

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

Minutes

A regular meeting of the Environment, Land Acquisition and Planning Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, **on May 5th, 2003.**

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Paul Sabatino, II - Counsel to the Legislature
Erin Cohan - Aide to Legislator Bishop
Thomas Carroll - Aide to Legislator Bishop
Ginny Suhr - Aide to Legislator Fisher
Kara Gerry - Presiding Officer's Office
Bill Faulk - County Executive's Office
Nicole DeAngelo - County Executive's Office
Judith Gordon - Commissioner, Parks Department
Stephen Raptoulis - Parks Department
Alexandra B. Sullivan - Deputy Chief Clerk, Suffolk County Legislature
Vito Minei - Department of Health Services
George Proios - Soil & Water District
Tom Isles - Director of Planning
Christine Costigan - Director of Real Estate
Lauretta Fischer - Real Estate Department
Jim Spero - Budget Review Office
Ed Cohen - Department of Public Works
Theresa Elkowitz - Chairperson, Council on Environmental Quality
J. Lance Mallamo - Council on Environmental Quality
Mike Kaufman - Council on Environmental Quality
James Bagg - Planning Department
Dave Grier - County Attorney's Office
Alpa Pandya - The Nature Conservancy
Anthony Graves - Resident, Bellport Village
Lee Snead - Village Trustee - Bellport
Barbara Blass - Town of Riverhead
Thomas Wolpert - Young & Young
Jeffrey Seeman - Coastal Environmental Corp.

Frank Lipinski - Materials Testing Lab
Aldo Andreoli
Robert Carlino - Long Island Contractor's Association
Other interested parties

MINUTES TAKEN BY:
Ana Grande - Court Stenographer

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(THE MEETING WAS CALLED TO ORDER AT 1:30 P.M.)

CHAIRMAN BISHOP:

Good afternoon, everyone. This is the May 5th, 2003, meeting of the Environment, Land Acquisition & Planning Committee. Please rise for the Pledge of Allegiance to be led by Commissioner of Planning, Tom Isles, Director of Planning, Tom Isles.

(SALUTATION)

CHAIRMAN BISHOP:

Thank you. We have a number of presentations and our usual lengthy agenda. We'll go to the cards, public cards, comment cards before we go to the planned presentations. We have two cards on one issue, which is purchase in Bellport, the Village of Bellport. We have Lee Snead and Anthony Graves.

MR. SNEAD:

Good afternoon, Chairman Bishop, Legislator Caracciolo, Legislator Fields and the balance of the Committee. We are here to put in a pitch I guess for the purchase of a piece of property in the Village of Bellport. We call it the Peat Hole Pond property. It's actually one lot, a diamond-shape lot on a pond in the Village of Bellport.

This has come up before a number of committees, I guess most recently in front of the CEQ, at which a few questions were raised relative to access for County residents, and I'm prepared to address that at this time as well as to give the Committee an overview of the purpose of the purchase and some of the ancillary benefits of that purchase aside from the direct purchase of the property itself.

A number of years ago, Mr. Lee, Skip Lee, who owns the property on both sides of this pond, the one diamond-shaped lot we're talking about which sits at the foot of Peat Hole Lane, and the property on the east, which is a larger property, decided that he was going to sell both sets of properties as he was getting on in years and largely lives in Washington D.C.

At that time, the village approached him to see if there was any

possibility of us obtaining the western lot for purposes of access to the pond. As a note, over time, particularly over about a hundred years, the community has had access to this pond for purposes of skating, sometimes for cutting ice back around the turn of the century, but notably for skating and winter recreation through the good graces of the local landowners.

We were concerned when Mr. Lee decided to put the property up that someone would come in and buy the property, it's rather expensive land, and probably not be so inclined as to allow Village residents to come down on the pond anymore. So we look at this purchase as an attempt to, A, protect a long-standing Village recreational benefit, although given to the good graces of the landowners; B, to protect a pond which is recognized by the DEC and by numerous environmental groups as being a unique area.

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This pond sits literally twenty feet from Great South Bay. It also has a freshwater headlands and a number of uplands and different types of ecosystems, which Mr. Graves can address better than I. So you have a great diversity of the ecology of the area.

We would like to be able to restore what is commonly referred to as a sluiceway, which is an outlet between the pond and the bay which has fallen into disrepair and that's part of the commitment we're going to be making as part of this purchase.

CHAIRMAN BISHOP:

Okay. You're representing the seller, right?

MR. SNEAD:

No, I'm not representing the seller, I'm representing the buyer in a sense. I'm a Village Trustee.

CHAIRMAN BISHOP:

You're the Village Trustee. Okay.

MR. SNEAD:

Yes.

CHAIRMAN BISHOP:

So the Village is going to enter into an adopt the park agreement with the County and you'll manage the property?

MR. SNEAD:

Absolutely.

CHAIRMAN BISHOP:

The property will be in the title to the County, but in effect it will become Village property because you'll have control over it.

MR. SNEAD:

My understanding is it will actually be seventy percent of the County, about twenty percent in the Town of Brookhaven, who has agreed to provide about seventy-five thousand dollars in purchase funds, and the balance in the Village of Bellport.

CHAIRMAN BISHOP:

And this is the appropriating resolution, so we can discuss the dollar figure. And it's my understanding that the purchase price is three hundred and thirty-nine thousand dollars, is that correct?

MR. SNEAD:

The purchase price of the property is four hundred and fifty thousand. I believe the resolution in front of you is to provide three hundred and thirty-seven thousand dollars.

CHAIRMAN BISHOP:

Three thirty-seven five.

MR. SNEAD:

From the County toward that end. With that, the village will be undertaking to maintain the property as a park in futuro, to do

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significant wetlands restorations of the pond which will have an environmental benefit and to redo the sluiceway, which is actually a very important and critical element of the pond. If that sluiceway fails and is allowed to continue in failure, the pond's ecology will be irreparably harmed.

So that's the guts of the purchase itself. But there's something else you need to be aware of, we have been speaking with numerous -- with a number of the neighbors along the headlands in this area, they have conditionally agreed to grant conservation easements down through the streambeds to protect those streambeds, which will have the effect of sanitizing one, two full lots which are north of this area. And, in addition, a neighbor up the way has agreed to provide to the village walking easements through pieces of property so people can get down through that area. This will sanitize an additional two lots in the area. All of these lots drain through and into the pond.

So there is a -- for what is actually a one-acre purchase in a sense, you're getting five lots sanitized plus protecting a pond, protecting the ecology of that pond and granting a park to the Village of Bellport. So it's a much larger proposal than just the purchase of this one lot, but the purchase of this one lot is the keystone.

CHAIRMAN BISHOP:

Understood. Legislator Caracciolo?

LEG. CARACCIOLO:

Mr. Chairman, since you've indicated it's an acquisition resolution, we can discuss purchase price. Who prepared the appraisal, the appraisal was done by County, Town or Village?

MR. SNEAD:

There was an appraisal done by the Town for their purposes, there was an appraisal done by Mr. Isles' office I believe, and Tom is here to discuss that issue. It is my understanding that both of those appraisals were done by people who sit on the County's list, so that they would be adoptable by your body.

LEG. CARACCIOLO:

Are you familiar at all with the appraisals, have you seen them?

MR. SNEAD:

I have not.

LEG. CARACCIOLO:

Okay. Then I'll reserve my questions for Mr. Isles.

CHAIRMAN BISHOP:

Okay. Legislator Fields, did you want to listen to Mr. Graves as well before you ask?

LEG. FIELDS:

Yes.

CHAIRMAN BISHOP:

Okay.

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MR. GRAVE:

Thank you, Chairman and Legislators. I just wanted to come in support of the purchase of the parcel. I feel it's important, it's disproportionate to it's small size, particularly for the recreational purposes it serves.

As a long time Village resident, I often use the parcel myself, skating on the ponds, playing broom ball on the ponds. And on a busy day there you can see fifty to a hundred people when we have a cold winter. There are many open space purchases that are made that don't serve that kind of recreational purchase.

And so in addition to the environmental reasons to buy this, it's

ecological diversity, I'd just like to point out that it really does serve a very nice recreational purpose that has a long tradition in Bellport Village. Other than that, I am happy to answer any questions regarding the ecological value of the parcel. Thank you.

CHAIRMAN BISHOP:
Legislator Fields?

LEG. FIELDS:

I just wanted to say that I had an opportunity to take a ride over there and walk the property and look around. And the only comments that I think that I had to say about it were if we move forward and acquire the property, that the County makes sure that anyone in the County has access to the property. And secondly, that in the future you look at possibly trying to divert the runoff that comes from the street down into a drain that goes right into the stream.

And the other comment that I have is that according to the South Shore Estuary Comprehensive Management Plan, one of the recommendations is public access, and this pond would certainly fulfill that recommendation and I would support it.

CHAIRMAN BISHOP:
Okay.

MR. SNEAD:

If I might, I have a letter from the Village Mayor regarding the parking issue. We have never had any intention of eliminating parking down through that area. In fact, this was an issue that we had to raise with the landowner himself at the time. He was a little uncomfortable with it, quite frankly, but we said, look, if we're going to be taking anybody else's money, we have to give them the right to come down to this pond. So access will be maintained, parking will be available.

If you can get to the pond, you're welcome to come on to the pond. That's the way we've handled everything in the Village of Bellport, with exception of our golf course, I must state. If you can get down to the dock, you can use the dock, if you can get to the beach, you can use the beach, we don't have a problem with that. And I have a letter that I'm prepared to give to the Board here today from the Mayor guaranteeing that.

Additionally, I have two surveys, which I've highlighted, I would like you to take a quick look at when you get a chance. Just for your knowledge, the yellow is, the yellow diamond-shaped lot is the parcel we're talking about purchasing. The orange areas are parts of Mr. Lee's property on the other side, which he has -- which he is willing

to give as part of this deal so that we can have access to the pond bottom and to the sluiceway to make sure that we can do the restoration work we need to do.

And you'll see further some green lines, bear with me, these are somewhat free-handed because I had to kind of estimate where they are, but the idea is that the green areas are the conservation easements that move up north into the catchment and the stream that feeds the pond. So, I'd like to present those here. And if there are any other questions, I'll be happy to answer them.

CHAIRMAN BISHOP:

Okay. Thank you very much. Tom, hold off on distributing those until Mr. Isles comes up towards the end when we have all our maps and cartography to stare at when we're considering the resolutions. Thank you very much.

MR. SNEAD:

Thank you. Pleasure to appear.

MR. GRAVE:

Thank you.

CHAIRMAN BISHOP:

We have two presentations, but we have two more cards. This is a highbred, it's sort of -- we know it's coming, but it's not a Committee driven presentation. It's part two of our discussion regarding the Town of Riverhead's initiative to use landfill material to create asphalt. And the Town of Riverhead is here, we'll let them have the last word. So, we'll bring up a man who's known to us as the former head of the Environmental Unit of the Health Department, Aldo Andreoli, and Francis Lipinski. Good afternoon.

MR. LIPINSKI:

Good afternoon.

MR. ANDREOLI:

Good afternoon. My name is Aldo Andreoli.

CHAIRMAN BISHOP:

I think the microphone may not be on.

MR. ANDREOLI:

Thank you for an opportunity to make a quick presentation. I was asked by the Long Island Contractor's Association to take a look at some documents with reference to the application for a beneficial use determination of a landfill reclamation project in the Town of Riverhead and to look at the report produced by Young & Young. And some of the laboratory results of that were done by {Petnol} Laboratory of the materials that are to be used.

And there was a number of items cited in the report that I thought was of particular interest. They spoke of advantages. The advantage was to reduce the land mining equivalent of virgin soil by using the landfill itself and in reducing the quantity of materials that would need to be placed at the landfill by using a portion of it in the asphalt process.

The problem with that as I think is evident and of concern at least from an environmental point of view is that much of this material, which is the sand material that was used to encapsulate the landfill during its operation, may, in fact, be contaminated with a whole variety of substances, which leads at some point to the analysis that was done. And I'd like to get into that for a moment in a little while.

The third advantage that was cited in the report was that it would be cost effective to be using this material as opposed to virgin material. And again there's a question in my mind, because we would have to do testing on this material I believe environmentally to assure that the quality stream is consistent, that there probably would be air separation, because after this material is screened, there may still be organic materials that have fallen through the screen, plastic, paper, etcetera, and they talk in terms of air separation, which would be an added treatment process that would have to go on to this.

There would be on-site monitoring. The report refers to that Riverhead itself might have a monitor on site, so you need some personnel there to look at the operation. There are I believe certain public health implications to the people who operate the facility, because there may be emissions during the operation and the manufacture of this product, which goes along with testing this thing to see what is given off by the operation.

There is a fairly comprehensive list I believe in the report in Chapter 6 which lists a whole host of things that need to be considered during the --

CHAIRMAN BISHOP:

What report are you referring to?

MR. ANDREOLI:

I'm referring to the Young report, Young & Young, that was done and revised on May 6 of 2002. Presumably you have a copy of it. And if you look at Chapter 6 of the contingency plan, they specifically say that there should be -- that we should look carefully at the fire possibilities, injuries, air monitoring, acceptable levels, unknown

materials, slope, chemical spills, hazardous material, medical waste, etcetera, etcetera, while exposing --

CHAIRMAN BISHOP:

I'm confused. Who are Young & Young? They're the Town's consultants?

MR. ANDREOLI:

Yes. I believe they were engineer hired by the Town to --

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CHAIRMAN BISHOP:

I understand.

MR. ANDREOLI:

-- to look at the manufacture of this product.

CHAIRMAN BISHOP:

Right.

MR. ANDREOLI:

And I thought they did a very good, comprehensive report, but as I say, I think some of the assumptions that are made environmentally fall short, and that's what I'm trying to draw your attention to. And as I said, the Chapter 6, which I presume was the State's input as well, goes through a whole laundry list of things to be concerned with.

And I would say that from my perspective, that they need to be looked at and I don't think that perhaps the amount that's being done is sufficient. I think you need to look at it more carefully and --

CHAIRMAN BISHOP:

So let me ask you, the health risks are to the workers there, that's one category. But moreover is it, is there a health risk in the material that's created being put on County roads or is it --

MR. ANDREOLI:

There very well may be, I don't know. There may be runoff associated with the product itself that may have implications. If you look along with this I believe as an appendix, there's about an inch of material from lab reports that talk about a whole host of constituents that were looked at. Many of these things could be carcinogenic, many of them are volatile and during the process of making this asphalt, there may be vapors, volatiles, semi-volatiles that come off during the operation.

The current permit, there is a draft air monitoring permit that the State has issued. If you look at that draft, it calls for {NOX} to be looked at, it calls for a particulate matter to be looked at and

there's a bagging operation for the emissions during the manufacture.

And the testing is typical of what would be done at any asphalt plant, which would be once in its lifetime or possibly once every five years. And I suggest that when you're using recycled material such as this, that the frequency of testing and the amount of different constituents that you would be looking at should be more comprehensive, so I have some problem with that.

CHAIRMAN BISHOP:

But the DEC is the State's environmental arm, is it -- who checks them, is that -- would that be in your experience the Suffolk County Health Department would be --

MR. ANDREOLI:

No. DEC has jurisdiction in this area and they have, as a response to an application made by the Town, issued a draft air pollution permit.

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And I'm saying I think there is still an opening there for commenting on that draft and I'm suggesting that what's being looked at is not frequent enough, especially when we're dealing with taking material that may have a great variation, since it's dealing with the waste stream of a community that's been buried and sitting there with leachate moving through it. And it needs to be looked at more carefully because the implications may be for adverse environmental impacts to people that are handling it as well as to its final destination, which would be parking lots, presumably, and driveways, as to the consequences on groundwater as well as streams and the like.

CHAIRMAN BISHOP:

But all your concerns are based on not enough knowledge, there is nothing that you know is dangerous that is occurring, it's just that you feel there may be a lax process that led us to this point?

MR. ANDREOLI:

I believe that there should be more testing to look at because, again, in looking at the lab results that were cited here, there's a bunch of little things that are kind of annoying when they talk in terms of testing for solids and giving the results in milligrams per liter, which would be what you would look at if this were a liquid. So, they've got them mixed up a bit.

Is that an indication of a typo error or is it really significant?

I'm not sure how many samples they took, what was the size of the sample they collected, because they use a cutoff point and the cutoff point is somewhat higher than I think they could have used if a larger sample were collected.

So, there are those kinds of issues in terms of the quality of material that's going into this process, and secondly, what the consequences of using that material is in terms of its impact on air, runoff and percolation back into the ground.

CHAIRMAN BISHOP:

Let me just take a second attempt at this one question. Is this the Suffolk County Health Department's concern or is it, you're former Director, you would have special knowledge of that question?

MR. ANDREOLI:

I've been hired to look at the environmental impact by the Contractor's Association and I've looked at these two reports, that's all that was given to me. And so these are my professional opinions of what I thought and what I think about what's being proposed. And I don't think there's enough caution taken and I think that there might be implications, that we should have more data.

CHAIRMAN BISHOP:

When you were Director of the Environmental Unit, is that what you call it? Was there ever a circumstance where the DEC approved a project where the County then began to test independently of the DEC?

MR. ANDREOLI:

I remember that there was enough work there for everybody and that the DEC did the things that they were responsible for, the County used its

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expertise in filling in the gaps that the DEC did not look at and the area of environment was sort of kind of divided up and each of them used their expertise in the areas. And there was little or no overlapping, simply because there was enough work to go around for everybody.

CHAIRMAN BISHOP:

Okay. Mr. Lipinski, do you have --

MR. LIPINSKI:

Yes, I do. My name is Frank Lipinski. I've been hired to check the materials end of this process. I come at an unusual point, having worked for public service for thirty-five years, usually the questions are asked of me and asked how to solve it, but going over this I do have some serious concerns.

Again I'm going to try to keep this just to the materials end, like would this material be acceptable.

CHAIRMAN BISHOP:

First of all, you run an environmental -- you run a laboratory, a

testing facility?

MR. LIPINSKI:

No. I work for a testing lab.

CHAIRMAN BISHOP:

You work for a testing lab. Okay.

MR. LIPINSKI:

Right. I was a materials engineer for the New York State Department of Transportation in Region 11. I've been involved actively with the placement and production of asphalt for thirty years.

The basic concept is valid, but I just think it's been oversimplified in this case. For example, New York State requires that aggregates use an asphalt production company from an approved source. Obviously the County and the Town do not have to follow these requirements. However, they should still meet the same industry standards that's expected of them.

Some of the concerns I have here with these reclaimed soils is that they have been sieved to a half inch sieve, screen size, but the proposed use is a quarter inch. Every time you have a sieve size, you double the surface area. So quite possibly, any of the products that are residual on this will be concentrated when this is finally sieved down to the area which will be used.

The fact that these mixes are going to be used primarily in top also leads some questions with the friction aspect of what's being involved. If you have materials that do leach out of this, you could cause some skidding problems, you have to assurances that the virgin material incorporated is total mix, is going to be compatible with, you know, what's being produced now.

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I guess some of the shortcomings overall is that I've seen know proposed mix design. What will these products when incorporated into this asphalt be? I mean asphalt is very complex, it seems to be very oversimplified here. Are these going to be checked for conformity beforehand or like during production?

I mean most of the sand would be remediated beforehand, it would be checked, it would be documented as we do with RAP, which is a recycled asphalt product, so you know what's going in and you can blend accordingly. Here it just seems that a lot of assumptions are made and there's no validation of them. You know, a little more research should be done just to see how well this works.

There are some statements made that the material has been produced and

it seems to be acceptable. By what standards? You know, is it, it's probably still black, but, you know, there are plenty of standards that could be applied out there. I really don't want to go through a whole list here, but more guidance definitely has to be done in that area.

You know, what if production quotas are not met? You know, what if some of this material just doesn't meet the quota, you know, can this be readily removed from the site in order not to backlog the feed of the plant?

Another thing I'm going to try not to touch environmentally, but just the fact that this material with heavy metals is going to be subjected to a four hundred and fifty degree temperature, they're going to vaporize, they're going to combine and they're going to be spread in the atmosphere. The bag house and asphalt plant is not designed to keep vapors in, so if people aren't checking for them, obviously you're not going to see them.

I've seen other things over the years where it was knocked out because of the heavy metals, perhaps there's a way of remediating that beforehand. The results of this material, this half inch material, you know, you really can't even make a guesstimate of how it's going to perform because you're talking about quarter inch material. At least have the material screened down, have it checked, even for gradation, yet alone contaminates, to see if this is suitable.

The numbers they're using, it's going to be fifty percent of the mix according to some of their earlier estimates, you know, this has to be a sound viable material. I know just from experience that we've had many problems with asphalt over the years, that's why New York State is continuing to develop new and better ways of implementing it.

Rutting has become a serious problem on the island now and basically what happens is the sand fraction is the biggest influence on that. Friction is of the utmost priority in New York State. Friction really rules right now. If you don't have certain numbers, the potential for liability is great.

Another thing maybe just to remember as an aside, if there are materials in there that are best encapsulated, asphalt is really not the way to do it. As your road surface wears, you're going to expose

more and more of these and the rain is going to flush it, cracks are going to develop.

If proper precautions aren't taken in the beginning and intelligent decisions made, you know, it could turn into a real disaster out

there. You know, really more testing, you know, make sure there's a viable plan, have the whole thing together, there are way too many assumptions made right now.

(LEGISLATOR FISHER ENTERED THE MEETING AT 1:55 P.M.)

CHAIRMAN BISHOP:

Okay. Do we have any questions?

LEG. CARACCIOLO:

Just one. Have either of today's speakers had an opportunity to present, make a presentation similar to the one you've made today or otherwise before the Riverhead Town Board or anyone in Riverhead Town government regarding these concerns?

MR. ANDREOLI:

I haven't.

MR. LIPINSKI:

No.

LEG. CARACCIOLO:

How recently have you both been retained for your services?

MR. ANDREOLI:

In my case, about a week ago.

LEG. CARACCIOLO:

Okay.

MR. LIPINSKI:

I had an initial letter in the middle of April and just recently I was asked to review it and come out and give my opinion.

LEG. CARACCIOLO:

Okay. So that was April of this year?

MR. LIPINSKI:

Yes.

LEG. CARACCIOLO:

Okay. Thank you.

CHAIRMAN BISHOP:

Okay. Let me just ask one last question, and it's the most basic question. I understand that the theme is that you feel that there hasn't been enough testing done, but I'm not comfortable with what you feel are the risks. What is the potential that you're warning us about?

MR. LIPINSKI:

You would basically have linear landfills spread out throughout the County that could have varying amounts of hazardous materials. I mean there's been no categorization of them as you go through these different piles. They're very vague, they're not counting the material that's actually going to be used. I mean you should at least break them down in the components you're going to be using, sample them and just see what you have out there.

I mean I have some literature I'd like to leave here that's used by New York State for using recycled material, specifically RAP, and it just -- not something to study, but just something to browse through and just be aware of how complex that is with a known product, with a known material, that we know where it came from, we know when it went down, we know the oxidation rate.

Another concern is the actual cost of this production. If this material were given to someone, it would cost them a little more money because these products, even after remediated, are going to require more asphalt cement, which is the highest cost in it. The top course mixes require more than normal. So this could be a mitigating factor in there.

When people wanted to recycle with RAP, I said the biggest misconception they have is they can force huge amounts into these plants. The plants really propagate, oh, if you buy my plant you can use so many percentage. And that's valid, but to give you an example, New York State allows seventy percent of recycled product into a drum mix plant at zero percent moisture. At six percent moisture, you're allowed twenty-five percent. You're also allowed no more than half a percent residual mix moisture.

After this has been processed, you do a very simple test to see how much retained moisture is in there. The reason that that's critical is that retained moisture is expanding seventeen hundred times, turning to steam and forcing the asphalt cement out of the aggregate pores into the void structure. When that happens, you definitely tend to rut, you definitely may take any contaminants that are entrapped with it and distribute them throughout the mix unequally. Just take a good look at this first to make sure it's really feasible before it's --

CHAIRMAN BISHOP:

Right.

MR. ANDREOLI:

When you're dealing with a landfill, obviously this is, you know, the

waste stream of the entire community, and when you try to excavate it and reprocess it, the variables are so great in terms what of you're going to find at any given load that you need to do more aggressive testing I think rather than just, you know, spot checking it. And that needs to be done, especially since you're going to heat it and you're going to take the vapors off of it and you're going to redistribute it and you may have runoff associated with it or leaching associated with it that may have an impact on both the people handling it as well as the public in general.

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CHAIRMAN BISHOP:

Wouldn't the SEQRA process take care of a lot of this, wouldn't that provide the assurance to the public that everything is all right?

MR. ANDREOLI:

Well, the SEQRA process is designed to do that in part in the sense that all permitting agents would have an opportunity of looking at a full-blown environmental impact of the process. As far as I know, this was not done in this particular case because I guess they're viewing it as a special project, an experimental project. And I believe that there was a negative declaration on this process, so there was no opportunity really to do a review of the normal, as you would normally would on a project of this type.

CHAIRMAN BISHOP:

Legislator Caracciolo.

LEG. CARACCIOLO:

Aldo, who would be the lead agency with respect to SEQRA?

MR. ANDREOLI:

The first permitting agency generally, and I would assume that would probably be the Town.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

Legislator Fields, no questions?

LEG. FIELDS:

No.

CHAIRMAN BISHOP:

Okay. Thank you very much, gentlemen.

MR. ANDREOLI:

Thank you.

MR. LIPINSKI:

Thank you.

CHAIRMAN BISHOP:

Ed Cohen from the Suffolk County Department of Public Works is here to answer a very simple question, which is -- good afternoon.

MR. COHEN:

My name is Ed Cohen. I'm from the Suffolk County Department of Public Works. I'm the Director of Materials Testing. A couple of statements were made, just let me clarify. The Department uses only State approved sources for sand and aggregate. Asphalt is basically a combination of sand, stone and asphalt cement. And I thought the intent of the presentation or from the Town was that this would be a substitute for only the sand, not for the stone.

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The question is the large, if you pass it through a quarter inch sieve, you'll be more sand. If you allow through the half inch sieve, you'll allow a little larger particles. Obviously if you go through the quarter inch sieve, you'll be removing most of the material that you really don't want in your asphalt.

But from the County point of view or the Department's point of view, we're only going to be accepting this once it gets approved. You're going to have material that will be tested from durability points of view, from hardness points of view. As long as it provides a acceptable source of material, we have no objection to using it. And from that point of view --

CHAIRMAN BISHOP:

Are you the person who tests it?

MR. COHEN:

Yes. We do most of the testing.

CHAIRMAN BISHOP:

Okay. So you're testing it now or before it goes on to any County road?

MR. COHEN:

No, we haven't been involved in the testing for this material at all. We do the testing for all the County roads, the asphalt.

CHAIRMAN BISHOP:

County roads, County parking lots?

MR. COHEN:

That's correct. So we would not use that material until it had an approved New York State source number. Now, the other point is if you're going to be using this, you've got to insure consistency, that's the only way to make asphalt. So you got to make sure that what you have today is basically what you're going to have tomorrow and the next day. And they'll have to have some sort of stockpile to demonstrate that it's a very homogeneous material and it's consistent day after day, otherwise the mix would not be coming out the same.

CHAIRMAN BISHOP:

Okay. So we wouldn't use it now, but --

MR. COHEN:

No, no.

CHAIRMAN BISHOP:

The number that they get from New York State, what is that?

MR. COHEN:

What happens is New York State will go around to all the stone suppliers and sand suppliers, do tests and actually give a number so that you're going to get consistent material, whether it's coming from the Catskills or Upstate, New York or New Jersey or Long Island, all the sand sources actually get a State approved --

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CHAIRMAN BISHOP:

How can they be in business, so to speak, without that number?

MR. COHEN:

Well, they're not in business yet, I assume. In other words, they're just trying to provide a material. I would assume if it's going to go on any State or County road, they're going to have to have a stockpile and go through tests and demonstrate that it's a consistent material.

CHAIRMAN BISHOP:

Okay. And one last question, when it gets this number, that means that you don't test it any longer or --

MR. COHEN:

Normally we would -- periodically we would do it take make sure. What happens is to get asphalt you have to demonstrate that you're going to have, when they talk about job mix formulas, it's got to be a certain size and you actually fill voids. So you have to make sure that this is, the material is consistent from day-to-day. We don't have too many people anymore, but historically we would, you know, certainly pick up samples, do certain tests to make sure it's the same thing and it agrees with what the State numbers are.

CHAIRMAN BISHOP:

Okay. Legislator Caracciolo.

LEG. CARACCIOLO:

Hi, Ed.

MR. COHEN:

Hi.

LEG. CARACCIOLO:

With respect to the use of this material by private contractors for private purposes, would they also have to have a State source number?

MR. COHEN:

No.

LEG. CARACCIOLO:

No?

MR. COHEN:

As a matter of fact, if you take a look sometimes you'll see driveways or something will have glass in it or other. Commercially, they're not required really to, I would assume they can make anything as long as it's durable and people don't complain, they're providing a material that will, you know, is providing a wearing cost that meets what they need. But commercially, they could really do anything.

LEG. CARACCIOLO:

So from a quality control or better yet an environmental quality control --

MR. COHEN:

I would assume from an environmental point of view, somebody going to

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be interested, somebody is going to do an analysis and make the determination that either it's good or it's not good.

LEG. CARACCIOLO:

Well, we have the benefit -- beneficial use permit from the DEC authorizing the Town to use this material in this manner.

MR. COHEN:

It's certainly not in my expertise, but I would imagine somebody is going along the way -- I can make a statement that it was in the landfill and maybe somebody, you know, if it's in there, it probably would not be detrimental. I don't really know that, but I would assume prior to its use, somebody is going to have to some testing to demonstrate that it's not hazardous.

LEG. CARACCIOLO:

The question I guess really comes down to the end user, the person that purchases this material, the reliance really falls upon the fact that the State Department of Environmental Conservation has reviewed and authorized the use of this material. So the regulatory body that ultimately has environmental protection as goal number one has put their stamp of approval on this process, correct?

MR. COHEN:

That's correct, yes.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Okay. Thank you.

MR. COHEN:

You're welcome.

CHAIRMAN BISHOP:

If Councilwoman Blass and the Riverhead people want to speak, they may. If they don't feel they need to, they don't have to.

COUNCILWOMAN BLASS:

Thank you, Mr. Chairman, and members of the Committee. For the record, my name is Barbara Blass. I'm a Councilwoman with the Town of Riverhead and I serve on the Solid Waste Management Committee. With me today are a team of consultants that have been hired by the Town and have been working on this project for many, many years. To my left is Tom Wolpert from the firm of Young & Young, and to my left is Jeffrey Seeman from the firm of Coastal Environmental.

I very much appreciate this opportunity to once again put forth the reasons that the Town is committed to going forward with this project. There were even statements that were made today that are inaccurate in terms of gradation size and things of that nature. And I would like to reserve my opportunity to make a very brief statement after some technical information is presented to you. Mr. Seeman.

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MR. SEEMAN:

Good afternoon. Thank you for inviting us back again to discuss this project. For the record, my name is Jeffrey Seeman. I'm the President of Coastal Environmental Corporation and I've been a consultant to the Town of Riverhead on its landfill closure project since 1993.

In the essence of time, I will be handing up to this Board some written statements together with my credentials, but I'd like to first share with you the following quotation, which is from the President's Council on Environmental Quality from its first annual report, which were dated about 1965.

"Primary material producers, often with the help of tax concessions, have developed remarkable, efficient technologies for removing metals and other substances from their virgin state, but meanwhile techniques for separating and recovering waste materials remain primitive and expensive. Methods must be developed to reuse a greater percentage of products and to develop new products from new uses of solid wastes."

Well, since the mid 60's environmental science and engineering have advanced dramatically and they've given rise to new methods, equipment and techniques specifically developed to recover discarded materials, and there are new uses for materials once described as solid wastes. These advancements allow for the conservation of virgin materials and significantly avoid the environmental impacts associated with their extraction from the earth.

So in New York State, in order to support that approach, they have a beneficial use determination, an application that we have applied for on behalf of Riverhead. The Riverhead BUD application process included review by senior department personnel and not less than five licensed professional engineers with the State's Division of Solid and Hazardous Waste. The BUD was approved in 2002. And once the department grants a BUD, the waste material, when used as described, ceases to be considered a solid waste.

That being understood, the aggregate mix from the soil reclaimed and processed from the Riverhead Landfill Reclamation Project and blended for the manufacture of hot mix asphalt is not a solid waste.

For this particular presentation, I reviewed once again the analytical tests results which are before me. To suggest that these were a scant assembly of data I think you can see is unfair. There are twenty-one thousand results here and I've looked at all of them and I've compared them with the County Health Services Article 12 Sanitary Code SOP 9-95.

In brief, 9-95 addresses the contaminants of soils and sludges and when a single contaminant or class of contaminants meets or exceeds an action level category, a clean-up or other action is required.

With respect to the twenty-one thousand test results, all materials came back below the threshold for action level, which in accordance with the County's standard would simply mean you did not have to address a clean-up of the site. Had clean-up been required, Appendix

A, which addresses volatile organics and semi-volatiles, prescribes a certain level of acceptability.

Among the twenty-one thousand tests, only one, one sample, butyl benzyl phthalate, sometimes associated with aerosol spray paint, came back slightly above the clean-up standard, but below the action level.

Since pesticides and herbicides are not part of the SOP, we are permitted or directed through the SOP to look at the TCLP analyses. TCLP stands for toxicity characteristic leaching procedure. It is an EPA specified test. What it does is it determines the degree of a compound's resistance to leaching.

So the soil samples extracted from the landfill are analyzed under TCLP methods for pesticides, herbicides, RCRA metals, volatile and semi-volatile organics. But since the SOP from the County doesn't give us a standard, it may be difficult to comment on specifics, but among the twenty-one thousand test results, the State reviewed one that contained Chlordane. We rejected that stockpile for use in asphalt, because that is a requirement of the landfill reclamation work plan and the beneficial use determination.

CHAIRMAN BISHOP:
Yes, Legislator Guldi.

LEG. GULDI:
Thank you for that presentation. I just have one brief comment or question, actually. It's clear that the other consultant who was here, I don't remember his name, but I'll call him Mr. Maybe because of the nature of his testimony.

CHAIRMAN BISHOP:
What's that?

LEG. GULDI:
Hold on.

CHAIRMAN BISHOP:
Which person are you referring to?

LEG. GULDI:
The last speaker.

CHAIRMAN BISHOP:
Mr. Andreoli?

LEG. GULDI:
Yes. We don't have DEC jurisdiction, we don't have OSHA jurisdiction,

you're going through those steps, why are you here?

CHAIRMAN BISHOP:

They're here in response to the other group which comes because we're the Environment Committee and they believe they have an environmental issue.

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LEG. GULDI:

Okay. That answers your question to me as to why we're being tortured.

CHAIRMAN BISHOP:

I didn't ask you a question. You know you're a smart ass as always and you don't even know what you're talking about.

LEG. GULDI:

Yeah, I know quite well what I'm talking about, thank you, Mr. Chairman. And I will take personal exception to your characterization of my -- of me personally. I think it's out of order.

CHAIRMAN BISHOP:

Calling the people who come here and fill out a card names, you know, is inappropriate as well. Legislator Caracciolo.

LEG. GULDI:

Mr. Chairman --

CHAIRMAN BISHOP:

And you're right, I was inappropriate.

LEG. GULDI:

And, Mr. Chairman, I wasn't calling him the name, I was referring to my characterization of his testimony. And that's, frankly, what I'm supposed to do here.

CHAIRMAN BISHOP:

That's what you're supposed to do?

LEG. CARACCIOLO:

Thank you, Mr. Chairman. To the first speaker on this panel, the action plan, the documents you have before you, are they required to be reviewed by the Suffolk County Health Department?

MR. SEEMAN:

No. There are no requirements to apply to Suffolk County Health Department with respect to this project.

LEG. CARACCIOLO:

Would you be reluctant to share the information you have submitted obviously to the regulatory body, the New York State DEC, would you have any reservation of sharing that information with the County Health Department?

MR. SEEMAN:

With due respect, sir, in the twenty-one days that have elapsed since we have been here, Mr. Wolpert and I have been extremely busy on a very large project in Riverhead. I would prefer, and I can't speak for the Town, not to get bogged down with additional research, analysis, commentary, review, since I have done that for almost a decade with the DEC. And unless it is really a request of the Town or a formal demand, personally, no.

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LEG. CARACCIOLO:

Okay. Then let me address the question to the Councilwoman. Hi, Barbara.

COUNCILWOMAN BLASS:

Good afternoon, Mike. I would have no problem if you would like the Town to meet with any members of the Health Department and we will make sure that whatever information that they specifically request of us in writing is provided and we have an opportunity to further explain any of their concerns or address any of their concerns.

LEG. CARACCIOLO:

I'd very much appreciate that. And in your usual fashion, you're always very cooperative. I think given the scope and the possible concerns that some may raise on this issue, additional review would not only be appropriate, it would be prudent. And I think having a second seal of approval can't hurt the project at all.

COUNCILWOMAN BLASS:

We would very much appreciate the opportunity to provide closure to whatever outstanding issues seem to be lingering out there. And to the extent that you can provide us with very specific information that you're looking for or any member of the Health Department, we'd be more than happy to comply.

But I would like to ask at this time that Mr. Wolpert actually address some of, just very briefly, some specifics about information that was really inaccurate in prior presentations today.

LEG. CARACCIOLO:

And just before you do that, I just have one additional question. The Chairman was provided with a copy of a New York Times article dated November 24th, 2002. I don't know if you're familiar with it. The headline read, "Riverhead to make asphalt from trash." In the story

there is a quote from a, I guess a -- let me just find out who it was, an individual who is the Vice President of an asphalt company. And he is quoted as saying, "our environmental engineer took a look at their sample and it showed E-coli bacteria," he said. Any comment, any of you familiar with the quote?

MR. SEEMAN:

I'm familiar with the article. I'm unsure of the quote's validity on the simple reasons that every one of these analytical results are followed with a chain of custody. The only individuals who are involved in the review of this analytical data really have been restricted to myself, Mr. Wolpert and the DEC. So, I'm not sure what they looked at.

There are E-coli's that occur naturally in soil, there are others that are part of fecal matters. And I think as was raised here on the 14th of April, that material is burned off. We're running this plant at a temperature nearing four hundred degrees, I think E-coli is destroyed at about a hundred and sixty-five degrees farenheit.

LEG. CARACCIOLO:

And the second part of that quote, and I'm glad you made the comment

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you did, this is the same individual being quoted a second time, quote, that tells me there were human waste in there, close quote. Thank you very much.

MR. WOLPERT:

Thomas Wolpert, Engineer with Young & Young representing the Town of Riverhead. Thank you also for this opportunity to speak on behalf of this project.

In response to the last comment, the New York Times article, the title of that article is a little misleading. We are not --

LEG. CARACCIOLO:

We're all used to that.

MR. WOLPERT:

We're not proposing to manufacture asphalt with trash, it's really the sand component that we're separating from the landfill materials that will ultimately be used in the manufacture of asphalt. And that's all it is.

The Landfill Reclamation Pilot Project Work Plan that was prepared by us beginning in September of 2000 and the process concluding in February of 2001 specifically requires that the screened material or the separated sand be screened using a one quarter inch screen, not a

one-half inch screen. And, in fact, and I wish Carl Fritz from the DEC was here because he's at the site at least once a week to make sure that we adhere very closely with the approved work plan and, in fact, all of the material is being screened using a one quarter inch screen. So I don't know where that half inch screen came from, but as Mr. Cohen testified, when you screen with a quarter inch screen, almost the only thing that falls through that screen is sand that is suitable for the manufacture of asphalt.

We fully recognize that the beneficial use determination that was issued by the New York State DEC is only one step in the process towards ultimately using this material to manufacture asphalt that would be approvable by the DOT or even the County DPW. The BUD that was issued by the DEC does not supersede those approvals and we are going to go through the process of getting that material approved. If it ultimately is not approved, then obviously we will not be using it on State or County roads.

And just as a matter of clarification, I believe we tried to point this out at the last hearing, but it's not the Town of Riverhead that is manufacturing asphalt, the asphalt is being manufactured by the subcontractor to the general contractor, who has a contract with the Town to reclaim its landfill. And that asphalt plan is temporary, it's portable and it's nothing more than a tool of implementation that hopefully will be used over the next four years and then it will be disassembled and removed. Thank you very much.

CHAIRMAN BISHOP:

Thank you. Legislator Fisher has a question, I have one last question.

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LEG. FISHER:

Yes. Thank you for your statement, Mr. Wolpert, because I had arrived late, for which I apologize, I was a speaker at another engagement. I thought perhaps I had -- I was confused on the projects because one of the previous speakers said we would be taking a landfill and spreading it lengthwise and I thought I recalled from last month's presentation that it wasn't the landfill material, in fact, that was being used, but rather the sand.

And I think it's critical that you have put that on the record again to clarify that, because that was very clearly stated by another speaker that it would be the actual landfill material that would be spread and you're stating on the record that it's the sand.

MR. WOLPERT:

Thank you.

CHAIRMAN BISHOP:

My final question, and I appreciate everyone who came here today on this issue, is regarding as we move forward and approvals, do those approvals include the Suffolk County Health Code scheme or do you avoid that altogether? In other words, Article 12, tank storage, SEQRA, any of those legislative --

MR. SEEMAN:

There will be tank registrations involved for field tanks through the County. To my knowledge, there is no other County approval process. And a registration is one of those grey areas that we ask is it an approval or is it simply a registration. There was a SEQRA notice that was circulated. It did follow the SEQRA application process and the Town was lead agency with no contest and SEQRA has been completed for some time.

CHAIRMAN BISHOP:

Okay. Thank you very much. Thank you all.

COUNCILWOMAN BLASS:

If I could just say very briefly in closing, again I appreciate the opportunity to have been here and while I was going to read some specific statements that were inadvertently sent to a local newspaper by the Contractor's Association, which I think would clearly demonstrate that there was a deliberate attempt to derail this project for bogus environmental reasons, statements that were saying such things as, "it's important to get this information into the hands of the Young's Avenue activists and the Times Review at precisely the same time."

And this is from the engineer for the Association saying, "whether or not my suspicion turns out to be the case, we need to position these people and the Riverhead News Review to start doing their thing. We need to immediately contact, prep and crank up these individuals."

Ladies and gentlemen, I respect this Committee and I recognize that although you have no jurisdiction in this matter, that you are, as elected officials, being responsive to constituents in issues that are raised. And I respect Mr. Andreoli and all of the other experts, but

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I'm not going to mince words here, this is not about an environmental issue, this is about greed, this is about competition and this is about control of a market.

And I think when you have the opportunity and any experts you choose to take a look at the results and the years' worth of effort and review that has been put into this effort, you will understand that the facts clearly demonstrate that this reclamation project will stand

on its own merit and may actually prove to be a model for other municipalities to emulate. And the Town of Riverhead will proceed with the appropriate approvals in place on this innovative approach to reclaiming its landfill and we will proceed with our integrity intact. Thank you very much.

LEG. FISHER:
Thank you.

CHAIRMAN BISHOP:
I just want to say this to that, obviously the Contractor's Association have made it clear that they're opposed to this and they probably do not look forward to competition, particularly competition which they would say is subsidized. And the fact that they raise the environmental issues does not necessarily mean that they're not true.

And as the Environment Committee for Suffolk County, it's important that when issues are brought to our attention, we explore them. And we have done so in a way where we have asked Riverhead to be aware that this is coming and to have the opportunity to respond, which is how we proceeded throughout.

COUNCILWOMAN BLASS:
And again, I appreciate that opportunity very much, sir, and your time. Thank you.

CHAIRMAN BISHOP:
Okay. Thank you, all. Our next presentation is from the Council on Environmental Quality.

MS. ELKOWITZ:
Good afternoon, Mr. Chairman, members of the Legislature, Mr. Sabatino. The reason why we asked to come here today was to just kind of clarify what our understanding is of our role in your eyes and in the Legislature's eyes and to insure that we are all working under the same premise, which is that we are complying with Chapter 279 of the Suffolk County Administrative Code regarding our recommendations to the Legislature on the classification of actions pursuant to SEQRA.

And the reason why we have asked to come here today is because as you probably know, this Committee sent back two of our recommendations on the same day and it was the first time that that had ever been done in the twelve years that I've been on the Council and the ten years that I have been Chairperson.

CHAIRMAN BISHOP:
You forgot to say who you are.

MS. ELKOWITZ:

So I wanted to take just a couple of minutes --

LEG. FISHER:

You have to say your name for the record.

CHAIRMAN BISHOP:

You have to say who you are.

MS. ELKOWITZ:

I'm Terry Elkowitz, I'm the Chairperson of the Suffolk County Council on Environmental Quality. To my left is James Bagg from the Planning Department.

CHAIRMAN BISHOP:

We know him.

MS. ELKOWITZ:

And there are a number actually of CEQ members who are with me today. As a matter of fact, I have Mike Kaufman, Lance Mallamo, Adrian Esposito, and I saw Larry Swanson here a little while ago.

I think that the Committee knows and certainly Legislator Fields knows, because she sits on the Council, that we all take our responsibilities very seriously and our responsibilities are set forth pretty specifically in the Charter.

And as a thumbnail sketch, what we are supposed to do is to advise the Legislature in its capacity as lead agency as to what the CEQ recommends are the appropriate classifications of actions and determinations of significance. Classifications of actions being Type I, Type II or unlisted, and determinations of significance meaning does it require an environmental impact statement or does it not, a positive declaration or negative declaration.

And maybe example is the best way for us to go over this, because there were two issues that came back to us. The first one was a recommendation that we made for a Type II action for some renovations and upgrades at Building 50 in Hauppauge in this complex.

And the first thing that CEQ does is it looks at the action and it determines whether or not it's subject to SEQRA, because the regulations set forth specific things that are not subject to SEQRA. And the CEQ looked at this particular action and determined that it was classified as a Type II action, which by definition in the law means that it is not going to have an adverse environmental effect and it's not subject to SEQRA.

And I understand that someone on the, on this Committee wanted to know whether or not the DPW was going to be using state of the art energy

conservation, HVAC equipment, which is a very relevant question, however, it's a policy question. And given that that issue would never come before CEQ, because this was an action that wasn't even subject to environmental review, it's not something that we would ever ask. But it's certainly, at least in my opinion, for what my opinion is worth, is something that the Legislature should be asking the

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project sponsor.

So I just wanted to explain to you why we took the actions, the action that we did.

CHAIRMAN BISHOP:

Okay.

MS. ELKOWITZ:

Now the other issue related to the dog run, which has been a very controversial issue on CEQ and I understand on the Legislature as well. Now, the CEQ, and maybe especially I, am very sensitized to CEQ getting into issues of policy. As far as we're concerned on CEQ, we advise you on environmental significance, it is not our business to advise you on policy, you are the elected officials.

Now there were several of us, myself included quite frankly, even though I voted for the negative declaration, that are concerned about this as a policy issue, but it's not my business. So we looked at all of the information that was before us and we also looked at the additional information that Legislator Fields brought to CEQ subsequent to our recommendation, I took a poll of the Council members and no one would have changed his or her vote. So we submit to you that from an environmental perspective, our recommendation is the same as it was previously.

And maybe what people should try to understand, because I don't know that any of you are or aren't SEQRA experts, but what SEQRA does is it requires that you look at the significance of an issue. Everything has an impact. If I erect a doghouse, it has an impact, but the test pursuant to SEQRA is whether or not that impact is going to be significant.

CHAIRMAN BISHOP:

So go through the distinctions between Type I and Type II and unlisted quickly.

MS. ELKOWITZ:

Sure. We'll start with Type II, because it's easy. There's a whole list of Type II actions in 6NYCR Part 617. If it's on that list, it's not subject to SEQRA, clear and simple, over. In the law it's defined

as not having a significant adverse impact, it does not require environmental review.

A Type I action, that's also a list in 6NYCR Part 617. And those are actions that carry with them the presumption that they are more likely than other actions to have a significant adverse impact and may require an environmental impact statement. It doesn't mean that they do, it means that you should look at them, because they are potentially significant.

An unlisted action is an action that isn't on the Type I or the Type II list. When you have an action that's either Type I -- Type I or unlisted and is subject to SEQRA, you go to the regulations and there's a section in 617.7 that are the criteria for determining significance. You go down those and you see, do you meet those

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 criteria or any of those criteria or do you not. And that's basically how we make our recommendations.

CHAIRMAN BISHOP:

So you have no vote that says this does have significant environmental consequences, you only have this is more likely --

MS. ELKOWITZ:

No. That's only in the classification. It's a two-step process. First you classify the action as Type II, Type I or unlisted. Once you have a Type I or unlisted action, then you go to the criteria. And if you meet the criteria, then you say, yes, it's likely to have a significant adverse impact, we've had several of those, and we recommend to the Legislature that you adopt a positive declaration and you have an environmental impact statement prepared.

CHAIRMAN BISHOP:

Okay. It's going fast in here. The first question is, is it likely to have an environmental impact?

MS. ELKOWITZ:

The first question is, is it subject to SEQRA?

CHAIRMAN BISHOP:

Right. And that's Type I, Type II, type III?

MS. ELKOWITZ:

Type I, Type II, unlisted.

CHAIRMAN BISHOP:

And unlisted, sorry. And then it comes to us?

MS. ELKOWITZ:

No. Then we -- if it's Type II, we make a recommendation to you that it's Type II and it doesn't require environmental review. If it's not Type II, so it's Type I or Unlisted, then the CEQ looks at the criteria for determining significance. We'll tell you that we recommend that it's either an Unlisted or Type I action, and then we give you also a recommendation as to whether or not we believe it would have a significant adverse impact and would require an environmental impact statement.

CHAIRMAN BISHOP:

Okay.

MS. ELKOWITZ:

That's how the process works. And Jim Bagg has been good enough to provide copies of the County's SEQRA procedure based on the administrative code, if you'd just like a checklist copy.

CHAIRMAN BISHOP:

This is much clearer, this is the clearest presentation to date.

MS. ELKOWITZ:

We try.

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CHAIRMAN BISHOP:

Legislator Fisher, do you have anything? Anybody?

LEG. FISHER:

No. Actually, I'm glad you explained about the HVAC issue. I had mentioned that to Jim at the meeting, because I thought it was something we should look at. And I understand that it is a policy issue rather than an issue that you go to CEQ.

MS. ELKOWITZ:

Especially for something that's Type II. But you should know, Legislator Fisher, that there was some discussion about energy conservation based upon your question. And we don't want you to believe that if the County was coming to build a new building that we wouldn't be concerned about energy conservation, because that would either be a Type I or an Unlisted action, it would require a level of environmental review. And it's likely we would ask those kinds of questions, not as they relate to compliance with County policy, but as they relate to environmental significance.

CHAIRMAN BISHOP:

Let's go through the scenario of a new County building. The new County building is proposed on the edge of the Pine Barrens, for example, what happens then?

MS. ELKOWITZ:

We go to the regulations and we check and we see if it's a Type I action, it would not be a Type II action, that I will assure you, that it will either be a Type I action or an Unlisted action. And in the case of a building like that, what would drive it is its size, its proximity to parkland, things like that.

For argument sake, let's assume it's a Type I action, just to make it easier. Then we would go to the criteria for determining significance, which are in the regulations, and you would look at the information that's before you and also the information that many of us know and information that staff is always eager to provide us with. And we would look as to whether or not, for example, if it has all Pine Barrens vegetation on it, would it have a significant ecological effect, because you'll be clear-cutting it, would it have a significant aesthetic effect, because it would be the largest building in the area and people would have a view of it.

CHAIRMAN BISHOP:

And you're asking those questions to the agency?

MS. ELKOWITZ:

To ourselves.

CHAIRMAN BISHOP:

To yourselves.

MS. ELKOWITZ:

To ourselves and also to the initiating unit.

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CHAIRMAN BISHOP:

Right. Okay. So Public Works?

MS. ELKOWITZ:

DPW, whomever, right.

CHAIRMAN BISHOP:

And does Public Works respond to those questions?

MS. ELKOWITZ:

Yes. And sometimes they don't have responses and then we table it and we ask them to come back with responses.

CHAIRMAN BISHOP:

That's where we got into this HVAC issue. We're like, well, is that an issue that they ask the sponsoring agency and was it addressed, that's why it was sent back.

MS. ELKOWITZ:

And the short answer for that one is we would never ask it, because by definition it was a Type II action not subject to environmental review.

CHAIRMAN BISHOP:

But if it was Type I, you would ask it and they would respond.

MS. ELKOWITZ:

We would hope that we would ask it, but we're not perfect and sometimes we don't ask everything. And I'm sure Mr. Sabatino will tell that you the case law is pretty clear here, the lead agency cannot delegate its SEQRA responsibility to the CEQ or to any other body. And there have been cases on this. You ladies and gentlemen are the people that are responsible, we're only advisory. So in the event we don't ask a question, it's incumbent upon you to ask the initiating unit a question.

CHAIRMAN BISHOP:

And then can you answer the question, I think I've asked this several times in my career, why do we have them twice -- we have them in the resolution form and we also have these CEQ resolutions. It seems like it ping pongs back and forth.

MS. ELKOWITZ:

Well, the CEQ is an administrative body formed in the County Charter. We have to pass a resolution to be able to recommend something to you, that's just the procedure to get you the resolution.

CHAIRMAN BISHOP:

But then I have it on resolution form too.

MS. ELKOWITZ:

Because you are the ultimate arbiter and you have to pass the resolution. Our resolutions are not binding, it's your legal responsibility, we're just advisory.

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LEG. GULDI:

If I may, Mr. Chairman?

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

The CEQ recommendations to us are their recommendations. When we adopt them, the SEQRA resolutions are our resolutions, not theirs.

CHAIRMAN BISHOP:

So why do we vote on their recommendations -- shouldn't we just incorporate their recommendation to the resolution and vote up or down?

LEG. GULDI:

Well, we vote whether or not to accept their recommendation, because that determines the nature of the resolution. For example, if they had negatively declared something and we decide to reject their recommendation and positively declare it, the SEQRA resolution, which would be the second step, would be a positive deck resolution or vice versa. So it is not an automatic process, that's the reason they seem to come before us twice, they come to us --

CHAIRMAN BISHOP:

They do, in fact, come before us twice.

LEG. GULDI:

They come before us once as their resolution and once as our resolution for adoption.

LEG. FISHER:

Can we go back to the energy issue?

MS. ELKOWITZ:

Sure.

LEG. FISHER:

Let's say we do have that Type I action and there is a building, DPW is before you, which energy questions would you ask, Terry?

MR. ELKOWITZ:

Well, we have people on the Council that are interested in things like this and I believe that, although I'm -- this is conjecture on my part, but we talked about, because of your question, would we be asking about whether it's energy efficient from a heating system standpoint or from a window standpoint or from a construction standpoint, because those are environmental issues.

LEG. FISHER:

And are those as listed criteria?

MS. ELKOWITZ:

Yes, they are. As a matter of fact, when you get to do an environmental impact statement, use and conservation of energy is a section in and of itself.

LEG. FISHER:

That's good to know. So it really wasn't that far afield?

MS. ELKOWITZ:

No, it wasn't. It was just that it was a Type II action, so we'd never get to ask the question.

LEG. FISHER:

Then we would have asked that. Okay. Thank you, Terry.

MS. ELKOWITZ:

You're welcome.

CHAIRMAN BISHOP:

Okay. Anybody else?

LEG. HALEY:

No, because I have a five o'clock appointment.

LEG. FISHER:

I'm just going to say that I had been a member of CEQ, because I had been the Parks Chair, and I want to congratulate you on how well you always run that meeting.

MS. ELKOWITZ:

Thank you.

CHAIRMAN BISHOP:

Thank you.

MS. ELKOWITZ:

Thank you.

CHAIRMAN BISHOP:

While you're up here, do you want to do them?

MR. BAGG:

Yes.

CHAIRMAN BISHOP:

Why don't we go to the CEQ Resolutions. We'll take them out of order, we'll just do them now while he's here.

CEQ RESOLUTIONS

30-03. Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on April 8, 2003. (Type II actions)

CHAIRMAN BISHOP:

Motion by myself, second by Legislator Fields. All in favor?

Opposed? (VOTE: 6-0-0-0) APPROVED

31-03. Proposed Generic CEQ Recommendation on All Planning Steps Resolutions for Suffolk County Property Acquisitions. (Type II actions.)

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CHAIRMAN BISHOP:

31-03. So from now on all planning step resolutions will be Type II's.

MR. BAGG:

That's the recommendation of CEQ, that they clearly fall under Type II actions and that you pass them generically, we don't have to worry about it going to CEQ.

CHAIRMAN BISHOP:

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

32-03. Proposed Replacement/Construction of Sidewalk on CR85, Montauk Highway from the vicinity of Lincoln Avenue to the vicinity of Greeley Avenue, and on CR65, Middle Road from Collins Avenue to CR85, Montauk Highway, CP 5497, Town of Islip. (Type II action)

CHAIRMAN BISHOP:

32-03. Motion by Legislator Fields, second by myself. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

33-03. Proposed Real Estate Acquisitions for Intersection Improvements on CR80, Montauk Highway @ CR31, Old Riverhead Road, CP #3301, Village of Westhampton Beach. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:

33-03.

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

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

34-03. Proposed Reconstruction of the Intersection of CR2, Straight Path with Mount Avenue and South 20th Street, CP 5527 III, Town of Babylon. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:

34 -03. Motion by myself, second by Legislator Haley. All in favor?
Opposed? (VOTE: 6-0-0-0) APPROVED

35-03. Proposed Open Space Acquisition of 57 Acres of Land Known as
the Duke Property, SCTM #0300-07400-05000 - p/o 030001 & 032000, Three
Mile Harbor, Town of East Hampton. (Unlisted action; Negative
Declaration)

CHAIRMAN BISHOP:

35-03. Motion by Legislator Caracciolo, second by Legislator Fisher.
All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

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36-03. Proposed Open Space Acquisition of 40.7 Acres of Land at Iron
Point, SCTM #0900-12000-0200-024000;0300-010000, 011001 & 012000,
Flanders, Town of Southampton. (Unlisted action; Negative
Declaration)

CHAIRMAN BISHOP:

36-03.

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

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

37-03. Proposed Acquisition of 10.6 acres of the Camelot/Paumanok
Wetlands Property for Park use, Town of Huntington. (Unlisted action;
Negative Declaration)

CHAIRMAN BISHOP:

And finally, 37-03. Question by Legislator Caracciolo.

LEG. CARACCIOLO:

Is the CEQ aware that part and parcel of this possible acquisition
would subsequently include an environmental center being built on the
property?

MS. ELKOWITZ:

Yes. That was presented to us.

LEG. CARACCIOLO:

That was included. Okay.

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Fisher, second by myself. All in favor?
Opposed? 37-03 is approved. (VOTE: 6-0-0-0) APPROVED

CHAIRMAN BISHOP:

Okay. Thank you very much.

MS. ELKOWITZ:

Thank you.

CHAIRMAN BISHOP:

Appreciate that primer. And our final presentation before the agenda is Mr. Isles and Mr. Davies on the aquaculture. This is the presentation on the survey plan for leasing shellfish cultivation and leasing in Peconic and Gardiners Bay, otherwise known as the aquaculture issue.

MR. ISLES:

We will briefly give you a summary of the report. This had stemmed from an action last year wherein the County took tax deeds to about

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five thousand acres of underwater land out of Peconic and Gardiners Bay. From that there was an application made to redeem about seven hundred and seventy-six acres.

A bill was put in to assert a superior governmental interest that provoked discussion here at this Committee. From that, Resolution 1229 was approved in December of last year directing the Departments of Planning, Health Services and Public Works to put together a plan on what it would take to actually implement a leasing program.

This has been a long-standing issue. What we've tried to do is to summarize the steps that were needed to be done, some of our recommendations for changes in State law and so forth and to try to and put some dollars on what those estimated costs would be.

Joining me today is DeWitt Davies the Chief Environmental Analyst with the Planning Department and the author of this report, and to provide a very brief summary to you of the report's findings.

MR. DAVIES:

Good afternoon. I draw your attention to the report that Laretta has just handed out to you and the summary in the form of a question and answer document that highlights many of the points made in this document.

There are a number of specified requirements in the law that extended the authority for Suffolk County to lease underwater lands in Peconic

and Gardiners Bays, over a hundred and ten thousand acre area, which is shown in blue on the map that is attached to the back of that report.

We've taken a look at each of these requirements given the fact that they were adopted over thirty-four years ago and tried to interpret them in light of current conditions, existing technology and concerns that people have about aquaculture in general and fisheries in general out in the Peconic/Gardiners Bay region.

We more or less prepared a road map that navigates through these requirements and puts forth a recommended approach in terms of how they should be addressed. I'm not going to go into those details specifically. Suffice it to say that if, in fact, this path is taken, we will make some progress in resolving some of the conflicts that are apparent with this issue in these bays.

Generic information is not sufficient to resolve these conflicts, it has to be site specific and it has to address the concerns that people raise on a daily basis with respect to all of the activities that occur here. This is why it's such a complicated issue.

One of the things that is required is the mapping of private oyster grants. The map in the back of the handout indicates that there are forty-five such grants that are privately owned in good standing. They cover about thirty-four hundred acres in the Peconic/Gardiners Bay area.

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With respect to the survey itself and the use pattern analysis and all GIS mapping, again we've recommended that an accurate survey be done and it be handled in a GIS mode. An estimate of two hundred and seventy-five thousand is put forth for planning purposes only.

What are the prospects of getting outside funding? It's unlikely it will get outside funding to do this work. Other agencies and levels of government have other responsibilities with respect to their own areas of jurisdiction.

If, in fact, this survey is done, could Suffolk County lease underwater lands for shellfish cultivation? The answer is no. They would have to do other things in addition to the survey to secure the power to lease. This would involve the enactment of a Local Law and regulations governing how the leasing process would actually occur. It would also have to consider whatever SEQRA requirements would be necessary to address.

What else should be done to assure proper management of shellfish leasing activities in this area? There is a benthic mapping survey

that is underway now under the Peconic Estuary Program covering about one third of the area in the estuary. This information, if completed to cover the entire estuary, will be very useful to assure proper management and operation of any leasing program once it's established.

Another study that could be of value is determining the impacts of intensive shellfish farming on benthic habitats. The New York Sea Grant Program provides a vehicle for soliciting funds and designing a program for that particular element.

How much would that work cost? Well, we have a very rough estimate. Complete benthic mapping would require about six hundred thousand dollars over a five year period. And the impact analysis work, we don't have an estimate on that since, in fact, it would have to be designed to acquire such an estimate.

An interesting development has occurred just recently in March of this year, the East End Marine Farmer's Association working with Senator LaValle and Assemblyman Thiele have proposed amendments to the law that governs the leasing program in Suffolk County. Should this program -- should this law be amended, the answer is yes, we have a number of points in the handout that if, in fact, addressed could streamline the process, could make it up to date and monitored.

There are a number of provisions in the old law which should be eliminated with respect to certain stipulations and what have you, the County should have the authority to develop its own program, to develop the regulations governing all aspects of the leasing process.

So in short, there is an opportunity at this point in time to make amendments to the laws of 1969, Chapter 90, 990. Again this would be an opportunity to modernize and perhaps update and get a better chance to implement this program since its adoption over thirty-four years ago.

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MR. ISLES:

Let me just add one point, when DeWitt spoke about the benthic mapping and so forth, there's a set of things that are required to be done under the laws of 1969. There are things that are then suggested, and that's in that category to be suggested.

What we think could happen if the County made the decision to proceed with this, is that a program could be initiated after the required survey procedures. As the program is put into effect, the benthic mapping, which as DeWitt said, could take upwards of five years to complete, could be done concurrent with actually starting a leasing program. So we could adjust the leasing program as need be.

So what we're saying is where not saying to wait until the benthic mapping is completed necessarily, we can at least start it on a limited basis once the program is ready to go.

LEG. GULDI:
Mr. Chairman?

CHAIRMAN BISHOP:
Sure.

LEG. GULDI:
DeWitt, two questions. First is the recommendations you have set forth on page 25 with respect to the legislative changes, amendments that would be beneficial to the program, one of your comments is that we should review the proposed legislation. My first question to you is since the drafting of this report, have you had an opportunity to obtain that legislation and conduct that review?

MR. DAVIES:
Yes. The County Executive's Office asked the Planning Department to review the changes that would occur as a result of those bills.

LEG. GULDI:
Have you shared a copy of this report with Senator LaValle and Senator Thiele?

MR. DAVIES:
No. I've given it to Tom Isles and Tom has distributed it to --

MR. ISLES:
You, the Legislature.

LEG. GULDI:
Just to us. So it would be incumbent upon us with the County Executive to transmit the report to them. And, Counsel, I'd like to prepare the appropriate Sense Resolutions to ask the State legislation to be amended to the effect particularly with respect to the mapping technology as you -- and the other recommendations I'll go over with them, them with you after the meeting and we'll get those introduced and filed. Thank you, DeWitt for your work on this. As usual, it's excellent. Thank you.

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CHAIRMAN BISHOP:
Legislator Fisher.

LEG. FISHER:
Yes. Hi. I have a question regarding the benthic mapping. It was my

understanding that the lobster study that is being carried out in a consortium with a sea grant, Cornell University, I believe Southampton College, SUNY Stonybrook, marine sciences, I thought that a piece of their study was benthic mapping.

MR. DAVIES:
This was the lobster?

LEG. FISHER:
Yes.

MR. DAVIES:
That's Long Island Sound.

LEG. FISHER:
But I thought that they were -- is it just in the Sound or are they also doing it in the Peconic? I thought it was in --

MR. DAVIES:
I don't know if there's overlap between the eastern end of the Sound and Block Island Sound and Peconic/Gardeners system, I'm not quite sure if they overlap at all, but primarily that was Long Island Sound.

LEG. FISHER:
Okay. It was just in the Sound. Okay. Because I was looking at whether there would be some way that we wouldn't duplicate the effort and, therefore, you know, not pay twice to have this done. So it would be a separate -- so they're only doing the Sound as far as you know for the lobster study?

MR. DAVIES:
Yes.

LEG. FISHER:
Okay. Thank you.

CHAIRMAN BISHOP:
I just want to get the broad perspective on this. I only came to know about this issue through Mr. Parrino's initial visits here. Oyster farming in the bay when these changes are complete would still exist, but to those properties that are not already owned privately, from now on they would be publicly owned, right, you wouldn't -- you're discourage any further private ownership of bay bottoms?

MR. ISLES:
Right.

CHAIRMAN BISHOP:
And that's in order to create a stricter regulatory framework?

MR. ISLES:

Not necessarily stricter regulatory framework as much as better management control. And also to look at the, you know, the County had an active program of underwater grants a hundred years ago that unfortunately had a lot of problems with it eventually, and one of which was that the properties were to be in a dormant condition, they weren't being used and so forth. This was hopefully a method whereby the County would retain some control, that if the property was viable for that, it could be leased for a long term period.

If they terminate a lease, if they weren't using it for shellfishing, the County could take it back. Those were some of the reasons that were in the aquaculture report completed last June. Certainly, if you want to add anything to that.

CHAIRMAN BISHOP:

The amount of aquaculture when this process is concluded will be increased, decreased or the same?

MR. DAVIES:

If there's additional access provided under a leasing program, I suspect that there would be many individuals who are not conducting aquaculture now who would want to give it a try. There are, you know, some estimates out there that perhaps thirty or more individuals would be interested in getting access via leasing to underwater lands in this system to conduct intensive aquaculture.

We already have perhaps a like number right now on some of the private grants as well as temporary assignments that are issued on a year to year basis by the State of New York. So would there be an increase? I suspect there would be an increase because there's been a number of people who are interested in doing this kind of thing and starting it.

CHAIRMAN BISHOP:

Is there any type of farming mechanisms that are permitted on private underwater lands that would not be permitted under County owned, County leased land?

MR. DAVIES:

That depends on the regulatory program. If you lease property, you could, depending on the kind of activity that you would allow, that would dictate the kinds of things that you do. For example, if you have off bottom culture leases, you wouldn't have to necessarily harvest those clams or oysters, if you will, using dredging technology. So it depends on the structure of the leasing program and how that relates to the activity.

CHAIRMAN BISHOP:

So the leasing allows us to have greater management, is the term you like to use, I say control over the farming methods that are used in the underwater lands?

MR. DAVIES:

Yes. I think another point here that's very relevant, leasing are not in perpetuity. You can have stipulations that change, when they terminate, you don't have to renew the lease, you can make individuals

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move. And that is very, very flexible with respect to how this activity could occur in the future. If not all the answers are known today, as you acquire the information, you can adjust the program accordingly in the future. So you're not locked in forever in this kind of arrangement.

CHAIRMAN BISHOP:

Right. Legislator Guldi, I see you chomping at the bit.

LEG. GULDI:

Yes. Thank you. If I may, one of the regulatory players in aquaculture is the DEC. On owned land or leased land, the DEC still issues the permits for off bottom aquaculture and etcetera. Unfortunately, historically a great deal of the pressure and interest in aquaculture has been focused on areas of bottom, which happen to contain large quantities of natural set clam, which are not appropriate size for aquaculture, not aquaculture in the first place.

The -- frankly, the regulatory framework created by the Land Grant Program in the past has clearly not fostered aquaculture, there isn't a viable industry as a result of what we've done in the past. I think that the taking of, the County taking title on the tax arrears is exactly what we should have done.

I don't think the County, it's in the County's interest or the public interest to be taking that land and putting it back into private ownership. The tax revenue generated from the bay, from bay bottom ownership has been infinitesimal, at best.

I think that, you know, in implementing our aquaculture study that we completed last year, that going forward with facilitating exactly these steps is what's in the public interest and what's called for and what we should proceed.

CHAIRMAN BISHOP:

My final question or questions relate to what you're discussing, which is that specific resolution that Mr. Parrino has an interest in and that we've been here at least eight to ten times we've discussed it.

Is the property that he's seeking to redeem, is that designated to be a leased property or is it going to be closed off completely or is that decision not made at this time?

MR. DAVIES:

There hasn't been -- everything is generic when people discuss this issue. That's the biggest problem that we have in dealing with it. You have to go through and get all the information, map it out.

CHAIRMAN BISHOP:

That will only be known after the mapping process is completed?

MR. DAVIES:

Because it will be someone saying one thing and the other person saying something else. You really have to go through that process to address what amounts to be a subdivision of this hundred and seventy-two square mile system. Right now it's the open range and it's a hundred and seventy-two square miles, a hundred and ten

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thousand acres under the County jurisdiction here. And the way that's subdivided will have, in terms of different kinds of uses, will have ramifications in the long term.

So, you know, in terms of the specific parcels there, you'd have to go through the criteria to determine if, in fact, they could be leasable, they may not be.

LEG. GULDI:

But that criteria would not -- the criteria for leasing the parcels and permitting, to facilitate aquaculture would essentially be the same criteria as the DEC's regulatory criteria for issuing a permit to engage in aquaculture on the leased or owned premises. So it's a -- the difference is without distinction, if you will.

CHAIRMAN BISHOP:

I'm just trying to find out, there was a resolution to redeem a certain property, I wanted to know how that particular property was treated. And the answer is it's not treated yet, it's to be determined.

LEG. GULDI:

Right, it would be determined. But I personally think that it is incumbent on the County to, just like Pine Barren, the bay bottom, to the extent we have discretion to deny that redemption, it should be exercised to, for the County to retain that property.

CHAIRMAN BISHOP:

And I think from last year's Committee, and I think that's bled into

this year's Committee, the attitude was that that's fine, as long as we were moving forward on a leasing program so that Mr. Parrino and other similarly situated people would have the opportunity to ply their trade. And this is a step towards that, we still want them to move as quickly as possible. Okay.

MR. ISLES:

We have put money or a suggestion in the Capital Budget to start paying for this too if the survey works up, that will be before you in a couple of weeks.

CHAIRMAN BISHOP:

Very good. Okay. Thank you. The presentations, we have four things out of the way in an hour and a half, that's pretty good for this Committee.

INTRODUCTORY RESOLUTIONS - PRIME

1309. Making a SEQRA determination in connection with the proposed addition/renovations to Suffolk County Civil Court, Griffing Avenue, Riverhead, Town of Riverhead. (Presiding Officer)

CHAIRMAN BISHOP:

Introductory Prime Number 1309.

LEG. CARACCIOLO:

Motion.

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LEG. GULDI:

Second.

CHAIRMAN BISHOP:

What is a SEQRA determination? Type I, I assume, right, or Type II?

LEG. GULDI:

Type I.

CHAIRMAN BISHOP:

Now that I know so much about SEQRA, I know the relevant question.

LEG. FISHER:

A little knowledge is dangerous.

LEG. GULDI:

We're all in trouble now.

MR. SABATINO:

Type I with no significant effect on the environmental.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, second by Legislator Guldi. All in favor? Opposed? 1309 is approved. (VOTE: 6-0-0-0) APPROVED

1310. Making a SEQRA determination in connection with the proposed installation of water main at Southaven County Park, Yaphank, Town of Brookhaven. (Presiding Officer)

CHAIRMAN BISHOP:

1310. Motion by Legislator Haley, second by Legislator Caracciolo. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1311. Making a SEQRA determination in connection with the proposed sludge treatment system improvements to Sewer District #11-Selden, Town of Brookhaven. (Presiding Officer)

CHAIRMAN BISHOP:

1311.

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

Is this the resolution that we -- no, it's not, these are new resolutions, this is not the one that we had detailed discussions on previously.

LEG. HALEY:

Second.

LEG. GULDI:

On the motion. Is this the sludge treatment machinery, the companion to the sludge treatment machinery resolution?

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MR. SABATINO:

What was the question?

CHAIRMAN BISHOP:

What do you have on 1311?

MR. SABATINO:

1311 is being treated as an Unlisted action with no significant effect on the environment because no significant habitats will be affected, odor control devices will be installed and traffic, truck traffic will be reduced.

LEG. GULDI:

The answer to my question is yes.

CHAIRMAN BISHOP:

All that is well and good. Motion by Legislator Fisher, second by Legislator Fields. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1312. Making a SEQRA determination in connection with the proposed renovations to County building #50, CP 1765, Hauppauge, Town of Smithtown. (Presiding Officer)

CHAIRMAN BISHOP:

1312.

LEG. FISHER:

Motion.

CHAIRMAN BISHOP:

Now that it comes to us and we want energy conservation, what do we do? Not here, right?

MR. SABATINO:

You could table the -- you could table or defeat the SEQRA initiative with a request that Public Works rework the initiative.

CHAIRMAN BISHOP:

Well, why don't we just have Public Works explain to us whether they can consider energy conservation. So, we'll table this until next time.

LEG. GULDI:

Motion to table.

CHAIRMAN BISHOP:

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

1313. Making a SEQRA determination in connection with the proposed improvements to County Center, C-001, CP 1643, Riverhead, Town of Southampton. (Presiding Officer)

CHAIRMAN BISHOP:

1313. Do we have a similar question on this one? I would assume we do, I do. So, I'll make a motion to table for the same purpose to ask

DPW if they've considered energy conservation and what they've done about it. Second by Legislator Fisher. All in favor? Opposed?

LEG. HALEY:

Opposed. (VOTE: 5-1-0-0) (OPPOSED: HALEY) APPROVED

1314. Making a SEQRA determination in connection with the proposed planning phase of construction of Day Care Centers in County facilities, CP 1777, Yaphank, Town of Brookhaven. (Presiding Officer)

CHAIRMAN BISHOP:

1314. Motion by Legislator Haley, second by Legislator Fisher. All in favor? Opposed? (VOTE: 6-0-0-0) APPROVED

1351. Authorizing planning steps for Greenways Program in connection with acquisition of farmland development rights at Schneider Farm/Old County Road Farm (Town of Huntington). (Binder)

CHAIRMAN BISHOP:

1351.

MR. ISLES:

We have no objection to this. It was, however, approved under the Greenways Program several years back, I guess in 1999 or 2000, so it does have a standing authorization. If the sponsor wants to restate that, you know, that's fine. It is a farm that we feel is worthy of protection and the Farmland Committee has recommended it as well.

LEG. GULDI:

Question.

CHAIRMAN BISHOP:

George was first.

LEG. GULDI:

Tom, the question is what's the status of the prior approval? You have prior planning steps approval, pursuant to that, have you appraised it, have you entered negotiations with the owner, and what's the status?

MR. ISLES:

Yes. It was approved as part of the blanket authorization for a number of farms under the Greenways Program, so it was a full authorization going back several years.

In answer to your question, we have proceeded with the appraisal process. There was a back and forth in terms of interest by the property owner as understand it. I think there's been a recent sale and my -- I'll turn it over to Christine Costigan for more details, but there are active negotiations, appraisals and so forth under way, so it is an active matter at this time.

LEG. GULDI:

But this resolution won't impede that in any way, will it?

MR. ISLES:

No.

LEG. GULDI:

And the status, Christine?

MS. COSTIGAN:

We understand that the Town is now interested, the Town is interested at this point in perhaps filing the underlying fee with the County, buying the development rights to preserve the actual farm. So it's not inappropriate to pass this. I believe the offer was not accepted the last time, but it was some time ago, so you may want to reinvigorate the process.

LEG. GULDI:

Okay. Motion. Is there a motion?

LEG. CARACCIOLO:

Just on the motion.

CHAIRMAN BISHOP:

Yes.

LEG. CARACCIOLO:

My question, Christine, dealt with the Town. Was that representation made verbally in writing, by whom?

MS. COSTIGAN:

I think it's quite preliminary, it's just a discussion.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

Motion to reinvigorate by Legislator, who made that, Legislator Guldi and second by Legislator Caracciolo. All in favor? Opposed?

(VOTE: 6-0-0-0) APPROVED

CHAIRMAN BISHOP:

1353.

1353. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property of Ellgreen Co.), Town of Huntington, for active parklands. (Binder)

CHAIRMAN BISHOP:

1353.

MR. ISLES:

This is a new acquisition under active parkland. It's a planning steps resolution only. We are circulating to you an information summary from the information that we have available. There is also an aerial photograph, which I think really speaks to this case.

This appears to be an excellent active recreation site adjacent to, I believe it's the JFK High School, and obviously a very developed

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neighborhood, so it's the last opportunity for athletic field expansion in this area. So it's a planning steps resolution, we think it's appropriate.

LEG. GULDI:
Motion.

LEG. HALEY:
Second.

LEG. CARACCIOLO:
On the motion.

CHAIRMAN BISHOP:
Legislator Caracciolo.

LEG. CARACCIOLO:
Okay. I'm just -- since we just received this, there's interest here by the Town, I see.

MR. ISLES:
We have attached to this package a letter from the Town Supervisor as well as a review by the Town's Open Space Committee.

LEG. CARACCIOLO:
And what exactly would be the Town's commitment in the acquisition?

MR. ISLES:
I don't think that's been specified, but under the Greenways Program, typically the County would purchase the land and the Town or other partner would build the park and maintain it and take responsibility for it.

LEG. CARACCIOLO:
Okay. So since this is only planning steps, we don't have to deal with whether or not the Town is going to follow through with the management and, the construction and management of the site.

MR. ISLES:

Right.

LEG. CARACCIOLO:

Right.

MR. ISLES:

The Supervisor's letter, I see very quickly, does make reference to the Town taking on that responsibility, but certainly prior to an authorization we'd get a resolution from the Town and so forth and dot the I's and cross the T's.

LEG. CARACCIOLO:

Good. Thank you.

CHAIRMAN BISHOP:

Okay. My question is I see structures on the property and I also see lots of green grass, it's a sod farm.

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MR. ISLES:

Right.

CHAIRMAN BISHOP:

And, of course, you just have to put lines down and you have fields and that's wonderful. But do we have to buy, do we know, this is planning steps and it gives you the flexibility to broach this issue, but it seems to me that it would be more prudent just to purchase the grass fields rather than the home and everything.

MR. ISLES:

We've talked about that internally too, that it doesn't appear that there would be any useful purpose to including the buildings and we'd probably section that off. That's something we would look at in greater detail during the planning steps process.

CHAIRMAN BISHOP:

Good. Okay. What is that road that it's on, by the way?

MR. ISLES:

I think it's Elwood Road.

CHAIRMAN BISHOP:

That's Elwood Road.

LEG. CARACCIOLO:

Just as an aside, we have Camelot in Huntington that's still floating around.

MR. ISLES:

Yes.

LEG. CARACCIOLO:

We have a couple of others, Snyder Farm, this property. Perhaps it would be an opportune time to converse with the Town as to which of those three would be their number one priority, because there are finite dollars here and we very easily could go through the budgets of some of our programs with some of these acquisitions if they all came to pass. So maybe you can send them some correspondence to that effect.

MR. ISLES:

Okay.

LEG. CARACCIOLO:

Thank you.

MR. ISLES:

If so directed, we will.

CHAIRMAN BISHOP:

Motion by myself. Is there a second?

LEG. HALEY:

Second.

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LEG. GULDI:

I made the motion.

CHAIRMAN BISHOP:

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

1355. Implementing Greenways Program in connection with acquisition of Farmland Development Rights for Tedford Parcel (Town of Shelter Island). (Caracciolo)

CHAIRMAN BISHOP:

Next one is 1355.

MR. ISLES:

This is an actual acquisition resolution. The Real Estate Division was previously authorized to do planning steps, which have now been completed. We have completed appraisals and those have been reviewed. Director Costigan is certainly available if you have any questions on the details of this transaction.

CHAIRMAN BISHOP:

What are the details, Director Costigan?

MS. COSTIGAN:

You may or may not recall, the Shelter Island folks were here about a month and a half ago on this acquisition and went over it with you about their interest in the property and how they have been working with the owner.

This property was a farm and part of it was also used for, to grow landscaping products. It's a nice open piece that I've walked and I recommend the acquisition.

LEG. CARACCIOLO:

Motion to approve.

MS. COSTIGAN:

The purchase price is below the appraisal.

CHAIRMAN BISHOP:

It's a million dollars for the purchase price and the Town of Shelter Island is paying thirty percent, is that roughly it?

MS. COSTIGAN:

Shelter Island is paying thirty percent, that's right.

CHAIRMAN BISHOP:

And what's the -- and we're just acquiring the development rights, not the actual --

MS. COSTIGAN:

That's right, we're acquiring the development rights. It's seven hundred thousand, you threw me off with the million dollars.

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CHAIRMAN BISHOP:

Seven hundred thousand is the total amount?

MS. COSTIGAN:

Yes. And we're paying seventy percent of that.

CHAIRMAN BISHOP:

Seventy percent of seven hundred thousand. Ten percent of seven hundred thousand is seventy thousand. Seventy thousand times three is two-ten. Two-ten minus seven hundred thousand is four-ninety.

LEG. GULDI:

Does the record reflect that the Chairman can do math?

CHAIRMAN BISHOP:

Thank you. All in favor? Opposed? It's carried.
(VOTE: 6-0-0-0) APPROVED

MR. SABATINO:

Wait a minute.

CHAIRMAN BISHOP:

Sorry, Counsel.

MR. SABATINO:

If that's the case then, the resolution is defective because the resolution is appropriating seven hundred thousand dollars for the County's share.

LEG. CARACCIOLO:

Then we'll table and file a corrected copy.

MR. SABATINO:

So these are new numbers?

CHAIRMAN BISHOP:

Isn't there a seven-day rule? We can have this corrected by the time we vote, right?

MR. SABATINO:

Today is the deadline.

CHAIRMAN BISHOP:

So make a note, we'll approve it and it will be adjusted and we'll deal with it at the full Legislature.

MS. COSTIGAN:

They are eager to move ahead.

LEG. GULDI:

You need to file the corrected copy by five o'clock, is that right, Counsel?

MR. SABATINO:

We have to file it by the deadline, which is today. What is the new County number then?

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LEG. CARACCIOLO:

Four-ninety.

MS. COSTIGAN:

Four-ninety.

LEG. CARACCIOLO:

Christine, four hundred and ninety thousand?

CHAIRMAN BISHOP:

Is that correct, are you sure?

MS. COSTIGAN:

Yes, that's fine.

LEG. CARACCIOLO:

Okay.

1356. Authorizing planning steps for Greenways Program in connection with acquisition of Farmland Development Rights at Baiting Hollow (Town of Riverhead) (Caracciolo)

CHAIRMAN BISHOP:

1356.

LEG. CARACCIOLO:

Motion to approve.

CHAIRMAN BISHOP:

This is Greenways, this will be a 70/30 with the Town of Riverhead?

LEG. GULDI:

This is a planning steps resolution. Second.

CHAIRMAN BISHOP:

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

1391. Amending the 2003 Capital Budget and Program and appropriating funds in connection with the purchase of Environmental Health Laboratory Equipment (CP 4079) (County Executive)

CHAIRMAN BISHOP:

1391.

LEG. CARACCIOLO:

Motion.

CHAIRMAN BISHOP:

Counsel, what do you have on this one? Mr. Spero, do you have offset information, perhaps?

LEG. GULDI:

I'll second the motion. Mr. Chairman, I second the motion.

MR. SABATINO:

This is converting the method of financing from pay-as-you-go to bonding, so it will take a three quarters vote, but there is no offset.

CHAIRMAN BISHOP:

So it's a straight borrowing of how much?

LEG. GULDI:

Three hundred and eleven.

MR. SABATINO:

Three hundred and eleven thousand.

CHAIRMAN BISHOP:

For environmental health lab equipment. And we don't get any reimbursement from higher levels of government for this type of equipment?

LEG. HALEY:

Motion.

LEG. CARACCIOLO:

We made a motion.

CHAIRMAN BISHOP:

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

LEG. CARACCIOLO:

Mr. Spero, Mr. Chairman, if you can briefly indulge, what's our interest rate on bonding?

MR. SPERO:

Long term, it's four, four and a half. Short term, it's about a point and a half.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

This is long term.

MR. SPERO:

It will be about five years. If they did the rolling band program, they continued that, you could borrow for a point and a half each year and pay the equipment off over a five-year period.

LEG. CARACCIOLO:

Vito's ears just perked up.

LEG. FISHER:

Jim, is that what you're saying, if we were to do that?

MR. SPERO:

If the Comptroller took the initiative to issue BANS to buy the

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equipment instead of bonds, you could get them at a very cheap interest rate.

LEG. FISHER:

How can we do that, Jim? Can we do that through the resolution?

MR. SPERO:

You can stipulate it in a resolve clause within the resolution.

LEG. FISHER:

So then can we table it, Paul, and make that change?

LEG. CARACCIOLO:

We can do the same thing.

MR. SABATINO:

This one you have to table and make -- this is the County Executive's bill, so you have to make the request that they do the corrected copy, but there's still the rest of the day, so there's time.

CHAIRMAN BISHOP:

Why don't we approve this one and we'll take that under advisement for the next.

LEG. HALEY:

Good.

LEG. FISHER:

What would the difference in savings be, Jim?

LEG. CARACCIOLO:

Exactly.

LEG. FISHER:

Would it be a substantive difference?

MR. SPERO:

It would be thousands of dollars on the borrowing. I'd have to run a program to figure that out.

LEG. FISHER:

Well, I say let's save money when we can.

LEG. GULDI:

Jim, could you work up a brief presentation for that for the finance component of Ways & Means tomorrow and we'll take it up there as a system-wide issue?

LEG. CARACCIOLO:

Mr. Chairman, also could you direct the County Executive's staff present to file that amended copy by five o'clock?

CHAIRMAN BISHOP:

I don't even know if they're capable of doing that.

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LEG. CARACCIOLO:

If they do and then tomorrow take it up in Ways & Means --

CHAIRMAN BISHOP:

They left.

LEG. GULDI:

They're here.

CHAIRMAN BISHOP:

I'm sorry.

LEG. CARACCIOLO:

Will you take care of that?

CHAIRMAN BISHOP:

Is it an Executive question or does the Comptroller control this?

LEG. FISHER:

Well, I believe Jim said that we -- I mean Paul said the County Executive could put it in as one of the resolve clauses.

MR. SABATINO:

The technical answer is, Mr. Spero is correct, that if you want to save money, you can it this alternative way, but you have to do it in the resolution, you can't do it by osmosis. The way to do it in the resolution is to get the sponsor of the bill, if the sponsor concurs with that assessment to change the bill.

There's still time to do it today, but if not, the worse case scenario is either go for a Certificate of Necessity or you wait, which is not a bad situation, because you need three quarters vote anyway, or you

wait two weeks and it will be adopted at the meeting.

LEG. GULDI:

Counsel, if I may, the question is there's nothing in the resolution, however, that prohibits the Comptroller from using that finance mechanism anyway, is there?

MR. SABATINO:

It does, because these things -- these things specifically direct bonds. What he's talking about is a bond anticipation rate. If you don't explicitly put the language in, it will be done the routine, normal way.

CHAIRMAN BISHOP:

Now let me ask about bond anticipation. It sounds all too easy and good to believe, that we can just by having this little conversation save thousands of dollars on all of future borrowings. Why would the Comptroller not be aware of this and pursuing it already?

MR. SPERO:

They are aware of it.

CHAIRMAN BISHOP:

Well, why would they choose not to --

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MR. SPERO:

Well, typically they issue a bond, but --

CHAIRMAN BISHOP:

Just because it's typically done that way?

MR. SPERO:

I think the bond authorization, it gives them the authority to issue a BAN as well, Paul, I'm not -- no, you don't think so? Because they often, they do issue BANS in lieu of issuing bonds. It's usually a short term mechanism to fund a project. Now they've done it with a number of land acquisitions recently. And eventually, those BANS will be rolled over into long term bonds.

LEG. HALEY:

Because they accumulate them.

MR. SABATINO:

The one thing you learn in municipal government is don't rely on good will, if you want to have BANS, you have to specify BANS. If you want to leave it to good judgment at somebody's discretion, then do nothing, but obviously if it was -- if it was something being done as a matter of course, it would be getting done as part of the

legislation.

LEG. FISHER:

Is it clear to the County Exec's Office what we're asking?

MR. FAULK:

It's clear. I don't think it will happen in the next hour and a half.

LEG. CARACCIOLO:

Well then you'll have a CN Tuesday?

MR. FAULK:

I'll take that back and see what they want to do.

LEG. FISHER:

Okay. So then we should table this.

MR. SABATINO:

Looking at the resolution, it specifically says serial bond. Technically the language is explicitly a serial bond, not a bond anticipation note, which has a different definition under State law. So, quite frankly, the person would be violating the resolution if they issued something different.

CHAIRMAN BISHOP:

But I think Mr. Spero is pointing out that as a matter of course they take that as an authorization to do one or the other. So, we have that issue.

LEG. CARACCIOLO:

Mr. Chairman?

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CHAIRMAN BISHOP:

Maybe that's what you can deal with at Ways & Means tomorrow, because I'm sure we have nothing else to act on. Legislator Caracciolo.

LEG. CARACCIOLO:

I'll make a motion to table.

LEG. FISHER:

I thought I just did.

LEG. GULDI:

It's already approved we need a motion to reconsider.

LEG. CARACCIOLO:

Make a motion to reconsider.

LEG. FISHER:
Second.

CHAIRMAN BISHOP:
Motion to reconsider having been made and second. All in favor?
Opposed? The bill is now before. Motion to table by Legislator
Fisher, second by Legislator Caracciolo. All in favor? Opposed?
(VOTE: 6-0-0-0) TABLED

1393. Amending the 2003 Capital Budget and Program and appropriating
funds in connection with the study for the occurrence of brown tide in
marine waters (CP 8228) (County Executive)

CHAIRMAN BISHOP:
1393.

MR. SABATINO:
This one has a technical defect. The second resolve clause authorizes
the Comptroller and the Treasurer to appropriate money, but you can't
do that. The appropriating authority is the County Legislature, so
that has to be corrected.

CHAIRMAN BISHOP:
Okay.

LEG. CARACCIOLO:
Motion to table.

LEG. FISHER:
Second.

CHAIRMAN BISHOP:
Is this a straight borrowing again?

MR. SPERO:
This is General Fund money.

CHAIRMAN BISHOP:
This is amending the Capital Budget, it says.

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LEG. HALEY:
Question.

MR. SABATINO:
This is not a changing the method of financing, it's transferring
General Fund money from Planning for fifty thousand dollars and using
it for furniture and equipment instead in the brown tide study.

LEG. FISHER:

If it's defective --

MR. SABATINO:

The defect is that you can't -- the Comptroller -- you can't delegate away your authority to appropriate money. Either you appropriate the money or you don't, but you can't say the Comptroller is authorized to appropriate money, because you appropriate the money.

This has happened a couple of times in the past, but it's been corrected in the past when it's come up.

LEG. FISHER:

Motion to table.

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Motion to table having been made and seconded -- can I just clarify one thing? It's coming from furniture and equipment or going to furniture and equipment?

MR. SABATINO:

It's coming from Planning to furniture and equipment for the brown tide study.

CHAIRMAN BISHOP:

They need furniture and equipment to conduct the brown tide study, fifty thousand dollars worth of equipment and furniture. All right. It's tabled. It's going to be tabled. Who made the tabling motion?

LEG. FISHER:

I did.

CHAIRMAN BISHOP:

Fisher, big on tabling today. Second?

LEG. CARACCIOLO:

Second.

CHAIRMAN BISHOP:

Caracciolo, big on seconding. All in favor? Opposed?
(VOTE: 6-0-0-0) TABLED

1395. Amending the 2003 Capital Budget and Program by accepting and appropriating up to 75% grant funds in the amount of \$1,000,000 from the New York State Department of Agriculture and Markets (Grant

C800558) to the Suffolk County Farmland Preservation Program for the acquisition of agricultural development rights (CP 8701)
(County Executive)

CHAIRMAN BISHOP:
1395.

LEG. CARACCIOLO:
Motion.

LEG. HALEY:
Second.

CHAIRMAN BISHOP:
Counsel, there's a motion by Legislator Haley, second by Legislator Guldi.

MR. SABATINO:
The only question on this one is do you want to know specifically, you know, what it's going for. It's a lump sum appropriation of a million dollars, but it's not tied into specific development rights. It's your decision as to whether you want to do that with or without the knowledge.

CHAIRMAN BISHOP:
Do you still have your motion?

LEG. CARACCIOLO:
Yes.

CHAIRMAN BISHOP:
Motion having been made and second, all in favor? Opposed? It's carried. (VOTE: 6-0-0-0) APPROVED

TABLED PRIME RESOLUTIONS

CHAIRMAN BISHOP:
We did the CEQ resolutions, we go to the tabled prime.

2257-02. Establish land development policy for mixed use smart growth in Suffolk County. (Bishop)

CHAIRMAN BISHOP:
2257. Table it for one more cycle, please.

LEG. GULDI:
Second.

CHAIRMAN BISHOP:
Second by Legislator Guldi. All in favor? Opposed?

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

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1045. 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)

CHAIRMAN BISHOP:

1045. Motion to table by myself.

LEG. CARACCIOLO:

Second.

LEG. HALEY:

On the motion.

CHAIRMAN BISHOP:

Second by Legislator Caracciolo.

LEG. HALEY:

On the motion.

CHAIRMAN BISHOP:

Yes, Legislator Haley.

LEG. HALEY:

Why now, what's the reason now?

CHAIRMAN BISHOP:

You have before you a Budget Review memo, which I haven't even read the first sentence of, we just got it hot off the presses. So I think since we've tabled it to this point, we can wait to digest the memorandum and then have a discussion on it at the next meeting. I haven't read it, I don't know what it says, I don't know if it says it's good, bad or indifferent, I just received it.

LEG. HALEY:

Does Vito have something to say?

LEG. FISHER:

It looks like he does.

CHAIRMAN BISHOP:

It looks like he does.

MR. MINEI:

Good afternoon. In discussions with the County Attorney, they're still revising the final scope. So this one we believe is fine to table until you see the final scope of the GEIS. We were hoping to

see some action on the actual funding resolution, but that's the next one, 1067.

CHAIRMAN BISHOP:

Do you want to speak to that one while you're here? Because it's going to get a tabling motion.

MR. MINEI:

Okay. Well, again we've been waiting now several cycles of the Legislature and this Committee with regard to the budget. I think the

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last directive was for the Budget Review Office to review the budget. We had a meeting last week and I think the memo before you, you know, correctly characterizes the budget and the request. Actually, it was a very productive meeting I thought with the Budget Review Office.

CHAIRMAN BISHOP:

Is this the memo that we just got?

MR. MINEI:

Yes.

CHAIRMAN BISHOP:

You know it before we do?

MR. MINEI:

Well, I'm just thinking --

CHAIRMAN BISHOP:

That's very good, you've got good connections.

MR. MINEI:

I read it on the way up here.

CHAIRMAN BISHOP:

Okay.

LEG. HALEY:

The paper is still warm.

CHAIRMAN BISHOP:

On the 1045 motion to table, I don't know who made it, let's say it's Fisher and second by Caracciolo. The duo strikes again. All in favor? Opposed?

LEG. HALEY:

Opposed.

LEG. GULDI:
Opposed.

CHAIRMAN BISHOP:
Two are opposed. (VOTE: 4-2-0-0) (OPPOSED: GULDI, HALEY) TABLED

1067. 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)

CHAIRMAN BISHOP:
1067. Is there a motion?

LEG. CARACCIOLO:
Motion to table.

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CHAIRMAN BISHOP:
I'll second the motion to table by Legislator Caracciolo. All in favor? Opposed?

LEG. GULDI:
I'll oppose that one too.

LEG. HALEY:
Yes.

CHAIRMAN BISHOP:
Haley and Guldi are opposed to tabling.
(VOTE: 4-2-0-0) (OPPOSED: GULDI, HALEY) TABLED

1112. To establish RFP Committee Process for County Resources Conservation Study. (Postal)

CHAIRMAN BISHOP:
1112.

LEG. FISHER:
Motion to table.

CHAIRMAN BISHOP:
Motion to table by Legislator Fisher. Is there a second? I'll second for purposes of discussion.

MR. SABATINO:
Again it's to set up an RFP process to retain an expert in the field

of research conservation to deal with the five topics that Presiding Officer Postal has designated in a resolution which basically range from diversifying Long Island's farm crop from potatoes to alternatives, looking at irrigation systems and new pesticide spraying activities.

A third category is to look at using water from County wells or the Water Authority for County golf courses and sewage treatment plants. The fourth category is to look at installation of water flow meters at County offices for water savings. And the final category is to see if there's any Federal or State comparable activities that would help to fund these programs.

CHAIRMAN BISHOP:

Are these all water issues, is there a common link here?

MR. SABATINO:

The link is County resources.

CHAIRMAN BISHOP:

Was there an objection from any Department? There was?

MR. ISLES:

Yes.

CHAIRMAN BISHOP:

Wasn't there a discussion like you should go speak to her?

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MR. ISLES:

I think the Health Department had some concerns as well as the Planning Department in terms of the definition of it and how tightly it was defined. My understanding is that we were requesting a meeting with the sponsor on it. Vito, have you heard anything?

LEG. HALEY:

Motion to table.

LEG. FISHER:

I've already made the motion and it's already been seconded.

CHAIRMAN BISHOP:

Motion to table having been made and seconded, all in favor? Opposed?
(VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

I would ask that that meeting occur because it's not fair to the sponsor that we table it in anticipation of a meeting that never happens.

LEG. FISHER:

Mr. Chair, as further information, there is a bill that I had filed to work with the Farm Stewardship Committee and a variety of other committees to work on best practices and farm management and because of my work on that particular bill, farmers happened to mention this resolution and found it very, what's the word that they tried to couch it politely, they found it intrusive, you know, to be dictated what kind of crops they should or should not have.

And since there are several Farm Management and Stewardship Farm Economic Committees, they felt that putting out this RFP to have the direction from an outside group would certainly be intrusive upon their ability to do their work.

CHAIRMAN BISHOP:

Okay.

1149. 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)

CHAIRMAN BISHOP:

1149 is the SOS Program. A motion to table by myself, second by Legislator Fisher. All in favor? Opposed? Working on changes for that. (VOTE: 6-0-0-0) TABLED

1184. Appropriating Greenways infrastructure improvements fund grant for Miller Place property in the Town of Brookhaven. (Haley)

CHAIRMAN BISHOP:

1184.

LEG. HALEY:

Table.

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CHAIRMAN BISHOP:

Motion to table by Legislator Haley, second by Legislator Fisher. Fisher and Haley, it's tabled. (VOTE: 6-0-0-0) TABLED

1204. 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)

CHAIRMAN BISHOP:

1204 is the Peat Hole.

LEG. GULDI:
Motion.

CHAIRMAN BISHOP:
The arctic pond in Bellport where they skate about. Is there a motion on that one?

LEG. GULDI:
Motion.

LEG. CARACCIOLO:
Second.

CHAIRMAN BISHOP:
Motion by Legislator Guldi, second by Legislator Fields. All in favor? Opposed?

LEG. CARACCIOLO:
Just on the motion.

CHAIRMAN BISHOP:
But this is three hundred and thirty-seven thousand dollars for an acre, I just want you to know that.

LEG. CARACCIOLO:
Tom, did you want to make a brief presentation?

MR. ISLES:
Just very brief.

LEG. CARACCIOLO:
Do you recommend the acquisition?

MR. ISLES:
Not yet.

LEG. CARACCIOLO:
Not yet?

MR. ISLES:
No.

LEG. CARACCIOLO:
Okay. Well, that's important.

MR. ISLES:
It's going to CEQ on May 21st. It was there in April and the CEQ tabled it at that meeting requesting additional information. That's

number one.

Number two, we do have appraisals that we ordered and one that the Town provided. We have not certified those.

LEG. CARACCIOLO:

So it would be premature to take action today?

MR. ISLES:

Yes.

LEG. FISHER:

Motion to table.

LEG. GULDI:

Withdraw my motion, motion to table.

CHAIRMAN BISHOP:

Legislator Guldi withdraws his motion to approve and makes a motion to table.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fisher. All in favor? Opposed? 1204 is tabled. (VOTE: 5-0-0-1) (ABSENT: HALEY) TABLED

LEG. CARACCIOLO:

Just as a matter of practice, Tom, when something comes up where there's information, substantive information that the Committee be aware of --

CHAIRMAN BISHOP:

I think he would have waved his arms, we would have picked it up. He's polite, but he's not a wallflower.

1222. Establishing Task Force for Agricultural Environmental Management in Suffolk County. (Fisher)

CHAIRMAN BISHOP:

1222. Motion to table, Legislator Fisher, second by myself. All in favor? Opposed? (VOTE: 5-0-0-1) (ABSENT: HALEY) TABLED

1228. Appropriating 1/4% sales tax proceeds for pay-as-you-go open space acquisition of Camelot-Paumanok Wetlands property, Town of Huntington (Suffolk County Tax Map No. 0400-191.00-02.00-024.000). (Tonna)

CHAIRMAN BISHOP:

1228.

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LEG. CARACCIOLO:

Tom, what was the ranking of this property?

MR. ISLES:

The ranking was fifty out of a scale of zero to a hundred and ten.

LEG. CARACCIOLO:

You've got to be kidding, from road runoff? I can't believe it.

MR. ISLES:

Just on the criteria that the Legislature has adopted.

LEG. CARACCIOLO:

Well, then we need to do our criteria over.

CHAIRMAN BISHOP:

In Western Suffolk, we bathe our children in the runoff.

LEG. FISHER:

And happy to do it.

LEG. GULDI:

Clearly. And look what it does.

MR. ISLES:

That runoff is your groundwater eventually, it does have a purpose.

LEG. FISHER:

Touche.

LEG. GULDI:

Anybody else want to take a shot back there?

CHAIRMAN BISHOP:

Are we ready?

LEG. FISHER:

I'll make a motion to approve.

CHAIRMAN BISHOP:

Motion to approve by Legislator Fisher, second by myself.

LEG. GULDI:

On the motion.

CHAIRMAN BISHOP:

On the motion.

LEG. GULDI:

Mr. Isles, the appraisal, the status on this and your Department's review of this, is this ready and is it right?

MR. ISLES:

Yes. This was reviewed by CEQ at their last meeting with a recommendation of a negative declaration. As far as the appraisals, the Town of Huntington provided an appraisal which was reviewed by our

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Department, the County ordered a separate appraisal. The appraisal mean ends up being 3.6 million dollars, which is the negotiated purchase price.

LEG. CARACCIOLO:

Counsel, could you just refresh the Committee's memory of the IDA involvement with this property?

MR. SABATINO:

The IDA became involved because they were going to provide the economic subsidy for the proposed --

LEG. CARACCIOLO:

Congregate care facility.

MR. SABATINO:

-- complex that was contemplated for the facility. When that fell through, the bonds were defaulted on. IDA wound up with, according to the testimony we received, paper title because the people that really, that really stand in the position of losing the money is the Rochester Fund, but basically it's because there was a default of the project.

LEG. CARACCIOLO:

The appraised value or the negotiated price, has that been determined?

MR. ISLES:

Yes. Let me just -- at the last meeting I had handed out a compliance review form, the last time I talked about this. The appraisal one is indicated as 4.1 million, the actual appraisal was arranged at 4.1 to 4.2 million, so it did approve 4.2 million. The second appraisal was three million, the mean then is 3.6 million, and that's the negotiated purchase price.

LEG. CARACCIOLO:

Both County appraisals, not County appraisers, but both of those -- what was the time line between appraisal one and two?

MR. ISLES:

I don't know.

LEG. CARACCIOLO:

Was two the higher or the lower amount?

MR. ISLES:

Mr. Burke indicates the appraisal that we ordered was the higher amount, that was actually the older appraisal. The other one was ordered by the Town of Huntington.

LEG. CARACCIOLO:

That was my recollection, that's why I asked that question. So the Town's appraiser has a lower value on this property, our's is an older appraiser, which has a higher value, and we are willing to split the difference? I'm not, I will oppose this resolution.

MR. ISLES:

Both have been approved by appraisal review staff in terms of

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appraisals themselves.

CHAIRMAN BISHOP:

What is the current contribution from the Town of Huntington towards the purchase price and then the management commitment that they've made?

MR. ISLES:

The contribution towards the purchase price is eight hundred thousand dollars. The Supervisor of the Town provided a letter indicating and testimony --

CHAIRMAN BISHOP:

That's eight hundred thousand towards the three-six?

MR. ISLES:

Yes. So two-eight would be --

CHAIRMAN BISHOP:

Two-eight is the County's share.

MR. ISLES:

The Town also indicated that they would maintain and manage the property as well as complete certain improvements to enable an educational center accessed by the high school students and so forth. I don't recall the exact number on that at this time, I'll check.

LEG. CARACCIOLO:

I think it was a hundred and seventy-five thousand for the classroom and then an ongoing commitment as he pointed out in the letter in five years would far exceed their original commitment.

CHAIRMAN BISHOP:

Far exceed the eight hundred thousand. I think altogether it doubled their commitment to eight hundred thousand.

LEG. CARACCIOLO:

I think that's a pretty fair representation, even though I'm opposed to this. But, Tom, the question I have next is if this acquisition is approved by the full Legislature, this comes out of Pay-As-You-Go Program, what's currently on hand in the program, so I have a sense of drawing down by two-six what's left?

MR. ISLES:

Okay. This is under the new Drinking Water Program, which currently has a balance of approximately -- of appropriated funds of approximately seven million dollars right now. There is unappropriated, and Real Estate can correct me if I'm wrong, of about twelve million dollars that's been generated from the new Sales Tax Program, but is not yet actually appropriated to that account. That's my understanding of the numbers.

LEG. CARACCIOLO:

So the aggregate, we have about nineteen million and this would draw down two-six.

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MR. ISLES:

Right.

LEG. CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

And how many approved resolution, what's the aggregate total of the approved resolutions if all the deals were to go forward?

MR. ISLES:

I've got that here.

CHAIRMAN BISHOP:

Less than nineteen, correct?

MR. ISLES:

Yes.

LEG. HALEY:

Less than seven.

MR. SABATINO:

Those numbers don't sound right, because when we had the big debate about Duke the other night, we were told there was fifteen million dollars that was appropriated but unused, but then we were going to draw down Duke. That resolution didn't pass, but --

MR. ISLES:

Right.

MR. SABATINO:

So, it doesn't sound right that there's seven.

LEG. CARACCIOLO:

Is it fifteen or nineteen?

MR. ISLES:

The current amount that we have in appropriated monies in Drinking Water is approximately seven million dollars. Now, in terms of -- that's the information that I have from Karen Slater. In terms of unappropriated, here again is my understanding it was about twelve million, maybe it is fifteen million. I can certainly speak with Budget Office and get a clarification.

MR. SABATINO:

There was a discussion the other night and our records showed what you did, but then the testimony came in at the last minute that there was fifteen million dollars because there was -- of appropriated monies, and that was going to eliminate the concern about the Duke property so we wouldn't have to go with an appropriation clause. And then that resolution didn't pass, so the numbers couldn't have shrunk from fifteen to seven.

MR. ISLES:

I thought that was unappropriated monies.

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MR. SABATINO:

That was the whole point, because -- the whole debate that night was whether or not we needed to appropriate money in the Duke Resolution, and the answer we were told at the end by Budget was no, because there were appropriated monies.

LEG. CARACCIOLO:

You know, Mr. Chairman, as we sit here and reflect on this, I'm thinking about the initiative you made a few months ago with the Hilaire property in Huntington. I thought it was a very good idea and I thought it would become a practice, where you would invite for a

tour of the properties under consideration before actual acquisition.

CHAIRMAN BISHOP:

We've all been to Camelot.

LEG. CARACCIOLO:

We've all been to Camelot? Who?

CHAIRMAN BISHOP:

Well, those who wanted to go to Camelot. I mean it's been out here for a year. Your point -- I'm sorry.

LEG. CARACCIOLO:

I would encourage the Committee go look at the property, that's all. Because I think after you actually look and walk the property, go when it's dry season, we haven't had rain for maybe a week or two, then go right after a rain and then you'll see that's when the wetlands fill in. They're not under ground streams, it's not part of a regional streambed, maybe a hundred years ago it was, but not anymore.

MR. ISLES:

I just make the point too that the resolution does appear to include a appropriation that Mr. Tonna put in, I guess.

MR. SABATINO:

This was done right, this got the appropriation. The only concern, though, is that when you sent --

CHAIRMAN BISHOP:

It's not Duke. Let's concentrate on this one. Do we have a motion and a second?

LEG. GULDI:

Yes.

CHAIRMAN BISHOP:

Motion and a second been made, all in favor? Opposed?

LEG. CARACCIOLO:

On the motion.

CHAIRMAN BISHOP:

I thought you made your speech.

LEG. CARACCIOLO:

No, no, no.

CHAIRMAN BISHOP:

Sorry.

LEG. CARACCIOLO:

I just saw the corrected copy in my office and I want to make sure, Paul, could you just highlight what the changes in the corrected copy by Mr. Tonna were?

MR. SABATINO:

There have been a series of corrected copies. The one from today just simply conforms the SEQRA clause to the new CEQ recommendation.

LEG. CARACCIOLO:

There was one about three days ago.

MR. SABATINO:

Well, that was filed today. The one from two weeks ago, which would have been April 14th, that one basically substituted the Parks Department for the Planning Department in terms of executing the intermunicipal agreement with the Town of Huntington. That's going to be part of that management plan that Karen spoke about at the last Committee meeting.

And it put explicit language in about that intermunicipal agreement since that was not something that was known at the time of the earlier draft. So you've got the Town of Huntington explicitly referenced through authorizing legislation with the Parks Department as opposed to Planning.

And then the last thing was just a clarification on the conversion of funding from the Land Preservation Partnership to the Quarter Percent Pay-As-You-Go, because there was a technical question about whether that had been converted, and the answer was yes.

LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Okay. All in favor? Opposed?

LEG. CARACCIOLO:

Oppose.

CHAIRMAN BISHOP:

Legislator Caracciolo is opposed. Approved.

(VOTE: 5-1-0-0) (OPPOSED: CARACCIOLO) APPROVED

1232. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (active parklands at Bellevue Avenue, Center Moriches (Town of Brookhaven) for use by Ketcham's

Inn's Visitor Center. (Towle)

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CHAIRMAN BISHOP:
1232.

LEG. GULDI:
Motion.

LEG. FISHER:
Second.

LEG. FISHER:
This is the Ketcham's Inn.

CHAIRMAN BISHOP:
For use by the Ketcham's Inn.

LEG. CARACCIOLO:
On the motion.

MR. ISLES:
It's only planning steps, but as I pointed out at the last meeting, we have no objections to the planning steps, we are, however, in contract to purchase this property under the Greenways Active Parkland Program by virtue of a resolution approved in 2000. If the owner is willing to discuss a change to go into this program as the sponsor suggested, that's fine, but just so you know that we're currently obligated under another program.

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

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

CHAIRMAN BISHOP:
1243.

MR. ISLES:
I raised my hand this time. I did discuss this with the sponsor. We are recommending that this action be tabled right now. This is an actual authorization to acquire. At this point in time the -- there are two problems. Number one is that there's been a recent change in ownership in this property. We've tried to contact the new owner, have not had any success on that.

Number two, the Town of Brookhaven has indicated by resolution that they would participate in this. At the suggestion of the sponsor, I've contacted the Town, sent a letter to the Supervisor asking for them to explain exactly what they would do. It's talked about under active parkland, so to define what the park would consist of and so forth, we haven't received that yet.

CHAIRMAN BISHOP:

Motion to table by myself.

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LEG. FISHER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Fisher. All in favor? Opposed?
(VOTE: 6-0-0-0) TABLED

CHAIRMAN BISHOP:

But that process is going to move forward, correct?

MR. ISLES:

Yes, it is.

1244. Authorizing conveyance of Oak Beach Inn parcel to Town of Babylon (Section 72-h, General Municipal Law) (Bishop)

CHAIRMAN BISHOP:

1244 I'll skip, I'll do it at the end of the agenda, because I want to ask Mr. Grier some questions and Mr. Haley wants to leave.

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

CHAIRMAN BISHOP:

1246.

LEG. GULDI:

I'm going to make a motion to table.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

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

1252. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Program (Mediavilla Property) Town of Huntington. (Binder)

CHAIRMAN BISHOP:
1252.

LEG. FISHER:
Can you describe this piece?

CHAIRMAN BISHOP:
Binder has become a big land preservationist, he's got like three or four bills all of a sudden.

LEG. FISHER:
Tom, is this a landlock? I'm trying to remember.

MR. ISLES:
I don't think it's landlocked. It's adjacent to Berkley Jackson

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County Park. It was a site that was previously disturbed. I believe it was a site that was proposed for a smart growth development that's pending in the Town of Huntington. We don't know much about it, it's only planning steps at this point. It was tabled at the last meeting pending CEQ review.

CHAIRMAN BISHOP:
You mean it was proposed for like affordable housing or something?

MR. ISLES:
A mixed development of commercial and residential.

LEG. FIELDS:
May I ask what it ranked?

MR. ISLES:
We have not ranked this, because it came in under the Greenways Active Program where we don't apply that same system. If you would like, we can rank it under the Open Space Program and let you know what that number would be.

LEG. FIELDS:
And do we have a plan from the Town saying what they'd like to do with it?

MR. ISLES:
No, we don't.

LEG. FIELDS:

I'll make a motion to table.

LEG. FISHER:

Second.

CHAIRMAN BISHOP:

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

LEG. HALEY:

On the motion.

CHAIRMAN BISHOP:

On the motion before the vote is called.

LEG. HALEY:

This is planning steps. We just passed one earlier without having an indication what the Town may or may not do. I mean at the end of the day we can't approve a final resolution unless we have a resolution either from the Town or from another organization that's going to maintain it. So for planning purposes, why not allow them to go forward with this process? We've been doing it all along.

CHAIRMAN BISHOP:

There is a motion and a second. All in favor? Opposed? I'll oppose.

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LEG. HALEY:

Opposed to tabling.

CHAIRMAN BISHOP:

It's tabled three-two. You convinced me. (VOTE: 3-2-0-1)
(OPPOSED: BISHOP, HALEY) (ABSENT: CARACCIOLO) TABLED

1253. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Property of Stiber) Town of Shelter Island. (Caracciolo)

CHAIRMAN BISHOP:

1253.

LEG. GULDI:

Motion.

CHAIRMAN BISHOP:

Explanation.

MR. ISLES:

Stiber ranked 15 out of 110. Legislator Caracciolo at the last meeting asked that I --

CHAIRMAN BISHOP:

Shelter Island is not sacred, it must be preserved with all the treasury we can muster. Motion to table.

LEG. FIELDS:

I'd second the motion.

CHAIRMAN BISHOP:

By Legislator me, second by Legislator Fields. All in favor? Opposed? It's tabled. (VOTE: 5-0-0-1) (ABSENT: CARACCIOLO) TABLED

1264. Approving the reappointment of Richard M. O'Dea as a member of the Suffolk County Planning Commission, representing Town of Riverhead. (County Executive)

CHAIRMAN BISHOP:

1264. I was informed by the County Executive's Office that Mr. O'Dea could not attend this meeting or Tuesday's meeting of the Legislature, so I will make a motion to table, second by Legislator Fields. All in favor? Opposed?

LEG. HALEY:

Opposed.

CHAIRMAN BISHOP:

Opposed by Legislator Haley. (VOTE: 4-1-0-1) (OPPOSED: HALEY) (ABSENT: CARACCIOLO) TABLED

1267. Declaring a governmental need for underwater lands located in Peconic and Gardiners Bays. (County Executive)

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CHAIRMAN BISHOP:

1267. I'll make a motion to table.

LEG. GULDI:

Motion to approve.

CHAIRMAN BISHOP:

There's a motion to approve by Legislator Guldi.

LEG. HALEY:

Second.

CHAIRMAN BISHOP:

Second by Legislator Haley. I have a motion to table. Is there a second on that? There is no second on that. On the motion I make the motion to table because I think that the, what we have done to date, which is to tell the Department that --

LEG. FIELDS:

I'll second the motion to table.

CHAIRMAN BISHOP:

I appreciate that. Second on the motion to table. This Mr. Parrino came to us last year, wanted to redeem this property. The Department said no, please don't allow him to redeem because we are going to create a leasing program, and we have continually tabled this resolution sort of as an indication to the Department that we are anxious for them to develop that program so that Mr. Parrino and others who are in his position will actually have the ability to engage in aquaculture and the Department will also have its program in place to protect the environment and the community.

And so this seems to be working out where we continually table it, we're not turning the land back over to the Department, but we're not at the same time doing the opposite, which is providing it to him.

LEG. FISHER:

So what we saw today --

CHAIRMAN BISHOP:

Is a step towards what we want.

LEG. FISHER:

Is a step toward it. Does this in any way impede their ability to move forward if we pass this resolution, this doesn't affect --

CHAIRMAN BISHOP:

No, it wouldn't, it wouldn't --

LEG. FISHER:

-- the movements of the program?

CHAIRMAN BISHOP:

It wouldn't affect the movement of the program, but it would insure that Mr. Parrino --

LEG. FISHER:

Is pushed out of where he is.

CHAIRMAN BISHOP:

Is pushed out, except if they do the program. So what we've been doing is holding this in -- tabling it. In case the program falls apart we would, you know, some of us at least would try to get the property to him.

LEG. FISHER:

Okay. And right now he's using the property?

CHAIRMAN BISHOP:

No.

LEG. GULDI:

No. It's County owned.

CHAIRMAN BISHOP:

Is it?

LEG. GULDI:

Yeah. It's a redemption application, we're taking the deed, it's County ownership.

CHAIRMAN BISHOP:

Oh, right. Right. We own it, but he has an application to redeem, which we're not acting upon. Is that correct?

LEG. FISHER:

I'm getting more confused.

MS. FISCHER:

It's not.

CHAIRMAN BISHOP:

I thought I had it.

MS. FISCHER:

It's not in the typical redemption --

LEG. FISHER:

Lauretta, can you use the mike, I can't hear what you're saying.

MS. FISCHER:

It's a redemption, but it's not in the typical fashion of which we redeem property. He had no former ownership of it other than through a bankruptcy proceeding where he was able to take it through that process.

CHAIRMAN BISHOP:

The resolution would preclude him from redeeming.

LEG. GULDI:

Correct.

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CHAIRMAN BISHOP:

To date, we've continually tabled and the effort is to keep it out there. In case there is no leasing program, we would, we would vote this down.

LEG. FISHER:

And he would have the ability of redemption.

CHAIRMAN BISHOP:

At that point, presumably he would have the ability.

LEG. GULDI:

And my position as a representative of the area that the land is located in, is that the higher governmental interest is in the ownership of this land. With all due respect to Mr. Parrino's bottom fishing at the Bankruptcy Court to buy underwater land, pun intended, the higher governmental interest here is in public ownership of that land in all cases and any event. And to the extent that ultimately aquaculture can and should be pursued on that land, it should be done under County leasing program with DEC regulation.

CHAIRMAN BISHOP:

I agree, it should be. So we want to move it forward, though, and this seems to be the thing that was motivating the process moving at a better clip than it was prior to this.

LEG. GULDI:

Well, I don't know.

CHAIRMAN BISHOP:

Well, you weren't here last year and Mr. Parrino was and so was most of the members of the Committee.

LEG. GULDI:

My confidence in the Department's work on moving the aquaculture program and my participation in the Aquaculture Committee in its many meetings leads me to an alternate conclusion and I think we should move the resolution.

MR. SABATINO:

One technical concern, I thought an application was filed. That's significant, because the six months to make this governmental determination would run from the application. So I think we better get clarification on that so we don't miss our opportunity to declare the governmental need because the six months ran out.

CHAIRMAN BISHOP:

Where are we at with that?

MR. GRIER:

I don't recall the exact date when the application was filed, but one was filed by Mr. Parrino after he acquired whatever interest the Trustee in Bankruptcy had. So one was filed, that's how we got to this process.

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CHAIRMAN BISHOP:

It's already in May and this has been around close to a year.

MR. GRIER:

Since late fall, I believe.

LEG. FISHER:

And what does that mean, David?

MR. GRIER:

Again, I don't recall the exact date it was filed, but we're nearing the end and we have refiled the bill because the prior one expired and we wanted to move forward so that we could accomplish the second aspect of the process in order to declare the governmental need and retain the property. It's a two step process. This was the first resolution that had to be filed, there's a subsequent one that has to be filed which effectively cuts off their redemptive rights, if any exist.

LEG. FISHER:

So, David, you're saying we need to approve this for the process to move forward, for the whole process to move forward?

MR. GRIER:

Yes.

CHAIRMAN BISHOP:

It's not about the whole process, it's about this particular parcel.

LEG. GULDI:

Yeah, but basically -- if I may, Mr. Chairman?

CHAIRMAN BISHOP:

Yes.

LEG. GULDI:

Basically what Mr. Grier is saying is if we don't do this, we will lose our right to do so. As unaccustomed as I am, I agree wholeheartedly with Mr. Grier and urge that we defeat the tabling

motion and approve this resolution.

LEG. FIELDS:

I'll withdraw my second to table.

CHAIRMAN BISHOP:

Okay. Then all in favor of approval? Opposed? I'll be opposed. And it's approved four to one.

(VOTE: 4-1-0-1) (OPPOSED: BISHOP) (ABSENT: CARACCIOLO) APPROVED

TABLED CEQ RESOLUTIONS

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

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CHAIRMAN BISHOP:

Let us move to tabled CEQ 70-02. Motion to table by myself, second by Legislator Fisher. All in favor? Opposed?

(VOTE: 5-0-0-1) (ABSENT: CARACCIOLO) TABLED

10-03. Proposed Acquisition of Active Parklands at Marion Carll School, Commack, Town of Huntington, under the Suffolk County Greenways Program. (Unlisted action; Negative Declaration)

CHAIRMAN BISHOP:

10-03. Motion to table by myself, second by Legislator Fisher.

(VOTE: 5-0-0-1) (ABSENT: CARACCIOLO) TABLED

1244. Authorizing conveyance of Oak Beach Inn parcel to Town of Babylon (Section 72-h, General Municipal Law). (Bishop)

CHAIRMAN BISHOP:

That just leaves Resolution 1244. I just want to ask Mr. Grier, where are we at in terms of getting to Babylon some sort of commitment that they can bond against?

MR. GRIER:

Well, based on our conversations, right now we're in the process of submitting to the Town, I know Patricia Jordan in my office has redrafted the agreement with the Town for their maintenance and has increased it to thirty-five years, which would satisfy their need for a longer term.

CHAIRMAN BISHOP:

So we're done?

MR. GRIER:

Yes.

CHAIRMAN BISHOP:

So I'll withdraw the Resolution 1244. If Counsel could note and the Clerk's Office could note that I'm withdrawing 1244 in light of the information provided. WITHDRAWN

CHAIRMAN BISHOP:

Motion to adjourn, second. All in favor? Opposed? We stand adjourned. Thank you.

(THE MEETING WAS ADJOURNED AT 4:00 P.M.)

{ } DENOTES BEING SPELLED PHONETICALLY