independent people, we had no political interest, we are not rewarding anybody for political contributions. We went scientifically with the smartest people in the County, independent people, and identified the parcels that are most important. I must tell you why we were concerned about one of the provisions of your proposed legislation, which would indicate that we could -- should focus and prioritize only those properties that were currently under threat of imminent development. That makes us -- it ends up always where we have to pay more than that we should. I think that we need to be moving out on all fronts. Clearly, we don't want to lose one that's immediately threatened. But I wouldn't want to limit us to that, because then we're always paying more than top dollar and we've all been concerned about that.

LEG. CARACCIOLO:

Well, that brings me to my next question, which is this acquisition in Medford that's supported by the Open Space Council and others. As you know, I have been a long time critic about the County using acquisition dollars to get involved in the preservation of property

after a town has granted preliminary or final approvals for development. It requires us then to fork up a lot more money than we should. If these properties are so significant, environmentally significant, why aren't they A) identified on a priority list, and why aren't we going down a priority list to acquire them?

MR. AMPER:

Well, A) we should be; B) I think they are being identified. I must tell you that the towns frequent -- they're the ones making the land use decisions, and they are frequently doing neither you nor the County a favor when they move ahead -- it is not the case that these people who were here today have not impressed upon the town the significance of these properties. If you are looking at a piece of land in the Pine Barrens, it's more or less significant, it showed up

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on a list as far as back as 1994 as a critical environmental area, it's not that the communities are not doing their job. And then you wind up trying to figure out how to get this thing paid for after the towns have made it virtually impossible for you to succeed. So I don't know what to tell these people other than they go to their local government, they come to you, they're even lobbying in Albany for a restoration of full funding for the environmental protection fund. So I think we're all doing everything that we know how to do to get this thing moving forward, but we're not doing the acquisitions fast enough, and they're -- they're approving projects even in the Pine Barrens that they ought not to be approving.

LEG. CARACCIOLO:

From a policy perspective, should we be coming in after the fact and trying to acquire -- why didn't we acquire this property in 1995, 6, 7, 8? We did we wait until their are approvals on the property?

MR. AMPER:

If I had an answer to that, it would be the \$64,000 Question. The fact is I don't understand why we're not doing this every day. The land can only be more expensive or we can lose it all together. And those are the two things we're facing. I had a former member of this Legislature lecture me one day about how this Legislature had, long before I knew what open space was, had been going out and pushing for preservation of farm land and open space. And my response to him was, yeah, you were doing it long before me, but you are not going to be doing very long afterward. What we don't preserve now, isn't going to get preserved at all. And I want to tell you some of the people who expressed concern as to how much we are paying for land back in 1993, 1995 look at this as quite the bargain by today's standards.

LEG. CARACCIOLO:

The specific question I have for you, Dick, is on this property in

Medford. Do you think given the limit resources, given the pipeline, that we should consider this Granny Road acquisition?

MR. AMPER:

I think -- I think we have to consider it. I think that that is the job, and through the Greenways Program better than any other, came up with a rating and evaluation system. I happen to think it has not been properly applied to the Granny Road acquisition by -- by the County Real Estate Department, yet you are going to hear from them a little bit further about that. But the answer is we're going to have to decide what planes are most in danger of running out of fuel as we prioritize the landing at mission control -- I mean, the air traffic control. So it's not possible for me to say relative to everything else that's on that list, I'm saying it qualifies for preliminary steps, we ought to look, we ought to see which of the other deals are going to come through, which ones are going to disappear, and which ones may be more imminently threatened. It's a big job, but I'm just not persuaded it's being done right now.

LEG. CARACCIOLO:

And that should be the job of the Planning Department.

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MR. AMPER:

Yeah, but you're going to have to push. You're going to have nag. I know you have been real good about telling them the rules that you want them to play by. There's nothing the matter with that. Now you have to tell them how using those rules they have to expedite these purchases. We are losing this game.

LEG. CARACCIOLO:

And what would be the best way to accomplish that goal? I mean, they have probably 100 planning step resolutions that they are some where in the course of doing surveys, appraisals, negotiation, what would be the next way to put those 50, 100, whatever that number is in order?

MR. AMPER:

I think -- I think if you -- if you express to the -- the administration the degree to which you prioritize this and ask -- simply tell them straight out that you do not the notion that this is a smooth, efficient, effective program that's moving abase and ask them to come back to you and find out what needs to be different, what you can do to empower them to overcome the roadblocks, something that they may find is onerous and is not essential to the honesty and decency that we all support in the program, that that's not interfering with that, which may be holding them back or where they need somebody else or they need somebody to not be there who is there, I think we need -- I think if you need to hold a committee meeting for no other purpose then to find out what it is that they need to do to

expedite this program. I'm not qualified as an appraisal, I'm not qualified as a person who's expertise is real estate. But amongst you, I think that you have the expertise to say, these changes have to be made or we're going to lose this fight. It's not going to hurt us environmentally, it's going to bankrupt this County.

LEG. CARACCIOLO:

Thank you, Dick. Thank you, Mr. Chairman. I hope we will take up that suggestion.

LEG. FISHER:

Mr. Chairman, a brief question. Dick, if you notice on the agenda there is a Introductory Resolution numbered 1149 wherein I propose that we do tap into some of that money that's available on the state level for acquisition of open space and some active parkland as well, do you support this resolution?

MR. AMPER:

We do, and moreover, I think that the public does. I don't think that this is a good time for Suffolk to go on a big spending spree. But if you ask the public at referendum do you want to spend your money for this thing and they tell you yes in resounding numbers as they have, I think you are not only advancing their interest, I think you are not only not being economically irresponsible, I think you are being absolutely responsible to the public. When they tell you no, then you have an explanation not to proceed. But they have said yes, yes a thousand times, yes, and still we are looking to do as few as 1000 acres a year. It's unbelievable. Thank you, Mr. Chairman. Sorry to be late.

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CHAIRMAN BISHOP:

We're going to the agenda. But before we ask our usually triumvirate of Costigan, Isles and Fischer, we'll have Mr. Minei come forward and discuss the Vector Control resolutions, which are the first two resolutions on the agenda. I don't know whether you consider that continuity, going in order, but. Can you do this in a five minute manner?

MR. MINEI:

Good afternoon. I am Vito Minei, I'm Director of Environmental Quality for the Health Department, and I'm joined by my colleague, our Chief engineer, Walter Dawydiak. And Walter would be the project director of this program if indeed the Legislature decides to go forward. Walt gave you two packages; one is entitled, "The Suffolk County Vector Control and Wetlands Management Long Term Plan and Generic Environmental Impact Statement Status Report." That contains some pertinent background material on the project as it is constituted today. It's the scope of the project it, includes some background on

the program with a \$4.55 million budget. That is what we're here to ask you to pass.

And indeed, I think you've been acting appropriately in this regard in that you consider the two companions, the legislation on the scope of the program 1045 and 1067, which is the budget. The companion package that Walt gave you out is entitled, "Minimum Suffolk County Cost Alternative." And in this effort, Walt and our staff tried to address some of the concerns you as the Chair, Dave, have expressed to me and some other members of this committee about taking an opportunity to try to craft an alternative budget that might minimize the County portion, namely, the County quarter percent budget. And I'm obliged to remind that you my supervisor, Acting Commissioner Linda Mermelstein, has indicated very strongly that this is the only source of funding the Health Department will consider. There is no other funds in the Operating Budget. In fact, she goes on to instruct me that if there was funds, she would apply it elsewhere in the Health programs. So we're here if there is County funding to only talk about Quarter Percent.

CHAIRMAN BISHOP:

I hope she comes up for reappointment. That's funny.

MR. MINEI:

Essentially, what you have here, Dave, if you look at the notes on the front page of the Minimum Cost Alternative, it talks about crafting the County portion only to those activities explicitly identified in our original RFP and the response, it was about \$2.5 million, and other work specifically identified in the State Environmental Quality Review Act, SEQRA scoping process required for the EIS and the work plan. The only addition that we included here was a six month budget for the citizens of \$100,000. I know that isn't the full amount of the 150, and we would support as I did in the quarter percent committee the work plan that the CAC laid out and the work task they laid out. We would support that \$150,000 worth of effort.

CHAIRMAN BISHOP:

Why don't we concentrate on what got cut out, because we're very

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familiar -- I mean, we're not very familiar -- we should be familiar with what's in. So we go to the box on the bottom. It says, items that would not be funded, right?

MR. MINEI:

By the County Quarter Percent. The bottom line is we still believe strongly this is a \$4.5 million effort. We just offer to you an alternative of County funding of 3.6 million where the shaded box of activities that we believe would be appropriate to seek other funding

sources, namely, state and federal. Because much of this work was specifically requested, I'm reminded that in some instances it was demanded that we do some of these activities. But in any event, they were recommended by state and federal agencies. That shaded box constitutes about a million -- a little over a million dollars worth of the \$4.5 million.

CHAIRMAN BISHOP:

All right. One -- I know Legislator Fields has a question. My question is and I think I speak for Legislator Guldi as well, we were both deeply concerned about the precedent of funding permanent staff positions from the Quarter Cent Fund. The purpose of the fund was to provide environmental initiatives outside of the County budget, and to me that's an encroachment with what is happening, is that Health Department rightfully seeking to further its mission is using the Quarter Cent Fund as an alternative to the Operating Budget. And I think that's not the right way to go, notwithstanding Dr. Mermelstein's -- I haven't met her yet -- perspective that she wouldn't be seeking to expand the Operating Budget for these positions. With all due respect to Dr. Mermelstein, it's the Legislature that will set that policy. That's why we got elected.

MR. MINEI:

Would you like me to respond to that?

CHAIRMAN BISHOP:

Yes, I would.

MR. MINEI:

Sure. I would respond a couple of ways. First, I think I fully agree with you and Legislator Guldi that we should not be funding permanent staff. We differentiate that the staff requested would be for the duration of this project. Number two, I've made a point that this -- this indeed is a very comprehensive new initiative. And I thought that our request was rather minimal, modest at best, requesting only an entry level environmental analyst and some clerical help. Number two, I would like you all just to sit back and take a look here. We're about, you know, in the early stages of a very ambitious, something on the order of \$80 million over the next 13 years Quarter Percent Program. And we on the Quarter Percent Screening Committee take it very seriously. And what we're thinking we will see in terms of initiatives is a whole array of requests. Some will be very modest; ten, 20, \$30,000 requests, small pilot scale testing of different environmental pollution initiatives. Those may be very worth while, but personally, and what I've heard from the colleagues on the committee, is we're hoping to see some very bold new initiatives. And just by definition whether you hear from the County

Health Department, County Parks Department, you know, the State University System, Cornell, the Soil and Water conservation people, when they talk about bold new initiatives, they will invariably be attaching new staff to it. And we're trying to differentiate on the committee, and what I think you all, the Legislature, should keep in mind as we move through this 13 year program is that there should be very bold new initiatives that may incur new staff for the duration of these --

CHAIRMAN BISHOP:

When you interview and hire the staff, you are going to tell them that their jobs last 13 years, three years, one year, six months?

MR. MINEI:

We will tell them for the duration of this project, that we have a funding source. We tell them all the time --

CHAIRMAN BISHOP:

This project is a three year project, isn't it?

MR. MINEI:

Well, it's two years now. If you look at -- if you look at the revised funding, we're saying that practically speaking we're talking three fiscal years of funding, a 30 month duration of the overall project. But the only funding source we're asking for is for the duration of the project. Invariably, when you hire new staff whether it's grants or other funding sources, you have to find an additional funding source at the termination of that fund.

CHAIRMAN BISHOP:

The project has a defined term to it.

MR. MINEI:

Yes, it does?

CHAIRMAN BISHOP:

And the staff that will be hired, they will have a defined term to their position.

MR. MINEI:

With the initial hiring, we make a condition that you are hired under this grant, it has 30 months of life from this day forward. But we -- oftentimes it's a trial period for us too. We do oftentimes keep staff on, but we find alternative funding for them.

CHAIRMAN BISHOP:

The titles of staff are what?

MR. MINEI:

In the Health Department we're asking for an environmental analyst,

that's our entry level scientific position in our Office of Ecology and a principal clerk, that's a higher level secretarial position, because of as we found out already in the early stages of this program, there's an enormous clerical workload for this program.

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CHAIRMAN BISHOP:
One of each?

MR. MINEI:
One of each.

CHAIRMAN BISHOP:
Am I mis -- that costs \$420,000?

MR. MINEI:
No. It's very minimal. The staff -- it's staff for -- for the duration, the three fiscal years for us --

CHAIRMAN BISHOP:
Oh, and DPW staff.

MR. MINEI:
And DPW has a biologist, I believe that's a Grade 21, and then there's equipment as well.

CHAIRMAN BISHOP:
But it's only three positions.

MR. MINEI:
Only three positions.

CHAIRMAN BISHOP:
But the number attached to it is \$420,000. That's over two years I take it, is that --

MR. DAWYDIAK:
Over 30 months.

CHAIRMAN BISHOP:
Over the 30 months, okay. That's good. The positions that we're seeking to hire staff for, yet we're also going out and using a consultant for much of this work as well, there's no duplication there? Why not? What is the consultant doing that is discrete from what an environmental analyst or a biologist does?

MR. MINEI:
Well, the environmental analyst and the clerical positions would handle a lot of the in-house work for us. They would be going out on

some fields investigations. They would also be, you know, also assisting the consultant firms in a number of tasks. The consulting firm, the consulting team, is really a pretty expansive group of experts. There is a core group of consultants and then there are experts on various disciplines that are requires for the entire duration of this program on mosquito control, on wetlands, on health effects, both of contagious diseases, communicable diseases from mosquitos, as well as the potential adverse public health impacts of spraying pesticides. So it's a very expansive consulting team, none of which would have that expertise here in the Health Department.

CHAIRMAN BISHOP:

Why not bump up their budget by \$420,000 and have them hire the

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people?

MR. MINEI:

Because invariably no matter how good the consulting team is there is work to be done in-house. We will be conducting through the Office of Ecology, through our Groundwater Unit, through our laboratory, hundreds of thousands of dollars of support work for this grant, for this program. So it in essence has a budget much larger than the \$4.5 million you see. So we will already be doing considerable work; Walt as the project manager and I as the director of the division will also have other functions for this program.

CHAIRMAN BISHOP:

How can I go into the consulting business? No, I'm kidding.

LEG. GULDI:

Maybe after the next election.

CHAIRMAN BISHOP:

Perhaps.

CHAIRMAN BISHOP:

Legislator Fields.

LEG. FIELDS:

I have a question. On the second -- I don't know which is first and which is second -- I'll say, Minimum Suffolk County Cost Alternative, in the third page, it looks to me like the consultant fees under Cornell Cooperative Cage Fish Study, etcetera, you've taken that out? Is that correct.

MR. MINEI:

Yes they show up as part of the shaded area of the \$1 million.

LEG. FIELDS:

And the reason that you've taken them out.

MR. MINEI:

Because they weren't explicitly required as part of the scoping process. They were additional work that everyone agrees including Walt and myself are valuable to the overall program, but that aren't indeed not required by the scoping process.

LEG. FIELDS:

So they were added at some point after --

MR. MINEI:

By request by, I believe in this case, the State Department of Environmental Conservation.

LEG. FIELDS:

And on the open marsh water management, you have taken that one out, you don't believe that should be part of this?

MR. MINEI:

That was additional work. There is -- there is open marsh water

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management that the consulting team has recommended as part of that core program of \$2.5 million. Subsequently --

LEG. FIELDS:

That they will do?

MR. MINEI:

Yes, that they will do.

LEG. FIELDS:

Okay. That was all I want to -- because my question from the very beginning I think -- oh, that's not true?

MR. DAWYDIAK:

I'm sorry, open marsh water management is indeed within their scope, but they haven't allocated a budget to conduct a project. What we do have is a Peconic Estuary Program grant for \$75,000, which would fund one smaller scale project, may more with leverage to match. What's been taken out is a hundred thousand dollars for Ducks Unlimited and 90,000 for Cornell to conduct larger more ambitious projects, like at the {Weirtheim} Estate. And we're hoping to restore that with alternative funding sources, either from the state or federal level.

LEG. FIELDS:

The only questions I guess that I have are that if you want to see

what kind of a Vector Control plan you are going to have in the future, you probably have to have some kind of a project that shows you the value or the inability to show any value for that kind of a project. And I guess my question from the very beginning has been what is Cashin and Cameron actually going to do. And if they're going to actually do projects, then, you know, I'm pretty satisfied that they will actually do that them. But if you are going to take out all the projects, I still want to know I guess what they're actually going to do, and if that kind of OMWM -- if that kind of a project, I believe probably does have to be in the EIS to see what kind of future we will have in providing Vector Control.

MR. DAWYDIAC:

Yeah, we fully agree. Let me take one step back for just at moment if I could and let you know where this project is in terms of timing. Initially we were shooting for an October start date, that was our goal and we hoping to have all the contract in place been and be in business by now, this spring. That's when OMWM had to happen, this summer, to be factored into the management plan. In a sense, the delay has bought us more time. It wasn't our goal, but these projects are not going to have happen until next year. OMWM would happen in 2004 as would the summer field monitoring. So we fully agree with you that this project is critical and indispensable on a larger scale, but the way that this is structured at this point is we would have to seek supplemental funding either through estuary programs, EPA, DEC or some other entity to get this off the ground for next year. Because it was added on.

LEG. FIELDS:

The only other question I have that I had asked Vito about the other day was why do you have an OMWM project by two different groups? What

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exactly was that kind of a project, and why was it duplicated?

MR. DAWYDIAK:

Both groups have been the leaders locally, the only people really who have even attempted or discussed attempting OMWM projects. Cornell has been doing it at East Hampton for quite some time. And your aware of Ducks Unlimited's track record of doing OMWM on the South Shore. And the ideas is that both of them have been institutional leaders in the field and both will continue to be institutionally involved in implementation as well as monitoring of OMWM. And without bringing these people to the table, there was no way to ensure that there input would be solicited or received as part of the process. So we haven't well defined the roles, whether they would be two separate OMWM projects or whether one group like Cornell might be involved in monitoring or other resource issues; stormwater issues. But it was felt by the folks involved that Ducks Unlimited is the leader in

wetland initiative. And Cornell is really the county arm of resource conservation restoration. Both of them should be fully involved in the design and implementation or larger scale OMWM demos. We could cut it back to one, but nobody has suggested that yet.

LEG. FIELDS:

I think I would.

CHAIRMAN BISHOP:

Okay. Any further discussion? All right. Thank you, gentlemen. To the agenda.

INTRODUCTORY RESOLUTIONS

1045-03. Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management and Long Term Plan. (PRESIDING OFFICER)

CHAIRMAN BISHOP:

First resolution is 1045-03. Is there a resolution -- I mean a motion? If we want to adopt --

LEG. GULDI:

I have the old agenda.

LEG. HALEY:

I have old agenda too.

CHAIRMAN BISHOP:

A corrected copy is on the table. If we want to adopt the recommended changes or the offered change, we would have to table these two resolution at this time. So I'm going to make -- is that correct? Because they are currently before us in their original form. So I will make a motion to table.

LEG. CARACCILOLO:

Second.

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CHAIRMAN BISHOP:

Second by Legislator Caracciolo. All in favor? Opposed?

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

The sponsor is the County Executive, correct? So will you -- how are we -- what's the mechanism to change it to -- you understand? The Health Department, Mr. Minei, offered an alternative budget, which I believe the majority of the committee supports. So the resolution needs to be changed before the next meeting in order to accomplish

that. So that's tabled.

1067-03. Amending the 2003 Operating Budget to transfer 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 and creating positions in the Department of Health Services and Public Works. (COUNTY EXEC)

CHAIRMAN BISHOP:

1067, same motion, same second, same vote. TABLED (VOTE:6-0-0-0)

LEG. HALEY:

Vito, will fill you in.

MR. MINEI:

I need one clarification.

LEG. GULDI:

Yes, please.

MR. MINEI:

Again, our 3.6 million has 100,000 for the CAC. If we're being directed to recraft the resolution for the budget, does the Legislature want us to stay with what we proposed, or do you want another \$50,000 for the Citizens Advisory Committee?

CHAIRMAN BISHOP:

What you proposed is the consensus. Everybody got thrown off --

1107-03. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parkland at 2295 Great Neck Road, Copiague. (POSTAL)

CHAIRMAN BISHOP:

Motion to table by -- oh, wait.

MS. ESSEL:

This one is okay. There's two of them. This one is okay.

CHAIRMAN BISHOP:

What the heck you going to do with something like this?

LEG. HALEY:

Second to table.

CHAIRMAN BISHOP:

Maybe Mr. Isles has information. Is it what you see is what you get?

MR. ISLES:

Pretty much. We did meet with the sponsor just before today's meeting to gather more information about this. This is relatively small parcel, and I don't think it's fully defined at this point exactly what's planned for the location whether it be --

CHAIRMAN BISHOP:

Motion to table.

MR. ISLES:

We would be happy to continue to talk to the sponsor.

CHAIRMAN BISHOP:

Second with great enthusiasm by acclamation. All in favor? Opposed? That's TABLED (VOTE: 6-0-0-0)

1112-03. To establish RFP Committee process for County Resources Conservation Study. (POSTAL)

CHAIRMAN BISHOP:

This is a resolution that Mr. Minei has comments on and he would like to speak to the sponsor. So I will make a motion to table --

LEG. HALEY:

Second.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

-- for one meeting in order for that to occur. TABLED (VOTE: 6-0-0-0)

Why do we have two with the same number? Oh, 1120, because I'm dyslexic.

1120-03. Making a SEQRA determination in connection with the proposed CR3/Wellwood Avenue bridge widening over the Southern State Parkway, Town of Babylon. (PRESIDING OFFICER)

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Fields. All in favor? Opposed? 1120 is APPROVED (VOTE: 6-0-0-0)

1128-03. Approving the modification of Agricultural District No. 5 in the Towns of East Hampton and Southampton and terminating Agricultural District No. 4 in the Towns of East Hampton and Southampton subject to the required subsequent approvals of the State of New York. (COUNTY EXEC)

CHAIRMAN BISHOP:
Explanation.

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MR. ISLES:

Agricultural District Number four and five are up for renewal. Public hearings were held and the purpose -- this involves Ag districts that are located in the Towns of Southampton, East Hampton. It would consolidate the two agricultural districts into one. This is part of the process of continuing the benefits to the farm property owners of under New York state law. It would provide them with real property discount as we will as right to farm aspects.

CHAIRMAN BISHOP:

The question is there's no implication to the program by merging?

MR. ISLES:

No.

CHAIRMAN BISHOP:

It's simply done -- Mr. Guldi represents the district so.

LEG. GULDI:

Yeah. The question I have is determination of district four, is the geographical bounds of the new district coterminous with what was four and five or is there areas of lands being excluded?

MR. ISLES:

What's being done at this point is they are parcel specific now. So all parcels within the district are actually specifically identified both in the resolution and on the maps that we have prepared for submission to New York State.

LEG. GULDI:

My question specifically is the new district, the renewed district, that we are submitting to go New York State, to what extent if any are parcels being deleted that were formally included in the old district?

MR. ISLES:

My understanding of the old district it that was a more generically written line. At this point what is being done is -- so it would apply potentially to non farm parcels encompassing a certain area. We have now got it so it's actually the specific parcels. So as far as parcels being in or out, the -- all the parcels are in previously that are still being farmed that want to be in it are still in. My understanding as to why we in the past had created both four and five is that we had original Ago District Number Four. There were then property owners that came along that wanted to be included, and so we added on to creat Agricultural District Number 5.

LEG. GULDI:

Okay. The process for determining that all of the agricultural properties that want to be in the district, how do we determine, A) that it's all the agricultural properties, or did we, and who did that work?

MR. ISLES:

Okay. It's all done through -- well, the Planning Department staff under the auspices of the farmland -- Agricultural and Farmland Protection Board. There are notices that are sent out, there's a

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public hearing that's held by the Farmland Protection Board. And obviously, we also have discussion with the Farm Bureau and other interests in that area.

LEG. GULDI:

Yeah, but has someone taken the list, the 15 page list, of parcels or however many it is, and slugged it against the map to see that we've got them all?

MR. ISLES:

Yes. Definitely.

LEG. GULDI:

You have done that?

MR. ISLES:

We definitely have done that, yes.

LEG. GULDI:

Okay. And you are confident we're not missing any parcels?

MR. ISLES:

Yes.

LEG. GULDI:

Motion to approve.

LEG. HALEY:

Second.

CHAIRMAN BISHOP:

Motion has been made and seconded. All in favor? Opposed? The motion carries. APPROVED (VOTE:6-0-0-0)

1137-03. Reappointing a member to the Suffolk County Water Authority (Melvin Fritz) (POSTAL)

LEG. FISHER:

Motion.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, seconded by {torcumata} who is now in favor of it, Mr. Guldi. On the motion, I just want to acknowledge the Water Authority has made significant strides on labor relation issues that is I have raised with them, and I appreciate that and that goes a long way towards my support of this reappointment. All in favor? Opposed?

LEG. FIELDS:

May I?

CHAIRMAN BISHOP:

Legislator Fields, I'm sorry.

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LEG. FIELDS:

Since my son is employed by the Water Authority, I thought it would be important that I disclose that, but because of my remark on the record that I do -- have worked with Melvin Fritz, and I think he is a real asset to the board, I would vote in favor.

CHAIRMAN BISHOP:

Right. Gotcha. Okay. So it's unanimous. APPROVED (VOTE:6-0-0-0)

1149-03. Adopting Local Law No. -2003, A Charter Law adding Article XXXVII to the Suffolk County Charter to provide a Suffolk County Save Open Space Fund. (FISHER)

LEG. FISHER:

You need to table for public hearing.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

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

CEQ RESOLUTIONS

06-03. Proposed SEQRA classifications of Legislative Resolutions laid on the table on January, 28 and February 11, 2003.

CHAIRMAN BISHOP:

Motion to approve by myself, second by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE: 6-0-0-0)

07-03. Proposed improvements to the Riverhead County Correctional Facility, C-141, Town of Southampton, CP #3014. (TYPE II ACTION)

LEG. CARACCIOLO:

In the Town of Southampton.

LEG. GULDI:

Motion. Riverhead portion of Southampton.

CHAIRMAN BISHOP:

Mr. Bagg. We're going to approve these, but --

LEG. CARACCIOLO:

Just be there.

LEG. GULDI:

Try not to mess us up.

CHAIRMAN BISHOP:

We stand on ceremony here. Motion to approve by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE: 6-0-0-0)

08-03. Proposed renovation at the Yaphank Correctional Facility, Town of Brookhaven, CP #3009. (TYPE II ACTION)

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CHAIRMAN BISHOP:

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

09-03. Proposed planning to perform architectural planning and engineering surveys for improvements to the Vanderbilt Planetarium. Town of Huntington. (TYPE II ACTION)

LEG. FISHER:

Question.

CHAIRMAN BISHOP:

Yes, of course.

LEG. FISHER:

Does that mean that they have their new GOTO, their new projector?

CHAIRMAN BISHOP:

They didn't get a GOTO because they traded the GOTO for property across the street, right?

MR. BAGG:

I have no idea. All I know is this is for planning and design for improvements to the museum because they have leaks.

LEG. FISHER:

Okay. So it has nothing to do with getting a new GOTO.

MR. BAGG:

No.

CHAIRMAN BISHOP:

Motion to favor by Legislator Fisher, seconded by Caracciolo. All in favor? Opposed? APPROVED (VOTE: 6-0-0-0)

10-03. Proposed acquisition of active parklands at Marion Carll School. Commack, Town of Huntington under the Suffolk County Greenways Program. (Unlisted action, negative declaration)

LEG. CARACCIOLO:

Explanation.

CHAIRMAN BISHOP:

I think this didn't receive unanimous support at the committee, is that correct?

MR. BAGG:

At CEQ?

CHAIRMAN BISHOP:

Yeah. I think there was one that didn't receive --

MR. BAGG:

There was one nay, which was Legislator Fields. There was one abstention, Theresa Elkowitz.

LEG. CARACCIOLO:

Can we have an explanation on this proposal? What is this acquisition?

LEG. GULDI:

Buying a school?

MR. BAGG:

This project involves the acquisition of 5.4 acres of property by Suffolk County, upon which the Town of Huntington agrees to construct

recreational facilities, including one junior size soccer field, two T-ball fields, two multi use courts, a par fitness course, large specially playground, bicycle/jogging path, 40 car parking area and associated of pertinence; benches, fences, walkways.

LEG. CARACCIOLO:

Is there a resolution on this, Tom?

MR. ISLES:

There is a planning steps resolution. There is not at this point an authorizing resolution. The sequence of events is that the authorizing resolution is typically preceded by CEQ's review and then make a decision SEQRA determination and then make an authorizing decision at that point. So there's a planning steps resolution completed thusfar. That's it. It will come back to you for a full authorization resolution at some point.

LEG. CARACCIOLO:

Which resolution is that?

MR. ISLES:

It's sponsored by Legislator Crecca. It's in his district, it's actually just on the other side of Commack Road.

CHAIRMAN BISHOP:

Okay.

LEG. HALEY:

It may be.

LEG. GULDI:

Put me at the map.

CHAIRMAN BISHOP:

Legislator Fields, is there any information that you can shed that will allow us to understand?

LEG. FIELDS:

I just -- the reason that I voted against it during the CEQ meeting was just that I didn't think that the full plan was written out and given to the -- to the group so that we could know exactly what it was that Huntington was going to be doing in the near future.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

So --

LEG. GULDI:

No.

CHAIRMAN BISHOP:

We're going to have that opportunity here at the Legislature. So as a Legislator you have a different perspective than as a CEQ member?

LEG. FIELDS:

Well, I felt that --

CHAIRMAN BISHOP:

Try it.

LEG. FIELDS:

Well, I felt that when things come before the CEQ that they should have a full plan of what it is that anyone wants to do with a project. And if they didn't have the absolute full plan, like, they weren't sure that they were going to do such and such or do such and such, and I just felt that I would rather know what you do want to plan and not just that you want the property and maybe something -- you might do this in the future, you may not do it.

LEG. CARACCIOLO:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded by Legislator Caracciolo. All in favor? Opposed? I'll go as opposed.

LEG. HALEY:

Opposed? TABLED (VOTE: 4-2-0-0) (Opposed; Legis. Haley and Bishop)

12-03. Proposed Hillaire Woods addition - Town and County land acquisition, Town of Huntington. (Unlisted action, negative declaration)

LEG. FISHER:

Was this just vetoed?

LEG. CARACCIOLO:

We did it.

LEG. FISHER:

Was this just vetoed, Tom?

LEG. CARACCIOLO:

No, this is SEQRA.

MR. ISLES:

I believe it was. I can't confirm that.

MR. SABATINO:

The veto message just came in this afternoon.

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LEG. CARACCIOLO:

A good man.

MR. SABATINO:

It's being vetoed because the Executive's Office is suggesting an alternative method of financing.

CHAIRMAN BISHOP:

Anyway. In any case, how does this --

LEG. GULDI:

That doesn't necessarily moot the SEQRA determination. So I will move 12-03.

LEG. HALEY:

Second.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Counsel, is that appropriate?

MR. SABATINO:

It's not a problem because we're now in limbo with regard to what's going to happen.

CHAIRMAN BISHOP:

Let's be affirmative in our limbo status. Motion by Legislator Guldi, seconded by Legislator Haley. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed. APPROVED (VOTE:5-1-0-0) (Opposed; Leg. Caracciolo)

13-03. Proposed improvements to CR 12, Oak Street, between Wellington Place and Lake Street, Amityville, Town of Babylon, CP #3301.
(Unlisted action, negative declaration)

CHAIRMAN BISHOP:

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

14-03. Proposed radio transmitter site for the Suffolk County Police

Department, site at Northport Veterans Memorial Hospital, Town of Huntington. (Unlisted action, negative declaration)

LEG. FIELDS:

Motion.

LEG. HALEY:

Second.

CHAIRMAN BISHOP:

This is a determination that the transmitter site will have no impact on the environment?

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MR. BAGG:

That's correct. It is an existing water tower on which they want to put antennas.

CHAIRMAN BISHOP:

Is there a motion? Motion by Legislator Fields, seconded by Legislator Haley. All in favor? Opposed? List me as opposed, please. APPROVED (VOTE:5-1-0-0) (Opposed; CHAIRMAN BISHOP)

TABLED RESOLUTIONS

1911-02. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. (HALEY)

LEG. HALEY:

Mr. Chair, table 11, 12, 13.

CHAIRMAN BISHOP:

All right. 1911, motion to table by Legislator Haley, seconded by Legislator Fisher. All in favor? Opposed? TABLED (VOTE:6-0-0-0)

1912-02. Approving acquisition under Suffolk County Land Preservation Partnership Program (Ridgehaven Estates LLC Property) Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:

1912, same motion, same second, same vote. TABLED (VOTE:6-0-0-0)

1913-02. Approving acquisition under Suffolk County Multifaceted Land Preservation Program for Stage II Active Parklands (property in Ridge) Town of Brookhaven. (HALEY)

CHAIRMAN BISHOP:

1913, same motion, same second, same vote. TABLED (VOTE:6-0-0-0)

1917-02. Authorizing planning steps for the acquisition of land under

Pay-As-You-Go 1/4% Taxpayer Protection Program (Land on Granny Road).
(TOWLE)

LEG. FISHER:
Motion.

LEG. CARACCIOLO:
On the motion.

CHAIRMAN BISHOP:
Mr. Isles, Ms. Fischer. Let me ask this while she passes this out, we have passed a number of planning steps other of the last year. Is there information now on all those planning step resolution that we can begin to prioritize which ones we want to pursue and which ones we may not want to pursue?

MR. ISLES:
You would have to tell us what information you want. We would be happy to do that, and we have begun discussions on that. I think it's perhaps a timely topic. I think if we were to be given a little definition as to how you would like it prioritized, what kind of

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information, that would help us in being able to do it.

CHAIRMAN BISHOP:
Why is Ms. Costigan left in the back? Come forward.

LEG. HALEY:
She's not dumb.

LEG. GULDI:
If I may, Mr. Chairman. I believe the question as posed by Mr. Amper is why haven't you purchased everything in the County yet?

MR. ISLES:
We're working on it.

CHAIRMAN BISHOP:
My question is that in the past, for example, the Greenways Program we had information -- we went through a period where information was gathered, and then at the end of the period, the Legislature worked with all of you to set priorities and we pursued those priorities. I would like to do that same -- I think the committee would like to engage in that same system. So are we ready to do that? Do we have enough information and enough parcels that it would be meaningful to engage in a prioritization?

MR. ISLES:

I think we're looking at -- I think the general answer would be yes. I think we're looking at two things, number one, our acquisitions that are in the pipeline, those that have been planning steps have been approved for, and getting them to the point where perhaps if you wanted to have further evaluation and fine tune or prioritize which comes first and so forth, we can do that certainly with a lot of the information we have collected defining exactly what you are looking for just using Exhibit A or using more detailed information or perhaps we can suggest some criteria to you.

CHAIRMAN BISHOP:

I think that also if we have -- we may want to visit these sites. This is the point where -- where the committee's rubber meets the road so to speak. We have to make the determination. So perhaps we need to set aside two days to do site visits.

LEG. FISHER:

Higher a bus.

MR. ISLES:

There you go. The only other part of it I'd like to say however is that we also have to look at this I think going forward. So beyond those where we have planning step resolutions, obviously we get new resolutions that come in almost at every meeting. And I think your reference to the Greenways Plan was a good one in my experience in having seen that and worked with that since I got here a little less than two years ago.

So from that, one would be the prioritization, and we can get that

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started for you and to start to organize it for the committee. I think also, however, we should probably also look to future acquisitions and perhaps an update to something of the nature of the Greenways Plan or a County Open Space Plan. So I think one of the thing that the Granny Road site that was talked about earlier today point to is that we can go through on a very prescriptive way and identify properties that should be considered for acquisitions, but it's pretty darn impossible to go through every parcel in the County with almost a million parcels in the County. So I think when we go forward it should be a document that clearly identifies parcels that the Legislature feels should be acquired, but also should be more of a policy plan too.

One of the things we did recently with the Parks Trustees and Legislator Fields and Legislator Caracciolo was at the last meeting was that we went through a process of going through every program, every acquisition program, that we have, which total about 17

programs, identifying what the current criteria are, statutory criteria and so forth. So what I'd like to say is number one, we can proceed then on the prioritization, organizing that for the committee, and number two, we'd like to go beyond that and suggest that we more formally update the County Open Space Plan.

CHAIRMAN BISHOP:

I think both of those are fine.

LEG. FISHER:

Mr. Chair, I have a question.

CHAIRMAN BISHOP:

Do committee members have questions or comments on how we can proceed, you know, on a grand scale, not just on the Granny -- we're not just on the Granny Road.

LEG. HALEY:

I need to leave. So if you wouldn't mind, I just want to make a few comments, and then I'm going to leave. You know, we worked --

CHAIRMAN BISHOP:

Is this your permanent departure?

LEG. HALEY:

My last words for this committee anyway. A few years back -- a few years back we sat and we actually looked at every acquisition list we could find. And if you recall, Dave, I think we put -- we put -- we eventually put everything on our wish list, everything that measured up to our criteria. I think over the years we've done a pretty good job. Now, granted I think we've put all the political stuff behind us and the shots that were taken last year as it related to the Department of Real Estate and alleged inappropriate actions by individuals or individual, which I believe in the end really had nothing to do with our level of acquisition or rate of acquisition, and I think we were doing a pretty good job.

Well, when that -- when that came to pass, it seemed everything came to a screeching halt. And the reason I feel compelled to say

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something is that Mr. Amper was, in fact, a participant in bringing things to a screeching halt, all right, with all of his accusations and the like. And then he turns around, he puts the entire department on notice. You have everybody in the Planning Department, the Real Estate Department and maybe other people in the Executive Branch of Government are very much concerned about the accusations that are flying. And you've done is you've put everybody on notice that we're going to watch every move you make. And we did that in this

Legislature, we started to look at all of their appraisal work, we started to look at every move they made. They had a practical effect of slowing everything down.

Now. I have been in appraisal -- I've done appraisal work over the years, and I've seen an awful lot of work come out of the Real Estate Department. I've looked at it many times over. And in the aggregate, I think they've done a pretty good job. I know that there are times that I've had my differences with them, but I think they do, and I think they are very much concerned with moving along. But we're holding them up. And I think that Mr. Isles has just mentioned that he is going to come up with I think -- and I appreciate that -- a little assertiveness, he's going to tell us what he believes is necessary to start moving things along. But if we're going sit and we're going to nit pick these guys to death, we're not going to get the acquisition done. And all we're going to do is create a forum by which Mr. Amper can get up there, the enviromaniac of Suffolk County and say, you know, you're not doing enough. All right. You can't buy every thing all the time, everywhere there is. I know that's what he wants, and that's possible for us, especially given the fact that even with the Empire monies and even with our present programs, we're going to have practical difficulty.

Dave, and you I have been very -- on the same page all along when it comes to prioritization and making sure there we're not just taking that Amper approach and buying everything. We wanted to put and categorize things, and I think we've done a pretty good job. And I think if we just go back and think about where we were, I think we can start up relatively quickly provided this Legislature doesn't become overbearing to that particular department.

CHAIRMAN BISHOP:

Thank you. Not quite Washington's farewell, but a good final one.

LEG. HALEY:

And I just want you to know that I am going to seriously miss Legislator Caracciolo and Legislator Guldi.

LEG. GULDI:

Hey, Marty, you're going to be in Riverhead, we're going to be right there.

CHAIRMAN BISHOP:

Legislator Fisher.

LEG. FISHER:

Okay. We began that prioritization list my first year that I was in the Legislature when were dealing with the Greenways Program. And we

continued to need a ranking system, a priority list. But some of the problems that we've run into in ranking and prioritizing is that I think that that has a way of also inflating the price that we've pay for the properties. If there is a lands owner who shows that his or her property is our number one acquisition, that person is going to play some serious hardball with us. And I was just wondering, Mr. Chair, if we might consider working in Executive Session, looking at a prioritization list. Because it is a strategy negotiations, and I think that perhaps that should be something that doesn't go to the public record, because it could adversely hurt our ability to negotiate and save the taxpayers money.

CHAIRMAN BISHOP:

I'll ask Legislative Counsel to address that. I'll just point out that we are limited to the appraised value. I mean, we can't go beyond that without --

LEG. GULDI:

We can go under that.

CHAIRMAN BISHOP:

We can go under that. Your question presumes that we would have a reasonable chance --

LEG. FISHER:

We saw the kind of mischief that can occur even with knowing the regulations of working with appraised values, and, you know, that's part of the historical perspective that we should have here.

CHAIRMAN BISHOP:

Counsel, would it be appropriate for this committee to work with the department on a priority list in Executive Session?

MR. SABATINO:

That you couldn't do. The ability to go into Executive Session is very very restricted. And even in the real estate situation, I mean, there's only one or two cases. And unless you have a specific circumstance with a specific negotiation where something that would otherwise be made public would adversely effect the value of the property, you really couldn't do it. So just to be able to go into committee and talk about what's really essentially a public policy question of what the priorities or the criteria are, I don't think we could fit into a Executive Session scenario. You'd have to really -- that part you'd have to talk about in public.

CHAIRMAN BISHOP:

Has that question ever been specifically posed to the Open Government Committee? Is it worth an inquiry?

MR. SABATINO:

There's actually an Appellate Division case, which I had to pull recently in a different context, but the Appellate Division said that it's got to be a situation where a specific transaction is being dealt with and some how something that you would be talking about in public adversely affecting the value of that property. But talking about prioritization and criteria and ranking systems has to be done in

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public.

LEG. FISHER:

Paul, if you remember when we were dealing with the Talmadge property, do you remember that, and we had some problems with our Planning Commission who --

CHAIRMAN BISHOP:

Right.

LEG. FISHER:

And we questioned them with regards to whether or not they were aware that that was a top priority on our acquisitions list. And if I recall correctly, and correct me if I'm wrong -- this goes back a few years, and I don't have your photographic memory -- but if I recall it was the first time I heard the term adverse condemnation, that if we were to -- inverse? Okay.

LEG. GULDI:

Inverse and there's also de facto.

LEG. FISHER:

That if we were to impose that upon the -- or introduce as testimony to Planning Commissions or Zoning Commissions that this was our number one priority that that would be adversely affecting their decision. So that's -- because of that issue, I thought that the converse would be true, that we would be able to not expose ourselves to having inflated prices based on our prioritization list.

MR. SABATINO:

Well, you are correct that the issue came up several years ago on the inverse condemnation aspect. That was raised by the Law Department in opposition to statements that were made, I think by Legislator Bishop at the time and some other Legislators with regard to why the information had not been -- had been shared, then we actually adopted a Charter Law amendment shortly thereafter, which said that the information should, in fact, be shared. So as far as I'm concerned, that's issues been resolved by the Charter Law that was adopted. I didn't necessarily buy into the argument that they had raised about

inverse condemnation, but that's -- that was an issue that is separate and apart from this notion of how the Legislature as a body is going to establish what its criteria or ranking or standards are going to be for acquisition. I mean, that's got to be in the -- in the public arena. I'm not saying there couldn't be a situation --

LEG. FISHER:

I'm not talking about the criteria. Clearly our criteria would be public, the process would be public, the policy would be public, but the actual naming of specific properties and their place on the list, you are saying that although that is specific naming of properties, that would still not be allowed in Executive Session.

MR. SABATINO:

I really couldn't see that being in Executive Session.

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LEG. GULDI:

I have an idea to get to the same goal.

CHAIRMAN BISHOP:

You're going to have to wait for Legislator Fields. She'll yield.

LEG. GULDI:

One of the concepts that I've always been troubled by in the years that we've done acquisitions is that we do a very public process about what we want to buy, and it's actually very very public that we pay appraised values and that's what our values are. And basically any seller who is not an idiot knows that he can know easily access our appraised values and know what the max price is. So we are frequently put in a position where we are not negotiating. We are essentially buying property at appraised value, which gives us no -- it gives the sellers no incentive of dealing business with -- doing business with us. They get our information on a take it or leave it basis. I always thought that a better approach for our acquisitions would be what I called a reverse auction approach. We used to do it some -- we used to do it in a de facto way, but not in a formalized way where we would readily approved 300% of the property that we had money for. And when you are in that position --

CHAIRMAN BISHOP:

Oversubscription, right.

LEG. GULDI:

When you oversubscribe substantially but as a formal approach, you can go to the market as with all of your wish list and let your sellers, potential sellers, know that we're paying -- this month we're paying 85, 80% of appraised value. And if we don't get enough takers, yeah, maybe we'll go to 90, but maybe we'll run out of money first. And in

that way achieve a discount from appraised value in -- in our acquisition mode.

CHAIRMAN BISHOP:

But for a cynic that -- that concedes an awful lot of power to another branch of government. Essentially what you would be doing is opening the flood gates and saying to the --

LEG. GULDI:

Saying to the department -- saying to the administration essentially go forth and negotiate. Frankly --

CHAIRMAN BISHOP:

When you make the priority list, it's the elected officials who determine what the priorities are.

LEG. GULDI:

See, my attitude has always been that we don't have the collective wherewithal to acquire and preserve everything we ought to and it becomes a matter of acreage, get the most bang for the buck. If we bought a years or two years worth of property at 15% below appraised value, we'd had 15% more land preserve than we would. And whether it's your district or my district or somebody's district that I happen to be at war with this week, it doesn't matter. We're getting more

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land for the preservation dollar.

LEG. FISHER:

I just had another part of my question, farmland, our Farmland Program is different in the way we prioritize and the way we negotiate. And I think it's very important to have our farmland acquisitions also prioritized and -- but it would be a separate list. Tom, you are looking like it's not as easy to do that.

MS. COSTIGAN:

I'm going to choke. Your proceeding on the assumption we do give out the appraised values. We don't.

LEG. GULDI:

I'm not going on the presumption that you do, but I'm going on the presumption now the elected officials and their staff have access to appraised values is a policy that I objected to, that they are very easy to obtain, not from you, but ultimately.

MS. COSTIGAN:

Because in negotiations we don't. I mean, we don't even necessarily offer them even, we may offer less, but that's an aside. On the farms, there is a de facto prioritization by the Farm Committee, of

course. But what we don't really -- or what we need to know you, there are two things. One, if you want to do a prioritization with us, we should do it in subcommittee, I think if you want to do two subcommittees, that's fine, so that you didn't have a quorum and you wouldn't have the problem with the open meeting. We would be glad to do that.

LEG. GULDI:

You still have to bring that list back to a public meeting to approve it, thereby making that list and its work product public.

MS. COSTIGAN:

If you feel you need to approve it. I thought the effort you are trying to do here is to impart to us what marching orders you want us to have. And if you sit with you in committee and arrive at a list, those are our marching orders. However, the --

CHAIRMAN BISHOP:

I want to -- I want to try to move on. I know I started this.

MS. COSTIGAN:

Are you worried about prioritization because you think that all the --

CHAIRMAN BISHOP:

Legislator Fisher is worried about prioritization. Legislator Guldi wants to do a reverse auction. I just want to do a priority list and get the process moving.

LEG. GULDI:

Legislator Bishop wants to go home.

CHAIRMAN BISHOP:

Legislator Caracciolo.

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LEG. FIELDS:

No, I was next.

LEG. CARACCIOLO:

I will yield to my --

LEG. FIELDS:

No. You don't have to yield, I was next. I suffered an interruption with Legislator Guldi.

LEG. CARACCIOLO:

A bunch of kids up here, I got to tell you.

LEG. FIELDS:

That's right. I haven't spoken hardly all day. I just wanted to bring the committee some information. About a year ago, I put in a resolution to have an audit performed of the -- what is that noise, Mike? I had asked that the Comptroller's Office do an audit of the Planning Department, and that audit is completed, and they have, I believe, given you the rough draft?

MR. ISLES:

Yes. Thursday we received a rough draft.

LEG. FIELDS:

And I will get it Monday, I believe.

MR. ISLES:

I've been given until Monday to provide any comments to it.

LEG. FIELDS:

And then they said they'll give it to me on Monday.

MR. ISLES:

Okay.

LEG. FIELDS:

And I'm going to ask you before it's released, do you think that that is going to shed any other light on any of the comments that have been made today?

MR. ISLES:

No.

MS. COSTIGAN:

No.

MR. ISLES:

No, not in terms of -- that's more of looking at the procedures and the process and so forth, not so much of the prioritization I don't think. It does make some comments -- let me say too that I received it Thursday, I went through it quickly, I'm going to be going through it more closely. There are I believe there may be a comment in there about the role of the Planning Department and substantive reviews and so forth. But I think a lot of it is addressing more the technical aspects and procedural aspects of the acquisition process, the

appraisal process and so forth.

LEG. FIELDS:

Now, in addition to that, I'm not quite sure I understand why you would want to prioritize. And maybe I want to ask the professionals

why would you want to prioritize a list?

MR. ISLES:

Let me just comment on the -- we weren't suggesting the prioritization. We would certainly go along with it. And I understand, I think the point is that to buy the best that we can but if we have a limited amount of money. I was making the point that it may not be a bad time to do an updated open space plan, perhaps similar to the Greenways where there was a process to identify properties. And I would -- you know, my points are two fold on that. One, being prescriptive in identifying specific parcels can be helpful, but it's not possible to hit every parcel, so we think it should be more of a policy plan. The idea also on the prioritization is that we have 12, 1 -- pardon me, five Legislators up here that means we have 12 or 13 that are not here. If we start saying this is up high and this is low, I would just be curious as to how we're going to get the consensus on that in terms of what to buy and what not to buy.

CHAIRMAN BISHOP:

The reason for asking for a process that would a prioritization is that you spent about a year basically approving every planning steps resolution that's come through here. I don't think there's --

LEG. FIELDS:

No. We have not approved all of them.

CHAIRMAN BISHOP:

Planning steps.

LEG. FIELDS:

Right. We have not. Mine was one of them.

CHAIRMAN BISHOP:

When we've had final authorizations, we've had a different attitude, and we've been much tougher, but on planning steps, almost everything has gone through that I can remember. If you remember differently --

LEG. FIELDS:

Islip Terrace did not go through.

LEG. GULDI:

We should have approved the planning steps on that one.

LEG. FIELDS:

That's right. But anyway, go ahead.

CHAIRMAN BISHOP:

Is that the famous one from three years ago. I'm talking about in the last year since we've started this -- since the post-reform era.

LEG. FIELDS:

Continue -- okay. We've approved all the planning steps, go ahead.

CHAIRMAN BISHOP:

So at some point, all that information is in the department's hands, they've gone, they've surveyed, they've evaluated, they've attached a value to it. I think when they know it, it should come back to us as the policy makers to determine which once are the priorities, because there's probably more demand than there is supply of dollars at this point.

LEG. FIELDS:

But are you saying that-- this what I'm confused about. We have, you know, 60 planning steps, okay, I'm just throwing a number out there, and now something comes up in my district or any one of our districts, and that's added on, and they haven't actually done the appraisal and the survey, why would it be necessary -- would it not stop their department from being able to move along the way that they should because know we have other things coming in the pipeline?

CHAIRMAN BISHOP:

I understand what you're saying. You are saying once you cut it off, does it cut off for anything in the future. No, that wouldn't be the intention. Obviously it's a program that's ongoing and it's fluid, if you will, so we would have to make periodic adjustments and we would have to discuss whether something needs to be bumped up on the list. The point was that we started this --

LEG. FIELDS:

Okay. But just on that. Just on that. So you're saying periodic and then decide, those are key words here. So now, let's say I come up with a -- you come up -- I'm going to personalize it -- you come up with a piece the property --

CHAIRMAN BISHOP:

Well, it would be different if I came up with it.

LEG. FIELDS:

Exactly, and we all know that. You come up with a piece of property that you think is extremely important, and now we periodically will review whether or not that parcel should be acquired, and then maybe we get, you know -- isn't that going to do exactly what everybody's been complaining about?

LEG. GULDI:

Yes.

CHAIRMAN BISHOP:

Which is what? What does everybody complain about?

LEG. FIELDS:

Delay of acquiring properties. And that might have been the most important piece compared to all the other ones.

CHAIRMAN BISHOP:

All right. But don't you think that we can have discussion as they

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come up as to where they should be placed into the priority list? It doesn't seem to me -- it seems to me that the reason that we have to stop now and do the priority list is not to foreclose out future considerations, but to organize what we've already set out to examine.

LEG. FIELDS:

But is that our job?

CHAIRMAN BISHOP:

We have all this information out there. It should -- you know, it should have all come in now. It's been about a year and we've approved -- maybe it has been 60 parcels, it seems like it may be that many. And there are all these evaluations out there, and we should begin to say this is a priority.

LEG. FIELDS:

How do we do that as Legislators?

CHAIRMAN BISHOP:

We've done it -- I mean, that's exactly why we should be -- that's exactly what we should be doing, I believe.

LEG. FIELDS:

How do we know what property should be -- for instance, I'll give you the example. Today, a whole group of people came up and said I don't agree with the ranking. We know better, we've been there, and we've seen this and we've seen that. So how do we really, you know, legitimately know exactly how that happens?

CHAIRMAN BISHOP:

I will let that be the last word, and I will propose the following. Mr. Isles, why don't you send us a memo outlining how you want to change the open space -- what is it -- handbook or what's the -- what's the plan?

MR. ISLES:

Let's just call it the open space plan.

CHAIRMAN BISHOP:

Open space plan. And also how you would address my question, and then we will -- we'll bring it back to the committee and continue the discussion at that time. Obviously, nothing is going to happen between now --

LEG. CARACCIOLO:

Well, Mr. Chairman, if I might. Since I am the individual who has for months now brought this issue up about prioritizing this. Tom, it seems to me that this is not rocket science. The state, as you know, both Legislator Fields are I are on the Regular One Committee, you are as well. We meet biannually, we convene, have several meetings, there's input from, I think, there are 15 members on that committee, bi-county, Nassau, Suffolk. The list that we're talking about have already been pretty much established. They've been established by your department, by town planning departments, by environmental organizations. As I stated earlier, last July and August we sat right where you are at with every major environmental organization in

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Suffolk County, and we put together a list of priorities, which you have, we have. What does it -- and I've been a critic of this method, Mr. Chairman, of approving all these planning steps resolution for one acre or less parcels, many of which I voted against, because that's not what our program should be about. It should be a more global approach to preserving properties that are environmentally sensitive, not just because a group of residents come down and say, oh, it's under development pressure, buy this land and preserve it so I don't have a house next to me. It's not what a County Environmental Protection Program is about. Maybe that's a criteria, but it's one of many. And I resent, and I'm going to state it for the umpteenth time, when towns continue to approve preliminary or final subdivisions approvals, and then they go out and work up the community when they come at the town hall about trying to stop the development. They say, oh, well, go talk to your County Legislator or go talk to the County, you know, they've got deep pockets, they'll buy and preserve the land. It's too late. That's not what our program should be used for.

CHAIRMAN BISHOP:

Absolutely.

LEG. CARACCIOLO:

Tom, you are a professional planner, you've done this at the town and County level. What in your view, you are the expert, we're not, should be the methodology employed in Suffolk County to come up with an Open Space Water Quality Protection Program priority list? Let's take those two, because we have one on the farmlands.

MR. ISLES:

Okay. Well, I can include that in my memo back to the committee in more complete detail. And I'd just make the point, it's not just drinking water protection, because we have a total of 17 programs, that covers part of it. So I'd like to do a --

LEG. CARACCIOLO:

I'm talking about the major -- the major program.

MR. ISLES:

That's the grand-daddy, I know, but --

CHAIRMAN BISHOP:

He is going to memo us with a proposal, and then we'll take it up at the next meeting.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

It's the exact question we need to deal with.

LEG. CARACCIOLO:

We'll have a couple of specials meeting to actually --

CHAIRMAN BISHOP:

You know, I'm willing to do on-site visits.

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LEG. CARACCIOLO:

Just one --

CHAIRMAN BISHOP:

I don't want to continue the dialog because we really --

LEG. CARACCIOLO:

Not on this. I just want to -- there was a comment, unfortunately, Legislator Haley left, so he's not going to be here for this, but he said that the County Legislature has held up the Land Acquisition Program. Now, I don't know if he was making reference to the reforms that the committee -- the committee, you know, considered and put in place last year, he wasn't specific. In your view, Mr. Isles, has the County Legislature held up the County Land Acquisition Programs?

MR. ISLES:

Well, there's no question we spent several months last year, probably five or six months when we did 425. So there was a period when there was a lot of review of the process and procedures.

LEG. CARACCIOLO:

But that was precipitated by actions that none of us controlled.

MR. ISLES:

It was precipitated by everything.

LEG. CARACCIOLO:

Right.

MR. ISLES:

Right. You can be darn certain that that is no other goal than having this program up and running. We've said that whatever it takes to get the program moving successfully. Christine has done a wonderful job in getting on top of it. We have probably 120 parcels in the pipeline right now that may or may not be purchased depending on what -- what happens with those transactions. So I think that the program is, you know, contrary to what may be perceived as being dormant or dead is not the case. So I wouldn't just accept the characterization that it's -- that it's either the Legislature held it up, I don't think that's necessarily the case nor the administration quite frankly.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Thank you. All right. To the agenda. 1917, this is planning steps only. We've had two presentations in two successive meeting. We have one question on it, Legislator Caracciolo.

LEG. CARACCIOLO:

Tom, last month when we viewed this presentation I know you spoke a little bit about it.

MR. ISLES:

Right.

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LEG. CARACCIOLO:

I recall in your presentation that there is an aspect of this which involves a transfer of Pine Barrens credits. The developer was scheduled to build in Rocky, Point instead he provided the town with a golf course.

MR. ISLES:

Yes.

LEG. CARACCIOLO:

And in exchange he was able -- the town then granted him these credits to build extra density on this site.

MR. ISLES:

I wouldn't necessarily call it Pine Barrens credits, but essentially what this parcel is essentially a receiving site for development in the Town of Brookhaven that would preserve the Rocky Point golf course and result in a dedication of the golf course to the Town of Brookhaven. In exchange, this parcel was rezoned from, I think, an A-1 to an M-F.

CHAIRMAN BISHOP:

So we have to pay a premium for that discretionary decision, is that --

MR. ISLES:

We haven't done any appraisals at this point in time, but I can tell you that there was a rezoning approved. I'm not sure if there is an effective date on the rezoning. So there is a higher density on this.

CHAIRMAN BISHOP:

If we were to approve that, would -- would the report that you would come back to us with reflect that?

MR. ISLES:

We would do an appraisal on the property, which would look at the what current zoning is of the property.

CHAIRMAN BISHOP:

No. Would it reflect what the cost of the discretionary action of the town was?

MR. ISLES:

Not necessarily.

CHAIRMAN BISHOP:

All right. Can you do that for us if we direct you to do that, if we ask you do that verbally?

MS. COSTIGAN:

The 425 refers to discretionary actions that take place after the authorization of the planning steps resolution, not before.

CHAIRMAN BISHOP:

But that doesn't mean that we can't consider that.

MS. COSTIGAN:

I'm just telling you that.

CHAIRMAN BISHOP:

Yes. I appreciate that.

MS. COSTIGAN:

If you wanted that, it's a separate -- it's like two appraisals. It's a different appraisal. Yes, it would have to be a before and after appraisal. We would only usually be ordering a current appraisal. It's like two appraisals.

LEG. GULDI:

But it would be one appraisal with a before approach and after approach. It's not like --it just expands the scope of one appraisal.

MS. COSTIGAN:

Right. It will cost more.

LEG. CARACCIOLO:

I think the essence of the question is by virtue of the town providing the change in zone and map, and that's what category?

MR. ISLES:

Multiple family.

LEG. CARACCIOLO:

Multiple family. So there would be a much higher density which will increase the appraised value for purchase somewhat? Significantly?

MR. ISLES:

Well, I think it's speculative.

CHAIRMAN BISHOP:

I just want to make this point, and I think I can -- we have said numerous times as a committee that when a town takes an action, a discretionary action, which raises the value of the property that we don't want to pay the extra. So that's why we're looking for the information. I understand your point that they did that pre-planning steps resolution, and that's -- legally doesn't put us in the same situation. But as policy makers, that's where we want to be. So would you please do that? I think there's a consensus that we'd like that information.

LEG. FISHER:

Was this part of the Rocky Point deal?

MR. ISLES:

I wouldn't call it a deal.

LEG. FISHER:

Sorry, agreement.

MR. ISLES:

Yes, that's my understanding.

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LEG. CARACCIOLO:

So the town got the benefit of gaining a golf course, but on the --

CHAIRMAN BISHOP:

Our taxpayers, the County taxpayers may end up paying the premium for it. I understand, we all understand. That's why we want the information.

LEG. CARACCIOLO:

The other question I had on this proposal, this resolution, is there anything contained in the resolution that specifies that the town will contribute to the purchase or acquisition?

MR. ISLES:

Not that I'm aware of.

CHAIRMAN BISHOP:

They may be asked to once we get this appraisal if we approve this. All right. So is there a motion to approve?

LEG. FISHER:

Yes, there is and a second.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, seconded by Legislator -- anybody who wants it -- Guldi. All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BISHOP:

Opposed by Legislator Caracciolo. APPROVED (VOTE: 4-1-0-1) (Opposed; Leg. Caracciolo) (Not present; Leg. Haley)

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:

Motion to approve.

CHAIRMAN BISHOP:

Legislator Caracciolo invited us to look at this property. I said that I thought that the committee will withhold on-site visits to after we do planning steps, otherwise we would be --

LEG. FISHER:

Is this development rights or acquisition of the farm?

MR. SABATINO:

Development rights.

CHAIRMAN BISHOP:

Development rights. Motion to approve by Legislator Caracciolo, second by myself. All in favor? Opposed? APPROVED (VOTE: 5-0-0-1) (Not present; Leg. Haley)

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2004-02. Suffolk County Private Well Water Remediation Program. (CARACCIOLO)

CHAIRMAN BISHOP:

Motion to table by myself.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Seconded by Legislator Fisher. All in favor? Opposed? TABLED (VOTE: 5-0-0-1) (Not present; Leg. Haley)

2043-02. Declaring a governmental need for underwater wetlands located in Peconic and Gardiners Bays. (COUNTY EXEC)

LEG. FIELDS:

Motion to table.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, seconded by myself. All in favor? Opposed?

LEG. GULDI:

Opposed. TABLED (VOTE: 4-1-0-1) (Opposed; Leg. Guldi) (Not present; Leg. Haley)

2051-02. Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville Village (Town of Babylon) (POSTAL)

CHAIRMAN BISHOP:

Motion to table at Legislator Postal's request by myself, seconded by Legislator Guldi. All in favor? Opposed? TABLED (VOTE: 5-0-0-1) (Not present; Leg. Haley)

2257-02. Establish land development policy for mixed use smart growth

in Suffolk County. (BISHOP)

CHAIRMAN BISHOP:

I plan to move this measure at the next meeting and ask for a vote on it. I will send to each of you extensive comments I've received and comments from people opposed and in favor of it.

LEG. GULDI:

Can I ask a question on this.

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

Why does it say planing Bishop, planning Cooper?

CHAIRMAN BISHOP:

It was a misprint.

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LEG. GULDI:

I though it was a bifurcation of planning.

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Fields. All in favor? Opposed? TABLED (VOTE: 5-0-0-1) (Not present; Leg. Haley)

1043-02. Making a SEQRA classification and determination for the purposes of Chapter 279 of the Suffolk County Code for the Division of Vector Control 2003 Annual Plan. (PRESIDING OFFICER)

CHAIRMAN BISHOP:

This is another Vector Control. Is this a repeat?

LEG. GULDI:

Yet another attempt to neg dec our spraying?

CHAIRMAN BISHOP:

It doesn't appear to be a repeat.

MR. SABATINO:

1043 is the one that would be in contradistinction to --

CHAIRMAN BISHOP:

All right. Motion to table subject to call so it get off the agenda and it can be called back if and when we need it. Motion by myself, seconded by Legislator Caracciolo. All in favor? Opposed? TABLED SUBJECT TO CALL (VOTE: 5-0-0-1) (Not present; Leg. Haley)

1074-02. Adopting Local Law No. -2003, to penalize illegal clearing or building in the Suffolk County Pine Barrens. (COOPER)

LEG. GULDI:

The sponsor was going to file a corrected copy, did he refile?

CHAIRMAN BISHOP:

He did change some language that was in the whereas clauses.

LEG. GULDI:

Motion to approve.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, seconded by Legislator Fisher. Those towns still oppose it, I support it. All in favor? Opposed? I just wanted to get that on the record so you know that. It's passed unanimously. APPROVED (VOTE:5-0-0-1) (Not present; Leg. Haley)

I think that's it. Tabled CEQ Resolution I guess we have to do, right?

MR. SABATINO:

The public hearing on 1074 was recessed on February 11th.

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LEG. GULDI:

Motion to reconsider and table.

CHAIRMAN BISHOP:

Motion to reconsider by Legislator Guldi, seconded by myself. It's not before us. Motion to table by Legislator Guldi, seconded by myself. All in favor? Opposed? 1074 is TABLED (VOTE:5-0-0-1) (Not present; Leg. Haley)

TABLED CEQ RESOLUTIONS

70-02. Proposed Suffolk County Department of Public Works - 2--3 Vector Control Plan of Work (Recommendation - impermissible segmentation)

CHAIRMAN BISHOP:

Motion to table 70-02 by myself, seconded by Legislator Caracciolo. All in favor? Opposed? TABLED (VOTE:5-0-0-1) (Not present; Leg. Haley)

That concludes the agenda. And there being no further business before this committee, I make a motion to adjourn, seconded by Legislator Guldi. We stand adjourned.

(*THE MEETING WAS ADJOURNED AT 4:55 P.M.*)

{ } DENOTES BEING SPELLED PHONETICAL