

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

Minutes

A regular meeting of the Environment, Land Acquisition & Planning Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on **April 14, 2003**.

Members Present:

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

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Alexandra Sullivan - Chief Deputy Clerk/Suffolk County Legislature
Thomas Carroll - Aide to Legislator Bishop
Kara Gerry - Press Secretary to Presiding Officer Postal's Office
Nanette Essel - Aide to Presiding Officer Postal
Stephanie Mitchell - Aide to Legislator Fisher
Ginny Suhr - Aide to Legislator Fisher
Nicole DeAngelo - County Executive's Office/Intergovernmental Relations
Vito Minei - Suffolk County Department of Health Services
Martin Trent - Chief/Bureau of Groundwater Resources/DHS
Ron Cohen - Aide to Legislator Tonna
Thomas Isles - Director/Suffolk County Planning Department
Judith Gordon - Commissioner/Suffolk County Parks Department
Steve Jones - Executive Director/Suffolk County Water Authority
Geoffrey Touretz - Principal/Walt Whitman High School
Frank Petrone - Supervisor/Town of Huntington
Laure C. Nolan - Deputy Supervisor/Town of Huntington
Barbara Blass - Councilwoman/Town of Riverhead
Mike Zicchinelli - Town of Riverhead
Janice McGovern - Department of Public Works/Sanitation
Bridget Middleton - Resident of Babylon Village
Wayne Prospect - Hauppauge Industrial Association
George Proios - Soil and Water Conservation
Paul Rowland - Nassau-Suffolk Hospital Council
Carol Bissonette - The Ketcham Inn Foundation
Bert Seides - The Ketcham Inn Foundation
Alpa Pandya - The Nature Conservancy
Jay H. Schneiderman - Supervisor/Town of East Hampton
Joe Potter - Councilman/Town of East Hampton

George Larsen - Nature Preserve Committee/Town of East Hampton
Lawrence Penny - Natural Resources Director/Town of East Hampton
Richard Lupoletti - Resident of East Hampton
Ed Porco - Trails Preservation Society/Town of East Hampton
Dr. Sonya Bradley - Triangle-Melville Civic Association
William T. Walter - Taxpayers to Save the Paumonok Bio-Enclave

1

Linda LaCara - South Huntington Council of PTA's
Barbara Archer - South Huntington Council of PTA's
Robert F. Kozakiewicz - Supervisor/Town of Riverhead
Kenneth Testa - Town of Riverhead/Landfill Project
Jeffrey Seeman - Town of Riverhead
Thomas Wolpert - Young & Young/Town of Riverhead
Carl E. Fritz, Jr. - NYS Department of Environmental Conservation
Robert F. Carlino - Long Island Contractor's Association
Bob Leuner - Suffolk Life
All Other Interested Parties

Minutes Taken By:
Alison Mahoney - Court Stenographer

(*The meeting was called to order at 1:38 P.M. *)

CHAIRMAN BISHOP:

Good afternoon. Welcome to the April 14th meeting of the Suffolk County Legislature Environment, Land Acquisition & Planning Committee. Please rise for the Pledge of Allegiance to be led by Legislator Caracciolo.

Salutation

By practice and tradition, this committee has the longest meetings and this sets up to perhaps be one of the longest of the year, that's because we have a number of issues for which we have speakers and elected officials. We have also presentations to be made as well.

I'm going to begin by asking -- we have presentation for which there are no speakers behind it, so I think that will be the quickest so we'll get them in and through and that's the Suffolk County Water Authority. The Water Authority has an integrated program of organic lawn care which includes odd/even watering days and they are mindful of the use of fertilizers, pesticides and herbicides on public lawns and want the private homeowners to be as careful. And so to discuss that initiative is the Executive Director of the Water Authority, Stephen Jones.

MR. JONES:

Thanks very much, Mr. Chairman. I'll be real quick because it looks like you've got a big agenda ahead of you.

Certainly we know in the last 15 years that the voters in Suffolk County have said that they really care a lot about their drinking water, they're willing to have you spend their tax money to preserve open space and watershed areas to protect our water supply in the future. Generally, water -- groundwater preservation and protection has been kind of a global thing or a regional thing with the Pine Barrens plan and everything else. I think it's time now that we have to take make it personal, we have to get personal about groundwater protection. And one of the things that's important to us that we want to let you know about that we're doing is we formed a number of partnerships and what we're doing is we're concentrating on lawns. If you take all the lawns of all the customers that we have in the Suffolk County Water Authority, you add all those lawns together, you

2

come out with about somewhere between 95 and 100,000 acres which is larger than the size of the Towns of Huntington and Smithtown combined. So that's a lot of lawn area, it's scattered throughout all over the County.

If you also take the grass that's on those lawns and you give it the requisite amount of water that it needs to grow every year, you're looking at about six billion gallons a year to water those lawns. Our customers, based on our customer records, put down about twice that amount of water to water the lawns, so the extra water is running through, not being picked up by the grass or it's running off into the streets and into our surface water bodies.

So what we're doing is we're concentrating on making this groundwater protection a personal issue, in the same way that the towns and villages got together with the State in 1980's and made garbage a personal issue where people were told that they had to start recycling their garbage in order to keep it from going into landfills. We want people to start looking at their lawn care habits and the way they're taking care of their lawns and how that impacts on the groundwater so that they can -- we can personalize this and have them understand that they personally in their household can make a difference in terms of cleaning up the groundwater and, hence, the drinking water.

We have a couple of partners. We're working with the Irrigation Contractors Association because irrigation, as part of the lawn care use, impacts our pressure, in the morning the pressure drops 20 to 40 pounds in our water mains and affects everybody's water consumption and use in the mornings, so we're working with the Irrigation Contractors. We're working with the Long Island Groundwater Research

Institute at State University of Stony Brook on a Soil Lysimeter project where they have these soil lysimeters which are devices that go into the ground, they're installed in the ground, we're able to capture the water as it's coming down through the water column, through the turf on toward the groundwater. We're able to capture that at certain depths and see what's in that water so we can determine, based on what we're putting down at the surface in the way of either organic or synthetic fertilizers what's actually coming through the water column and we can capture that and sample it and see what's going on there. That's a three year program with Long Island Groundwater Research Institute.

We're working with Long Island Organic Horticultural Association who is actually overseeing the maintenance of our Water Authority lawns. We're not going to go to our customers and tell them what to do until we are practicing what we're preaching, so we're doing that over a three year period as well, we're doing organic lawn maintenance on our own lawns.

We're also working with Long Island Neighborhood Network. Chris O'Connor is here today joining me and you can ask him any questions that you like about their involvement. But basically they have a great interest, of course, and also expertise in reaching out to people, showing them alternatives that they can acquire or tell their landscapers to acquire in the way of organic lawn care products.

3

We're going to be starting up an advertising campaign, with our website as well. It will be different than last year's advertising campaign and our website, I can assure you of that. And we are going to be reaching out to our customers this way and advising them as to how they can make a difference and protect and preserve our groundwater and have healthy and green lawn as well.

We'd like to work with the Suffolk County Legislature on this. There are a number of possibilities in the area of agriculture environmental management, stormwater run-off, a number of different areas where I know you have an interest already and we are prepared to work with you to our mutual benefit and the benefit of everybody here in Suffolk County to clean up the -- do what we can to clean up the groundwater and enable us to spend less money filtering out whatever we're pumping up. So thank you very much.

CHAIRMAN BISHOP:

Thank you. Any questions? I don't think it's because people don't have an interest, I think they're just terrified of the potential of the crowd. So thank you, Mr. Jones. I'm sure we'll have you back.

(*Legislator Guldi entered the meeting at 1:45 P.M.*)

The next issue we'll deal with is Resolution 1228 which is the Camelot Property. I'm going to ask Supervisor Petrone to demonstrate his leadership by trying to organize a delegation of speakers that can speak for the entire group of cards that have been submitted. So if you could bring up a couple of people to join you.

SUPERVISOR PETRONE:

Sure.

CHAIRMAN BISHOP:

And I assume that they'll say what everybody else wants to say as well. Supervisor Petrone?

SUPERVISOR PETRONE:

Thank you so much for inviting me here this afternoon. It's a pleasure seeing you, all of you again, some of my former colleagues and certainly all my new friends. It's really an opportunity for us to come forward with a plan that will I think solve the problem of purchasing the Camelot Property.

Certainly I think that this has been a bone of contention with many people. The discussions have ensued over the months with regard to whether it should be purchased at what appraisal rate and what was affecting the appraisal rates and I think we've come back and forth on that. And quite frankly, myself and the Town Board, we came to a decision that the property is so important that the issue here should be not just buying a piece of property that's just going to sit there, a piece of property that people will pass by and not even know it exists, but certainly to buy a piece of property that can be turned into an environmental type of interactive facility where everyone could take advantage of it in cooperation with the County of Suffolk, the Town of Huntington and with the Walt Whitman High School who would love to be part of an interactive program. The concept being that the

4

Town of Huntington has pledged it's \$800,000 and it now pledges a minimum of at least an additional \$800,000 for the first six or seven years that would be utilized, one, to construct a very passive type of platforming to develop the interactive environment. And two, it would pledge continuing dollars for maintenance and continuing operating dollars to also include full-time personnel.

We estimate that we would be contributing well over the 800,000 come the sixth or seventh year of its operation; truly money well spent when the project then becomes not only a purchase of a piece of land but truly a facility that can be utilized for many, many years to come

by our children, our schools and everybody that lives in this great County. It certainly becomes an opportunity for us to look at open space purchases and not just purchase for the mere sake of holding on to a piece of property, but to purchase it so that it is available, protected and utilized for people so that they understand how fragile and how important this program is.

And so the Town of Huntington has made that proposal through Legislator Bishop and we certainly would like to go forward, like to go forward with this purchase and begin this partnership process as we've done on many, many other acquisitions through the Town of Huntington with this committee and with the Legislature and the entire County. We look forward to doing that again, we look forward to making this something that will be lasting, that's in perpetuity, that the Town of Huntington will maintain and operate for years and years to come with your cooperation and certainly with the County of Suffolk's input.

So basically that's our proposal and I believe a fair proposal in terms of resolving some of the issues that we've jointly understood.

CHAIRMAN BISHOP:

Thank you, Supervisor. I know Legislator Caracciolo has a question. I'd like to note that I know of no other land partnership preservation agreement where the town is exceeding the requirements under the Land Partnership Preservation Program. So I think that's significant and it demonstrates the commitment to the locality that goes far beyond the commitments that we've seen elsewhere in the County. Legislator Caracciolo?

LEG. CARACCIOLO:

Well, let me begin where you just concluded. It's my understanding that this is not a land partnership acquisition because we don't have that program any longer. But that said, that was replaced a couple of years ago by a group of Legislators who saw what they believed was a better approach and that was with what we call now a multifaceted program, but I don't want to belabor that point.

Frank, as you know, I have been to the property and it's a very interesting piece of property because -- and I left the folder in the car which I'll retrieve momentarily. But when you go to the site, pictures do tell a thousand words and when I saw at the site -- first of all, it's a small piece of property, it's a little over ten acres, it's adjacent to a heavily industrial -- well, I won't say industrial but heavy commercial zone, property in your township along Jericho

Turnpike. I will grant you that it's not far, it's in close proximity

to the high school or school grounds and that's fine, but when Tom Isles and I walked this property I was looking for the wetlands. And I came -- I have come to learn, rather, that the wetlands are really something that takes place when we have heavy rains because the State DOT is using this property basically as a drainage area; I won't call it a ditch, but a lot of the run-off from 25, a very heavily traveled and commercial road runs-off into this property.

So the first thought that comes to my mind is where is the environmental significance? It's a small piece of property. You know, we have on objective criteria that this, from my perspective, given the cost associated with it, doesn't make it a cost benefit purpose; that's my opinion and others may feel differently and I respect others opinion. But I think given the recent history of some County acquisitions by the former Director, Division Director of Real Estate, this committee and this Legislative body has to be very certain that what we buy falls within the strict definitions of environmentally sensitive properties and I don't believe this one does.

But having said that, I have some questions. First, when you --

CHAIRMAN BISHOP:
That was all preamble.

LEG. CARACCIOLO:
That's right. Well, it's important for the record to have a preamble, occasionally. When one looks at the property and the property's zoning, one of the things that the Chair and I have discussed extensively in the last couple of years is the County should never be in a position where because of local town, town board decisions, properties are rezoned and, in effect, make them more valuable and then they're brought forth as an environmental property for consideration. The first question that he and I have discussed is when did that happen, why did it happen, the special use permit, in this case for --

SUPERVISOR PETRONE:
It was not rezoning.

LEG. CARACCIOLO:
-- a congregate care facility. Okay? Now, this resolution first came to the Legislature here in 2000. At that time, and maybe you can just recap the special use permit, approval by the Town Board, when did that take place?

SUPERVISOR PETRONE:
1997 is when that took place. It was not a rezoning, that property has not been rezoned, it's just a special use permit that they had, at that point they met all the criteria and as of right that was granted.

LEG. CARACCIOLO:

The construction of a congregate care facility.

6

SUPERVISOR PETRONE:

Right. Certainly that did not give them development rights, one. And secondly, that was granted prior to any thought of purchasing this property.

LEG. CARACCIOLO:

Understood.

SUPERVISOR PETRONE:

Right, and prior to any appraisals that came forward. But that was done well before I think any of us thought that this was a significant piece of property to consider.

LEG. CARACCIOLO:

At that time, were members of the community aware what this property was zoned and what could be built at that location?

SUPERVISOR PETRONE:

Obviously, that's part of the reason --

LEG. CARACCIOLO:

We didn't hear about it here until last fall, I mean, in earnest.

SUPERVISOR PETRONE:

Well, certainly we made our request before last fall.

LEG. CARACCIOLO:

In 1996 you're telling me that the members --

SUPERVISOR PETRONE:

Not 1996.

LEG. CARACCIOLO:

Oh, okay.

SUPERVISOR PETRONE:

Prior to last fall, you mentioned last fall. We made --

LEG. CARACCIOLO:

I was just going through the history. You said in 1996 this property --

SUPERVISOR PETRONE:
1997.

LEG. CARACCIOLO:
Seven, okay. Who was the property owner in 1997?

SUPERVISOR PETRONE:
I'm not sure; do we know who that was?

LEG. CARACCIOLO:
Well, we have the title search, we've done that and it's changed hands a number of times.

7

SUPERVISOR PETRONE:
It has.

LEG. CARACCIOLO:
And it looks like or appears like there are a number of financial interests including most presently a mutual fund that owns this property, correct?

SUPERVISOR PETRONE:
You have done the research, I am not familiar with that.

LEG. CARACCIOLO:
Well, a real estate investment trust, let me put it that way, we used to call it a Rochester Fund. Okay, so you don't know much about that.

SUPERVISOR PETRONE:
No, I don't.

LEG. CARACCIOLO:
Okay.

SUPERVISOR PETRONE:
I just know that it's a piece of land that we would like to purchase with you.

LEG. CARACCIOLO:
Why; what's so special about the land?

SUPERVISOR PETRONE:
We believe it has environmental significance, I think that the studies have been done that show that it has that. We believe that the land, if purchased and utilized, could provide many opportunities for watershed studies --

LEG. CARACCIOLO:

Well, what it really does, if I may interrupt, is it prevents -- and that's why the community is here and I appreciate that, I respect that, but it's really because they don't want to see a congregate care facility or some other commercial use on the property. So let's go to the government and have them open up their checkbooks and let's preserve this property. My question is what is the environmental significance?

SUPERVISOR PETRONE:

I'm going to turn then to --

LEG. CARACCIOLO:

I've heard the presentations by Mr. Walters. I have the report, I don't agree with it. There's road run-off that is the wetlands.

SUPERVISOR PETRONE:

Then you don't agree with the Town of Huntington.

LEG. CARACCIOLO:

No, I don't, I don't. Okay, I have other questions but I'll save them for the time we get to the resolution.

8

CHAIRMAN BISHOP:

Why don't we get -- the Planning Department is here from the Town of Huntington, why don't they answer the environmental significance question.

MS. MILES:

My name is Margo Miles, I have been here before, good to see you all. There are many things that make this property significant. I understand your concern that it appears like all we're trying to do is block a development. Essentially, most acquisitions serve exactly that purpose, they block some other use because you feel they're important and you want to see them conserved.

This site holds potential for a great many opportunities for study in the future, it holds that potential because there are things of significance on the site. Yes there are wetlands, yes if you look back at the Belter Height Atlases going back over a hundred years, you will see that there were wetlands in that same site. The wetlands used to be far more extensive and ran clear across Jericho Turnpike. The underlying geology expresses that now, you can see the clay lenses if you do any type of borings in the area. It used to be a far vaster wetlands system, it's tributary, this area, to actually the Cold

Spring Harbor watershed, the water travels so far. It's a property that's seated right on the moraine, so geologically it has some importance in terms of interpretation, in terms of recharge.

It's a site that has several different habitat gradients, it has dry upland woods. If you've walked the site then you're aware it has moist woods and it does have wet areas. Some of them are vernal areas that are more saturated in periods of peak flow, particularly in the spring time, but there are areas that are perpetually wet and there is a pond that is on the site that always has water that is just behind the Golden Coach Diner which is one of adjoining uses there.

The vegetation on the site is very interesting in certain areas. We have been told by John Turner of The Nature Conservancy that this is a site that holds the second largest stand of yellow trout lilies on Long Island, the first being Shoe Swamp in Oyster Bay, another preserved site. It's a very interesting site geologically but it does have very nice vegetated features, it has a great diversity of bird life. When our Environmental Open Space Committee went out and first reviewed this property, Scarlet Tanager was identified on the site which is rather unusual and typical of some of the deeper woodland areas. We feel it has a great many good environmental characteristics for which it should be preserved. This scored very high on the town's criteria for open space acquisition. We have criteria that provides point ratings in four separate categories and this one in particular scored very high in our natural resource category. I understand that it's also scored well on the County criteria rating. By your own criteria and ours, we believe that this certainly qualifies for acquisition.

LEG. CARACCIOLO:

In terms of the cold spring water tributaries and the connection to this property, a hundred years ago and what's taken place on Jericho

9

Turnpike in the last 35, 40 years, there's no connection, there's no connection. The water that flows on that property today is predominantly water that's run-off from Route 25, predominantly.

UNKNOWN AUDIENCE MEMBER:

No.

LEG. CARACCIOLO:

Well, people can disagree, I'm telling you I was there, it was bone dry. Seven acres or close to something like seven acres is receiving an environmental rating because the property has wetlands but they're not wet, they're only wet when it rains in this heavy road run-off.

My colleagues should really go out and view this property. It is not an environmental acquisition given the recent controversies the County's Division of Real Estate has been involved in that should go without on-site inspection. And I won't be supporting this resolution, I don't think the County should either for \$2.8 million.

And Supervisor, the question I have regarding the town's commitment, in 2000 when this resolution was first sponsored by the district Legislator, not Legislator Bishop but by the district Legislator, it was to be a --

CHAIRMAN BISHOP:

It's cosponsored by the district Legislator.

LEG. CARACCIOLO:

Well, I understand he kind of got on board after the fact. But that said, \$800,000 was a commitment from the town; is the town today willing to put up in cash towards the purchase price of this property \$800,000 or are you now suggesting, vis-a-vis the correspondence that I have received copies of from January and March, March 19th being the most recent, that you're going to substitute that \$800,000?

SUPERVISOR PETRONE:

No, it's the 800,000 plus the additional dollars to develop this into an environmental project.

LEG. CARACCIOLO:

Okay.

SUPERVISOR PETRONE:

So it's, in essence, about 1.6 million for the first seven years. Thereafter, it will continue, we'll continue to operate it, to maintain it and spend town dollars in doing that.

LEG. CARACCIOLO:

If this resolution is successful the town will contribute \$800,000 towards the appraised price of how much?

SUPERVISOR PETRONE:

The appraised price currently is -- there are different appraisals.

LEG. CARACCIOLO:

Well, I'd like to know what -- the seller, I'm assuming we have a

willing seller, what that seller is looking for, because I've heard he's looking for nothing less than \$4 million; is that accurate?

SUPERVISOR PETRONE:

I certainly have not been part of negotiations with them. I understand it's somewhat less than that.

LEG. CARACCIOLO:

Is there anyone else here? I see you leaned over to speak to someone else, do they -- does anyone have knowledge of what that purchase price -- yes, Ron? Could you identify yourself for the record?

MR. COHEN:

With the Chairman's permission?

CHAIRMAN BISHOP:

Yes.

MR. COHEN:

Ron Cohen, I guess I'll speak as a constituent, 3 Links Court, Huntington. I've been in contact with the attorney for the Rochester Fund and they're willing to wait to see if the County will come up with the three million six, and I think it would be successful.

CHAIRMAN BISHOP:

(Inaudible) limit of our funds.

MR. COHEN:

I haven't negotiated with them, but they told me that three million six is in the ball park.

LEG. CARACCIOLO:

Well, I'm aware of that, Mr. Chairman. But as I've seen around this horseshoe recently, we see a purchase, then we see something come back for an amendment to add more dollars and that's because you already got your checkbook in the seller's pocket and now you're forced to pay the difference and I don't want to see us do that. So I'd like know what is the firm purchase price that the seller is willing to sell.

CHAIRMAN BISHOP:

I think, Legislator Caracciolo --

LEG. CARACCIOLO:

That should be made part of this record.

CHAIRMAN BISHOP:

It should be, but I don't think you're directing it at the right folks.

LEG. CARACCIOLO:

I see a gentleman there that would like to respond to my question.

CHAIRMAN BISHOP:

I don't think he's the right folk either.

11

LEG. CARACCIOLO:

Could you identify yourself?

CHAIRMAN BISHOP:

I think the Real Estate will answer the question at the appropriate time.

LEG. CARACCIOLO:

Could you identify yourself, sir? Could you please turn on the microphone?

MR. TOURETZ:

I'm sorry. My name is Geoffrey Touretz, Principal of Walt Whitman High School.

CHAIRMAN BISHOP:

Mr. Touretz is not in a position to answer the question. The negotiation that matters --

LEG. CARACCIOLO:

Well, he appeared to be willing to answer the question. Maybe he has some -- do you have some information that could shed light on this issue?

MR. TOURETZ:

It could shed light on the issue but not the financial implications.

LEG. CARACCIOLO:

Thank you, okay.

MR. COHEN:

Mike, if the seller is not willing it's a moot point; he won't sell it for three million six and you'd have no problem.

LEG. CARACCIOLO:

Well, I also heard people say he wouldn't accept less than four million.

CHAIRMAN BISHOP:

If he's not willing to accept less than four and --

LEG. CARACCIOLO:

I don't believe it should be purchased at any price, but that's not the issue.

MR. COHEN:

We are not negotiating it here. The answer is if we bid 3.6 and he says no you just don't buy it.

CHAIRMAN BISHOP:

Correct, that's the point. Okay. Now, are there any further questions for the panel? I think that this committee has received literally dozens of hours of testimony in favor of this purchase, so there's a long, well established record of the value of the property. I know that the school district is taking extraordinary measures as well, they want to include the property into a curriculum, that is also on

12

the record and I assume that's why the principal is here to discuss that.

Is there anything that is not already on our record from the lengthy discussions that we've had regarding this purchase that needs to be brought out today? Mr. Walter, you're not deterred by that, huh?

MR. WALTER:

No, I'm not deterred.

LEG. FISHER:

Dave, can I just ask a question?

CHAIRMAN BISHOP:

Yes.

LEG. FISHER:

I just wanted to add for the record, it's my understanding that it would be a kind of interpretive center that would be open to anyone in the County, not just to the high school

MR. TOURETZ:

That's right.

LEG. FISHER:

That has to be very clear because it is County. And if you recall, we had -- not that this is serving the same purpose, but it was very clear when we set up the Greenways Program, for example, that interpretive centers are important to us, to our cultural and environmental heritage. And so I commend the town for putting an investment in this type of endeavor.

CHAIRMAN BISHOP:

This is the question time. We're going to debate the resolution later on.

LEG. FISHER:

Well, actually I just wanted to verify that I was correct, that it was an interpretive center not just associated with the school district --

SUPERVISOR PETRONE:

That's correct.

LEG. FISHER:

-- but it was an interpretive center as part of the County property here open to all County residents.

SUPERVISOR PETRONE:

I will leave you -- each of you on our way out I will leave you some information on programs what an interpretive center would be doing and some of the types of projects that we could be involved in.

CHAIRMAN BISHOP:

Right. Legislator Fields.

13

LEG. FIELDS:

I just -- it's not part of the backup. What did this score in --

CHAIRMAN BISHOP:

Well, when we bring up the Real Estate and Planning Divisions when we go through all the resolutions, that --

LEG. FIELDS:

I just wondered if we knew the number.

CHAIRMAN BISHOP:

Mr. Isles, do you want to --

DIRECTOR ISLES:

The number is 550.

LEG. FIELDS:

Thank you.

MR. WALTER:

I would like to submit photos that I took yesterday afternoon on the site that I think are quite at variance with what you've heard earlier. They show a variety of wetlands on the site, streams, ponds.

LEG. CARACCIOLO:

Yeah, it's been raining for a week.

MR. WALTER:

And to point out to the Council that -- to the committee that the wetland is more extensive than perhaps is realized because when you follow the directions that have been given by New York State Legislature and use the vegetation to map the wetlands, there are really four acres of wetlands on the property. I would like also to leave this background material that includes the report that Margo Miles had indicated that refers to unique plants and vegetation that are on the site that include the Wood Frog, the Scarlet Tanager, the Trout Lilies that you've already heard.

Finally, I would like to say to the committee that the price may be impacted by the efforts of the community, but the community has organized itself into a not-for-profit organization, the Taxpayers to Save the Paumonok Bio-Enclave. And Bio-Enclave refers to the fact that the habitat extends on to the school district property as well where there are other ponds and it's the entire Bio-Enclave that is going to support the unique plants and animals that exist on the site at present. It's not the special use permit that caused the value of this property to increase, it was the DEC permits that were granted. The DEC granted permits for the congregate care center based on the fact that they were -- they used the portion of their regulations in building a residence which allowed the DEC to waiver and put an access road through. They should have used the commercial because this is a multi-story apartment building, it has a restaurant in, 45 employees, a barber shop, other shops which charge fees for the use of those services. According to the definitions of the town, commercial space, this is commercial usage.

14

We have -- the taxpayers group has instituted a court proceeding. The briefs have all been filed, the oral permits, the oral presentations will be in a few weeks. If the DEC permits are rescinded the value of the property will be affected. And therefore, the County may well not have to spend as much money as you've indicated you fear you have to spend. We share your view that this is a lot of money for a piece of property, we're taxpayers as well. The PTA and other people in the community, over 200 paid members of our organizations have committed over \$30,000 to fund this court case and we believe we have an excellent chance of carrying this off in the very near future. So I would like to leave this material for your use as you consider this resolution and ask also that you listen to Mr. Touretz. I think that what he has to say about the combined usage will be very important on how you consider this resolution.

MR. TOURETZ:

Good afternoon. I am Geoffrey Touretz, Principal of Walt Whitman High School. Clearly the Paumanok Property contains Paumanok Bio-Enclave

and those of us at Whitman are very concerned about the preservation of that space, primarily because I'm concerned about another Bio-Enclave, the Walt Whitman High School Bio-Enclave.

Nearly 2,000 students attend Whitman on a daily basis, several hundred staff also support their efforts. And clearly, as has already been mentioned, Jericho Turnpike has changed many ways in the 50 years that Walt Whitman High School has stood in its location. The creation of a commercial use of that facility is the final step in bringing Jericho Turnpike directly on to the campus of Walt Whitman High School. The health and the safety, the well-being of a busy, thriving, suburban campus is threatened by the commercial use of this facility.

Now, I have to tell you, in absolutely every way we can utilize the Paumanok Bio-Enclave under the leadership of our Environmental Science Program of which hundreds of students enroll each and every year, our newly devised Advanced Placement Environmental Science Class. We can provide benefits not only to the children of the South Huntington School District but to other neighboring school districts that would want to bring their classes in for field study. This is an opportunity to achieve the greater good in a multitude of ways, to protect the preservation of a thriving suburban campus from the intrusion of commercial development and to provide an opportunity for students from all over the County to come to this area to study environmental issues.

LEG. CARACCIOLO:

Mr. Walters, let me thank you for the initiative you have indicated the community has undertaken to assist those who may be interested in purchasing this property. Supervisor Petrone, Frank, the question I have is of the ten point -- I think it's 10.8 acres, what's the acreage that's alleged to be wetlands? And then part two of that question, what is the building envelope or the footprint for a building, be it a congregate care facility or something else?

SUPERVISOR PETRONE:

First of all, the building, the envelope for a congregate care center? I have no idea.

15

MR. WALTER:

It's 93,000 square feet.

LEG. CARACCIOLO:

Well, that's what would be --

SUPERVISOR PETRONE:

What that finally came up to --

LEG. CARACCIOLO:

-- contained in the building. But, I mean, in terms of how much of the 10.8 acres would that actually occupy?

SUPERVISOR PETRONE:

Probably about four acres I would think.

LEG. CARACCIOLO:

With parking.

SUPERVISOR PETRONE:

Yeah, about that, maybe a little bit more.

LEG. CARACCIOLO:

Okay.

MR. WALTER:

Eighty-four parking places, access road, it has loading and unloading areas, it has a sanitary treatment center so that about half the property would be paved, developed with a building footprint.

LEG. CARACCIOLO:

The previous owner that wanted to build this facility, did they actually submit and receive any approvals from the town for that congregate care facility?

SUPERVISOR PETRONE:

Not that I'm aware of.

LEG. CARACCIOLO:

But they submitted plans.

SUPERVISOR PETRONE:

They had I think preliminary plans. I don't think there was any formal submission of plans or approval of any plans.

LEG. CARACCIOLO:

Okay. And what of the total acreage is considered wetlands?

SUPERVISOR PETRONE:

Well, you know --

MS. MAHONEY:

Can you speak into the microphone, please?

SUPERVISOR PETRONE:

Sure, I'm sorry.

LEG. CARACCIOLO:

Can someone from the Planning Department answer that question?

SUPERVISOR PETRONE:

Yeah. I think it was what, six?

MS. MILES:

I believe in the impact statement it was a little under three acres, but there has been a contention that there is a greater area that actually is wetlands on the site.

LEG. CARACCIOLO:

Okay, thank you.

MS. MILES:

The three acres is what is regulated by the DEC right now.

SUPERVISOR PETRONE:

There's been contention it could be up to six.

LEG. CARACCIOLO:

Okay. I appreciate the recently taken photographs. In a previous presentation by Mr. Walters he provided the committee with photos and these were dated March 23, 2001, so just about two years ago, and I'll pass these out to my colleagues. As you can see, there's Jericho Turnpike and there's the road run-off and guess where it's going.

MR. WALTER:

The stream has been diverted by the DOT actions, so that unfortunately the stream does come on to the road. And road run-off contributes to it, that's one of the reasons we would really like to get under way on this, to move that stream back on to the land on which it used to run and where it properly belongs, because the road run-off that contributes is really harming the pond.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Okay, thank you. You're welcome to stay, the voting portion of the meeting will be following all the cards and public presentations, so it may be a while.

SUPERVISOR PETRONE:

Thank you. We thank you for this opportunity. Thank you.

CHAIRMAN BISHOP:

Thank you, Principal.

All right, moving east, we'll take an issue in the Town of Riverhead. I have been made aware that Riverhead is pursuing a project that will use landfill materials in the manufacturing of asphalt. I have been contacted by people who are opposed to that practice who asked to come before this committee and raise our consciousness to the problem, and then I contacted the Town of Riverhead to offer them an opportunity to discuss and rebut what the first group wants to present. So we'll

17

start with the con and then go to the pro and we'll with Robert Carlino who is Executive Director of the Long Island Contractors Association and he has with him Donald Middleton who is the former Director of the DEC on Long Island.

MR. CARLINO:

Mr. Chairman, we would like to reverse the order of speakers, if you won't mind. We'll have Don go first.

CHAIRMAN BISHOP:

Yes, that's fine.

MR. MIDDLETON:

Thank you. For the record, my name is Don Middleton and I reside in Babylon Village. And in the interest of full disclosure, I also wanted to indicate that I'm appearing here today pro bono at the suggestion of several colleagues. I also wanted to mention that I'm recovering from throat surgery, so if it sounds like my throat, my voice is cracking or I'm lapsing into reverse puberty, you'll understand as we go along.

Thank you for the opportunity to appear before you as part of our consideration of potential County-wide environmental impacts that may be associated with the Town of Riverhead's Landfill Reclamation Project. I for one see this as a critical matter, one that requires your committee's immediate attention and prompt action. As some of you are aware, I've dedicated my entire professional career to public service, the interest of Long Island and particularly to Suffolk County. Some of you may, in fact, recall that my career includes having served as Long Island's Regional Director for the New York State Department of Environmental Conservation; that's probably the longest title in governmental captivity, the fact that I can get it out with one breath means my voice is getting better.

This career long commitment to our region's public health, safety and welfare brings me before you today. In my view, this committee faces the challenge to determine whether or not certain actions by the Town of Riverhead, if left unrestricted, pose immediate and/or long-term threats to our local environment as well as public health and safety.

I'm specifically referring to Riverhead's imminent production and unrestricted application of asphalt, incorporating contaminated soils and other materials excavated from its landfill.

Before I share my own views on this issue with you, let me first provide you with some relevant history leading up to this matter and now being brought before you. First, over the past two decades both our Federal and State Governments have made sweeping reforms to the way our counties, cities and towns manage solid waste disposal. Here in New York, and more specifically here in Suffolk County, these actions have triggered the following. First, the closure of non-compliant town landfills and, second, solid waste management through plans prepared by each of the towns and approved by the State DEC.

18

In Riverhead's instance I believe that the following occurred. Number one, Riverhead battled with the State over both closure of its landfill and its solid waste management plan. Number two, eventually there was a court ordered settlement that among other things mandated the town close its landfill and prepare a solid waste management plan. Number three, while all other Long Island towns chose conventional capping as their method of landfill closure, Riverhead chose instead landfill reclamation that is basically the mining of the town's landfill.

Riverhead's choice, however, does not appear to be included in the Solid Waste Management Plan as required by the State regs and is also mandated in the court-ordered decision I previously mentioned.

Number four, for your information, as much as 50% or more of the material that can be reclaimed from a landfill will be the dirt that was used to cover the garbage each day throughout its life. Here on Long Island, our most plentiful and therefore cost effective cover material has been sand. Therefore, Riverhead found itself having to "dispose" of millions of cubic yards of sand as part of its decision to mine its old landfill. Number five, rather than pay millions in long distance haul and disposal of this contaminated sand, Riverhead creatively applied for and successfully received the State DEC's approval to use this contaminated sand and the manufacturing of asphalt through what is called the State's Beneficial Reuse Program, it's sometimes referred to as the Beneficial Use Determination or a BUD; and in this case, the BUD's not for you.

To Riverhead's benefit, I understand that DEC approval will save Riverhead millions as it now expects to be paid for the contaminated sand used in the production of asphalt at a new asphalt production plant that's been built over the past winter at its old landfill. My

specific concerns are two-fold regarding the situation as I appear before you today.

Number one, the unrestricted application of the asphalt, while the State DEC's approval restricts the town's asphalt manufacturing to its landfill site, the DEC approval does not in any way restrict where or how the asphalt is going to be applied. Simply put, this means that as far as the DEC and Riverhead are concerned, this contaminated asphalt can be laid anywhere throughout Suffolk County, on Federal, State, County, Town and private roads, driveways and parking lots, schools, parks and playgrounds, within our Pine Barrens and over our protected drinking water resources.

Number two, it seems that there's been less than rigorous environmental health and safety review. As the former Regional Administrator for the State DEC and a long-standing practitioner in the environmental protection field, I have a fairly good sense of the DEC's mission, expertise and regulatory authority. Quite frankly, I'm personally surprised to have learned about this particular DEC approval. Since it also appears to have been granted without any awareness or involvement of the Federal EPA, the Federal Highway Administration, our State and County Health Departments, the State DOT and our County Department of Public Works, I for one believe each one of these agencies should have been involved in the review, decision

19

making and approvals associated with the unrestricted application of contaminated asphalt within Suffolk.

Accordingly, Mr. Chairman, having given you this introductory heads up on the matter, I'm also here before you today to respectfully urge that you and your committee consider initiating and undertaking the following actions. First, immediately recommend that the Legislature enact a temporary moratorium on the production and application of this asphalt until such time as the committee can review, evaluate and determine matters associated with it's County wide environmental as well as public health and safety impacts. And number two, arrange for the committee to immediately commence receiving detailed information and data as well as to hear testimony from public and private sector experts.

I want to in closing thank you for the opportunity to bring this matter to your attention. And while I stand ready to answer any questions that you may have at this time, I'm hardly an expert on this particular matter. I thank you and I thank you for bearing up with this throat of mine. And I think Bob Carlino has got a brief statement, a mercifully more brief statement.

MR. CARLINO:

Thank you. Mr. Chairman, Members of the Environmental Committee, my name is Robert Carlino, Executive Director of the Long Island Contractor's Association. Our Association is a trade group comprised of over 140 contractors, subcontractors and material suppliers engaged in the heavy and highway construction industry.

Mr. Chairman, our industry produces and recycles asphalt and concrete products as a function of bid specifications and inspection by the owner. The design mixes demand that the asphalt material achieve certain levels of strength, smoothness, skid resistance and durability. Over the years our industry has been asked to experiment with the introduction of waste materials such as chrome rubber and glass to the asphalt mixes. In those cases, the material could not perform the required specifications of the owner.

Mr. Chairman, as you know, the Town of Riverhead and its agents have erected an asphalt plant on the town landfill for the purpose of disposing of landfill cover material by encapsulating it in asphalt. According to the town's testing lab, this material approximates the size of sand and contains trace amounts of metals such as Lead, Zinc and Mercury, volatiles such as Benzene and Acetone, and pesticides such as {chlordan} and Malathion. Material is also laced with fecal coliform, fecal {streptococcus} and e-coli bacteria. As you might imagine, our industry has serious concerns regarding the liability of having our employees work with this material, of having product liability for its failure to perform as a road pavement, not to mention any other civil actions that may arise from the general public regarding its use.

The association is prepared to bring road building material experts before this committee who will be able to explain more fully the perspective of the State Department of Transportation regarding this matter. Thank you. Questions from the committee?

20

CHAIRMAN BISHOP:

Sure. What is the State Department of Transportation's perspective on the matter, in brief? I mean, do they allow the use of the material?

MR. CARLINO:

Our belief is that the State Department of Transportation does not allow the use of anything other than virgin materials in its asphalt mixes.

CHAIRMAN BISHOP:

Okay. And Mr. Middleton, what is the health risk associated, what is it that we should be concerned about?

MR. MIDDLETON:

I think the long-term health related risk is the possibility of leaching of materials from the asphalt contaminated sand mix down in a way that it could contaminate the underlying groundwater resources. I'll give you an example, back in the 80's the State DEC didn't even permit the use of crushed clam shells to resurface roads for fear of e-coli and related bacteria will eventually impact underlying groundwater quality. I thought that was a little too far to the point of environmental protection, but it gives you an example of how far this process has come. Particularly in the issue of the Beneficial Use Determination approvals which are, quite frankly, being given away I think without adequate analysis in terms of potential long-term impacts. Toxicity characteristics leaching procedures, for instance, haven't been employed here to see what the long-term potential leachability materials are, underlying groundwater quality, that internally brings up a whole range of other potential public health related questions.

CHAIRMAN BISHOP:

Do either of you know if this practice has been done in other jurisdictions?

MR. CARLINO:

Not to my knowledge.

MR. MIDDLETON:

Not that I'm aware of.

CHAIRMAN BISHOP:

The use of contaminated sanding materials to make asphalt?

MR. MIDDLETON:

No, I think the closest it's come really, back in the 90's there was a company called {Rolite} Corporation that used incinerator ash that was encapsulated in pea-size gravel form with portland cement. In fact, it was used to cap the Blydenburgh Road Landfill.

MR. CARLINO:

It's called (inaudible).

MR. MIDDLETON:

Yeah, and there they spent hundreds of thousands of dollars in studies to determine whether or not there could be any long-term leachability

related problems. In fact, the company, it was a Pennsylvania-based company, was almost put on bankruptcy rocks because of the amount of

investigation required by the State. And all they wanted to do was use this material, innocuous as I think it was environmentally, to serve as a landfill cap and cover material, not to be used as an asphalt additive.

MR. CARLINO:

Just to respond to one of thing things Mr. Middleton said. We're not allowed to do asphalt paving in parking lots and marinas because of the leaching from the virgin material and a petroleum product, which is really what asphalt is, will eventually wind up in the water. So it would be logical to assume anything in the contaminated asphalt material would also wind up in the water, groundwater or in the marina.

LEG. CARACCIOLO:

I have a question.

CHAIRMAN BISHOP:

We have questions going from right to left, Legislator Fisher.

LEG. FISHER:

You say that State DOT does not permit this use of asphalt?

MR. CARLINO:

The mix designs currently approved by the State Department of Transportation do not allow for the use of anything other than virgin materials in their mixes, that's virgin sand, stone; it's called liquid asphalt or AC Cement which is a petroleum product. We no longer use asbestos, we no longer use glass, we no longer use chrome rubber. All these materials are tested by the State prior to their use.

LEG. FISHER:

Okay, because in the State --

MR. CARLINO:

And if it's contaminated they won't let you put it down.

LEG. FISHER:

In the statement read by Mr. Middleton it says, "Can be laid anywhere throughout Suffolk County, on Federal, State, County, Town and private roads."

MR. CARLINO:

Well, I think the preamble to that statement was, "According to the Town of Riverhead; " that's not according to the Long Island Contractor's Association.

LEG. FISHER:

That means as far as DEC and Riverhead are concerned.

MR. CARLINO:
Right.

22

LEG. FISHER:
Okay, as far as their permit is concerned it could be.

MR. CARLINO:
I don't agree with that statement at all. I don't think their permit will allow them necessarily without the approval of the State Department of Transportation to use that material at all.

LEG. FISHER:
Mr. Chair, I think seeing the complexity of this issue and the fact that it's being brought to us and we haven't done any study, I think it would behoove us as a committee to take a closer look at another meeting with perhaps somebody from our Health Department and someone from our own departments who can give us some more information on this.

CHAIRMAN BISHOP:
Okay.

LEG. FISHER:
And clearer information because it would seem to me that if they're being used on Federal Highways there must be some Federal approval.

CHAIRMAN BISHOP:
But after these gentlemen will come the town and I think the DEC is here and they'll --

LEG. FISHER:
Oh, they are here to speak to this?

CHAIRMAN BISHOP:
They'll bring a different perspective and then after that I think we should make a determination of how we want to proceed.

LEG. FISHER:
Okay. I wasn't -- I thought that this was operating solely on --

CHAIRMAN BISHOP:
I don't think that Mr. Minei would be -- it would be your shop that would deal with this issue?

MR. MINEI:
Possibly.

CHAIRMAN BISHOP:

So he would have a perspective today to offer and so at a future meeting we'll ask that he --

LEG. FISHER:

At a future meeting I believe we should.

CHAIRMAN BISHOP:

-- take a look at this and report to us, at the very least. Legislator Caracciolo?

23

LEG. CARACCIOLO:

Yes. Mr. Carlino, did you on behalf of your association or any other representative reach out to the DEC as an intervenor in the town's request seeking approval to build this -- I mean to permit this facility?

MR. CARLINO:

I'm not sure I understand what you mean by intervenor.

LEG. CARACCIOLO:

Well, did you intervene at any stage that the town was pursuing its request to reclaim the landfill for this purpose?

MR. CARLINO:

We had -- certainly not the association directly, but we had an environmental engineer take a look at whether or not certain approvals had been requested in advance by the town from the DEC prior to some of their actions, but I'm not quite sure what each of those conversations was about because I wasn't a party to them.

LEG. CARACCIOLO:

Okay. It would seem to me, and I appreciate the fact that you represent an organization that may view this as a new competitor with perhaps a product that you believe or they believe is maybe not inferior but certainly is questionable from the standpoint of the environmental issues that are being raised here today; I think we can all understand that. But at the end of the day, and this question's for Counsel, I don't know if we have any jurisdiction as it relates to this issue or if it's a matter that's strictly between town government and the New York State Department of Environmental Conservation.

CHAIRMAN BISHOP:

(Inaudible).

LEG. CARACCIOLO:

Well, maybe Counsel could give me a quick answer.

MR. SABATINO:

Well, the short answer is that the last time the County attempted to get involved was about 17 years ago. We had proposed some local legislation to look into the issue of landfills, but that legislation was never adopted so right now there's no County Statutory framework in place that would look at it from the standpoint of granting approvals.

I'm not really sure what the presentation's point is. If they're asking for the County to memorialize something, which certainly would be within your purview, you could ask some other body to take some kind of an action by memorializing them. Or in the alternative, if they're looking at the County using its financial leverage for things that we do that effect other people but, quite frankly, listening to the presentation up to this point --

CHAIRMAN BISHOP:

Moreover, the County has the right to make rules with regard to County Roads and County use of the material.

24

MR. SABATINO:

Well, I heard this comment about a moratorium but a moratorium on production and application of asphalt, I mean, I think -- all you can do is the County is purchasing --

CHAIRMAN BISHOP:

The County itself.

MR. SABATINO:

The County's purchasing capacity, you could ask the County to exclude a certain product but you --

CHAIRMAN BISHOP:

Right.

MR. SABATINO:

We couldn't pass a moratorium per se, that would be beyond our purview.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN BISHOP:

There may be SEQRA issues as well which --

LEG. FIELDS:

Dave?

CHAIRMAN BISHOP:
Yes. Legislator Guldi?

LEG. GULDI:
Yeah, Mr. Carlino, the plant owner is the Town of Riverhead at this site?

MR. CARLINO:
I'm not sure about that.

LEG. GULDI:
Do you know who the plant operator is?

MR. CARLINO:
I'm not sure about that either.

LEG. GULDI:
Was there a bid process for plant operators?

MR. CARLINO:
No.

LEG. GULDI:
So none of your members were bidders or contenders for the operation of this plant.

MR. CARLINO:
The bids submitted originally were for the excavation of a cell, I

25

think one-third of the landfill, and bids were taken to excavate the material and segregate it by size using screenings.

LEG. GULDI:
Screening it, okay.

MR. CARLINO:
I do not believe that bid had anything to do with an asphalt plant at all.

LEG. GULDI:
Okay.

MR. CARLINO:
Later on there was a second bid that was advertised I believe in Suffolk Life but the day before it was withdrawn and subsequently was either awarded to or added to the low bidder for the first phase of the project, the first cell. So that firm now has both phase I and II

to my knowledge.

LEG. GULDI:

And you're not -- all right, fine. But the regulation of asphalt that you referred to in your remarks in terms of the department of -- I mean, one of the things that you mentioned is recycling material and the virgin material requirements at DOT. DEC permits asphalt operators to use recycled material and, in fact, regulates that activity, does it not?

MR. CARLINO:

I wouldn't know. Our customers are the State Department of Transportation, the Counties of Nassau and Suffolk and the townships and the villages. We don't work for the DEC but I can tell you what the DOT requirements are, but not --

LEG. GULDI:

Does the DOT permit the use of recycled asphalt material in its mix?

MR. CARLINO:

They encourage it.

LEG. GULDI:

They encourage it. So that wouldn't -- how is that virgin material?

MR. CARLINO:

Well, when it was originally laid down, however many years ago it was, it didn't come from a landfill, it came from a sand mine or a query. And it's milled up, broken up into pieces and --

LEG. GULDI:

Yeah, I understand the --

MR. CARLINO:

-- blended in with new material at a certain percentage --

LEG. GULDI:

I understand the process.

MR. CARLINO:

-- and recycle the old. Okay.

LEG. GULDI:

I understand the process, I just didn't see how it could -- how it did not contradict your statements about virgin material, but basically it's still treated as virgin material. Do you know what the working temperature for asphalt batch plant is?

MR. CARLINO:
About 300 degrees.

LEG. GULDI:
About 300 degrees. And what temperature does the bacteria die at?

MR. CARLINO:
I don't know.

LEG. GULDI:
Our Health Department will tell you it's 180.

MR. CARLINO:
Is that a question?

LEG. GULDI:
No, that was a statement. The -- what information do you have as to the toxicity or trace elements in the aggregate, what's the basis of your information? You said that there's leads, there's heavy metals, there's -- I think one of the ones you used, pesticides including chlordane} that hasn't been manufactured in 40 years? What's the basis of your information that that -- that those compounds elements are present in the material at the Riverhead --

MR. CARLINO:
I read the laboratory report.

LEG. GULDI:
Laboratory report done by who?

MR. CARLINO:
The Town of Riverhead.

LEG. GULDI:
Okay.

MR. CARLINO:
Would you like a copy? I can get it for you.

LEG. GULDI:
Yeah, I would like a copy of that. Okay, that answers my question. I would like a copy of that at your convenience. Thank you.

CHAIRMAN BISHOP:
Thank you very much. May I ask if Mr. Seeman and Mr. Testa, are they here? They filled out cards as well.

UNKNOWN AUDIENCE MEMBER:

They're here with the town.

CHAIRMAN BISHOP:

They're here with the town, okay. How about Mr. Wolpert?

UNKNOWN AUDIENCE MEMBER:

He's also with the town.

CHAIRMAN BISHOP:

The town. You're the Supervisor and Mr. Fritz is with the DEC, okay. Gentlemen, thank you very much.

MR. CARLINO:

Thank you.

CHAIRMAN BISHOP:

I appreciate you bringing it to our attention. Supervisor Kozakiewicz, if you could bring your delegation forward then. Good afternoon.

SUPERVISOR KOZAKIEWICZ:

Good afternoon.

CHAIRMAN BISHOP:

You've arranged yourself -- you're off center, but that's quite all right.

SUPERVISOR KOZAKIEWICZ:

Well, you started to recite some of the people who are here with the town today. I'm going to indicate who's joining me, just for the record. As indicated -- well, before I get to that, Councilwoman Blass is here who's been working very closely on this project, attending biweekly meetings as they occur. Carl Fritz from New York State Department of Environmental Conservation is here, they're the ones who issued the BUD that you heard mention of before. Our consulting engineers, that is Tom Wolpert and Jeff Seeman are here, they have been working on this project for an extensive period of time. And also our own town engineer, Ken Testa, is here.

And I'm really happy to hear some of the questions that were put forth, particularly Legislator Guldi's dealing with the question of bacteria and E-Coli. Because we have heard this argument repeatedly that there is the potential that this bacteria or E-Coli is somehow going to be damaging or harmful to the environment when, quite simply, as pointed out by Legislator Guldi, when you look at the temperatures that the asphalt has to be heated to, it's clear that that microorganism, that bacteria will not survive, it will die.

I'm going to suggest to you that we have had meetings with the

Contractor's Association, they reached out to North Fork Environmental Council and North Fork Environmental Council was not interested in pursuing this. And I will tell you for a fact that in my three and a half years or three years on the Town Board and as Supervisor, North Fork Environmental Council has not shied away from taking on environmental issues with the Town of Riverhead. They also reached out, I had this conversation with Joe Luis of the Long Island Pine

28

Barrens Society, to see if they would be interested in joining the cause, coz/cause, whatever it might be. And I will also tell you that -- and I think this is pretty much a recognized fact that the Long Island Pine Barrens Society has not shied away from taking on environmental issues as they related to the Town of Riverhead or to Supervisor Kozakiewicz, they decided not to pursue this issue. I suggest to you that this is really not an environmental question. And Mr. Seemen and Mr. Testa can talk about the extent of studies that have that been done. Mr. Fritz is here to talk about other Beneficial Use Determinations that have been issued by the DEC and certainly I will turn it over to them. Jeff, I know that you've been involved in analyzing this and can you indicate for the record the work you've done and the studies that you have conducted as part of this Beneficial Use Determination?

MR. TOURETZ:

Thank you, Mr. Supervisor. My name is Jeff Seemen, I'm with Coastal Environmental Corporation. I've worked at the Riverhead Landfill project for it's closure since 1993. My primary responsibility has been preparation of the Closure Investigation Report which is done on all landfills that are closed. Preparation for the Reclamation Feasibility Studies that are required by State DEC to garner approval as reclamation as an alternative closure method. There are only two available, capping and reclamation; we opted for the second, we had that option throughout the review process. I also was co-author with these reports with Mr. Wolpert and co-authored the Beneficial Use Determination, submitted that to the DEC for review and approval.

My primary responsibility as environmental analyst on this project is to look at the quality of the soil, the analytical results from the lab analyses that were stated earlier. There are sixteen general categories; color, odor, semi-volatile organics, chlorinated herbicides, metals, volatile organics, PCB's, chlorinated pesticides, TCLP herbicides, TCLP pesticides, TCLP semi-volatiles, TCLP volatiles, organophosphorous pesticides, TCLP metals, asbestos and coliform. To date, I have looked at over 17,000 results of compounds in the constituents of this soil, this sand. It is simply a screened soil aggregate which is being proposed for its recycling as a component to asphalt, not unlike many other Beneficial Use Determinations that have been requested by the asphalt industry.

To date -- and I will let Mr. Fritz speak for the department's review, because they, too, have looked at all 17,000 analytical results. We have not found any of the hazardous materials or leachable compounds that we heard in the earlier presentation.

MR. FRITZ:

Hi. I'm Carl Fritz, New York State DEC, I'm the Environmental Engineer on this project. And I really didn't prepare anything to say but I can just, you know, make a few comments.

First of all, the asphalt industries receive 49 Beneficial Use Determinations from this department, everything from gas-soaked soil, oil-soaked soil to be used in asphalt. So, you know, when people say, "Hey, we're not using recycled products," maybe one individual isn't. But it's pretty common in the asphalt industry, if you want to dispose

29

of some oil-soaked soil it's going to go to an asphalt plant. The sand we're taking out of Riverhead landfill is slightly contaminated and the way we determined that was we took samples in the undeveloped area surrounding the landfill and we called that our background and we found a few contaminants that might have exceeded the background native, virgin soil levels. And even if one thing out of the 282 tests we do on each sample, if one of those parameters exceed a background we said, "Okay, too dirty to be put back, you know, and it has to be used for something else." So that's what we're doing there.

As far as the BUD, you know, being issued almost haphazardly, as just Jeff Seeman described one time, it was like being pulled through the eye of a needle. I know Albany is taking a hard look at this because towns are being a pioneer by not just putting a cap on it and letting it sit there for a hundred years. So we put the town to the test and their consultants and we've gotten some good reports, we've gotten some good results and so far the project has gone very smoothly, so.

CHAIRMAN BISHOP:

I have a couple of questions, Legislator Fisher does and I assume to my left will as well. Am I correct that -- do I have the right perspective on this, that burying solid waste material in a landfill was considered dangerous enough that the towns were directed by State legislation to cap and close the landfills; that's right, right? And then part of that process that I'm vaguely familiar with from the Town of Babylon is that they have to put impermeable linings down, correct, right?

MR. FRITZ:

Yeah. The liner goes down prior to construction but most of the

landfills on Long Island that have been around for 30 or 40 years, the only option for capping is to put a cap. It wouldn't make sense to excavate everything, put a liner down and then put the material back in place. So any landfill that's being closed now like East Hampton or Montauk, Southold, they're just putting a cap over the existing waste mass.

CHAIRMAN BISHOP:

So it's capped from below and it's capped from above.

MR. FRITZ:

No, it's not, they're not. Because the old landfills, they excavated a sandpit, filled it with garbage, construction debris or whatever waste was generated in the town and then it sat there. A newer landfill like some of the newer cells in the Town of Brookhaven do have a liner system with leachate collection, but the older landfills, Riverhead being one of them, there's nothing underneath by, you know, virgin soil, so there's no liner system underneath to stop anything that leeches out of the waste mass to get into the groundwater.

CHAIRMAN BISHOP:

So we have all sorts of leeching landfills throughout the County? Am I missing something?

30

MR. FRITZ:

Well, the ones that -- if it hasn't been capped yet, but the ones that are capped --

CHAIRMAN BISHOP:

I see, if they're capped and so that's what prevents it from -- okay.

MR. FRITZ:

That prevents it.

CHAIRMAN BISHOP:

All right, I'm sorry. All right. So then the threshold question raised by the previous speakers is if the idea is to prevent it from leeching, why would you pull it out, burn it at a high temperature and then put it on the ground?

MR. FRITZ:

Well, from what the Beneficial Use Application, it demonstrated that once this material is encapsulated in asphalt, there's nothing that's going to leech out of it.

CHAIRMAN BISHOP:

Can a town just take it's landfill, remove the cap and burn all the material that's in there?

MR. FRITZ:

Well, if you wanted to burn the waste, no. I mean, you couldn't send the waste through an asphalt plant, you would need an incinerator, but the screened sands.

CHAIRMAN BISHOP:

But the material that you would send through an asphalt plant, the towns would have a right to pull that material out and burn it.

MR. FRITZ:

Right, with all the approvals from my department, sure.

CHAIRMAN BISHOP:

And that's occurred.

MR. FRITZ:

Well, this is pretty much --

CHAIRMAN BISHOP:

This is the only --

MR. FRITZ:

This is the first -- there were two other landfills in Upstate, New York that tried and were not successful, mostly because of odor problems during excavation.

CHAIRMAN BISHOP:

I guess what I'm skeptical of is that if a town came to the DEC and said, "Look, we're going to take the cap off our landfill, dig out the

sand and burn it," the DEC would say, No, you know you're not." But in this circumstance, because it's being part of a process to make asphalt out of it, it receives proper -- it received approval?

MR. FRITZ:

Only because this is -- the Town of Riverhead chose to do reclamation, there was no cap on this landfill.

CHAIRMAN BISHOP:

Right.

MR. FRITZ:

So instead of capping it they chose to do reclamation, and this is just part of it. Just like shipping waste to Virginia, this is just

another way to handle a waste product.

CHAIRMAN BISHOP:

No, I understand that part of it.

MR. SEEMAN:

I think -- and if I'm out of place, please let me know.

CHAIRMAN BISHOP:

Go ahead.

MR. SEEMAN:

The town made a decision to reclaim. You're suggesting a situation where waste is taken out and burned and I think what we're missing is an important distinction here. As a result of the testing and as pointed out by the DEC representative, Mr. Fritz, if any of the 232, I think was the number he mentioned, parameters were exceeded, that material could not be used, it would not be the stuff that you're talking about burning, it would be shipped as waste, as I understand it as the process would be. And in fact, the stuff that you talk about, municipal solid waste, whether it be an old banana peel or a newspaper or other items that are put into this landfill, we still are required to ship that to a landfill somewhere else.

The DEC has distinguished between, as I understand it -- and certainly, if I'm misplaced, my experts here can clarify that -- that there's different thresholds. And as a result of the 17,000 tests that have been talked about, these are such that while they may not meet the background of virgin soil next door, are such that they do not rise to the level, parameters or thresholds as far as the 232 elements have been described so that they can be used as part of this Beneficial Use Determination. I think we also -- so I think that's something that maybe I'm not being totally clear, but --

CHAIRMAN BISHOP:

Perhaps my concerns would be alleviated. Every -- not every grain of sand, but every batch, so to speak, of sand is tested before it's --

MR. FRITZ:

Originally we were doing every 1,000 cubic yards of screened sand, performing the test. And after 50 or 60,000, you know, cubic yards we processed we were finding very similar constituents and levels, then we

moved it to 5,000. So as we stand now, every 5,000 cubic yards does get tested. Until we get the results of DEC, review them and okay it, the piles, they still sit within the landfill footprint.

CHAIRMAN BISHOP:

Is this the only plant of it's type in the nation? Does anybody else, any other municipality --

MR. SEEMAN:

The only asphalt plant in the nation?

CHAIRMAN BISHOP:

Obviously.

MR. SEEMAN:

Well, I think that's important to understand because what we're talking about here is really a recycled aggregate. We're not taking garbage and making asphalt, we're taking sand that came from a borrow pit which was located adjacent to the landfill and use for daily cover in generous amounts. We're screening all of the material through a series of processing screens, not unlike you would for any aggregate preparation, and then that by-product is tested in 5,000 cubic yard increments and composite samples for these 282 parameters and then that material would be screened again before it went as a component of asphalt which there are other components, sand together with other sized aggregates depending upon what mixture you're preparing. So this material goes into a standard asphalt plant, and if it couldn't we wouldn't have a marketplace for it.

CHAIRMAN BISHOP:

I'm confused by the description of adjacent. This is not the landfill?

MR. SEEMAN:

There is a 70 acre parcel that the Town of Riverhead utilized for sand mining and landfill operations; those two areas are contiguous.

CHAIRMAN BISHOP:

So the material --

SUPERVISOR KOZAKIEWICZ:

In other words, the landfill area had a location directly adjacent to it which was the area that the sand, the cover material came from. And that was dug, that area that was adjacent to the landfill in order to provide cover as the solid waste was put into the landfill area.

CHAIRMAN BISHOP:

And this sand is this cover material or what's left over from the adjacent area?

SUPERVISOR KOZAKIEWICZ:

The sand that's the subject of this discussion --

CHAIRMAN BISHOP:

Right.

SUPERVISOR KOZAKIEWICZ:

-- is the cover material.

33

CHAIRMAN BISHOP:

All right, so it's -- I got it, okay. We'll go this way this time.
Legislator Guldi?

LEG. GULDI:

The one thing that I want to get a handle on, being an equal opportunity abuser here, and that is I will ask the question the leading way; why are you subsidizing the competitor on the asphalt industry by using this material, or is your competitor -- or is the asphalt operator on the Riverhead Landfill site paying market value for rent, providing his own equipment and paying you for the material at market? And how did you decide who got the contract?

SUPERVISOR KOZAKIEWICZ:

Good question, and I'm not sure if I'm going to be able to answer it to your satisfaction. We had an agreement -- or we went out to bid, I should say more specifically, with a contractor who I think took some risks to come in and actually start the landfill reclamation project. We are very fortunate in that we not only have a very reliable contractor but an individual who wholeheartedly and 100% believes in the reclamation project, that is Mr. Grimes. Under the terms of his bid, he had a right to select a subcontractor and the subcontractor is the operator of the -- or will be because I think there's been some discussion or some insinuation that the plant is up and running. This is a portable asphalt plant that was assembled and trucked in, transported in to the site, it's not up and running and it will not be until all the necessary permits are in place. That's a subcontractor to the contractor that the town has so, quite honestly, there's no contractual privity between the Town of Riverhead and the operator of the portable asphalt plant which is {Lydell}. I'm not sure if that answers your question. But I also understand -- and Tom Wolpert could probably address this better than I -- that there were efforts made to reach out to others in the asphalt industry and they declined; they indicated no desire to proceed forward.

LEG. GULDI:

Is the site that the {Lydell} temporary plant is being erected on zoned for the operation of an asphalt plant, or are you waiving your own zoning restrictions, too?

SUPERVISOR KOZAKIEWICZ:

It's zoned industrial.

LEG. GULDI:

That would be a permitted use or a special exception use in that zone?

SUPERVISOR KOZAKIEWICZ:

Also, you have to keep in mind that this is a subjected closure that's the subject of a stipulation with DEC. We are compelled by that DEC stipulation which was entered into by the Town of Riverhead with DEC in 1995 to either cap as was indicated to be one of the alternatives, or to reclaim. To go back to what you indicated before, I think that quite honestly the town, although we've been probably shot at a little bit as saying this may not be the wisest thing to do, has taken a very bold move and I think has undertaken a path that is truly significant for its environmental concerns. We are taking away, we talked about the possibility of leaching, once all that material is gone, it's removed

34

from the landfill and what remains is the clean material. Now, although there's been no evidence of leaching, it's gone forever, it's done.

LEG. GULDI:

Okay. I'll take it in little pieces. So {Lydell} didn't -- who owns the plant and is going to operate and market asphalt from the plant is not paying the town rent for the land.

SUPERVISOR KOZAKIEWICZ:

They are a sub to the main -- the answer is that the contractor has --

LEG. GULDI:

The answer, is that yes or no?

SUPERVISOR KOZAKIEWICZ:

No, they do not pay rent.

LEG. GULDI:

Okay, they're not paying rent and they're not paying for the material that they're going to use in the asphalt.

SUPERVISOR KOZAKIEWICZ:

I think they are and someone can address the specifics of that.

LEG. GULDI:

All right, do you want to address that specifically? I mean, I'm trying to figure out here whether the real problem here is environmental concerns or the fact that you're subsidizing and your competitor is going to bring up product to market at below the cost of the rest of the industry.

MR. WOLPERT:

The truth of the matter is that the contractor is subsidizing the Town of Riverhead in its efforts to reclaim the landfill, and I say that because

in the contract that the town has with the current landfill reclamation contractor, there is built-in credit of a certain dollar amount for every ton of sand that is used in the manufacture of asphalt. And I would just like to add to that that what the Supervisor said previously, that when Mr. Seeman and I embarked on this ten year road leading to where we are today in 1993, as early as 1996 we envisioned landfill reclamation as the choice for the Town of Riverhead. And as early as 1998 or 2000 when we prepared the work plan for the landfill reclamation project, built into that work plan was language that specifically indicated that the on-site production of asphalt using reclaimed materials from the reclamation project could be utilized, those are bid documents -- we took it a step further. We invited 20 contractors to a prebid meeting before we went out to bid in the Town of Riverhead, that meeting was held in the Town Board room. We invited prominent members of the Nassau-Suffolk Contractors Association, some of which were in attendance at that meeting, and we presented our project to them. When it came time to bid, there were three or four bidders that actually took us seriously. So the notion that this was not bid out or gave somebody an unfair --

LEG. GULDI:

No, that's not the notion I'm looking for. Joe -- that is the asphalt plant down the road on private property, it's gone through zoning and

35

site plan approval in order to be operating. It's paying one way or another for every yard of sand, every yard of reclaimed material that it used, you know, every gallon of oil, every drop of stone that it uses. Now, obviously here this operator, because he's using material that Riverhead would otherwise have to pay to get rid of, you're not charging him a per yard cost for putting it in the hopper to make up his batch. His product as a result of not paying rent, not having the infrastructure cost, he can undercut the market and make a higher profit rate than everybody else in the market. That's -- you know, how much material is coming out -- how much material is estimated to be reclaimable material for this purpose coming out of the Riverhead site; does somebody have that data?

MR. WOLPERT:

Yeah, I'm happy that you asked that question because the prior testimony where it was stated that there are millions of yards; there are not millions. We have a finite quantity and we know that there's 1.5 million cubic yards of landfilled material, that includes the waste, the sand, all the recyclables that we're taking out. Our estimate is 750,000 cubic yards of sand that we expect to be able to recover, it's a finite number, not --

LEG. GULDI:

It's a finite number but it's sure going to make a lot of asphalt.

MR. WOLPERT:

Well, we hope so. And the other point is that, you know, the sand component in the manufacture of asphalt represents somewhere between 30 and 60% of the mix; I say that for a variety of reasons. The -- we view the asphalt plant on site as a temporary facility, it's nothing more than a tool of implementation for what we consider one of the greatest environmental projects in Suffolk County. And after 28 years --

CHAIRMAN BISHOP:

So you're feeling no guilt to what Legislator Guldi --

MR. WOLPERT:

After 28 years --

LEG. GULDI:

I'm not looking for guilt, I'm just getting answers to my questions. He said 750,000 yards --

CHAIRMAN BISHOP:

He's not answering the question which is --

LEG. GULDI:

Yeah, he did.

CHAIRMAN BISHOP:

You asked about the underlying philosophy of --

LEG. GULDI:

No, no, he answered the questions ultimately, he said he got 750,000 yards out but he was still talking when you started.

36

MR. WOLPERT:

I just -- after 28 years I'm pleased that I finally have a project that the Northfork Environmental Council has not been opposed to.

LEG. GULDI:

Yet.

CHAIRMAN BISHOP:

Mr. Caracciolo?

LEG. CARACCIOLO:

For any one of the speakers, perhaps Supervisor Kozakiewicz. It would seem to me, based on the comments that were just exchanged here, that there's a mutual benefit to taxpayers as a result of this initiative, this pilot program. Could you specify what the benefits are to the residents of the Town of Riverhead?

SUPERVISOR KOZAKIEWICZ:

As indicated, on the overall scale the choice of capping vis-a-vis reclamation are pretty simple in my mind. If we cap we have, one, a site that has limited use, whereas under the reclamation scenario it has unlimited use. It's likely the town, and I think we have had some very tentative discussions, people use it for recreational aspects, however we haven't decided upon a final scenario. Another beneficial use -- well, the down side; if we cap, we have monitoring for 30 years. And those costs, while there might be a certain number formed today, at 30 years, I'm sure with the growth of a dollar and the CPI, it's going to be a great deal more. By reclaiming, we remove the monitoring costs to the taxpayer down the road; while it might be more upfront, it eliminates 30 years of analysis and paying laboratories.

With respect to this particular project, when you talk about the mutual benefit, by allowing for a credit of the material to be utilized in asphalt production, we have a certain number that we're anticipating the project to cost. The material that's going to be able to be used, as pointed out by Mr. Wolpert, will ultimately reduce the actual cost to the Riverhead taxpayer which at the end of the day, once again, receives probably, as Mr. Wolpert has pointed out, the best environmentally cognizant project that the town has ever taken on. And I think it's a project that while we've been, again, criticized is absolutely the right way to go.

LEG. CARACCIOLO:

So that there is a benefit cost analysis, a positive one for town residents and for that matter, really for all residents.

SUPERVISOR KOZAKIEWICZ:

That's correct. We talked about the drinking water and the sole source aquifer, again, it gets rid of any potential forever.

LEG. CARACCIOLO:

Okay. The 750,000 yards of sand that you expect to yield from this project, translate for us what that means to asphalt.

MR. WOLPERT:

I don't understand the question.

37

LEG. CARACCIOLO:

Well, the sand is going to be used as part of an asphalt mix.

MR. WOLPERT:

Yes.

LEG. CARACCIOLO:

The successful bidder here has the opportunity to reclaim that sand provided it's within the standard specified by the DEC and use it in a variety of ways to, I guess, essentially reclaim their investment and the risk they're taking. And is there an associated risk on their part, that it might be something less than three-quarters of a million yards of sand that will be reclaimed?

MR. WOLPERT:

Certainly there is a risk on their part. If we're correct and there turns out to be 750,000 cubic yards which, for all intents and purposes, is equivalent to about 750,000 tons, and if you figure asphalt at 50% sand, that translates into about a million and a half tons of asphalt over the four year term of the project that we are operating under a very strict schedule for compliance with the State.

LEG. CARACCIOLO:

But this is a four year project.

MR. WOLPERT:

This is a four year project, yes.

LEG. CARACCIOLO:

And what happens after that time?

MR. WOLPERT:

After that time, we pack up and we remove the asphalt plant from the site.

LEG. CARACCIOLO:

And you mentioned it's a portable asphalt facility, so it's not permanent, it's taken out, there's no environmental concerns there. The plant itself would have to meet all of requirements of operating such a facility.

MR. WOLPERT:

Yes, there are no concessions in that regard.

LEG. CARACCIOLO:

Okay. So what is the cost, what's the dollar benefit to the contractor retrieving those 750,000 cubic yards of sand and using that as a sand mix?

MR. WOLPERT:

Well, he is paying a certain unit price per ton of that material.

LEG. CARACCIOLO:

Paying it to whom?

MR. WOLPERT:

Paying it to the contractor for which whom he is a subcontractor.

LEG. CARACCIOLO:

Okay.

MR. WOLPERT:

Which ultimately results in a credit to the Town of Riverhead.

LEG. CARACCIOLO:

Okay. That's where I wanted to get to because that's, again, another important monetary benefit --

MR. WOLPERT:

Yes.

LEG. CARACCIOLO:

-- to local government.

MR. WOLPERT:

Do you want to know what that number is?

LEG. CARACCIOLO:

Yes.

MR. WOLPERT:

It's \$2 per ton, so if we use 750,000 tons of sand to manufacture asphalt in the next four years, that will result in a credit or a deduct from the contract in the amount of 1.5 million.

LEG. CARACCIOLO:

Okay. Let me address this back to the Supervisor. Bob, in your capacity as not only Supervisor but as an attorney-at-law, don't prejudice obviously yourself or the town, but if those on the outside meaning the private contractors, asphalt operators, believe that you are somehow participating in an effort to provide a competitor with an unfair advantage, A, everything is actionable but what would be the likelihood of that prevailing in court?

SUPERVISOR KOZAKIEWICZ:

The challenge I think would have been through a bidding process and the town strictly adhered to the competitive bidding requirements of the General Municipal Law. This is subcontracted to a general contractor and we adhered to those requirements and I believe that there is absolutely no likelihood of anybody being able to defeat what the town did and we are going to go forward.

LEG. CARACCIOLO:

Okay. I did hear, I did hear -- last question. I did hear, and I just wanted to make certain I heard it correct, that there was an effort here to reach out to people in the asphalt industry to participate in this pilot program.

SUPERVISOR KOZAKIEWICZ:

I -- before the project started, let's face it, this was the first municipality in Long Island that was deciding to go this avenue as

39

opposed to capping. So to say that there was scepticism and individuals out there who really didn't believe it was going to occur is a fair comment. And I think that's the point that Mr. Wolpert was making, that prior to getting started in the very first instance, there was an extensive outreach done by our consultants to the contracting community to get them into Town Hall, have a prebid meeting in order to conjure up -- or not conjure up, to develop and interest in the project; and Mr. Wolpert can take it from there but yes, there was an outreach effort.

CHAIRMAN BISHOP:

I've got to move on.

LEG. CARACCIOLO:

Okay. If you could just restate what you said earlier.

CHAIRMAN BISHOP:

We have that, we have his testimony.

LEG. CARACCIOLO:

Well, I think it's important testimony.

MR. WOLPERT:

Okay.

CHAIRMAN BISHOP:

You're killing me today.

MR. WOLPERT:

I can't provide you with minutes of the meeting but I can provide you with the letters that I sent out to perhaps 20 large scale heavy construction firms including asphalt companies, and I could also provide you with a copy of the sign-in sheet from the date of that meeting.

LEG. CARACCIOLO:

I would appreciate that very much. Thank you, Mr. Chairman.

CHAIRMAN BISHOP:

Thank you. Are we all right on this end?

LEG. FISHER:

Thank you, Mr. Chair. My questions have been answered.

CHAIRMAN BISHOP:

Very good. Thank you, gentlemen. I appreciate it.

MR. SEEMAN:

May I ask a question before we break?

CHAIRMAN BISHOP:

No, because I have -- look behind you, I have to get this meeting moving.

All right, I have another controversial issue now in the Town of East Hampton which is the acquisition of the Duke Property. This is a partnership -- I won't say Land Partnership Preservation because you'll point out that that's an extinct program -- a partnership between the town and the County, a proposed partnership. Supervisor Schneiderman is

40

assuming the position, he brought Councilman Potter and I know there are a number of cards from the community as well.

Now, the reason that this issue is potentially controversial is because if I'm not correct, the amount that the County or the purchase price that has been agreed on is greater than the mean of the two appraisals. Who's going to lead on this?

SUPERVISOR SCHNEIDERMAN:

I guess I'll start.

COUNCILMAN POTTER:

Could we maybe suggest that Mr. Isles address the appraisal issue since those are County appraisals, after?

CHAIRMAN BISHOP:

We're going to have to do that -- Mr. Isles addresses every issue, later on.

SUPERVISOR SCHNEIDERMAN:

When you mentioned this acquisition is controversial, I started scratching my head because hopefully it is not controversial at all. This is a very special piece of property and I know the Town Planning Office has identified it as a high priority for acquisition. The only question may come down to that appraised value and I guess people will speak to that.

I come with several people and our coalition today. Ed Porco from the Trails Preservation Society; Larry {Koutash} also from the Trails Preservation Society; Dan Cohen from Property of -- Settlers Land and Property Owners Association which is in the proximity of the Duke Property; Larry Penny, our Natural Resources Director; George Larsen from our Nature Preserve Committee; Richard Lupoletti from the Planning Board; Joe Potter, my coworker on the Town Board, Councilman Potter; and Alpa Pandya for The Nature Conservancy. And as you know, this is not our first time coming before you, we were here once before when we --

LEG. CARACCIOLO:

And I gave it to you then, too.

SUPERVISOR SCHNEIDERMAN:

Right, when we actually --

CHAIRMAN BISHOP:

And you told me that that parcel was special and unique.

SUPERVISOR SCHNEIDERMAN:

Well, you didn't scare me away, Mike, we came back for more. And that was for the planning steps resolution and we've come a long way since then. I think others will speak on the importance of this property and then we're here to answer any questions that you have. I'm not sure who wants to go first.

CHAIRMAN BISHOP:

The Councilman was here first.

41

SUPERVISOR SCHNEIDERMAN:

Joe, jump right in.

COUNCILMAN POTTER:

Sure. I just want to thank the County for everything you've done for us in the past. I think we've had a wonderful partnership between the County Legislature and the Town of East Hampton and I hope we will be able to continue. I'm going to let Larry Penny, who's our Natural Resources Director and a very experienced person in this field, speak to you a little bit about the property itself, if that's okay.

LEG. FISHER:

Sure.

MR. PENNY:

Okay, I'm the Director of Natural Resources of East Hampton Town. This is a -- I know you have heard this word before, unique, but this is a unique piece of property. It's a piece of old growth forest, that means

the average tree age is approximately a hundred years old. It has several rare species of plants that are on the New York State Natural Heritage list and these have been mapped out in a document which we submitted to the County last summer. It has the only extensive eel grass bed, eel grass beds are vanishing off-shore right off this piece of property and this property -- essentially being pure wood land, filters the water, there's no development, never has been developed -- feeds that eel grass bed under ground by underflow. So it essentially by protecting this piece of property you're protecting about a ten acre large eel grass bed.

It has, you know, the usual complement of breeding birds and it has also these -- a stand of boundary marker trees which are called {lope} trees which are approximately 150 years old, these are trees that were -- well, before surveying was a fairly young art in the area, they were bound and loped in such a way that they would be deformed and they formed a boundary. It's very unusual in Suffolk County in general, they would generally be white oaks, may have learned this from the Native Americans but there are fewer and fewer of these boundary trees because they reach a certain age and then they no longer can maintain themselves. It also has salt marsh on the property and it has a seat marsh, fresh water seat marsh that is inundated by salt water twice a day that I know is of interest to The Nature Conservancy because The Nature Conservancy and I have been over that property and they have a -- they essentially have an easement over part of that seat marsh. So it's an intact, wonderful piece of early Long Island natural history that has hardly been impacted by the activities of man. Thank you.

SUPERVISOR SCHNEIDERMAN:

Alpa Pandya from The Nature Conservancy would like to say a few words.

MS. PANDYA

Hi, I could speak just very briefly. My name is Alpa Pandya with The Nature Conservancy and we strongly support the preservation of the Duke Property. This is the kind of property that the open space funding initiatives have been, you know, originally funded for. The property is in exceptionally good shape, it's never been developed, it will protect and continue to provide in perpetuity habitats for marine wetlands and

42

upland species and we certainly hope you guys authorize the acquisition of this property.

CHAIRMAN BISHOP:

Is The Nature Conservancy a broker on this deal?

MS. PANDYA

Yes, we are, we worked with the town on this.

CHAIRMAN BISHOP:

And what's your commission on this?

COUNCILMAN POTTER:

We actually -- we have a wonderful deal for us, The Nature Conservancy. They have a \$40,000 a year contract with the town which covers all of the acquisitions, they don't work on commission.

CHAIRMAN BISHOP:

Oh, no commission.

COUNCILMAN POTTER:

I don't know how they provide it because we do a lot of acquisitions, as you know, it's a great service.

CHAIRMAN BISHOP:

Is The Nature Conservancy participating on this purchase at all, any money?

MS. PANDYA

No, we're not.

CHAIRMAN BISHOP:

All right, thank you.

SUPERVISOR SCHNEIDERMAN:

George Larsen from our Nature Preserve Committee would also like to say a few words.

MR. LARSEN:

Hi. I'm George Larsen, Chairman of the Nature Preserve Board. Besides the environmentally unique situation that exists on this property, there's a lot of archeological value to it, too, and historical value. Montauk Indians resided in that land and they have had some of their pow-wows and there's been a lot of documentation and artifacts there.

It is a very valuable piece of property. The intertitle wetlands, the issue is a valuable asset to protect and stop from being developed. Plus, I think the site called for 16 -- could be subdivided into 16 pieces; I think that would have a severe environmental impact to this area.

CHAIRMAN BISHOP:

Okay.

SUPERVISOR SCHNEIDERMAN:

The last thing I'd just mention, too, is it was over a year ago that this

price of \$12 million was reached. It was at a time when the owner of the property, Anthony Duke, had received an offer from a private developer at \$12 million. He was very tempted to take that offer and the town really stepped in at the eleventh hour to try to save this with hopes of participating with the County because of the high number attached to this property and because of the high value to the County for an acquisition like this. We believe that this piece of property files very well in terms of the County's other holdings in the area, this would be a great asset for the County to participate to have that ownership interest in this property.

And so we at that point purchased an option to buy the property for \$750,000 and came to you as really our best friend in preservation to help make this work. So I wanted to fill you in on those details.

LEG. FISHER:

Can I just ask --

CHAIRMAN BISHOP:

Yes. I had a best friend once, he was a flatleaver.

LEG. FISHER:

Jay, can you backtrack just a little bit?

SUPERVISOR SCHNEIDERMAN:

Sure.

LEG. FISHER:

Because I notice on the appraisal that it was appraised a little over \$12 million.

SUPERVISOR SCHNEIDERMAN:

Twelve point six.

LEG. FISHER:

Now, is that coincidence or did he -- had he had it previously appraised and that's how he came to that?

SUPERVISOR SCHNEIDERMAN:

He apparently had a buyer at \$12 million. He may have had his own appraisal but we are not aware of that.

LEG. FISHER:

Okay. I was just curious about the -- as to the sequence.

SUPERVISOR SCHNEIDERMAN:

There was and we attempted to go negotiate this property obviously to a lower number, he would not drop any lower than that \$12 million.

CHAIRMAN BISHOP:

All right.

LEG. FISHER:

Yes, I was looking at some of the comps.

44

CHAIRMAN BISHOP:

What I want to explore with you is what I foresee on the horizon as trouble. This is the first time that the Suffolk Legislature has been asked, under the process that we implemented as a reform from the previous process, to go above the mean appraised value. Under our reform legislation, we feel that there's more than a million dollars, a proposed purchase that's more than a million, we require two appraisals and a vote of the Legislature to go above the mean appraised value. Now, I understand that we're going to run into trouble in this respect. Do you know what the figures are or do I have to bring up Mr. Isles?

SUPERVISOR SCHNEIDERMAN:

I know what the numbers are, yeah. We are -- the one appraisal 12.6 million and the other one I believe is 10.5 -- 10.6? 10.6.

CHAIRMAN BISHOP:

So 12.6 and 10.6 is 11.6, right?

SUPERVISOR SCHNEIDERMAN:

And then if you adjust them for time, there's also -- I don't know if you adjust for time. I know Jim Burke in the hall when I was talking to him was discussing the adjustment for time. You have a very fast appreciating real estate market as well in the Hamptons.

CHAIRMAN BISHOP:

Right.

SUPERVISOR SCHNEIDERMAN:

Anyone who has tried to buy land there and knows real estate values knows how quickly things are moving, so. But if you take the mean, I think you'll end up with a number -- if you averaged the 10.5 and the 12.5 you get 11.5.

CHAIRMAN BISHOP:

Well, that's what I was going to ask you, Supervisor. How would the Town of East Hampton, I don't know if you can speak for the entire Town Board, but if the County were willing to put up, what is it, five, six is it would be the mean?

SUPERVISOR SCHNEIDERMAN:

We would be putting \$6 million.

CHAIRMAN BISHOP:

Right. But our mean value I believe would be 5.6 would be -- represent 50% of the mean.

LEG. FISHER:
Actually --

CHAIRMAN BISHOP:
Is that right?

LEG. FISHER:
No, it would be more than that 6.8 because 11.6 is --

45

SUPERVISOR SCHNEIDERMAN:
I guess 11.6 is the mean.

LEG. FISHER:
So half of that would be 6.8.

CHAIRMAN BISHOP:
Would be 5.8. okay, 5.8. so if we put up 5.8 and that would be relatively, hypothetically relatively easy, would the Town of East Hampton make up the difference of 200,000, or would consider making up the difference? I know you can't speak --

SUPERVISOR SCHNEIDERMAN:
I can't speak for the board; my guess is yes.

CHAIRMAN BISHOP:
Yes, okay.

LEG. CARACCILO:
How many acres are we talking about?

MS. PANDYA
fifty-seven acres.

LEG. CARACCILO:
That's not on the resolution.

CHAIRMAN BISHOP:
I think it would be -- that's not for them anyway, when Mr. Isles comes up we'll work that out. Okay, I appreciate that answer. I appreciate the testimony that's been provided. If there are any questions? Especially for people who were out of the room for the presentations.

LEG. GULDI:
You actually finished one and it was hard for us to anticipate that.

CHAIRMAN BISHOP:

Mr. Caracciolo didn't speak yet. All right, going left to right this time. George, you have any questions?

LEG. GULDI:

Go ahead.

CHAIRMAN BISHOP:

Michael?

LEG. CARACCIOLO:

Thank you, George. The 57 acres I note are located on Three Mile Harbor.

SUPERVISOR SCHNEIDERMAN:

That's correct.

LEG. CARACCIOLO:

Could you tell us what other land that's been preserved in the vicinity of this location because I'm familiar -- years ago when my former

46

colleague Fred Thiele was here we did some very significant preservation nearby.

SUPERVISOR SCHNEIDERMAN:

So you want to hear about the past?

LEG. CARACCIOLO:

Yeah. Alpa probably is more familiar with --

SUPERVISOR SCHNEIDERMAN:

I'll try to mention the ones that you were involved in. Larry, you want to do this?

MS. PANDYA:

Larry is most familiar.

MR. PENNY:

Well, Sammy's Beach you heard about, that's a town owned Nature Preserve. And if I could point out, I don't want to waste your time but George Larsen who is our Committee Chairperson for the Nature Preserve Committee served 20 years as the Manager of the Montauk State Park, so we have a very good person working on the Nature Preserves. There are several smaller parcels that the town owns along both sides of Three Mile Harbor including three more that are Nature Preserves, the {Sokide} at the bottom; the County participate in the {Sokide} I think, right?

LEG. CARACCIOLO:

That's correct.

MR. PENNY:

Yes, and that is a very nice piece of property. And then there are about five town-owned parks in addition. The largest ones are the -- would be this one, the {sokide} piece, put together several pieces to make the {sokide} which is the head waters of Three Mile Harbor and Sammy's Beach which is the long-standing town property. There's a public -- there's a DEC parcel on Sammy's Beach that the DEC wants us to manage and that -- I think that's it. Maybe Mr. Potter could correct me.

UNKNOWN AUDIENCE MEMBER:

Lake Estate.

COUNCILMAN POTTER:

I would just add, though, that if you looked at an aerial photograph of Three Mile Harbor, almost the entire coast line has been developed, mostly half acre, some one-acre lots. So part of why this is so precious to us is it is the last remaining woodland piece on the market.

LEG. CARACCIOLO:

Okay. And Mr. Duke, could you tell us a little bit about him, the property owner?

COUNCILMAN POTTER:

I'd be happy to. He is really an extraordinary person who devoted his life to the Boys Harbor Summer camp which immediately adjoins this property and he was someone who could have done almost anything he chose

47

to do with his life and he devoted it to having kids come out from New York City to this camp every summer.

SUPERVISOR SCHNEIDERMAN:

Minority children, gives them an opportunity -- not just minorities, but those disadvantaged a chance to enjoy nature and open space. It's a wonderful facility. He also does a fire works display for the community on Three Mile Harbor every year, that's widely attended.

LEG. CARACCIOLO:

Final question, what is the property zoned?

SUPERVISOR SCHNEIDERMAN:

I think it's three acre zoning.

LEG. CARACCIOLO:

Three acre zoning. Okay, thank you.

SUPERVISOR SCHNEIDERMAN:
I think the yield is 16 or 17 lots.

CHAIRMAN BISHOP:
Ladies; Legislator Fisher, Fields, any questions?

LEG. FISHER:
Looking at the viewer's comments, we're looking -- we can't look at that?

CHAIRMAN BISHOP:
No, you can, but you sure you want the town?

LEG. FISHER:
Okay, we'll wait till Tom Isles comes up and we'll talk about the appraisals. Thank you, Mr. Chair.

LEG. GULDI:
Yeah. Actually one thing I'd like to get cleared up on the record, and maybe it's a proper question for Mr. Isles. There was another erroneous appraisal prepared, was there not?

COUNCILMAN POTTER:
I understand there was, we didn't see that, that was a County appraisal.

LEG. GULDI:
You need to put the mike right in, give a one inch clearance.

COUNCILMAN POTTER:
We only have secondhand information --

LEG. GULDI:
All right. Then we'll take --

COUNCILMAN POTTER:
-- on the County's own appraisal process.

LEG. GULDI:
We'll take that up with our own department, that was based on an

erroneous -- that was based on essentially the appraisal of the wrong parcel.

SUPERVISOR SCHNEIDERMAN:
Right, that's as we understand it.

LEG. GULDI:

I just want to make sure it's on the record.

CHAIRMAN BISHOP:

I think that's it. Thank you, Ladies and Gentlemen.

LEG. GULDI:

I did want to welcome Mr. Schneiderman who's declared that he wants to run against me this year. Great tan, Jay, I noticed you were having trouble staying awake in the earlier part of the meeting; you should be here 15 or 16 hours.

SUPERVISOR SCHNEIDERMAN:

I'm trying to make it a little more interesting. You've got the little sofa in the back.

LEG. GULDI:

But yeah, make sure -- do me a favor, stay in touch, make sure you write if you find work.

SUPERVISOR SCHNEIDERMAN:

Thanks for the warm welcome.

CHAIRMAN BISHOP:

All right. Finally, finally, on Resolution 1951 which is five acre acquisition, Center Moriches. We have Carol Basonette (sic) and Bert Seiden. Seider?

MR. SEIDES:

Seides.

CHAIRMAN BISHOP:

Seides, right.

MR. SEIDES:

Good afternoon.

CHAIRMAN BISHOP:

Good afternoon.

MR. SEIDES:

Thank you. I'm Bert Seides and I'm the President of the Ketcham Inn Foundation and our primary goal is to preserve our local history. Directly adjacent and across -- directly across the street, excuse me, directly across the street from the Historic Ketcham Inn, a building that's on State and Federal register is this 4.975 acres. It has gone through the acquisition process and we would like to request that the format for the funding come through a more appropriate source so that this property can be used for a visitor's center for public use and for all civic organizations.

We have wonderful support from the community in this direction. I would just like to say that recently I received a letter from Bernadette Castro, I approached her about this concept and she said that the parks would be available to support this development and would be happy to offer information and beyond depending on funding and how it becomes available. And also, she referenced the Walt Whitman Visitor's Center and said that any and all information that exists for the development of that project could be made available to us for this development of a visitor's center here in Center Moriches.

CHAIRMAN BISHOP:
So you're going to --

MR. SEIDES:
I have also approached the Ford Foundation for funding for the future, but I could only go so far because the property is still somewhat in limbo.

CHAIRMAN BISHOP:
But the concept is the County purchases five acres out of the Open Space Fund and it be used as a visitor's center, is that what you're saying?

MR. SEIDES:
For cultural purposes, not only for a visitor's center. This property is directly adjacent to 260 acre County Park Preserve and there are many programs that exist now that really need a space to call home for exhibit purposes, for orientation purposes and for an entrance into this 260 acre park. This park --

CHAIRMAN BISHOP:
And the foundation is going to develop the center, not the County?

MR. SEIDES:
That's correct.

CHAIRMAN BISHOP:
Because that's the partnership that you're --

MR. SEIDES:
That's correct.

CHAIRMAN BISHOP:
We buy the land, you build the center.

MR. SEIDES:
That's correct.

CHAIRMAN BISHOP:

Got it, okay.

MR. SEIDES:

There are two structures on the site now existing. A block garage, it's a two-bay block garage which we would like to see developed into a four archival purposes and there is a small ranch house which could be developed into a gallery space, conference space and eventually developed

50

in the future, perhaps these two buildings could be connected to be more like the Walt Whitman Visitor's Center with a larger public space for cultural purposes.

CHAIRMAN BISHOP:

Okay. This is planning steps only, so in order -- under planning steps the County, if approved, would go forward, appraise, even make an offer, but the final real offer could not come about until approval by the Legislature and the Legislature would not approve, cannot approve until the partnership funding would be in place. So neither the Town of Brookhaven has to step forward or the Ketchum Inn Foundation with an actual plan to construct this center; just as long as you understand how it works.

MR. SEIDES:

This is the first time I'm hearing this. We have been on this project for six years, we have gone through the acquisition process already. I have spoken with John LaValle, Dan Gulizio, they are very aware that this is a significant proposal.

CHAIRMAN BISHOP:

Good.

LEG. FISHER:

They have to do a resolution.

CHAIRMAN BISHOP:

But they'll have to do a resolution essentially committing the Town of Brookhaven to construct this facility if the County were to purchase the property.

MR. SEIDES:

Who should I have them direct that resolution to?

CHAIRMAN BISHOP:

Legislator Towle will take care of it from there. I'm just --

MR. SEIDES:

Okay.

CHAIRMAN BISHOP:

-- letting you know that this is relatively the easy portion of this project.

MR. SEIDES:

Okay.

CHAIRMAN BISHOP:

The harder portions will come later on.

MR. DOYLE:

Can I comment on this?

CHAIRMAN BISHOP:

Yes, we welcome.

51

MR. DOYLE:

Bill Doyle, Legislative Aide to Legislator Towle. Actually, the reason the Legislator put this bill in, a bill was approved in 2000 to acquire the property. The acquisition went quite a ways until about two or three months ago when we discovered that the way the bill was worded, we had to use it for baseball fields or football fields.

CHAIRMAN BISHOP:

Right.

LEG. GULDI:

Yeah, it was approved for active recreation.

CHAIRMAN BISHOP:

An active recreation, right.

MR. DOYLE:

So the purpose of this bill is to also allow them to change that and get back on. Right now the acquisition is on hold until the --

LEG. GULDI:

Yeah, but the appraisals -- if I can, Mr. Chairman?

CHAIRMAN BISHOP:

Yeah, of course.

LEG. GULDI:

The appraisal is done and I believe we've been in negotiation on this parcel; just nod no if I'm incorrect.

MR. ISLES:

We're in contract.

LEG. GULDI:

We're in contract.

CHAIRMAN BISHOP:

So we're going to need the Town Board to act relatively quick, because I assume the Ketcham Foundation doesn't have that kind of resources available.

LEG. GULDI:

Their annual fund-raiser is not going to cover this.

MR. SEIDES:

That's correct.

CHAIRMAN BISHOP:

It's probably \$2,000. Yes, Legislator Fields?

LEG. FIELDS:

If we're in contract -- okay, what would the use of the property be?

LEG. GULDI:

We're in contract under an active recreation approval that was approved in 2000, okay. And it basically, in terms of evaluating the use plan for

52

the parcel and the particular attributes of the parcel, there is a -- there's been a determination that it would be better to acquire than under the other program; is that fair to say, Bert?

MR. SEIDES:

That's fair to say.

LEG. GULDI:

And Bert, you have to answer one question; is this your final answer or are you going to change the use plan again?

CHAIRMAN BISHOP:

He's kidding. And that's not the right people to torture with that; torture Bill.

LEG. GULDI:

I get to torture everyone.

MR. SEIDES:

Thanks, Dave.

CHAIRMAN BISHOP:
Is there anything else?

MS. BISSONETTE:
No, I just -- I'm Carol Bissonette and I'm Director of Development for The Ketchum Inn Foundation and I'm also Co-Chair of the Moriches Historic District Committee and we are more than happy to work with the town in developing a plan on what would be the adaptive reuse of the existing structures. There won't be any new construction of buildings, we're going to implement a program of adaptive reuse for the cultural and visitor's center and a museum and archive that everyone in the Moriches Community is going to benefit from in the long run.

CHAIRMAN BISHOP:
Well, thank you very much.

MS. BISSONETTE:
Thank you. Thank you for the opportunity to address you.

CHAIRMAN BISHOP:
Now, those critics of the Chairman, and I know there may be one or two in this room, should note that we just went through 24 cards in two hours and without a time limit, unlike at the General Meetings.

LEG. GULDI:
Far be it from me to ever criticize you, Mr. Chairman.

CHAIRMAN BISHOP:
We're of course fighting to bring democracy around the world, but temperate here --

LEG. FIELDS:
Where is our clock so we can make sure that that's accurate?

53

CHAIRMAN BISHOP:
Yeah, somebody ran off with our cheap kitchen clock. All right, to the agenda. And let us begin with the CEQ Resolutions because we have held captive here two County employees. Mr. Bagg wearing his quasi-green jacket, usually in the red.

CEQ Resolutions

16-03 - Proposed Installation of Water Main at Southaven County Park, Yaphank, Town of Brookhaven.

MR. BAGG:

This project involves the installation of a water main at Southaven County Park. Council recommends it's a Type II Action because it involves the extension of utility distribution facilities including gas, electric, telephone, cable, water and sewer connections to render service, to approve subdivisions or in connection with any action on this list.

CHAIRMAN BISHOP:

A water main is a large pipe, is it not?

MR. BAGG:

Well, in this particular instance it serves campgrounds. I don't think it's large, it will probably be a six inch water pipe to service the campground.

CHAIRMAN BISHOP:

This goes into the problem I have with everything, things get Type II all the time.

LEG. FISHER:

Motion to approve.

CHAIRMAN BISHOP:

Okay, motion by Legislator Fisher.

LEG. GULDI:

Second.

CHAIRMAN BISHOP:

Second by Legislator Guldi. All in favor? Opposed? I'll be opposed. Approved (VOTE: 4-1-0-1 Opposed: Legislator Bishop - Not Present: Legislator Haley).

17-03 - Proposed Planning Phase of Construction of a New Fire Vehicle Storage Facility, CP 3415, Yaphank, Town of Brookhaven.

MR. BAGG:

This is for the planning phase only to construct a new 10,000 square foot fire vehicle storage facility building in Yaphank. Council recommends it is a Type II Action because it involves planning only.

CHAIRMAN BISHOP:

Ah-hah.

LEG. GULDI:

Question.

MR. BAGG:

Yes?

LEG. GULDI:

Ten thousand square feet of fire vehicles for County storage?

MR. BAGG:

I believe so, I don't know.

LEG. GULDI:

Whose vehicles are we going to store?

MR. BAGG:

It was submitted by the Department of Public Works for planning purposes only.

LEG. GULDI:

I know, but we don't have a County fire department, I'm trying --

CHAIRMAN BISHOP:

We have a training facility.

MR. BAGG:

We have a Firematics Training Facility.

LEG. GULDI:

And the fire departments are not providing their own vehicles for that training anymore, we're providing the vehicles for training?

MR. BAGG:

I have no idea, I couldn't answer that.

CHAIRMAN BISHOP:

If you're this feisty on CEQ, I can't wait until we get to the agenda. All right, motion to approve by myself, second by Legislator Fields. All in favor? Opposed? 17 is approved (VOTE: 5-0-0-1 Not Present: Legislator Haley).

18-03 - Proposed Improvements to the Vanderbilt Museum Planetarium, CP 7437, Town of Huntington.

MR. BAGG:

This project includes the replacement of doors and windows with new energy efficient units, lobby and theatre renovations to replace worn infrastructure, and visitor facilities and an analysis of the ground conditions in the southwest corner of the building.

LEG. FISHER:

Motion to approve energy efficiency.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Caracciolo. All in

55

favor? Opposed? It is approved (VOTE: 5-0-0-1 Not Present: Legislator Haley).

19-03 - Proposed Renovations to County Building #50, CP 1765, Hauppauge, Town of Smithtown.

MR. BAGG:

This project includes renovations to the restrooms, HVAC system, replacement of ceilings, lighting windows and installing security improvements as well as other miscellaneous improvements to the building. Council recommends a Type II Action as the action concerns replacement and rehabilitation involving no substantial changes to an existing structure.

LEG. CARACCIOLO:

Motion.

CHAIRMAN BISHOP:

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

LEG. FISHER:

Question on the motion.

CHAIRMAN BISHOP:

Oh, I'm sorry.

LEG. FISHER:

Jim, when there's renovations, new HVAC systems put in, does CEQ look at whether or not they're putting any energy saving equipment?

MR. BAGG:

Basically -- they haven't asked that question, but I assume there is an energy plan at the County level and the architecture's office has been advised --

LEG. FISHER:

There is supposed to be and that's why I was wondering if CEQ looked at that; no, that's not your purview to look at that?

MR. BAGG:

That question was not -- well, they could have asked it, they did not ask it in this particular instance. It's a good point, in the future we should ask.

LEG. FISHER:

I'm going to ask to table --

CHAIRMAN BISHOP:

Why don't we send it back to them, that will teach them.

LEG. FISHER:

I'd like to table this to ask if the HVAC equipment is -- because we do have an energy plan in the County and we should try to be energy efficient.

56

CHAIRMAN BISHOP:

Right. But if you table it, it's just going to remain here and you're not going to get your -- if you -- well, why don't you send it back to CEQ.

LEG. FISHER:

Oh, okay, recommit to CEQ.

CHAIRMAN BISHOP:

So motion to recommit by Legislator Fisher, second by Legislator Caracciolo. All in favor? Opposed? It's recommitted (VOTE: 5-0-0-1 Not Present: Legislator Haley). See, we're not a rubber stamp.

Next, 21-03 -- 20-03, excuse me, Proposed Improvements to County Center, C-001, Riverhead, CP 1643, Town of Smithtown.

MR. BAGG:

This is the proposed improvements to the County Center, C-001, all right, in Riverhead in the Town of Southampton. The project includes planning and construction within the existing building to accommodate the current occupants, upgrade the HVAC system, the lighting system, improve the installation on the exterior walls and rooves, install insulated glass and install a mandated child care facility.

LEG. CARACCIOLO:

Motion to approve

MR. BAGG:

I would assume this is for energy improvements in the building as mandated by the code.

LEG. CARACCIOLO:

Motion to approve; this is so long overdue.

CHAIRMAN BISHOP:

It is over long overdue but I don't know if they asked this very same question.

LEG. FISHER:
20-03?

CHAIRMAN BISHOP:
21 now -- no, 20, I'm sorry.

LEG. FISHER:
That's not child care, is it?

MR. BAGG:
I don't know, but I think that's in the County Center building.

LEG. FISHER:
So that is the child care?

CHAIRMAN BISHOP:
Well, part of the renovation is.

57

MR. BAGG:
It's not the whole entire facility.

CHAIRMAN BISHOP:
Part of the renovation.

LEG. FISHER:
I see, okay.

CHAIRMAN BISHOP:
All right, motion to approve by Legislator Caracciolo, second by
Legislator Guldi. All opposed? In favor? It's carried (VOTE: 5-0-0-1
Not Present: Legislator Haley).

LEG. GULDI:
It's supposed to be the other way around.

CHAIRMAN BISHOP:
Yes, I know. 21-03 - Proposed Planning Phase of Construction of Day Care
Centers in County Facilities, CP 1777, Yaphank, Town of Brookhaven.

MR. BAGG:
This is basically the planning for the day-care center as proposed.

LEG. FISHER:
Motion.

CHAIRMAN BISHOP:

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

22-03 - Proposed Sludge Treatment System Improvements to Sewer District
#11 - Selden, Town of Brookhaven.

MR. BAGG:

This is proposed sludge treatment improvement to Sewer District #11,
Selden, Town of Brookhaven. The project includes improvements to the
existing sludge system and the installation of a gravity belt thickener
which is to be enclosed in a 35 square foot building with odor control.
Council recommends that it is and Unlisted Action that will not have an
impact on the environment for the following reasons; the proposed action
will not exceed any of their criteria in 617.7C of Title 6 NYCRR which
sets forth thresholds for determining a significant effect on the
environment, no significant habitats will be affected, truck traffic to
and from the site will be reduced and odor control devices will be
installed.

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fisher. Is there a second?

LEG. FIELDS:

I will second.

58

CHAIRMAN BISHOP:

Second by Legislator Fields. All in favor? Opposed?

LEG. GULDI:

Give me an abstention.

CHAIRMAN BISHOP:

I'll take an abstention as well.

LEG. CARACCILO:

Me, too.

CHAIRMAN BISHOP:

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

LEG. FISHER:

Wait a minute. This is Unlisted and it will decrease truck traffic and it
has no impact on the environment.

CHAIRMAN BISHOP:

I'm sorry, we have somebody here from the Department of Public Works. Please step forward. You have to come to the microphone, you have to say your name, it's all very formal.

MS. McGOVERN:

My name is Janice McGovern, I'm an engineer for the Department of Public Works, Sanitation.

CHAIRMAN BISHOP:

Good afternoon.

LEG. CARACCIOLO:

Could you give us a little bit more of a description as to what this project mitigates in the way of environmental issues?

MS. McGOVERN:

Right now --

CHAIRMAN BISHOP:

You have to go right into the microphone.

MS. McGOVERN:

Right now at the plant there is an existing gravity thickener but it's an inefficient process, so they're just replacing it with another building. And it's not -- the footprint of the structure is going to be the exact same, so it's not going to be knocking over any more trees or doing anything like that, it's only a more efficient process.

LEG. CARACCIOLO:

What do we hear about traffic?

MS. McGOVERN:

Oh, what it is is right now I think the sludge, when it's hauled out of Selden plant, it's about 30 trucks per week and with the new gravity belt pressers, they compress the sludge more so the water is recycled back to the head of the plant and it reduces the amount of trucks that would have

to haul the sludge per week; so if you have 30 this week, I think they did a study it would go down to like 12.

CHAIRMAN BISHOP:

Who has studied this new process to determine that it has no negative impact on the environment? I guess that's --

MS. McGOVERN:

Well, environmental impact, really right now they're taking sludge and they bring it down to Bergen Point and it goes into the incinerator, so

that's 30 trucks per week. The only thing that's happening there is they're using a different process, it's basically a different piece of mechanical equipment, it's like a table where they run the sludge through and it drains through. And so that will compress it more so you'll just have more of a compressed amount --

LEG. CARACCIOLO:
More of a solid.

MS. McGOVERN:
Yeah, more of a solid and it will go -- it will take less amount of trucks to haul that solid because it will have less water in it.

LEG. FISHER:
And remember how good it is for the environment to have fewer trucks.

CHAIRMAN BISHOP:
Did I call the vote?

MS. MAHONEY:
No.

CHAIRMAN BISHOP:
No, okay. So I'll make -- I'll change my vote to be in favor.

LEG. GULDI:
I have a question for you before you call the vote.

CHAIRMAN BISHOP:
Okay, Legislator Guldi.

LEG. GULDI:
And that is has anyone done an analysis of the impact of burning the more compressed sludge and air quality on other -- or it's going to burn hotter, what's the impact? I mean, if you're reducing it from 30 trucks to 12 trucks, you're obviously compressing it by two-thirds.

MS. McGOVERN:
Well, what you're really doing is you're just taking less water out of it.

LEG. GULDI:
Yeah, I understand.

MS. McGOVERN:
Taking more water out of it.

You're taking more water out of it; when you burn it, what happens, how is it different?

CHAIRMAN BISHOP:

They dry it out at the plant.

LEG. GULDI:

Please, if I can get a -- you take it -- it's still going to go to Bergen Point and get burnt.

MS. McGOVERN:

Yes, it's still going to go to Bergen Point and be burned in the same way.

LEG. GULDI:

What's the difference in the burn rate on the dryer material; what's the difference in temperatures?

MS. McGOVERN:

I don't know the difference in burn rate, I don't know the incineration process. But I know that --

LEG. GULDI:

Has that been analyzed as part of this CEQ Type I?

MS. McGOVERN:

It's already been done at other plants, so.

MR. BAGG:

No, that was not asked at that point. I would assume if it's more consolidated sludge with less water --

LEG. GULDI:

It's going to burn hotter.

MR. BAGG:

-- it will improve the process.

LEG. GULDI:

If it burns hotter, is it more efficient, is there more gas release; what's the answer to that question?

CHAIRMAN BISHOP:

I have a question because I understand it differently. I thought the difference is that it's dryer when it gets to the plant, but when it enters the incinerator it would have been the same whether it was dried out at Bergen Point or dried out earlier on; that's not what we're talking about?

MS. McGOVERN:

I don't -- I don't see what the question is with the incinerator's efficiency when the question is --

CHAIRMAN BISHOP:

It's an environmental question.

61

MS. McGOVERN:

Okay.

CHAIRMAN BISHOP:

What he's asking is since CEQ, since this process is supposed to be where we highlight environmental concerns and have them studied before we make a final determination, he's asking if you have this very dense material --

MS. McGOVERN:

Yes.

CHAIRMAN BISHOP:

-- is that appreciably -- has a different burn rate, does it have a different environmental impact than if it was wetter material?

LEG. FISHER:

Wouldn't it be more efficient if it were able to burn, have less water in it, it would burn more efficiently and it would be more hotter at the other end, much more efficient?

MS. McGOVERN:

Yeah, the water doesn't have to be burnt off yet, it's already out of the process.

LEG. GULDI:

I understand the water doesn't have to be burned off. My question was was there any -- the environmental change that we're engaging in, as a result of the change in process we're going to change the output, if you will, of the plant; is it -- and my question is what analysis has been done of the impact on the environment of that dryer output and the answer I just got was none.

MS. McGOVERN:

No, I don't believe there will be any -- no, I believe in the trucking and the hauling and also the reduced sludge and it gets --

LEG. GULDI:

I understand those points, I'm asking a different question; trucking and hauling you've made the point on. My question is when you put the drier stuff in the incinerator what happens?

MS. McGOVERN:

It will probably be more efficient in that you don't have to -- you have less volume, it will take less time.

LEG. GULDI:

Probably isn't the analysis --

MS. McGOVERN:

I don't have the exact numbers.

CHAIRMAN BISHOP:

But efficient you're speaking to like time and energy use and I think he's speaking to environmental concern.

62

LEG. GULDI:

Absolutely. And my question is --

MS. McGOVERN:

Okay. I don't have the --

LEG. GULDI:

-- what are the environmental consequences of doing that? Mr. Bagg just told me that they weren't considered at committee. I'm still an abstention.

MS. McGOVERN:

Okay.

CHAIRMAN BISHOP:

Why don't we send it back to CEQ.

LEG. FISHER:

Mr. Chair, this is just beyond absurd because you would need --

CHAIRMAN BISHOP:

Just this?

LEG. GULDI:

Because it's your district?

LEG. FISHER:

You would need to use more energy to burn it in the incinerator if there is water in it, so it would be less energy efficient if it had the water that had previously been in it; that's number one.

Number two, the number of diesel trucks that would have to travel through our environment to carry the sludge would also be -- no, it is not nothing. Diesel fuel is one of the -- traffic insults to the environment

are one of our major pollutants, so you have to consider that mitigating traffic is also an environmental benefit to this.

CHAIRMAN BISHOP:

Okay.

MR. BAGG:

One other thing they have to take into consideration which is a given is that plant is regulated by New York State DEC in terms of emissions, it has to meet those emission levels pursuant to the State law.

CHAIRMAN BISHOP:

Right.

MR. BAGG:

So this operation, not only will it consolidate the sludge, allow less truck traffic and the material going through the incinerator at Bergen Point will take less energy to consume that material without the water in it, but it must meet the State emission standards anyway.

63

CHAIRMAN BISHOP:

That's what Legislator Fisher said, less trucks, less energy, that's what the engineer said. Mr. Proios, what do you want to add?

MR. PROIOS:

I'm just adding on to what Legislator Fisher said --

CHAIRMAN BISHOP:

You're going to say less trucks less -- but can you speak to Legislator Guldi's question? Because, you know, I represent the district where it's going to be burned. Of course I want less trucks, but am I going to be furthering a project that's going to make the air worse?

MR. PROIOS:

No. When the plant has not met standards, the DEC standards, because of the volume of water coming in because leachaid was coming in from Islip and from Brookhaven Towns, was dewatering the sludge even further and was unable to reach the high enough temperatures to burn off all the material. The less water you have, the higher temperature, the more efficient, the less the emissions. So the higher you can get that temperature -- it's the lowering of the temperature by adding the water that has caused the violations in the past. So the more water you remove, the better it is for the environment.

LEG. GULDI:

The violations of the past, if I may, have been caused by smoke stack effluent, air quality violations.

MR. PROIOS:

Right, and we were adding more water into the sludge, we were further watering it instead of dewatering it.

LEG. GULDI:

We were -- excuse me, we were --

MR. PROIOS:

Leachaid was coming in from the landfill --

LEG. GULDI:

Coming into wet and drying it out cured the violations in the past.

MR. PROIOS:

You have to maintain a temperature above 1,200 degrees to get rid of all the organics and the odor.

LEG. GULDI:

I understand that. To what extent is the sludge -- is the sludge itself fuel versus consumerable in the combustion process? The sludge, you're burning the sludge, okay?

MR. PROIOS:

Yes.

LEG. GULDI:

When you're burning sludge, the -- how much of the process is driven by

64

additional fuel and how much of it is driven by the sludge itself being consumed in combustion?

MR. PROIOS:

I'm not sure what the percent is, most of it is fuel because even with the drying it still comes in with a tremendous amount of water, more than 50% is water.

LEG. GULDI:

I thank you for your answer to my question. With respect to my colleague's comments about the concern being beyond absurd, I'm constrained to put on the record that the New York State SEQRA Law requires us as under SEQRA to take a hard look, and the problem I have with this analysis of the environmental consequences of our change in operations at the sludge plant is that that hard look has been not addressed at CEQ and had been addressed colloquially here. I as a result feel strained to abstain under SEQRA because we have in our prior analysis failed to --

CHAIRMAN BISHOP:

Let's --

LEG. GULDI:

Excuse me, Mr. Chairman, I'm not done. -- failed to fulfill our obligations under SEQRA.

CHAIRMAN BISHOP:

Let's do a roll call vote. Legislator Fields, yes or no?

LEG. FISHER:

Well, I had a motion to approve?

CHAIRMAN BISHOP:

Yes, that's before us.

LEG. FIELDS:

Yes.

CHAIRMAN BISHOP:

Legislator Fisher?

LEG. FISHER:

Yes.

CHAIRMAN BISHOP:

Legislator Caracciolo?

LEG. CARACCIOLO:

Abstain.

CHAIRMAN BISHOP:

Legislator Guldi?

LEG. GULDI:

Abstain.

65

CHAIRMAN BISHOP:

And I'll be a yes, so it's approved 3-0-2; thank you.

Approved (VOTE: 3-0-2-1 Abstentions: Legislators Caracciolo & Guldi - Not Present: Legislator Haley).

All right, let's go to the -- 29-03 - Proposed Addition/Renovations to Suffolk County Civil Court, Griffing Avenue, Riverhead, Town of Riverhead. No impact whatsoever, right?

MR. BAGG:

No. All right, basically this is a proposal that involves the construction of a 93,000 square foot addition and renovation in-kind of the existing historic court building in Riverhead. Council recommends that this is a Type I Action since it is an action occurring within or contiguous to a site listed on the National and State Registers of Historic Places which the current court building is. Council further recommends that the action will not have a significant effect on the environment for the following reasons; that none of the criteria in Section 617.7 C of the New York Code of Rules and Regulations which sets forth thresholds for determining significant effect on the environment are exceeded. The historic integrity of the Civil Court Building will be maintained and restored. The Suffolk County Historic Trust approves of the project --

CHAIRMAN BISHOP:

Okay, I got it. Is there a motion?

LEG. CARACCIOLO:

Motion.

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Guldi, second by myself. All in --

LEG. CARACCIOLO:

I made the motion.

CHAIRMAN BISHOP:

Legislator Caracciolo made the motion, second by myself. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Haley). Okay. Thank you, Mr. Bagg.

To the top of the agenda. Would the firm of Fischer, Costigan and Isles please appear.

DIRECTOR ISLES:

And Burke.

CHAIRMAN BISHOP:

And Burke.

(Haley).

LEG. CARACCIOLO:

Do we have a Town Board Resolution?

MR. SABATINO:

This has been converted into a planning steps resolution via a corrected copy. So it's eligible on the basis of being planning steps under the Land Preservation Partnership component of the Multifaceted Program.

LEG. CARACCIOLO:

I will make a motion.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Haley). Planning steps only; I assume there's no objection over there, right?

DIRECTOR ISLES:

No.

CHAIRMAN BISHOP:

Okay. 1222-02 - Establishing Task Force for Agricultural Environmental Management in Suffolk County (Fisher). Legislator Fisher?

LEG. FISHER:

I'm going to make a motion to table, I'm still working with the other groups.

CHAIRMAN BISHOP:

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

1228-03 - Appropriating 1/4% Sales Tax proceeds for pay-as-you-go open space acquisition of Camelot/Paumanok Wetlands Property, Town of Huntington (SCTM No. 0400-191.00-02.00-024.000) (Tonna). On the motion, Legislator Caracciolo, do you want to make your --

LEG. FISHER:

There's no motion.

CHAIRMAN BISHOP:

Well, I'll make a motion to approve.

LEG. GULDI:

I will second.

CHAIRMAN BISHOP:

You want to make your little speech?

67

LEG. GULDI:

Do your thing, Mikey.

LEG. CARACCIOLO:

I'll be happy at a later date to say I told you so, but for today we'll just put on the record some things that I feel are relevant.

LEG. GULDI:

Again?

LEG. CARACCIOLO:

Mr. Isles?

DIRECTOR ISLES:

Yes.

CHAIRMAN BISHOP:

Can you do it in a speech form?

LEG. CARACCIOLO:

You know, I don't tell anybody else up here how much time to take.

LEG. GULDI:

Do I have time to go to the bathroom?

LEG. CARACCIOLO:

You sure do, George. Could you tell me, in response to the question I raised earlier with the Town Planning Department, how many acres of this site are designated wetlands?

DIRECTOR ISLES:

Okay. The site is a little over ten acres, 10.7 acres I believe. A portion of the site is regulated as freshwater wetlands by New York State. I don't think we have a firm number on that but the number that we understand it to be based on the information we've reviewed including an environmental impact statement is about three acres. From that, there are then buffer areas that are drawn around the parcel, around the wetlands area which might enhance that further. But the core wetlands that we see is about three acres.

LEG. CARACCIOLO:

Okay. As you are well aware, there's been representation that this property, by virtue of a special use permit, was designated at one time for a congregate care facility.

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

And we heard earlier from Mr. Walters and others that approximate size of this facility. Given your vast knowledge about building and building construction and site plans, approximately what size footprint would that take up on this property?

68

DIRECTOR ISLES:

Very hard to say off the cuff. It would have to be determining the number of floors they're doing. They have submitted -- the Town of Huntington, we had received information from them describing that proposal. We do have a copy of the pertinent sections of the environmental impact statement, we can provide that to you in terms of a narrative of how much of the site would be developed and how much would be not developed.

CHAIRMAN BISHOP:

Is that not a relevant question when one comes to consider the appraised or the purchase price of this property?

DIRECTOR ISLES:

Yes, it is. The use of the property, the zoning of the property is very definitely a relevant question. In this case, we do have an appraisal on the property that the County ordered, we have an appraisal that the Town of Huntington ordered and provided to us; both appraisals have been reviewed by our in-house appraisal staff. So that would definitely be pertinent information.

LEG. CARACCIOLO:

Okay. Have you looked at this new resolution?

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

Because under our six month rule, the previous resolution expired.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

Maybe I'll address this to Christine. Christine -- let me just pull my copy of up real quick.

DIRECTOR ISLES:

While you're pulling that up, I do want to make the point, too, that this does require CEQ in the new resolution.

LEG. CARACCIOLO:

I'm sorry?

DIRECTOR ISLES:

This new resolution does require review by CEQ.

LEG. CARACCIOLO:

Okay, which it does not currently have?

DIRECTOR ISLES:

No, we just --

LEG. CARACCIOLO:

All right. Then I'll make a motion to table pending review by CEQ.

69

LEG. FIELDS:

I will second the motion.

CHAIRMAN BISHOP:

What hasn't happened?

LEG. CARACCIOLO:

CEQ, it hasn't been to CEQ.

CHAIRMAN BISHOP:

Oh, so it's not eligible for a vote?

DIRECTOR ISLES:

This is a new resolution so it would have to go to CEQ.

LEG. CARACCIOLO:

Okay. Then I'll just make a motion to table and conclude my comments at this time.

DIRECTOR ISLES:

Because it's an authorization to acquire, it's not a planning steps.

LEG. CARACCIOLO:

Right.

CHAIRMAN BISHOP:

Okay.

LEG. CARACCIOLO:

All right, Mr. Chairman?

CHAIRMAN BISHOP:

Counsel, is that correct that this is not eligible?

MR. SABATINO:

Yeah, I didn't realize it had not gone to CEQ. I accept the statement as being true, if it's not been before CEQ it has to be tabled.

LEG. CARACCIOLO:

Okay. Motion.

CHAIRMAN BISHOP:

So it goes to CEQ when?

DIRECTOR ISLES:

It would probably be in the May meeting.

LEG. FIELDS:

They meet this Wednesday.

DIRECTOR ISLES:

They meet this Wednesday.

MR. SABATINO:

Yeah, it should be tomorrow.

70

CHAIRMAN BISHOP:

Is this on the agenda for that meeting?

DIRECTOR ISLES:

No, it is not.

LEG. FIELDS:

No.

CHAIRMAN BISHOP:

Well, why wouldn't it be on the agenda if it's a filed resolution?

LEG. CARACCIOLO:

Mr. Bagg?

DIRECTOR ISLES:

Because it just got filed I think at the last Legislative meeting.

LEG. CARACCIOLO:

That's correct.

CHAIRMAN BISHOP:

Right, but don't they pick up the packet of resolutions?

DIRECTOR ISLES:

Yes, they do. Typically the sponsor would handle the SEQRA preparation.

CHAIRMAN BISHOP:

I'm not the sponsor; Legislator Caracciolo claims I'm the sponsor.

DIRECTOR ISLES:

We're more than happy to cooperate.

LEG. CARACCIOLO:

No, you're the resurrector, that's what you are.

CHAIRMAN BISHOP:

Correct.

LEG. CARACCIOLO:

You're the facilitator.

MR. BAGG:

That's correct. In this particular instance, the initiating unit is responsible for filling out the EAF and transmitting it to CEQ. And I believe this is a Legislative resolution?

LEG. CARACCIOLO:

Correct, Legislator Tonna.

MR. BAGG:

Sometimes when the Planning Commission has been authorized to do the planning steps, then we do the environmental review.

71

CHAIRMAN BISHOP:

This is not a new resolution, though, and this is not a matter that -- I'm sure CEQ has already --

LEG. FIELDS:

It is.

CHAIRMAN BISHOP:

No, it's not. It's a refile of a previous resolution that CEQ I'm sure acted upon.

LEG. CARACCIOLO:

Did you act on it previously, Jim?

MR. BAGG:

The name doesn't ring a bell, I'd have to look at the records to find out if it was.

LEG. CARACCILO:

Okay, if you could review your record.

CHAIRMAN BISHOP:

Now, let me ask Counsel, Mr. Isles and all the assembled minds here; if CEQ has previous -- if it's the very same resolution, if the only thing adjusted is dollar amounts but if the boundaries of the parcel are the same --

MR. SABATINO:

If it's the -- if it's the exact same proposal and it's got the review that was done then it would be eligible. But I think the statement --

CHAIRMAN BISHOP:

Okay.

MR. SABATINO:

-- was that it's never gotten a review which I wasn't aware of that, that was a surprise to me.

CHAIRMAN BISHOP:

Right. But it would be highly -- well --

LEG. FIELDS:

Dave, may I?

CHAIRMAN BISHOP:

Yes, you may.

LEG. FIELDS:

If there was a planning step that would be different, but this is not a planning, this is to acquire the property. So now because it's to acquire it, I believe it has to go to CEQ.

MR. SABATINO:

That's correct, but the approving -- the authorizing legislation died last year, so it's been filed once before. I was just surprised to hear

that it hadn't -- even that resolution which is identical to this resolution hadn't gotten the --

CHAIRMAN BISHOP:

Let me ask you something. That answer that you just -- that statement she made and your answer doesn't strike me as accurate. In other words --

MR. SABATINO:

This is identical to the resolution.

CHAIRMAN BISHOP:

-- a bill is filed to do planning steps on Parcel A, it goes to CEQ.

LEG. CARACCIOLO:

It didn't.

CHAIRMAN BISHOP:

CEQ -- I'm just giving a hypothetical, everybody relax. CEQ says, "Yes, Parcel A has such and such an impact," whatever they do there. It comes to the Legislature, the Legislature approves the planning steps resolution. Real Estate goes out, they appraise, they make a preliminary offer, it comes back to the Legislature for approval; that has to go back to CEQ again?

MR. SABATINO:

Absolutely. Legislator Fields was correct on that point because SEQRA requires every discreet action to be reviewed.

CHAIRMAN BISHOP:

For what conceivable reason would it need to go back to CEQ a second time?

MR. SABATINO:

Because planning steps are not the same as actual acquisition. Planning steps are ordering a survey, ordering an appraisal --

CHAIRMAN BISHOP:

Making an offer, making an offer as part of planning steps.

MR. SABATINO:

-- and making an offer. And under SEQRA, each individual action that you take has to be reviewed; it's the State Statute, you have to review actions. Planning is not the same as going out and physically acquiring.

CHAIRMAN BISHOP:

Mr. Proios, is that correct? I just can't -- saying it's SEQRA doesn't --

DIRECTOR ISLES:

Mr. Bagg can add to this, too.

MR. BAGG:

Basically, when an action comes before the CEQ they make a recommendation. A type II Action for planning, that means you are not taking or approving a discreet action of acquisition, you're simply doing planning, you may never proceed further; at that point in time, that is a

Type II Action, no further environmental review. If you acquire property, that is SEQRAable action, it is either an Unlisted Action or a Type I Action requiring the preparation and EAF at that time of acquisition.

CHAIRMAN BISHOP:

Let me ask you this. So wouldn't the solution be for a more efficient process to have a SEQRA resolution in the beginning that says for planning and acquisition?

LEG. FIELDS:

No.

CHAIRMAN BISHOP:

Because you would want the environmental issues considered up front, not at the very end of the process.

LEG. FIELDS:

It wasn't a planning and acquisition resolution.

CHAIRMAN BISHOP:

I understand it wasn't, I'm saying in the future wouldn't that be the more efficient way to handle it, the better legal way to handle it?

MR. SABATINO:

The problem is you legally can't do it. One of the reasons that Suffolk County has been so successful as opposed to other municipalities is because we really do have a formal SEQRA process, we have a Statute, we follow our procedures, we follow the State Statute and for the most part we've been substantially successful over the years in withstanding challenges on SEQRA. You try to cut corners or streamline or consolidate, that's when you get in trouble. Just look to our neighbor to the west, they lose SEQRA cases, we don't.

CHAIRMAN BISHOP:

But the process has a step that is completely meaningless because the first step is to consider the environmental impact of planning and the answer is always, "Well, there's no environmental impact of planning, you're just looking." And the SEQRA process is designed to have a meaningful consideration of the environmental impact of proposed actions, so you would want that in the beginning of the process, not at the end. But if that's the interpretation that is in effect, so be it, but it points to an inefficiency in the process.

LEG. FIELDS:

Motion.

CHAIRMAN BISHOP:

In any case, this has to be tabled, as pointed out. Motion to table by Legislator Fields, second by myself. And we will take it up -- will it be on tomorrow's SEQRA agenda than, CEQ agenda?

DIRECTOR ISLES:

No, it will be on the May agenda.

CHAIRMAN BISHOP:

You can't get it on to tomorrow's agenda?

74

DIRECTOR ISLES:

Well, they usually require a two week lead time to give them a chance to look at the sites and so forth.

LEG. FIELDS:

It also -- we get the material a couple of weeks beforehand so we can review it rather than wait until the meeting.

CHAIRMAN BISHOP:

It will be on the May agenda which which moves this bill's consideration until when; when is the May meeting of CEQ?

MR. SABATINO:

That would be May 15th.

CHAIRMAN BISHOP:

May 15th --

MR. SABATINO:

We meet on May 13th, they'll be meeting on the 15th.

CHAIRMAN BISHOP:

So that means we can't meet on this until June.

MR. SABATINO:

That means it will be eligible at the June 10th meeting.

CHAIRMAN BISHOP:

And that's a process that all of you endorsed, you think that's a good process.

LEG. FISHER:

Can we add it to their agenda?

LEG. FIELDS:

The CEQ meeting is May 21st; CEQ is May 21st.

MR. SABATINO:

That's even worst then, I thought they met the middle Wednesday but they don't.

DIRECTOR ISLES:

It's the third Wednesday of the month.

LEG. FISHER:

Can it be added to their agenda for Wednesday?

LEG. FIELDS:

We don't have the time to review it.

CHAIRMAN BISHOP:

But review it -- you had it. This bill was previously before them, it's just a refiled bill is the point that --

DIRECTOR ISLES:

This bill was approved originally on the old Drinking Water Program in

75

July of 2000 which was a programmatic SEQRA Review of the entire program is what happened. So that's how it came in originally.

CHAIRMAN BISHOP:

Yeah, it was part of the programmatic -- so that doesn't have meaning if it was part of the programmatic; it needs a separate one now?

DIRECTOR ISLES:

This is a different program now.

CHAIRMAN BISHOP:

The vote's been taken, it's tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley). I'm extremely disappointed to learn of this process.

All right, 1232-03 is authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Active Parklands at Belleview Avenue, Center Moriches, Town of Brookhaven) for use by Ketcham Inn's Visitor's Center (Towle).

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Does this have CEQ?

LEG. FIELDS:

This was recommitted, right?

DIRECTOR ISLES:

This is 1232?

CHAIRMAN BISHOP:

Yes.

DIRECTOR ISLES:

Okay, this is planning steps, number one. Number two, this is the one that was talked about earlier on -- this was an authorization to acquire in the year 2001, we are in contract to purchase this property at the present time.

CHAIRMAN BISHOP:

But you had CEQ on a different program, you didn't have it on this program, did you?

LEG. GULDI:

It's still acquisition.

DIRECTOR ISLES:

We had it under Greenways, right.

CHAIRMAN BISHOP:

Right. So now you've got to table this. Motion to table.

LEG. CARACCIOLO:

Second.

76

LEG. GULDI:

Oh, no you don't have to table this.

CHAIRMAN BISHOP:

Sure you do, it's a different program.

LEG. GULDI:

No, it's still an acquisition. There's a difference between planning versus acquisition versus acquisition versus acquisition.

LEG. FISHER:

It's planning steps.

LEG. GULDI:

And this is planning steps for acquisition on the -- it's previously been before CEQ and done.

LEG. CARACCIOLO:

Do you have an aerial on this, Tom?

DIRECTOR ISLES:

Yes.

MS. FISCHER:

It's in your packet.

CHAIRMAN BISHOP:

Counsel, let's get to the threshold question; is this eligible?

MR. SABATINO:

The previous resolution is being repealed in this resolution and that was an acquisition. So this is a planning steps resolution which has to get the SEQRA review, just like all the other bills. So if it hasn't gotten the SEQRA review, you're back to the drawing board.

CHAIRMAN BISHOP:

Motion to table.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

All in favor? Opposed?

LEG. GULDI:

Hold on.

DIRECTOR COSTIGAN:

Do you anticipate that we're going to reappraise this and do all the work all over again?

CHAIRMAN BISHOP:

No.

77

DIRECTOR COSTIGAN:

But you've repealed the -- by this you repeal the resolution under which we did all that work. So we'll --

LEG. GULDI:

The sponsor can change the bill to obviate that necessity.

DIRECTOR COSTIGAN:

We'll revive it somehow.

LEG. GULDI:

Point of information. Counsel, on this SEQRA argument, this parcel has been previously approved and SEQRA'd for acquisition.

CHAIRMAN BISHOP:

That's what I was saying.

LEG. GULDI:

Counsel? So now you're saying we have to do it again because we're going to acquire it -- instead of for acquisition, we're going to do it under Multifaceted, that requires a SEQRA determination and why?

MR. SABATINO:

No, every -- this is not revelation, okay. Every --

LEG. GULDI:

My question is simple.

MR. SABATINO:

It's a simple answer. Every piece of County legislation has to get a SEQRA review.

LEG. GULDI:

All right. What's --

MR. SABATINO:

If it has not gone before CEQ, just to get whatever their preliminary recommendation is, not because they control the process, but if you don't get at least that preliminary they said something about it, you can't act.

LEG. GULDI:

Yes, but they have already reviewed the acquisition of this parcel. The only thing that's different is which -- excuse me.

CHAIRMAN BISHOP:

(Inaudible).

LEG. GULDI:

Mr. Chairman, do I have the floor?

CHAIRMAN BISHOP:

Yeah, I'm agreeing with you.

78

LEG. GULDI:

The only thing that's different is which bank account we're going to pay for the acquisition out of; how is that SEQRAable?

MR. SABATINO:

This is not changing -- this legislation is not changing the bank account. This legislation is changing the -- this legislation is changing the goal and the objective of what's being performed. The original bill talked about I think it was a football field or a soccer field, this legislation wants to convert it from the football field or the soccer field to a visitor's center. So it has nothing to do with funding, it's all about what the scope of activity or what the proposed activity on the

property is going to be.

CHAIRMAN BISHOP:
Okay.

LEG. CARACCIOLO:
It's consistent.

CHAIRMAN BISHOP:
That's tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).
That can't be on the agenda also for the next SEQRA meeting, right?
That's got to go until June now.

LEG. FIELDS:
That's correct.

DIRECTOR ISLES:
It can be on for the May meeting of the CEQ, yeah.

CHAIRMAN BISHOP:
Wonderful.

DIRECTOR ISLES:
This is only planning steps.

LEG. GULDI:
Point of information. 1232, you said the parcel is under contract; what's drop dead date on our contract?

DIRECTOR COSTIGAN:
It doesn't have a drop dead date.

CHAIRMAN BISHOP:
Okay. 1240-03 - Making a SEQRA determination in connection with the proposed dog run at Coindre Hall, Town of Huntington (Presiding Officer Postal). Motion to approve.

LEG. FISHER:
Second

LEG. GULDI:
Can we do this?

79

CHAIRMAN BISHOP:
We can do this, right?

LEG. FIELDS:
Yes.

CHAIRMAN BISHOP:

All in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BISHOP:

Legislator Caracciolo is opposed. Approved (VOTE: 4-1-0-1 Opposed: Legislator Caracciolo - Not Present: Legislator Haley).

CHAIRMAN BISHOP:

1243-03 - Approving acquisition under Suffolk County Multifaceted Land Preservation Program for State II Active Parklands (Holbrook Road/LAAM Property in Centereach) Town of Brookhaven (Caracappa).

DIRECTOR ISLES:

This was a resolution previously approved last year under the name of Matrix Realty. The Real Estate Division has completed an appraisal of the property. We will point out, however, that the property has gone through a change in ownership. In February of this year, the Real Estate Division -- certainly Christine Costigan can speak on this -- has sent out a letter to the new owner to see if they're interested in selling to the County of Suffolk; to my knowledge, we have not received a reply. I will also tell you, too, that it does need Parks Trustees, CEQ and an agreement with either a town or civic organization under the Active Parklands Program.

LEG. FISHER:

So we need to table it.

DIRECTOR ISLES:

We would recommend tabling.

CHAIRMAN BISHOP:

You should lead with that so we don't have to --

LEG. FISHER:

Motion to table.

LEG. CARACCIOLO:

Whose the new owner? Christine, what's the name of the new owner?

DIRECTOR COSTIGAN:

We don't know.

CHAIRMAN BISHOP:

Motion to table by Legislator Caracciolo, second.

DIRECTOR COSTIGAN:

We sent a letter to the person whom we believe is the owner but we don't have it confirmed yet.

CHAIRMAN BISHOP:

All right, that's tabled (VOTE: 5-0-0-2 Not Present:

1244-03 - Authorizing conveyance of Oak Beach Inn parcel to Town of Babylon (Section 72-h, General Municipal Law) (Bishop). Motion to table by myself, second by Legislator Caracciolo. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

1246-03 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property Gabby Lane) Town of Southampton (Guldi).

LEG. GULDI:

Motion to table by myself.

LEG. FIELDS:

Second.

CHAIRMAN BISHOP:

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

1252-03 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Mediavilla Property) Town of Huntington (Binder). Is this eligible before we discuss the merits?

DIRECTOR ISLES:

Well, it's only planning steps so it's not an authorization so we would not -- you know, prior to authorization, CEQ would have to look at it. So it's -- I don't think there would be any holdup for SEQRA purposes at this time.

LEG. FIELDS:

Is this for -- what do they want to do with this land when they --

CHAIRMAN BISHOP:

Mr. Bagg, could you step forward, because I'm going to make a request also. Do you get this agenda in advance?

MR. BAGG:

Yes. Basically all the planning steps resolutions will be on CEQ's agenda this Wednesday and probably will be considered for recommendation for Type II Actions.

CHAIRMAN BISHOP:

Okay. Do you get this agenda?

MR. BAGG:
Your agenda?

CHAIRMAN BISHOP:
Yes.

81

MR. BAGG:
Yes.

CHAIRMAN BISHOP:
You're the liaison to this committee, right; that's part of your job description?

MR. BAGG:
That's correct.

CHAIRMAN BISHOP:
Is it possible to get us the status of every one of these resolutions prior so we can communicate it to the sponsor? Because apparently it's your belief that the sponsors are supposed to walk these things through SEQRA and I'm sure the sponsors think that CEQ is a self-executing process.

MR. BAGG:
The Charter Law and the County Code require the initiating unit to submit the environmentals and the EAF to the CEQ.

CHAIRMAN BISHOP:
Right. I don't know what that means, but yes. Can you tell us what the SEQRA --

LEG. FISHER:
You always sign it, Meghan comes around and you sign it.

CHAIRMAN BISHOP:
I know, I'm being flippant.

LEG. GULDI:
Are you? I never would have guessed.

CHAIRMAN BISHOP:
Can you -- when you get this agenda, could you notify us which --

LEG. GULDI:
Could you do our work for us?

CHAIRMAN BISHOP:

I don't think that's -- that's his job, he's the liaison from SEQRA.

DIRECTOR ISLES:

What would you like exactly, just to notify of what has to be done in each of the ones in terms of SEQRA?

CHAIRMAN BISHOP:

Yes, yes. Because that's -- I think it's particularly frustrating that people can't even get on to the next agenda of CEQ. You know, the resolutions are ready --

MS. FISCHER:

Planning steps wouldn't require

82

MR. BAGG:

All of these resolutions are on CEQ's agenda for this Wednesday.

LEG. FISHER:

They are.

MR. BAGG:

Yes, they are.

CHAIRMAN BISHOP:

We just did two earlier that are not going in 'til May.

MR. SABATINO:

If I could just make an observation.

LEG. FISHER:

Jim, I'm confused. You had said that they weren't going in 'til May, you said they are?

MR. BAGG:

They will be before the CEQ this Wednesday, but where no EAF has been submitted on a property acquisition, the Council is going to make a recommended recommendation that it's an Unlisted or a Type I Action requiring the EAF be submitted to CEQ at that time. The ones that are clearly Type II Action, they will make that recommendation before the Legislature which means no further environmental review necessary at that time.

LEG. FISHER:

But there's nothing to make us think that there hasn't been an EAF. On 1228, for example, you probably will be able to act on that, right; probably Paul Tonna has signed --

MR. BAGG:

No, that's an authorization for acquisition and nobody has ever sent an EAF to CEQ. I mean, it's been around for years but nobody has ever submitted the project before CEQ.

LEG. FISHER:

And 1232, no one has done for that either?

LEG. GULDI:

1232 has been done under another program.

MR. BAGG:

Ketcham's Inn I believe has been submitted to CEQ. Now, whether it was for ball fields or whether it was for the visitor's center, I will pull the file and we will make a determination but it may have been reviewed, that one may have.

CHAIRMAN BISHOP:

Okay. Is my request, is it intelligible and can it be accomplished?

MR. BAGG:

Sure, we'll try to accommodate you.

83

CHAIRMAN BISHOP:

What?

MR. BAGG:

We will make every effort to accommodate you.

CHAIRMAN BISHOP:

And I think you need some lead time so you need two or three days.

MR. BAGG:

We would appreciate it.

MR. SABATINO:

Also, just a quick observation, just real quickly. One of the reasons why it's a little bit jammed today is because this committee cycle is occurring sooner than it normally would. Ordinarily this committee cycle would have occurred the week of the 21st in which case CEQ would have met the Wednesday before, you'd have all this information on that particular Monday, but because of the holiday coming up it's just an unusual cycle. So don't think the system is totally not working, it's just an awkward calendar week.

CHAIRMAN BISHOP:

Mostly not working.

MS. SQUIRES:

Joy Squires, Town of Huntington. You can all jump all over me but could I propose something? And Legislator Fields, you can jump all over me and Jim Bagg can jump all over me, be we could -- I guarantee you Margo Miles could pull together over night what is needed for a SEQRA determination on Wednesday morning. I do attend CEQ. I'm on Camelot, I'm on 1228.

CHAIRMAN BISHOP:

Yes, we know.

MS. SQUIRES:

That means of course that CEQ members would not get the information in a timely fashion, but I know that we could do it.

CHAIRMAN BISHOP:

Why don't you --

LEG. FISHER:

Joy, that's what I suggested earlier, that we could pull it together and have it by Wednesday.

CHAIRMAN BISHOP:

And the same thing with -- I don't know if you can gate crash.

MS. SQUIRES:

But CEQ would have to accept that.

CHAIRMAN BISHOP:

Right. But what I'm suggesting is why don't you pull it together, go there and see if they'll accept it.

84

LEG. GULDI:

It's a relative no brainer.

CHAIRMAN BISHOP:

That's what you'll need to do; do you understand?

MS. SQUIRES:

Yes, we can do that.

CHAIRMAN BISHOP:

Okay. And I think Mr. Doyle can do that for Legislator Towle.

MR. SABATINO:

I did it once.

CHAIRMAN BISHOP:

Okay, precedent has been set. Thank you.

DIRECTOR ISLES:

Legislator Towle's is a planning steps, that's not as critical.

CHAIRMAN BISHOP:

All right. You know, I was all proud that I was running this meeting so well and it's completely broken down now.

1246 is authorizing steps for acquisition --

LEG. GULDI:

Table this.

CHAIRMAN BISHOP:

Motion to table, second. All those in favor? Opposed? 1246 is tabled.

1252, Mediavilla -- this is what we were on, weren't we?

DIRECTOR ISLES:

Yes.

LEG. GULDI:

That's what we were on, but the question is where were you?

CHAIRMAN BISHOP:

I was behind the times. So Mediavilla, is that eligible?

DIRECTOR ISLES:

It's only planning steps, so it's not an authorization to acquire.

LEG. GULDI:

Well, how can -- if that planning step is eligible for a vote without SEQRA, why was not 1232?

MR. SABATINO:

They're all in the same category. Let me just reiterate what I said before. If this would have been a normal cycle we would be here on Monday the 21st, we would be hearing that CEQ had done its preliminary review, there would be no problem because the right SEQRA clause is in the

85

resolution. Unfortunately, this one technical point of CEQ meeting hasn't occurred.

CHAIRMAN BISHOP:

So it renders this meeting completely --

MR. SABATINO:

You just have to wait. It's an unusual cycle.

LEG. GULDI:

Would they be subject -- will any of these be dischargeable after CEQ meets and eligible on Tuesday?

MR. SABATINO:

They will be if you get -- on the planning steps they will be if you get a list that they didn't require you to go to the next level of an EAF, if somebody can generate that list.

LEG. GULDI:

Fine. So could -- Mr. Bagg, could you provide us with the results of what CEQ does on the planning steps and, Mr. Chairman, could you prepare an Omnibus discharge motion for those planning steps that are being tabled here solely because of SEQRA eligibility? So that we can take them up on the 29th?

CHAIRMAN BISHOP:

How do we do that; what's the motion?

LEG. GULDI:

It's not a motion.

CHAIRMAN BISHOP:

It's a discharge petition.

LEG. GULDI:

It will be a discharge petition because we won't be at a meeting.

CHAIRMAN BISHOP:

We'll try to discharge it on the floor, we'll see.

LEG. FISHER:

Motion to table.

CHAIRMAN BISHOP:

In the meantime, we've got to table. Motion to table by myself, second by Legislator Fisher. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

86

1253-03 - Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property of Stiber) Town of Shelter Island (Caracciolo). Same thing, right? Land at Shelter Island, Property of Stiber?

LEG. CARACCIOLO:

If it's the same thing it gets tabled.

MR. SABATINO:

It's the same thing, they're all -- this whole package happens to just being that unusual cycle.

CHAIRMAN BISHOP:

Table.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

1253 is tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

1264-03 -- okay, this is something we can deal with -- approving the reappointment of Richard M. O'Dea as a member of the Suffolk County Planning Commission representing Town of Riverhead (County Executive).

LEG. CARACCIOLO:

Question.

LEG. FIELDS:

I have a question; where's the backup?

LEG. CARACCIOLO:

It's a reappointment.

LEG. FIELDS:

I don't care. Where's the resume?

CHAIRMAN BISHOP:

Legislator Caracciolo, it's your district.

LEG. CARACCIOLO:

My question, Mr. Isles, as the Chair, is what is his attendance record?

DIRECTOR ISLES:

I don't have that with me, I can just note that he does seem to attend most of the meetings.

LEG. CARACCIOLO:

I'll make a motion to table and whatever information you require --

CHAIRMAN BISHOP:

Is his term --

LEG. FIELDS:

May I?

CHAIRMAN BISHOP:

The tabling is not going to --

LEG. CARACCIOLO:

No, he's going to be a holdover.

CHAIRMAN BISHOP:

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

LEG. FIELDS:

May I ask the Chairman --

LEG. CARACCIOLO:

Legislator Fields, yes?

LEG. FIELDS:

May I ask the Chairman --

CHAIRMAN BISHOP:

I'm sorry, yes. I apologize.

LEG. FIELDS:

-- that when -- bless you, whoever that was. May I ask that, first of all, whether this is a reappointment or not --

LEG. CARACCIOLO:

It is.

LEG. FIELDS:

-- there are new people on this committee who may have never met this gentleman in their lives, they know nothing about him.

CHAIRMAN BISHOP:

All right.

LEG. FIELDS:

And perhaps --

CHAIRMAN BISHOP:

So we have a request that he attend. Tom, send a notice to Mr. O'Dea that he needs to attend.

DIRECTOR ISLES:

I think the County Exec's Office is here to note that.

CHAIRMAN BISHOP:

And we need his resume.

1267-03 - Declaring a governmental need for underwater lands located in

Peconic and Gardiners Bays (County Executive). How is this different from the other?

DIRECTOR ISLES:

Well, I think it's similar. You had directed us, the Legislature, in

88

December to come up with a plan for putting together a leasing program and you gave us four months to do it; it's due on April 19th.

CHAIRMAN BISHOP:

Right.

DIRECTOR ISLES:

You will have it on April 19th.

CHAIRMAN BISHOP:

So then table this, right?

DIRECTOR ISLES:

We would recommend or request that you table this one.

CHAIRMAN BISHOP:

Very good. Motion to table by Legislator Fisher, second by myself. Thank you for meeting that time frame. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

LEG. CARACCIOLO:

Mr. Chairman, before we go on, could we just back up? I have a question on 1253. I'm looking at the criteria rating system for open space, Tom, it indicates 15 points; would this acquisition qualify for treatment under one of our other programs like Open Space?

DIRECTOR ISLES:

At this point, we did do a ranking on the information we have available at this time. Here again, the resolution is relatively new, it did not score very high based on the environmental aspects of that parcel itself. Within the vicinity of this site is Fresh Pond and Dickerson's Creek and so forth, but just strictly on what we saw and the information we have now, it was not a strong acquisition. At a County level 5.7 acres, it might be stronger at a local level. If there's further information that anyone has, the town or yourself, Mr. Caracciolo, we will be happy to consider that, but this is what we came up with so far.

LEG. CARACCIOLO:

My question, though, is would it be more suitable under another County acquisition program?

DIRECTOR ISLES:

I don't think so.

LEG. CARACCIOLO:

Okay. I appreciate your candor.

DIRECTOR ISLES:

Thank you.

CHAIRMAN BISHOP:

George, where am I? Since you're -- 1276?

LEG. GULDI:

You're in Hauppauge.

89

CHAIRMAN BISHOP:

1276-03 - Authorizing the acquisition of development rights to farmlands by the County of Suffolk under the Suffolk County Multifaceted Land Preservation Program (County Executive). What is this; this is an Omnibus?

DIRECTOR ISLES:

Yes. Additional farms that are being requested to be included in the program, the properties are identified in the resolution. All of the properties have been reviewed by the Suffolk County Farmland Committee and recommended to you based on their review and ranking that they do.

CHAIRMAN BISHOP:

Now, do these come back for a second vote when you have a deal or this is it?

DIRECTOR ISLES:

This is at. Except as is controlled by Resolution 425 which is now Chapter 712, which is on all procedure of acquisition.

CHAIRMAN BISHOP:

You're speaking like Bagg.

DIRECTOR ISLES:

So if it's over a million dollars at the present time we're required to come back for an authorization to acquire; if it's below that there's another series of steps.

CHAIRMAN BISHOP:

Okay. So it's the same rules as the land acquisition outright with farmland development, so if it's over a million it will come back.

LEG. CARACCIOLO:

Motion to approve.

LEG. GULDI:
Second.

MR. SABATINO:
The only other quick question, though, is we haven't appropriated any money for the Multifaceted for this year, so are we -- do we still have enough left from the appropriation in the year 2002 to cover these? That was the only concern I had because I know we haven't appropriated the 2003 portions.

DIRECTOR ISLES:
We've got a balance right now of --

LEG. GULDI:
You have a balance now and if you need more money you'll come ask for more money --

DIRECTOR ISLES:
Right, yes.

90

LEG. GULDI:
-- when you run out of money.

DIRECTOR ISLES:
We've got a pretty high balance like, ten million right now.

LEG. CARACCILO:
So the answer is yes.

DIRECTOR ISLES:
Yes.

DIRECTOR COSTIGAN:
We have an adequate balance to proceed.

LEG. CARACCILO:
Motion.

CHAIRMAN BISHOP:
Does this have SEQRA?

DIRECTOR ISLES:
Yes.

CHAIRMAN BISHOP:
The question of the day.

DIRECTOR ISLES:

Yes. The Farm Program was done as a programmatic SEQRA review in the beginning of the program, fortunately.

CHAIRMAN BISHOP:

That's what we need.

LEG. FISHER:

Which town is ten, Tom?

CHAIRMAN BISHOP:

We need a programmatic SEQRA review of all resolutions.

DIRECTOR ISLES:

The number of 1000.

LEG. GULDI:

Southold.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? 1276 is approved (VOTE: 5-0-0-1 Not Present: Legislator Haley).

1277-03 - Authorizing the acquisition of development rights to farmlands by the County of Suffolk under 1/4% Drinking Water Protection Program (County Executive).

91

LEG. CARACCIOLO:

I have a question.

CHAIRMAN BISHOP:

So land Preservation I assume has a town match and these are a hundred percent; is that correct?

DIRECTOR ISLES:

Multifaceted and Quarter Percent Drinking Water do not in the legislation require a local match, they can be but they don't require it.

LEG. CARACCIOLO:

I thought this is the original County Farmland Preservation Program.

LEG. GULDI:

That's correct.

LEG. CARACCIOLO:

The question I have, Mr. Isles, is on Exhibit A I note under the entity of Manor Lane LLC, could you tell me if that's a typographical error, or

is that the right party there?

DIRECTOR ISLES:
Is that the right what?

LEG. CARACCIOLO:
The right spelling for -- is it Caracciolo or is it --

MR. BURKE:
It's probably a typo.

LEG. CARACCIOLO:
Yeah, that's Lou Caracciolo in Shade Tree Nursery?

MR. BURKE:
I believe so.

LEG. CARACCIOLO:
No relation, for the record.

MR. BURKE:
That's the property on Wading River Road.

LEG. GULDI:
They'd be the Caracciolo's who own land.

LEG. CARACCIOLO:
The land barrens. Am I right about that?

MR. BURKE:
You are correct.

LEG. CARACCIOLO:
Okay. Shade Tree, beautiful nursery. Great people, great business. The next one under that is Vernon Wells.

DIRECTOR ISLES:
Right.

LEG. CARACCIOLO:
It's my understanding that Wells is in contract with the Town of Riverhead; in fact, they're closing tomorrow. So in essence, it's on our list. For some reason, if they don't do business with the town, we would be in the position to do so.

DIRECTOR ISLES:
Right.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

Motion and a second. All in favor? Opposed? It is approved
(VOTE: 5-0-0-1 Not Present: Legislator Haley).

1279-03 - Authorizing acquisition of land under the New Suffolk County
Drinking Water Protection Program (Duke Property - Town of East Hampton
(County Executive).

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Counsel, I just want to ask a couple of technical questions. If this
resolution were to be approved and since the County contribution as
currently envisioned in the resolution -- no, not since the County
contribution, since the resolution contemplates a purchase at an amount
greater than the mean of the two appraisals, this requires a two-thirds
vote of the Legislature?

MR. SABATINO:

Correct, that would require a two-thirds vote with an articulation
of --

CHAIRMAN BISHOP:

But it only requires a majority vote of this committee.

MR. SABATINO:

This committee it's only a majority vote. And just one other technical
point is the resolution needs to appropriate the dollar amount because
this is coming out of the Quarter Percent. Like the previous one, 1277
we just voted on, it did an appropriation but this one is lacking that
clause. There's enough time to get it done because the corrected copy
deadline is the 21st, but you need to appropriate the dollar amount
that's going to be allocated.

LEG. GULDI:

Well, it's the County Exec's resolution, but add me as a cosponsor and
please get the necessary changes from Counsel so that we have it ready
for a vote on the 29th.

DIRECTOR ISLES:

I'll check with our Budget Office on that, too.

CHAIRMAN BISHOP:

Maybe you know different, but that's what we're told.

LEG. FISHER:

I have a question. Christine, I'm looking at the appraisal review and the two appraisals do differ by about \$2 million; actually exactly \$2 million. And here under the appraisal reviewer's comments it says that the higher appraisal was actually based on a ten lot yield which is counter intuitive, it would seem to me. And further, it says on page two -- page three -- since you made a motion this might be interesting to you where it says here in the appraisal review that, "The appraisal by Clark and Marshall is unacceptable since, as earlier noted, the Town Director of Planning at the present is comfortable with the probability of twelve lots." Can you comment on this report by your appraisal review?

DIRECTOR COSTIGAN:

You raise two different points.

LEG. FISHER:

Okay, yes.

DIRECTOR COSTIGAN:

On the first point, the -- we have met which is reflected, in fact, in the review with the town and confirm that the correct yield is 12 and that's right that the minimum of 12 and the appraisal to which you're referring speaks of 10. There is not a linear relationship, however. When you say it's counterintuitive, it isn't actually. I mean, it may not be that a larger lot is -- pardon me.

LEG. FISHER:

The larger yield.

DIRECTOR COSTIGAN:

The larger lot may disproportionately be more valuable. I mean, I don't think you can go in lock step of lot time, you know, an amount gives you the yield.

LEG. FISHER:

Right.

DIRECTOR COSTIGAN:

So I would -- I don't think that's pertinent, frankly, that it's a smaller yield with a higher number.

The comment thrown in by the reviewer, the reviewer did not reject the appraisal; the appraisal was ultimately approved. The comment of its being unacceptable as to that point is just one in many comments, but the appraisal was not rejected.

LEG. FISHER:

Okay. However, earlier we had a discussion when the town was here, we discussed if we were willing to go to the mean, to half of the mean,

would they be willing to makeup the difference and I don't believe the

94

town was prepared to give us a response to that. So I'm going to make a motion to table.

DIRECTOR COSTIGAN:

I think the town --

CHAIRMAN BISHOP:

Legislator Fisher, the Town Supervisor said yes to that.

DIRECTOR COSTIGAN:

Quite affirmatively yes.

LEG. FISHER:

No. Actually, you didn't give him the right number, though.

CHAIRMAN BISHOP:

Right. What is --

LEG. FISHER:

Because he would have had to --

CHAIRMAN BISHOP:

And Councilman Stewart --

LEG. GULDI:

Councilman Potter is still here.

LEG. FISHER:

Okay. Because the numbers were that we would have to come up with half which would be 5.8, but the difference between where we were and where we were trying to get was 400,000; is that correct?

MS. BURKHARDT:

Correct

CHAIRMAN BISHOP:

So we did have the right numbers because that's what we told them.

DIRECTOR COSTIGAN:

I think it was stated two different ways, in fairness. We said if we only contribute 5.8 will you contribute the rest, he said yes. And then at some point Mr. Bishop said 200,000 which would be the difference in our amount and he said yes. So --

CHAIRMAN BISHOP:

Right.

LEG. FISHER:

That's what I'm saying.

DIRECTOR COSTIGAN:

Everybody concerned is correct.

LEG. FISHER:

Mr. Bishop did say 200,000.

95

CHAIRMAN BISHOP:

First of all, there's a rule against pointing out my errors here.

DIRECTOR COSTIGAN:

But he also said if we contribute 5.8 would you contribute the rest.

LEG. FISHER:

Councilman Potter?

COUNCILMAN POTTER:

Because we had a bipartisan group of Town Board members here, the Supervisor and myself, and I serve as the liaison for open space for the board, I don't have a resolution in my hand but I can tell you with all the assurance that I can bring to it that the Town Board would be grateful to have your --

CHAIRMAN BISHOP:

Five eight.

COUNCILMAN POTTER:

-- contribution and 200,000 or even 400 if necessary, we would be prepared to add that.

CHAIRMAN BISHOP:

So if we did 5.8, you would do 6.2 is likely.

COUNCILMAN POTTER:

We would be happy to, yes.

CHAIRMAN BISHOP:

Okay. And I think that's the consensus because you know the background.

LEG. GULDI:

Okay.

LEG. FIELDS:

And we can just get the corrected copy.

CHAIRMAN BISHOP:

Right. So I will make a motion to discharge without recommendation. I will file -- it's not my bill, though; who's bill?

LEG. GULDI:

It's not your bill. It's the County Exec's bill, I'm a cosponsor, the County Exec has to file the change.

CHAIRMAN BISHOP:

You'll do that?

LEG. FISHER:

Well, do we want to table it until we have a resolution?

CHAIRMAN BISHOP:

What we're proposing to do is discharge without recommendation, but since it's the Executive's bill you have to take -- you have to communicate

96

with the Presiding Officer; I assume she's the lead sponsor at your request.

DIRECTOR ISLES:

We would just run it by the Budget Office.

CHAIRMAN BISHOP:

And she's represented here.

MR. SABATINO:

There's another technical point which is that there's a Town Board Resolution 742 that was adopted based on a 50% share. I think if they're going to go to 50% plus, they probably have enough time if they meet on the 21st, we're meeting on the 29th, to do an amendment to their resolution. Because otherwise right now it's 50/50 but it's really going to be 50 plus four. But fortunately with the calendar, I think we have enough time to get all these things done, but that's the second point that should be accomplished.

CHAIRMAN BISHOP:

This has SEQRA?

DIRECTOR ISLES:

This is actually -- there's an EAF that has been completed and it's scheduled for CEQ on Wednesday.

CHAIRMAN BISHOP:

Okay.

LEG. CARACCIOLO:

I have a question about the appraisal. I have not seen either the appraisal reports or the review appraisal reports. What method concluded in the evaluation that is under consideration here, what method? What method of appraisal --

DIRECTOR ISLES:

I defer to Real Estate.

DEPUTY DIRECTOR BURKE:

There was actually in the appraisal they considered both methods. My method you mean a subdivision analysis or a sales comparison?

LEG. CARACCIOLO:

Correct.

DEPUTY DIRECTOR BURKE:

Yes, they looked at it under both scenarios.

LEG. CARACCIOLO:

Okay. Just doing the numbers real quick, it looks like about \$201,000 an acre? Fifty-seven acres, is that what we're talking about?

DEPUTY DIRECTOR BURKE:

Fifty-seven acres, right, that's correct.

97

LEG. CARACCIOLO:

All right. Given -- this is Shore Line right around Three Mile Harbor land?

DEPUTY DIRECTOR BURKE:

Fronting on Three Mile Harbor.

LEG. CARACCIOLO:

It just seems, you know, based on the universe we've been dealing with for the last a good few years here, given this location, it sounds like a very modest appraisal. I mean, from your expertise point of view, I mean, is that a fair statement?

DIRECTOR COSTIGAN:

I think it's just a wonderful piece of land. The price seems appropriate.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN BISHOP:

Okay, so that's our motion, discharge without recommendation. We're

directing Counsel and the Presiding Officer as the prime sponsor to reduce the County's contribution to 5.8 and the Town of East Hampton is asked to pass a resolution to reflect those changes. Motion by Legislator Guldi, second by myself. All in favor? Opposed? Okay. Discharged Without Recommendation (VOTE: 5-0-0-1 Not Present: Legislator Haley).

By the way, we still have to pass it with a two-thirds majority, even with that change. Because if the amount -- this is what Counsel communicated to me before. But if the amount is more than the mean value, then it still requires a two-thirds vote of the Legislature.

LEG. FISHER:

Even if we're not paying.

CHAIRMAN BISHOP:

Even if the County taxpayers are not paying it.

LEG. FISHER:

That's interesting.

CHAIRMAN BISHOP:

We're going to run into that with Camelot as well when that comes back to us, so.

Okay. Is that it for the resolutions? We go to the tabled resolutions?

LEG. FISHER:

Well, we have a Sense Resolution.

Sense Resolutions

CHAIRMAN BISHOP:

Oh, a Sense Resolution on the bottle. Sense 25-2003 - Memorializing

98

Resolution requesting the State of New York to extend Beverage Container Deposit/Refund Law (Foley).

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by Legislator Fields. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Haley).

Tabled Resolutions

2051-02 - Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Broadway, Amityville Village (Town of Babylon) (Postal). Motion to table by myself, second by Legislator Fisher. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

2257-02 - Establish Land Development Policy for mixed use Smart Growth in Suffolk County (Bishop). Motion to table by myself, second by Legislator Fields. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

1045-03 - Making a recommendation concerning final scope for the Generic Environmental Impact Statement for Suffolk County Vector Control and Wetlands Management Long-Term Plan (Presiding Officer Postal). Motion to table. We're awaiting information from the Budget Review Office which is going to be arriving when?

MR. CLANCY:

At this time I don't know a specific date, but we will be meeting in the future.

CHAIRMAN BISHOP:

Well, you have -- I would ask that you carry back --

LEG. CARACCIOLO:

I would hope so.

CHAIRMAN BISHOP:

Do you do a memo to your boss or something that the committee is urging you to post-haste, exposfacto and all that?

MR. CLANCY:

The Director understands the need for the report and it is going to be performed shortly.

LEG. FISHER:

Thank you.

CHAIRMAN BISHOP:

Quickly, please.

1074 is -- no, 1067 is the companion, right, Counsel? That's a companion on 1045? Yes, I seem to recall that.

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 (EIS) and creating positions in the Departments of Health Services and Public Works (County Executive).

LEG. FISHER:
Motion to table.

100

CHAIRMAN BISHOP:
Motion to table, Legislator Fisher. Second by myself. All in favor? Opposed? Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

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

LEG. FISHER:
Motion to approve.

LEG. GULDI:
Second.

CHAIRMAN BISHOP:
Motion to approve by Legislator Fisher, second by Legislator Guldi. All in favor? Opposed?

LEG. CARACCIOLO:
Abstain.

CHAIRMAN BISHOP:
Abstention, Legislator Caracciolo. Approved (VOTE: 5-0-0-1 Not Present: Legislator Haley).

1107 --

LEG. CARACCIOLO:
Let me say why, Mr. Chairman.

CHAIRMAN BISHOP:
Oh my goodness gracious.

LEG. CARACCIOLO:
I think the impetus for Legislator Cooper's bill was on target. However, since he initiated this proposal, the Town of Brookhaven I'm told very

soon, if not perhaps very recently, the Town of Southampton and the Town of Riverhead are -- will follow suit. So for those reasons, I'm going to abstain to see if the towns -- town laws do what's necessary here.

CHAIRMAN BISHOP:

1107-03 - Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at 2295 Great Neck Road, Copiague (Town of Babylon) (Postal). This is what you would call a pocket park, it's a small acquisition; it's under Greenways, however, right?

DIRECTOR ISLES:

Uh-huh, yes.

CHAIRMAN BISHOP:

Is it compliant with Greenways, can we move it?

DIRECTOR ISLES:

We have been told by the sponsor that the proposal is a playground, it would appear that that would be active recreation. I don't think we've had any others before. It's a very small parcel so it's a little bit of a

101

departure from our typical active recreation, but at least for planning steps it would appear to be acceptable to go to --

LEG. FISHER:

I'll make a motion.

CHAIRMAN BISHOP:

Okay, planning steps only. Motion by myself, second by Legislator Fisher.

LEG. CARACCIOLO:

On the motion. Do we have an indication from the town that if we are successful beyond planning steps with this acquisition that the Town of Babylon will participate in providing the facilities for this pocket park and what type of facilities are we talking about?

DIRECTOR ISLES:

I think they're talking about a playground, that's what I heard from the sponsor. I'm not aware of a resolution from the town at this point, but we would need it prior to authorization.

CHAIRMAN BISHOP:

Okay. So it's eligible for planning steps but no further.

LEG. GULDI:

Great.

LEG. FIELDS:

No. Is this 1107?

CHAIRMAN BISHOP:

Yes, we're moving it.

LEG. FIELDS:

There's a backup here, "The following resolution was offered by Councilwoman McVeety and seconded by Councilwoman Quirk.

DIRECTOR ISLES:

I stand corrected.

LEG. GULDI:

Okay.

LEG. FIELDS:

It's attached.

LEG. CARACCIOLO:

What are they providing Ginny.

LEG. FIELDS:

Isn't it on yours?

LEG. CARACCIOLO:

I can look. I mean, if you have it in front of you, I would appreciate you telling me what it says.

102

LEG. GULDI:

Read it to him.

LEG. CARACCIOLO:

I can look it up.

CHAIRMAN BISHOP:

They approved it 5-0 and they committed to building a park if we buy the land.

LEG. CARACCIOLO:

Does it say what type of -- I have it. WHEREAS, WHEREAS, "RESOLVED, Town Board of Babylon hereby supports the property located -- that the property owned by -- be made part of a list of sites to be acquired." That's all that resolution does.

MR. SABATINO:

No, this is -- this is not a resolution making the requisite commitment.

LEG. CARACCIOLO:

Right.

MR. SABATINO:

And I spoke to Presiding Officer Postal today, she understands the town has to get a real resolution.

LEG. CARACCIOLO:

Okay, so this is not a real resolution.

CHAIRMAN BISHOP:

But it's still eligible for planning.

LEG. CARACCIOLO:

Yes, and I'll support it for planning steps.

MR. SABATINO:

Absolutely. It's eligible, it's eligible, but they need a binding commitment for the future.

CHAIRMAN BISHOP:

Obviously. Okay, thank you.

LEG. CARACCIOLO:

That was my point.

CHAIRMAN BISHOP:

Thank you, Legislator Caracciolo; point well made. Motion to approve by myself, second by Legislator fields. All in favor? Opposed? Approved (VOTE: 5-0-0-1 Not Present: Legislator Haley).

1112-03 - To establish RFP Committee Process for County Resources Conservation Study (Postal). I'm not familiar with this.

LEG. FIELDS:

Explanation.

103

MR. SABATINO:

Well, the bill is a little bit complicated, but basically it's establishing a five member RFP Committee which is being asked to go out and look for a specialist in the field of research conservation for municipalities that would come up with a five point program. One would be to come up with suggestions on diversifying Long Island's farm industry; number two would be to come up with a program for irrigation systems and pesticide sprayers under New York State contract; the third component would be to come up with a program for using Suffolk County wells for County golf courses and sewage treatment plants; and then the fourth

component would be the installation of water flow meters at County offices; and the last component would be to come up with State, Federal funding for the four points.

CHAIRMAN BISHOP:
For the other four, okay.

LEG. CARACCIOLO:
I have a question.

CHAIRMAN BISHOP:
Is there an objection?

LEG. CARACCIOLO:
Well, the only objection I would make at this point, Mr. Chairman, is I think this is some far -- it has some far reaching consequences, one would hope positive consequences. And since there are a number of interest groups including the Long Island Farm Bureau that could be impacted, I think it would be appropriate --

CHAIRMAN BISHOP:
We'll table it for their comments.

LEG. CARACCIOLO:
Thank you.

CHAIRMAN BISHOP:
All right. Well, who's going to do the outreach, you?

LEG. CARACCIOLO:
Well, I will contact those organizations I think should be notified.

CHAIRMAN BISHOP:
Okay. Thank you, Mr. Vice-Chair.

DIRECTOR ISLES:
I think we have been -- the Health Department and Planning have been requesting a meeting with the sponsor as well to go over it.

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

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

LEG. CARACCIOLO:

On this topic, though, of County environmental acquisition funding. You had shared with me and I put on the record at our last meeting, Ms. Costigan did actually, what the numbers are; could you quickly recap what the numbers -- what we currently have as fund balances? Because we have a lot of money.

CHAIRMAN BISHOP:

Michael, I really have to leave so I'm going to ask that we just do the last vote and then you can go forward, because this can be lengthy.

LEG. CARACCIOLO:

Okay, good. Thank you.

CHAIRMAN BISHOP:

Let's do 1184 which is the Greenways Infrastructure improvements Fund Grant for Miller Place Property in the Town of Brookhaven (Haley). Is that eligible, Counsel?

MR. SABATINO:

No.

CHAIRMAN BISHOP:

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

1204 -03 - Authorizing land acquisition under pay-as-you-go 1/4% Taxpayer Protection Program land of Peat Hole Pond Property, Town of Brookhaven, Suffolk County Tax Map No. 0202.011.00-0300.009.000 and Suffolk County Tax Map No. 0200-011.00-05.00-010.000) (Towle).

MR. SABATINO:

This is eligible, it appropriates the actual County portion for the acquisition.

LEG. GULDI:

Is it ready to go?

DIRECTOR ISLES:

I don't think we've -- number one, it's going to CEQ Wednesday. The sponsor did do an EAF, the sponsor did do an EAF.

LEG. FISHER:

Motion to table.

LEG. FIELDS:

Second the motion.

CHAIRMAN BISHOP:

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

105

LEG. CARACCIOLO:

Now can we --

CHAIRMAN BISHOP:

We have to turn the page, there is something else.

Tabled CEQ Resolutions

CEQ 70-02 - Proposed Suffolk County Department of Public Works - 2003 Vector Control Plan of Work (Recommendation/Impermissible Segmentation). Motion to table by myself.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Second by Legislator Caracciolo. All in favor? Opposed?

LEG. GULDI:

Opposed.

CHAIRMAN BISHOP:

Tabled (VOTE: 4-1-0-1 Opposed: Legislator Guldi - Not Present: Legislator Haley).

And then finally 10-03 - Proposed acquisition of active parklands at Marion Carl School, Commack, Town of Huntington under the Suffolk County Greenways Program (Unlisted Action/Negative Declaration). Motion to table by myself, second by Legislator Caracciolo. Tabled (VOTE: 5-0-0-1 Not Present: Legislator Haley).

That concludes the agenda. And we will continue the meeting, Legislator Caracciolo will now chair it.

VICE-CHAIR CARACCIOLO:

Thank you. Tom, just quickly, can we -- can you provide the committee with the numbers?

DIRECTOR ISLES:

Okay. We have the current balance of accounts of all our programs, an amount of approximately \$59 million. Added to that would be approximately another \$12 million in unappropriated funds from the Drinking Water Program, the new Drinking Water Program, and approximately \$13 million for Multifaceted. Multifaceted is also accessed not only for open space and parkland but also affordable housing.

In contract we have a little over \$10 million. Accepted offers we have a little over \$10 million. In negotiations, at least \$22 million. Future payments which is result of a condemnation action some time ago is one and a half million. So we have total projected expenditures at the moment of about \$43 million.

VICE-CHAIR CARACCIOLO:

And specifically --

106

DIRECTOR ISLES:

We can send this to you.

VICE-CHAIR CARACCIOLO:

Specifically for open space purposes, what kind of a fund balance do we currently have?

DIRECTOR ISLES:

Yeah, the program -- the numbers I just gave you are for everything, including farmland as well as active recreation.

VICE-CHAIR CARACCIOLO:

Right.

DIRECTOR ISLES:

In terms of open space, it would be an accumulation of a couple of different programs, but the old Drinking Water is about seven million, rounding a little bit. Open Space and Preservation Program is about four million; Land Preservation is a little under \$500,000; South Setauket Woods is one and a half million dollars; Greenways Open Space about \$4 million.

VICE-CHAIR CARACCIOLO:

So specifically for open space we have about \$20 million.

DIRECTOR ISLES:

Well, it's probably more than that, we have another eight million in the new Quarter Percent.

VICE-CHAIR CARACCIOLO:

That's 2003 money?

DIRECTOR ISLES:

That's actually 2002 money.

VICE-CHAIR CARACCIOLO:

Okay. So then add -- that's 28 and now add 2003 money, that's about another eight or nine million?

DIRECTOR ISLES:

Right, probably.

VICE-CHAIR CARACCIOLO:

So we're up to about 36, \$37 million.

DIRECTOR ISLES:

Right.

VICE-CHAIR CARACCIOLO:

Just for open space.

DIRECTOR ISLES:

Yes.

VICE-CHAIR CARACCIOLO:

Okay, thank you.

107

DIRECTOR ISLES:

Those are rough numbers at the moment.

LEG. FIELDS:

May I ask also an additional question. Where are we on EFC?

DIRECTOR ISLES:

The Legislature approved last week the SEQRA determination for which we were appreciative. We will now, upon signature of the County Executive, submit that to EFC, that completes the application and then we'll be awaiting the final determination from that.

LEG. FIELDS:

Is there any problem with the budget being what it is in the State that this money may not be forthcoming, do you think?

DIRECTOR ISLES:

I'm not certain. When we asked that question a while ago, we were under the belief that it's separate and distinct from the State budget in terms of their borrowing abilities and so forth. So to the best of my knowledge it would not be affected by that.

LEG. FIELDS:

Thank you.

DIRECTOR ISLES:

Their issuance costs did go up recently which would have applied any time we draw the money down which could be years from now and so forth. We did ask the Comptroller to review that and tell us what the impact of that is versus conventional municipal finance rates. It is still favorable for

the County of Suffolk to use EFC and there are computed dollar amounts and their different scenarios for us in that one.

LEG. FIELDS:

Do you know what it went up to?

MS. FISCHER:

I can get that for you.

DIRECTOR ISLES:

I don't know. It went up from, you know, 1.2% to 1.4% or something, but don't quote me.

LEG. FIELDS:

Okay.

DIRECTOR ISLES:

We did supply a copy of that to the Budget Review Office as well.

LEG. FIELDS:

Okay, thank you.

VICE-CHAIR CARACCIOLO:

Thank you.

108

LEG. FIELDS:

Motion to adjourn.

VICE-CHAIR CARACCIOLO:

Motion to adjourn, second by the Chair. All in favor? Opposed? Abstentions? It's unanimous.

(*The meeting was adjourned at 4:52 P.M.*)

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

{ } - Denotes Spelled phonetically

