

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

MINUTES

A regular meeting of the Environment, Land Acquisition and Planning Committee was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **October 27, 2003**.

Members Present:

Legislator David Bishop - Chairman
Legislator Michael Caracciolo - Vice-Chairman
Legislator Vivian Vilorio-Fisher
Legislator George Guldi

Members Not Present:

Legislator Ginny Fields

Also In Attendance:

Paul Sabatino - Counsel to the Legislature
Tom Isles - Director of Planning
Lauretta Fischer - Real Estate Department
Christine Costigan - Real Estate Department
Vito Minei - Department of Health Services
Alexandra Sullivan - Chief Deputy Clerk - Legislature
Sean Clancy - BRO
Steve Jones - Suffolk County Water Authority
Walter Dawydiak - Health Department
Kevin McAllister - Peconic Bay Keeper
Craig Kawasaki
Henry Bokeniewicz
George LaMay
Tom Williams
John Iurka
All other interested parties

Minutes Taken By:

Donna Catalano - Court Stenographer

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

CHAIRMAN BISHOP:

Good afternoon. This is the Monday, October 27th meeting of the Environment, Land Acquisition and Planning Committee. Please rise for the Pledge of Allegiance to be led by Legislator Vilorina-Fisher.

SALUTATION

CHAIRMAN BISHOP:

As usual, we have a lengthy agenda in the ELAP Committee and a number of cards that have been filled out. We do have a quorum now, so that worked out perfect. Let's go to the cards. Craig Kawasaki. Good afternoon.

MR. KAWASAKI:

Thank you. Good afternoon. Thank you for giving me the opportunity to speak before you this afternoon. I'm President of Kawasaki Greenhouses, and I'm a commercial grower in East Moriches, New York, Long Island. And I came before you to take the opportunity to speak to you about funding the Entomology Program at Cornell Cooperative Extension. The reason being I'm here is to give you a commercial perspective on what the program does for us.

I've had extensive opportunities to work with the Entomology Program in helping us to come up with ways to become more environmentally friendly, be concerned with the amount of pesticides that we are returning into the groundwater and getting an education on how to best do this in an economical and environmentally beneficial way. The Entomology Program did a test with us on the use of biological controls for spider mites in our facility. And although it was -- didn't have the greatest results, it was a tremendous learning program for me and for other people and an opportunity for people all over the United States to see that it is a viable alternative to hard chemicals.

And one of the direct results of that research is a nursery down in Florida, which had studied and had heard about the Entomology Program doing this research, and they were successful enough to implement it down in Florida. And what a lot of people in the industry pay attention to is what we do here on Long Island because of the sensitive situation we have here with the groundwater. So we are on the cutting edge, we're on the showcase commercially on what we do here.

The Entomology Program has helped not only myself, but other growers also in teaching us how to scout our crops so that we know exactly when to apply the chemicals and so that we don't just go out like growers used to do many years ago and just routinely spray on a weekly basis not knowing whether the insects were there or not or how many were there. And it gives us a little bit better understanding of the amount of chemicals that we have to use and to reduce putting a harmful chemical into the environment. So I ask on behalf of other

commercial growers on Long Island if you would please consider funding this program so that we as an industry can still generate the largest amount of agricultural income for Suffolk County in the all of the New

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York State. Thank you.

CHAIRMAN BISHOP:
Thank you.

LEG. VILORIA-FISHER:
Thank you.

CHAIRMAN BISHOP:
George Lamay.

MR. LAMAY:

Good afternoon. I appreciate you letting me speak to everybody here. I am the past President of the Long Island Arboricultural Association. We've had many problems as far as DEC Law, people very upset with us in applying pesticides, you know, throughout -- homeowners and you know, in the general area. The key persons that I've spoken to from the Extension Service, especially in Suffolk County have helped me in many ways to handle the situation. We had a problem with merit where we found there might be a little bit to much of it in the groundwater. Through research with Mr. Moyer and Dan { Gillrain} , they found a different way of applying these materials. Instead of using it all year round, they decided to use it in the spring and fall to benefit the plant the best way.

The other things, I don't know if anybody's read the publication on how -- the different ways to handle the pesticides, they give you an IPM consideration if anyone wants to see this. It's written right out there for anybody who is going to use the material to deal with it. To me, they are really the leaders in the industry, even though they are not in it. Just helping us in ways to handle the problems we have everyday. Thank you very much.

CHAIRMAN BISHOP:
Thank you.

LEG. VILORIA-FISHER:
Thank you.

CHAIRMAN BISHOP:

John Iurka.

MR. IURKA:

Thank you for giving me the opportunity to address this group. I'm the Executive Director of the Professional Certified Applicators of Long Island. We are an industry group representing businesses with -- that apply pesticides in a wide variety of different venues, from pest control, landscape, aboriculture, marine boat bottoms, a whole wide spectrum. And the Entomology Program at Cornell Extension in Suffolk County has been one of the key players in working with my group in educating our members and people that attend our classes that we give and our conferences in developing and planting IPM protocols for use in Nassau and especially in Suffolk County.

IPM protocols are such that people in the industry in applying pesticides learn to scout and only apply pesticides at peak insect

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levels thereby reducing the amount of pesticide usage on both private and public properties, sometimes by as much as 80%. We are also working with the Entomology Program at Cornell and the New York State DEC on the imidicloprid issue, which Mr. Lamay mentioned, which is the merit insecticide. What we've done is we've developed along with the Entomology Program a protocol of applications of materials at determined times so that we can lessen the amount of materials used in Suffolk County. And all in all, the Entomology Program has been very important to all facets of the user community in reducing pesticide applications in Suffolk County, an thereby protecting groundwater. So we would ask you as a group of 180 member companies to please consider funding -- further funding the Entomology Program. Thank you very much.

LEG. GULDI:

One question for the last speaker, if I may. Sir, can you tell me to the extent of which your member organization, commercial applicators and users as well as manufacturers fund Cornell for this service, if at all?

MR. IURKA:

I couldn't give you any direct figures as to what any private funding comes out of this industry. I don't have that -- that information. Is that what you are asking me?

LEG. GULDI:

Private funding from your members, are you aware of any?

MR. IURKA:

No. But I'm not aware that there is not any either. So I'm totally

unknowledgable of that fact.

LEG. GULDI:
Thank you.

CHAIRMAN BISHOP:
Okay. Dale Moyer.

MR. MOYER:
Good afternoon. I'm Dale Moyer. I'm the Ag Program Director at Suffolk County Cornell Cooperative Extension. I'm here to talk about Resolution 1837, which is the -- which the former speakers have talked to, about the Entomology Program also referred to alternative management strategies for control of insect pests in Suffolk County agricultural landscapes. Just in reference to that last question regarding funding that has come into that particular program, we do receive funding both in kind and dollar wise coming from the industry, many times in the form of grants to work on specific projects. I'm not sure in terms of John Iurka's organization, but there are dollars coming in privately to fund specific projects that we work on.

In regards to Resolution 1837, we're looking for funds from the Water Quality Restoration Program of surface and groundwater. This program, which we're looking for is being supported by Long Island Farm Bureau, the North Fork Environmental Council, Flower Growers and many other organizations. The objective is to continue to evaluate new and safer

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controls, alternatives to pesticides, pest resistant cultivars and biological controls to reduce or minimize any groundwater and surface water impact in Suffolk County. This program, if you read the resolution, has been funded by grants in the past, which are no longer available. It also helps disseminate information on these new materials and also gather research from other areas and extending to our growers and our landscapers in Suffolk County.

This also -- this program also provides diagnostic and related services to commercial growers, landscape professionals as well as support for the home horticulture laboratory that we have. This is a critical position which all of agriculture is needed. It's also very supportive of our Agricultural Stewardship Program, which we're trying to develop and move with in the coming years. And I look forward -- and hopefully, if you have any questions, I'd be glad to answer them and look forward for your support. Thank you.

CHAIRMAN BISHOP:
Thank you. Tom Williams.

MR. WILLIAMS:

Thank you, Legislator Bishop. I real just want to emphasize the importance of this position. And the fact that it was reviewed by the Quarter Percent Committee and approved and forwarded. And it's also been reviewed by the County Executive's Office and been approved up there. So it is important. The Farm Bureau supported it as they -- they were here on Friday. And so we think it's very important and thanks for your consideration.

CHAIRMAN BISHOP:

Thank you. Okay. That was a record. Now I have a panel of people on Resolution 1841; Dr. Henry Bokuniewicz from the Long Island Groundwater Research, he's the Executive Director, Steve Jones, Executive Director of the Suffolk County Water Authority and -- come to the table -- and Mr. Minei from the Health Department and Walter Dawydiak.

CHAIRMAN BISHOP:

Good afternoon, gentlemen. Steve, you are the polished.

MR. JONES:

This resolution, 1841, proposes centralizing a data base having to do with all kinds of information relating to surface water and groundwater, having to do with water quality and water quantity. The Suffolk County Water Authority proposes in this resolution that we would enter into an agreement with the Health Department. The idea being that we would provide some of the funding associated with trying to centralize this data base. The way we would do this is as is proposed in the resolution is that the Water Authority when it comes to the County for the purposes of entering into quarter cent properties that the County has acquired for drinking water purposed would take the money associated with the value, market value, of an easement to go in there and that money would basically go into a fund and the Water Authority would get the credits against that amount of money.

What it essentially means from our purposes is that the money is not just going to the County and going into the General Fund, but that it's being used for something related to drinking water, something related to water quality and that sort of thing. I can tell you from past experience the need for this centralized data base from a variety of perspectives. We have done work -- research work with the United States Geological Survey on a variety of topics relating to the rainfall, relating to the water table, drought conditions, heavy rain fall conditions, that sort of thing and also underground stratigraphy and the water bearing formations, the aquifers.

We've also done work both providing direct financial support and indirect support to the Long Island Groundwater Research Institute. That support also comes from other members of the Long Island Water Conference, other water companies in Nassau and Suffolk County. So what we do is we provide funds for either basic research or applied research over at Stony Brook. What happens is professors when they are trying to put research together on a variety of topics, many of which relate to public health and water quality, they have to go to a variety of places to get information to support their research.

And they will come to us and we will give them information. They will go to USGS, they will go to County Health Department. Problem is a lot of this information takes various forms of data bases, geographical information system, data, that sort of thing. So the bottom line here is that this centralized water -- this centralized surface water and groundwater data base is going to go a long way toward helping in basic research and applied research and also the dissemination of public information to anybody who wants it within the certain basic security parameters, which have been established for water companies after September 11th and also I'm sure the County is concerned with the security aspects as well.

So that's the overview. There's no price tag on the resolution, you see that. That's because we really don't know what the costs are going to be at this point. We want to get direction from the County Legislature as to whether this is a good thing or not and whether the cash flow on it is a good thing or not, we would propose to sit down with the County Health Department, sit down with Groundwater Research Institute and hammer out an agreement and put a price tag associated with that. Thank you.

CHAIRMAN BISHOP:

Thank you. Dr. Bokuniewicz.

MR. BOKUNIEWICZ:

I'm Henry Bokuniewicz. I'm a professor at Stony Brook University and Director of the University's Long Island Groundwater Research Institute. As Steve just mentioned, people on Long Island are faced with a bewildering array of contaminants and pathways for contamination. And these do not act in isolation. And it's difficult to get a comprehensive view of the quality of the environment, the aquatic environment. Information now is scattered among a number of difference agencies all of which have slightly different mandates and different ways of dealing with public inquires.

If anyone has ever tried to get information on water quality, you know it can be a frustrating process, and you often end up with some

fragmentary messages. So at this stage, the institute at the University is hoping to contribute to the coordination and the accessibility of this sort of environmental information. We have a long history of cooperation with both the Water Authority and the Health Department, DEC, EPA, USGS and other agencies that are involved in the collection of this data. And by definition, the University is repository for knowledge. So it might be appropriate to centralize information there. And by obligation, the University has a mandate to be of service to the region. And we see this as a role in technology transfer that is entirely appropriate for us to undertake. I want to thank you for your leadership in this issue, and we welcome the opportunity to be of service.

CHAIRMAN BISHOP:

Thank you.

MR. MINEI:

Good afternoon. I'm Vito Minei, Director of Environmental Quality for the County Health Department joined again by Walt Dawydiak our Chief Engineer. We too agree with Mr. Jones and Professor Bokuniewicz with regard to the need for a centralized data base. The only comments we had with regard to the proposal is that, number one, we see this as a companion to 1842, which was the directive with regard to preparing a comprehensive water resources plan. We agree with that -- with the idea of preparing a comprehensive water resources plan. There was some question about some of the directive in 1842.

1841, the only comments we had was, number one, we agree with the concept of centralized data bases. Number two, was the timing -- the question of timing as well as cost. We suspect that there will be indeed a considerable amount of time, because some of the these data bases among the Water Authority, the US Geological Survey, the County Health Department and others are not really compatible. So we were hoping to work that out during the comp water resources plan. The other too is I understand that the proposal here is indeed open ended, and it was discussing credits. I prefer to take cash from the Water Authority when we are -- when we are dealing on contracts, because I believe this will indeed turn out to be hundreds of thousands of dollars. And that was really the only cautionary note that going into the comp study as we do with all management plans, we oftentimes work out other funding that we can leverage; state and federal. But I know these two gentlemen well. I believe very wholeheartedly in the concept of a centralized data base. And we're here to assist the Legislature as you move forward on this.

CHAIRMAN BISHOP:

Thank you. Questions? Walter, you want to add anything.

MR. DAWYDIAK:

No, thank you.

LEG. VILORIA-FISHER:

Vito, actually I think you were heading into the direction where I have some questions. Several years ago, there was a concept floating

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around regarding modeling, there was someone working in Dowling who was doing modeling of a variety of data information, a kind of three dimensional modeling, and he was looking at some modeling -- Dr. Bokuniewicz and I had spoken about this. And if I remember it was a pretty hefty price tag that was floating, so I was concerned about that. Are we talking about that same level of cost, Dr. Bokuniewicz, since you are familiar with that proposal that was being floated, I think two years ago, is this the same level of cost do you think?

MR. BOKUNIEWICZ:

Well, it's my understanding that this is a more limited data base, not including mathematical modeling, which is quite another --

LEG. VILORIA-FISHER:

He had modeling and projections and --

MR. BOKUNIEWICZ:

This is the management of the raw information itself.

LEG. VILORIA-FISHER:

The existing information and intergrading the information in one data base so that we could take a look at all of this.

MR. BOKUNIEWICZ:

That's correct. And I agree with Vito. We're probably looking at somewhere between 100 and 200,000 annually.

LEG. VILORIA-FISHER:

Vito, were you trying to jump in there?

MR. MINEI:

I was going to try to respond to the question. The three dimensional computer modeling has been done as part of the Source Water Assessment Program. And in fact, we have copies of the report hoping we were to give out to the committee, because that was leading into this comprehensive water resources plan. So that's I kept saying that in our mind, and I assumed in the sponsor's mind, that 1841 and 1842 are companions, because the data base management, the ability to present it to the public, we were all for that and the computer modeling is an extremely powerful tool and we anticipated using that with the comprehensive water resources plan. So it is all together as far as we're concerned.

But to answer your question, the model has been prepared in part with money from the Water Authority and the County and the Capitol. We were hoping to move that Capital Program through with the cooperation with the Water Authority to do the comprehensive water resources plan. But we had sort of an interesting discussion on 1842 at Budget, and I believe that will be carried on in Health on Wednesday.

MR. JONES:

Just getting back to the subject of cash. I just would request that some technical -- from our standpoint, there is some technical language in the second resolve clause which really doesn't need to be there with respect to the Water Authority. The County needs it there for some reason, so be it. But we do plan on paying cash and not

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issuing bonds or capital notes which are indicated in the second resolve clause. So those things can be eliminated -- stricken. If you want, I can talk to Mr. Sabatino about that.

CHAIRMAN BISHOP:

Yes. We will get the message to them. Michael.

LEG. CARACCIOLO:

Vito, this initiative would be for Suffolk County or would it be or the bi-county region?

MR. MINEI:

We obviously, you know, only do information with regard to Suffolk County. I don't know if Mr. Jones' Water Authority is reaching into Nassau County and he was providing data for them.

LEG. CARACCIOLO:

They may not be, but I know there are other data bases as we've eluded to here. So I would like to get a sense of whether or not we're talking about a bi-county data base, because when we look at Long Island SWAP that was, in fact, a bi-county study. I just want to clarify.

MR. MINEI:

I'll take the first part. Unfortunately, with regard to the implementation which has always been our discussion of the recommendation, source water assessment was just that, an examination. And we knew from the beginning back in '99 when we looked at it that we had to go from the assessment into implementation, that Nassau County was not prepared to go into implementation. In fact, wallet was working directly with representatives in Nassau County. So they were kind of resisting that because of the financial commitment of

what the next stage meant. But, no, if you have see my maps from the Italian explorer perspective, it end at the Nassau-Suffolk border. We fall of the edge of the earth when we go west of Route 110 on our maps and our data base. But we were thinking only in terms of only Suffolk County data.

LEG. CARACCIOLO:

In terms of the new date base, the centralized data base, what type of additional resource would that be and what would it provide us that we don't know already from the various, you know, data bases?

MR. MINEI:

I think Henry touched on it. The ability to present it in a timely fashion. You know you have had many inquiries to us and we can provide you with graphics of different areas of the County and it takes us a little while to do that. And typically we work only with our Health Department data base when we provide those graphics to Legislators or any other representatives of the public. We're talking about a very powerful tool that would -- just a glance at the 1987 comprehensive water resources plan and what I would consider very crude mapping of different contaminants at different level of the groundwater system, this moves this all the forward into this generation's data presentation capability, very powerful educational tool as well as data management tool for us whenever we uncover any

specific problems.

I'm certainly encouraging moving forward on this. I was just trying to coax my friend Steve Jones into kicking up a little more money here. But don't misunderstand my commentary here, very powerful tool. The modeling we have that Legislator Fisher referred to, very, very powerful stuff here. And it's going to help us with management. And this gets us to the next stage. We're talking incompatible data bases, very difficult for us to speak on the computer level, even though our staffs do -- in fact, they were at the meeting this morning -- our staffs are in full cooperation all the time. This ability to bring the data bases together is very important at this time.

LEG. CARACCIOLO:

Okay. But the ultimate goal here would seem to me, as you said, manage the resource. And when we look at that aspect of it, we have public wells, we already know where there's been heavy pesticide use, for example, where we have a lot of contaminants in the groundwater. There are many residents that are still on private well water systems. So if we look at the universe of the County, what -- what percentage or what amount of the population would possibly be at risk for the lack of this information? I mean, where does this information bring

us in terms of dealing with the management issue? The Water Authority going into towns like Southold, where you have areas of groundwater contamination from past pesticide use and the like and where there has been strong local resistance. You know, we've talked about water districts in Southold. We've talked about a number of other initiatives. And it seems every time the Water Authority talks to the local town board about these issues, there's a great deal of reluctance about, you know, big brother coming in and starting to commercialize the town. What's the end game here?

MR. MINEI:

Well, Mike, you just touched on the heart of what we propose as the comprehensive water resources plan. That's question number one, and I just turned to Walt and said, you brought that list of questions. And he looked at me and said I though you brought it. But there's a list of questions we present to the public with regard to these issues. What does this all mean, all this data management capability, all this fabulous graphical capability, all this state of art computer modeling and this fabulous groundwater investigation capability mean? And it's for your constituents certainly, it's to address that question. What does it mean in items of water supply for the future of the East End? Are we talking about more treatment? Are we talking about importing water from the Pine Barrens? Are we talking about changed environmental regulations?

All of those are the heart of the comprehensive water resources plan that we're proposing and we have a request for proposals to secure services. This is just another element of being able to manage the information and conveying it to the public so elected officials as well as the public can make those determinations. But that's question number one, and I wish I had that list with me. But you have asked the right question once again, Mike.

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LEG. CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

You certainly know how to talk to Legislator Caracciolo.

MR. MINEI:

We are on good terms this week.

CHAIRMAN BISHOP:

Thank you all very much, I appreciate it. We're lost our quorum, but we have one more card. Kevin McAllister.

MR. MINEI:

Oh, I have those questions, by the way. If I could just hand those out. These are the questions -- we're going to pick this up at the Health Committee on Wednesday with regard to what we believe the comprehensive water resources plan will address. Thank you.

MR. MCALLISTER:

Good afternoon. I'm Kevin McAllister the Peconic Baykeeper. I'm here to talk to you about the extension of the Vector Control Plan, the 2002 Plan. As you know, at the time, CEQ issue a negative declaration followed by the long term plan, which was pos decked. Ultimately, last year we came back with the continuation of the 2002 plan into 2003. And what is before this committee today is the continuation of the '02 plan into 2004.

Again, we maintain that this is impermissible segmentation with respect to SEQRA process. I have a letter from general counsel, Matthew Atkinson, that was provided to CEQ, and I'd also like to provide it to this committee. I'd like to frame a question for the committee as well. In the 2002 Plan in obviously the two components of the spraying and the ditching, there was 400,000 linear feet, 75 linear miles of ditches to be performed now into the '03 and now into the '04, is this a carry over or a new 75 miles per year? Again, I think with respect to the later, again, that is unlawful. So if we're again, finishing the work product of '02, 75 miles with respect to maintenance, that's a major distinction versus an additional 75 miles per year.

I'd like to speak to the ditching briefly. As you know, stormwater runoff is a major problem in our estuarine waters obviously carrying a host of pollutants from impervious surfaces, residential properties, commercial properties, etcetera. There is a move with the Phase II permitting to try to ultimately remedy stormwater loads in the long terms in the interest of water quality protection. Mr. Bishop, you have actually been -- I consider you on the forefront with your concern for stormwater with respect to preparing legislation that would prohibit the discharges of stormwater. I've long held and I've spoke to this -- not this committee, to the Legislature going back, I believe it was February of 2000, speaking to the fact that mosquito ditching negates the biofiltration, a natural kidney effect, of the salt marshes. And that ultimately, these are acting as direct conveyers.

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I recently gleaned a letter from a foil, Freedom of Information Law process that I did with DEC offices, and I'll read you an excerpt. This was an application for reconstruction of ditches in Cupsogue County Park in West Hampton. These ditches are important for the drainage of upland rain run off, that's verbatim language. And again,

what I've been long stating to you, the County DPW acknowledges that this is principally the purpose of it. I ask you to take a hard look at the ditching. Really put it at a halt and let the study proceed. And ultimately, I'm confident if the study, again, is legitimate and objective, that we will find this is a real flawed program and move to discontinue this practice. We have to get into marsh restoration, not keep perpetuating mistakes from the 1930s into a modern day program. Thank you.

CHAIRMAN BISHOP:

Thank you. Thank you. All right. If we can get a quorum back, we will again the agenda.

DR. BRIDGEN:

Excuse me, Mr. Chairman. I submitted a yellow card. It must have gotten lost somewhere. My name Dr. Mark Bridgen, and I'm a professor at Cornell University and also Director of the Long Island Horticultural Research and Extension Center. And I'm here to support Resolution 1837 for the Entomology Program, because as you know, the -- in Riverhead, Cornell University funds the research center, and we work very closely with Cornell Cooperative Extension of Suffolk County. This particular program is very important for our farmers on the Island and for the protection of our surface and groundwater on the Island. We have a very unique situation with our water and our farming. We also produce more horticultural products than the entire State of New York. So it's of economic importance also. And I would encourage you to continue to support this particular program.

CHAIRMAN BISHOP:

Thank you very much. You did fill out a card. It was my error, and I apologize.

DIRECTOR ISLES:

Mr. Chairman, if you like we can give you an update on one the items from the last Legislative meeting. Thank you. At the last Legislative meeting an item that was before you was the acquisition of property known as 5-11 Equities, it's Resolution 1821. At that time, we had requested authorization to purchase that property. The Legislature had a number of questions, which I rightfully understand, and the Legislature tabled that resolution. If you'd like today, we can try to provide you with just a summary of the information. I have with me the Director of Real Estate, Christine Costigan and our licensed general certified appraiser, Bill Moore. But if you want, I can give you a recap just to bring you up to speed on that one. It's on the floor.

MR. SABATINO:

It's on the floor for the Special Meeting of November 6th.

CHAIRMAN BISHOP:

Are you coming to that meeting?

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LEG. GULDI:

Mr. Chairman, it was tabled from the CN on the floor, and it hasn't been through this committee. So we should focus on it and do our committee thing on it.

CHAIRMAN BISHOP:

Absolutely. Very diligent of you.

DIRECTOR ISLES:

So just to give you a recap from a planning standpoint, then I'll turn it over to Christine Costigan just to run through the appraisal facts. The parcel itself is located in the Town of East Hampton, the Hamlet of Montauk, next to Hither Woods Park as well as the Lee Koppelman Preserve. It is a parcel of about 19.5 acres directly on Fort Pond Bay, adjacent an open improved road known as Navy Road. The parcel basically completes an acquisition of open space in the Hither Woods area. I'll point out that to the immediate west of the subject property, the Town of East Hampton purchased a parcel within the past 18 months, is my understanding. So that was one of the two remaining vacant parcels to complete this whole preserve.

The County Planning Department has done a review of this parcel in terms of our open space ranking, and we identified a ranking score of 55 out of a possible score of 110. We feel that this is a meritorious acquisition, here again, completing the open space network that exists here and the fact that it does offer number of attributes in terms of a bluff feature, the waterfront presence, the scenic views, the consistency with the other adjacent parcels. All of that was explained at the full Legislative meeting. I think the primary issues we're dealing with is the appraisal issues, and I apologize for not having that available at the meeting. But we'll just give you a quick summary in terms of the appraisal amounts if you would like and answer any questions you may have from that point. Thank you.

DIRECTOR COSTIGAN:

There were two appraisals in this instance. The appraisal number one the adjusted value adjusted for time was \$1,882,000. Appraisal number two was \$2,500,000 rounded for -- again, adjusted for time. So the appraisal mean was just over two million dollars, two million eleven thousand. And the purchase price is two million, the proposed. We have -- Bill Moore is here if you have any specific questions on the appraisals.

DIRECTOR ISLES:

Right. So this is an acquisition below the mean at roughly \$100,000

per acre for the property. Two appraisals were ordered by the County for this. We are -- this is a sole county acquisition, it is not with the Town of East Hampton in this case.

CHAIRMAN BISHOP:

Who does the time adjustment? How does that work?

DIRECTOR COSTIGAN:

Bill does as a matter of fact so that we don't have to order another appraisal. You use -- you ask the appraiser for an adjustment factor. So if he submits an appraisal in July and we don't get to consider it

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really until November, we'll get back to him and say, what would you suggest we adjust your number by. There's no reason to do a whole new appraisal. What do you think the property has appreciated or depreciated in some worlds by during that time. And the sam appraiser will give us an adjustment value to apply to his appraisal or her appraisal.

CHAIRMAN BISHOP:

Since my epiphany that appraisal work is alchemy this would seem to -- so you just ask -- go back to the appraiser and say what was the adjustment factor, then they factor it in. I mean, at what point -- at what point does it become stale and not adjustable.

MR. MOORE:

Well, I think obviously sometimes if you have an agreement with the owner and the value you have is three or six or nine months old, you would tend to move forward. But in cases where values are rising sharply, and in a case like this where the dollar amount is important, they start getting stale at four, six, nine months. I would say after nine months, you are better off doing a new appraisal report from the start.

CHAIRMAN BISHOP:

Okay. All right. That's a rule. I like a rule.

DIRECTOR ISLES:

I think one of the key thing when I sat on the County Executive's panel looking at real estate is that if we are going to make any adjustments, we should go back to the original appraiser. We're not supposed to go to another appraiser and things like that. So if that appraiser who prepared the original report feels it's acceptable to adjust the number, that in my understanding would be consistent with the professional guidelines we have been following.

LEG. VILORIA-FISHER:

Did the high and low appraisals both use the same adjustment factor?

MR. MOORE:

In this particular case, I don't recall. And I'm not sure if we have that information. I can't recall an instance where that happens that they are different. You either have 5% a year, 10% per a year.

LEG. VILORIA-FISHER:

So they are generally in the ballpark.

MR. MOORE:

Yes. That's the kind of area that we're rarely in disagreement with the appraisers.

LEG. VILORIA-FISHER:

Okay. So there's not as much alchemy in that part of the equation. Because that does affect the mean. You know, we want to make sure that when they are rising they are both rising equally so that the mean is a real mean.

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DIRECTOR COSTIGAN:

That is actually an interesting point in that where the appraisals are different the adjustment is the same. It's another one of those little spins on appraisals.

LEG. VILORIA-FISHER:

Thank you.

CHAIRMAN BISHOP:

All right. Legislator Caracciolo.

LEG. CARACCIOLO:

What were the dates of the appraisals, and who were the appraisers?

MR. MOORE:

I have an appraisal by Frank Anzini, and his date of value was December 26, 2002. And I have an appraisal by Andrew D. Stype, that's s-t-y-p-e. And his date of value was December 8th, 2002.

LEG. CARACCIOLO:

So at this juncture these appraisals are not quite one year old, but close to it, about 11 months old.

MR. MOORE:

Yes.

LEG. CARACCIOLO:

Okay. Getting back to the Chairman's question of making an adjustment, could you explain exactly what methodology was used to make that adjustment?

MR. MOORE:

In this particular case, as a matter of fact, what I always do if there is to be such an adjustment is I get it in writing via e-mail or confirming a letter or whatever means in writing for the file from the appraiser. And in this particular instance, I have an appraiser advising me, and I confirmed in it writing that there was a 13% per annum increase. And in the case of the other appraiser -- well, I'll tell you, in this particular case, I used the adjustment factor provided by one appraiser and applied it to both appraisal reports.

LEG. CARACCIOLO:

Why is that?

MR. MOORE:

In this particular instance, it may have been for the sake of expediency or the sake of just moving things along or perhaps the other fellow was out of his office or away on vacation. It's not my normal routine of doing things, but from time to time I'll do that if it appears reasonable, and this certainly was.

LEG. CARACCIOLO:

Which of the two appraisers provided the 13% per annum increase?

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MR. MOORE:

That was Frank Anzini.

LEG. CARACCIOLO:

Did the other -- the other appraiser opine on this?

MR. MOORE:

As I recollect, I have nothing from him to confirm one way or the other.

LEG. CARACCIOLO:

Okay. The County's independent in-house review and review appraisal came up with what value?

DIRECTOR COSTIGAN:

We don't use values.

LEG. CARACCIOLO:

Okay. Right. So the division concurs with the bottom line here, may

appraise the mean value of \$1.8 million, time adjusted for two million or about 100,000 per acre. Okay. The land characteristics in question, I'm looking at the aerial, I know this property, but I'd like a description for the record of what's -- what's on this land.

DIRECTOR ISLES:

Okay. The parcel, as I indicated, fronts on Fort Pond Bay. The parcel consists therefore extending from the north, from the shoreline along Fort Pond Bay, beach area, a rising bluff location, rising rather significantly. The parcel then consists of various vegetative cover, plant material. There is a portion of the site along Navy Road that was cleared some years ago, relatively small area, not even an area -- two areas. That's about it.

It's consistent overall in terms of the vegetation with what you would find at Hither Woods, the Lee Koppelman Preserve and actually less disturbed than the parcel to the east -- pardon me, to the west that was purchased by the Town of East Hampton within the past year. The parcel does also consist of some remnant World War II structures, similar to have existed Shadmore actually, some bunker type structures. This site would be subject to an environmental assessment, which is -- we have not yet gotten results on prior to an actual closing on any contaminants and so forth.

LEG. CARACCIOLO:

In fact, that's how the street got its name.

DIRECTOR ISLES:

Right.

LEG. CARACCIOLO:

Because it was at one time part a facility that the US Navy used. Now, what crosses my mind, the Duke property, which is different land characteristics to this, I'll grant you that, on Three Mile Harbor, instead of Fort Pond Bay. My recollection is -- what was the per acre price there?

DIRECTOR ISLES:

Which parcel, sir?

LEG. CARACCIOLO:

Duke.

DIRECTOR ISLES:

Duke. Let me just figure that out. It's 57 acres for a total of \$12 million of which the County paid 5.8 million. It would be more than that, it would be plus 200,000.

LEG. CARACCIOLO:

In determining the values by the appraisers that is, what method -- what approach do they use?

DIRECTOR ISLES:

For this parcel?

LEG. CARACCIOLO:

Right.

DIRECTOR ISLES:

The 5-11 equities?

LEG. CARACCIOLO:

Sales approach, comp approach.

MR. MOORE:

The raw acreage comparable sales approach was used.

LEG. CARACCIOLO:

And what were the raw acreage sales comparisons, from where? You know, I know the history with Oak Beach Inn and some other land acquisitions the County has been involved in where -- I'll never give up on Oak Beach Inn. Some day we'll get to the bottom of that. You can't cover up what I think has been some serious wrong doing there, Dave.

CHAIRMAN BISHOP:

By whom?

LEG. CARACCIOLO:

That said, I would just be curious to know, you know, where the comparables are in this instance.

MR. MOORE:

Shall I just read you the towns, for example? One is East Hampton, then we have Springs in East Hampton, then we have East Hampton again, East Hampton, East Hampton, East Hampton, Amagansett, which is East Hampton and Montauk in East Hampton.

LEG. CARACCIOLO:

At least in this instance the appraisers at leased used somewhat contiguous areas in the same town, not like in the former instance where they went to Long Beach. Thank you.

MR. MOORE:

Thank you.

CHAIRMAN BISHOP:

Just, my prerogative. Since you are so careless with your language, Legislator Caracciolo, and it is careless, just to remind you, the Oak Beach Inn parcel was -- the representative for the seller was the County Executive's Chairman of the Finance Committee. So if you are cast aspersions, I suggest you cast them your own way and keep them away from me, because I have nothing to hide or nothing to be ashamed of.

LEG. CARACCIOLO:

Well, I wasn't pointing to you, sir, unless you have some kind of a guilt complex. I have no reason to think you are a party to that. But I think there was a bailout, Dave, of the Town of Babylon by County taxpayers. And I think that was wrong and that whole appraisal was off the wall. But maybe some day somebody will look closely at that.

LEG. GULDI:

Can we talk about this one?

CHAIRMAN BISHOP:

Yeah. Let's talk about this one. Who are the 5-11 Equities.

DIRECTOR ISLES:

We did ask that question. And 5-11 is a corporation with an address at 5-11 Fifth Avenue, New York, New York. Our records and what we've received from our agent, the Nature Conservancy, on this one is the Chairman or Chief Executive Officer is Raphael Recanati, r-e-c-a-n-a-t-i, President is Daniel Pearson. The former name of 5-11 Equities was Shopping Co. and it indicates the deed was recorded in March 14th, 1979.

CHAIRMAN BISHOP:

Who represents them?

DIRECTOR ISLES:

Well, they have a -- they have an attorney, I think it's a Mr. Brody. The Nature Conservancy is the County's agency on this one. They are the ones that are doing the primary contact with the owners, is what I meant to indicate.

DIRECTOR COSTIGAN:

The seller's attorney is George Biondi. The rating on this property was 55.

LEG. VILORIA-FISHER:

May I just go back to that per annum adjustment, it was 3%. Bill, maybe I misheard you, but I thought you had said a more typical

adjustment would be 5% or were you just throwing that number?

MR. MOORE:

Not 5%. When I said 5%, what I was trying to indicate is that the appraisers will come back with a number that's in a multiple of five,

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for example 15, 20. And in this case it disproves my argument again, because he came up with 13%.

LEG. VILORIA-FISHER:

Okay. It was my understanding -- I don't know what the market -- how the market has done this past year on the East End. I know the year before there was real quite an increase in home -- the prices of homes and prices of property. It is 13%? Is that the level at this point on the East End? Would you consider that a fair assessment?

MR. MOORE:

I think that's fair. You always have to look at the particular category of land. This is a piece of land which has concern topographical features to it, perhaps difficulties in development, it's unlike some other pieces of land. It sounds like a strange number, yes, granted, 13%. Maybe if we were to sit here we might say it should have been 15, some people would say 20%. But at that point in time it was a snapshot provided to us by this appraiser for those -- actually for a few months he felt 13% as a per annum would be the best to apply.

DIRECTOR ISLES:

Just keep in mind too that those adjustments were made in June and we're now in October. So we have not had any adjustment since June. The market has probably gone up to since that time.

LEG. VILORIA-FISHER:

Okay. So that's not an atypical number -- other than not being a rounds number of five. Okay.

CHAIRMAN BISHOP:

Okay-dokey. Okay. Thank you.

LEG. GULDI:

You will be back on Tuesday with the appraisals and all the information at the General Meeting, won't you?

DIRECTOR ISLES:

Sure. Yes.

LEG. GULDI:

Just in case we need you.

CHAIRMAN BISHOP:

To the agenda. If you could just leave one spot there for Mr. Bagg, we'll lead off with our CEQ portion. The Red Coats are coming front and center.

CEQ RESOLUTIONS

CHAIRMAN BISHOP:

62-03.

LEG. VILORIA-FISHER:

Wait. Wait. Wait. I just want to ask Jim something before we went to the CEQ resolutions regarding what Mr. McAllister had said and the

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Vector Control, you know, the Vector Plan, the ditching plan for the following year. Are we -- did CEQ when you reviewed this, is there a tacit agreement that if the plan for one year is the 75 miles, it just goes to the next year? I think that's what he was indicating, that it would be accepted as the norm for the following year.

CHAIRMAN BISHOP:

Yes. It's 75 total or 75 building on 75?

MR. BAGG:

If you look at the 2002 plan, the ditching was really based -- really not -- the 75 miles was guess on DPW. The ditching maintenance was based on whether or not a ditch actually breded mosquitos, whether or not the DEC confirmed that as well as the Office of Ecology in the Suffolk County Health Department and then the maintenance involved, not deepening a ditch or not widening a ditch, but removing any obstacle in the ditch in order to allow a flow to return and eliminate the breeding situation.

I asked the Department of Public Works and Vector Control in terms of how much ditches they did maintain, I do not think they came anywhere close to the 75 miles. It was my understanding, and I haven't had this confirmed, that last year they missed the envelope with DEC and didn't do any maintenance ditching. So it's really not like, well, we're going to do 75 miles this year and 75 miles next year and the year after. It's simply a hold pattern to eliminate mosquito breeding and Vector Control. It's not a --

LEG. VILORIA-FISHER:

On the same -- on the same number of miles -- number of ditches and you are not adding 75 additional.

MR. BAGG:

No. It's based on whether or not there happens to be a mosquito problem at a particular location. It's not a maintenance program that says we go out maintain 75 miles here and 75 miles the next year, it's simply on a --

CHAIRMAN BISHOP:

I guess -- we understand that answer. But I guess the other question is is that by CEQ law, I mean, is that what he is limited to?

MR. BAGG:

That was what was in your negative declaration, and that is what he is limited to. And if exceeds --

CHAIRMAN BISHOP:

Seventy five miles. So they can't the next year do a different 75 miles while maintaining the current 75 miles. Given the fact that you say they don't even do five miles right now, I understand that. But I want to know under the CEQ -- you are our expert on the law of CEQ, is that possible that you can could use application from one year and have it go forward and do different milage than next year?

MR. BAGG:

Well, I think it was really maintained in terms of your neg dec as to

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what area is not a specific location, but what area has actually breded mosquitos and should be maintained.

CHAIRMAN BISHOP:

Let me ask it this way. It's 2003, and I go through CEQ and I identify 75 miles all of which are in Islip. Now it's 2004, and I identify 75 miles in Brookhaven. In 2004, can I do -- under CEQ can I continue to do what I was doing in Islip?

MR. BAGG:

Well, basically no, but in essence they didn't identify any ditching anywhere. They just said wherever we have a problem, we will eliminate the obstructions.

CHAIRMAN BISHOP:

I see. So -- okay. So it's not very tight.

MR. BAGG:

It was not brought into any geographic location.

CHAIRMAN BISHOP:

Should it be?

MR. BAGG:

Well, I think that's one the goals of the long term plan is to scope, to look at the entire wetland system, the entire ditch system as well as open water marsh management and what role it does play in Vector Control as well as wetlands management, which was eliminated in your 2002 plan. Vector Control and DPW modified their plan to take out OMWAM, to take out any specific regional location or specific ditches that would be maintained, you know, like, 75 miles per year thereafter and scoped it down to say that we will only maintain those ditches that are problems with respect vector control and breeding.

CHAIRMAN BISHOP:

Okay.

LEG. VILORIA-FISHER:

Okay.

CHAIRMAN BISHOP:

All right. Thank you.

62-03 Proposed SEQRA classifications of legislative resolutions laid on the table on August 26 and September 16, 2003.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Caracciolo. All in favor? Opposed? APPROVED (VOTE:4-0-0-1; Not Present - Legis. Fields)

63-03 Proposed planning of the revitalization of William and Mollie Rogers Waterfront at Vanderbilt Museum, CP 7427, Town of Huntington)

MR. BAGG:

This project includes the planning to perform architectural planning engineering services for improvements to the waterfront area behind

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the existing seawall of the Vanderbilt Museum.

LEG. GULDI:

Will you have to come back to us for the work?

MR. BAGG:

Yes.

LEG. GULDI:

Motion.

LEG. VILORIA-FISHER:
Second.

CHAIRMAN BISHOP:

There will be segregated planning and whatever, we had this conversation numerous times. Motion by Legislator Viloria-Fisher, seconded by Legislator Guldi. All in favor? Opposed?
APPROVED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

64-03 Proposed demolition of the old Cornell Cooperative Extension Building, CP 1768, Town of Riverhead.

MR. BAGG:

This next one is for the demolition of the old Cornell Cooperative Extension Building in the Town of Riverhead. Council finds that it is a Type I Action because the building has been designated or is eligible for designation to the National Register. It's next to the historic court house building. It's within the court house historic district. And they feel that it will have a significant impact on the environment, because it exceeds the criteria of Part 617.4B9, because the former Cooperative Extension title Guarantee Company Building is eligible for inclusion in the National Register of Historic Places and is adjacent to the County Court House Complex and is within the court house historic district area, which is also eligible for inclusion of the National Register of Historic Places.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? APPROVED. (VOTE: 4-0-0-1; Not Present - Legis. Fields)

65-03 Proposed improvements to CR 76, Townline Road at Hoffman Lane, CP 5039, Towns of Islip and Smithtown.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Guldi. All in favor? Opposed? APPROVED. (VOTE: 4-0-0-1; Not Present - Legis. Fields)

66-03 Proposed improvements to CR 50, Union Boulevard at CR 82, Higbie Lane, CP 3301, Town of Islip.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Guldi. All in favor? Opposed? APPROVED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

67-03 Proposed temporary pedestrian bridge, CR 39, North Road and LIRR, west of Tuckahoe Road intersection, CP 5405, for 2004 US Open

Golf Championship, Town of Southampton.

LEG. GULDI:
Motion.

LEG. VILORIA-FISHER:
Second.

CHAIRMAN BISHOP:
Motion by Legislator Guldi, seconded by Legislator Vioria-Fisher.
All in favor? Opposed? APPROVED. (VOTE: 4-0-0-1; Not Present - Legis. Fields)

68-03 Proposed alterations to the Criminal Courts Building - CP 1124, Town of Southampton.

LEG. GULDI:
Motion.

CHAIRMAN BISHOP:
Motion by Legislator Guldi, second by myself. All in favor? Opposed? APPROVED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

69-03 Proposed 2002 Vector Control Plan or work continuation for 2004, Suffolk County.

CHAIRMAN BISHOP:
What's this one?

MR. BAGG:
This is again the extension of the 2002 Vector Control into 2004 while the plan is being done and a GIS is being done on a much broader study.

CHAIRMAN BISHOP:
Motion by Legislator Guldi, seconded by --

LEG. GULDI:
No.

CHAIRMAN BISHOP:
Motion by myself, seconded by Legislator Vioria-Fisher. All in favor? Opposed?

LEG. GULDI:
On the motion.

CHAIRMAN BISHOP:
On the motion, Legislator Guldi.

LEG. GULDI:

Briefly, I have to put on the record my opposition to this. I think it's absurd for us to continue to -- to determine that the County Vector Control of ditching of up to 75 miles of wetland per year as

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Type Two Action and an negative declaration. The fact is that the rest the world under SEQRA is prohibited from so much as putting a shovel in the ground within 100 feet of the wetlands that we're cutting 75 miles of trenches in each year without making a declaration. I think it's -- the double standard highlights the clear violation of SEQRA that we are continuing by determining that ditching in marshes has no environmental impact, an absurd result.

I mean, if it truly had no environmental impact, there would no reason for Vector Control to be doing it. So while I have supported going forward with the plan and study and that progress, and hopefully we've made progress in approving and beginning those steps, and it will take substantial time to approve them, we can't turn our back on SEQRA and pretend what we're doing is in compliance and has no environmental impact. Si I will be opposing this for the those reasons.

CHAIRMAN BISHOP:

All in favor? Opposed? Legislator Guldi is opposed.

LEG. CARACCIOLO:

Opposed.

CHAIRMAN BISHOP:

And Legislator Caracciolo. The resolution fails. FAILED.
(VOTE: 3-3-0-1; Opposed - Legis. Caracciolo and Guldi; Not Present - Legis. Fields)

Proposed donation of property of Silver Ridge Homes to the Suffolk County Nature Preserve, Town of Brookhaven.

CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Guldi. All in favor?
Opposed?

LEG. CARACCIOLO:

On the motion. This is property is in Manorville?

MR. BAGG:

No, I believe it's at the headwaters of the Patchogue River.

LEG. CARACCIOLO:

Oh, Patchogue. Okay.

MR. BAGG:

And that it's a transfer of development rights. The Health Department, you know, is requiring the sterilization of this piece of property, and the owner is giving it to the County. It's in the Suffolk County Nature Preserve.

LEG. CARACCIOLO:

What's the size?

MR. BAGG:

Roughly about -- it's a small piece of property.

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MS. FISCHER:

Point three seven acres.

CHAIRMAN BISHOP:

Okay. To the agenda.

LEG. VILORIA-FISHER:

Excuse me. What kind of contamination? Is there contamination on the property?

MR. BAGG:

No. This is a straight gift of property in a Nature Preserve area that we already own.

CHAIRMAN BISHOP:

All in favor? Opposed? Resolution is carried. APPROVED
(VOTE: 4-0-0-1; Not Present - Legis. Fields)

INTRODUCTORY RESOLUTIONS

CHAIRMAN BISHOP:

To the top of the agenda.

1793. Authorizing planning steps for the acquisition of farmland under pay-as-you-go 1/4% Taxpayer Protection Program (Land of Nassau Office, Town of Riverhead) (CARACCIOLO)

CHAIRMAN BISHOP:

Is this the County of Nassau.

LEG. CARACCIOLO:

This is the 4-H Camp in Bating Hollow.

CHAIRMAN BISHOP:

So it's owned by?

LEG. CARACCIOLO:
Nassau County.

CHAIRMAN BISHOP:
Oh, Nassau County owns the property.

LEG. GULDI:
Nassau County owns Suffolk County, yes.

CHAIRMAN BISHOP:
It's like Guantanamo Bay.

LEG. CARACCIOLO:
Motion.

LEG. GULDI:
I'll second.

CHAIRMAN BISHOP:
Motion by Legislator Caracciolo, seconded by Legislator Guldi. It's

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now before us. This is the subject parcel?

LEG. CARACCIOLO:
It's adjacent to another property, the McQuade property that we also had a planning steps resolution. And it's actually --

CHAIRMAN BISHOP:
Are they going out of the 4-H business?

LEG. CARACCIOLO:
Nassau County? Well, Nassau County has expressed in the media that it has desire to possibly sell all or a portion of this property to a third party. So given that it's located here in Suffolk, it's been in this state for over 100 years and it's contiguous to other large holdings and green belt areas, it would make eminent sense for the County to release, {monsor} and approve this planning steps resolution.

CHAIRMAN BISHOP:
Now, is there an active camp there?

LEG. CARACCIOLO:
A portion of this property is an active camp.

DIRECTOR ISLES:

Outside of the farmlands, north of the farmlands.

CHAIRMAN BISHOP:

We're looking at the dots, the white dots.

MS. FISCHER:

That's the part of the property that's farmland.

CHAIRMAN BISHOP:

And that's the part that we're considering.

MS. FISCHER:

Right. Approximately 50 acres.

DIRECTOR ISLES:

We did a double check on the numbers, so the original calculation I think was provided at 43 acres, it appears that it's closer to 50 acres at this point.

CHAIRMAN BISHOP:

Okay. If we acquire the 50 acres, we acquire the farmland development rights from -- but there's no farmer there. Is the 4-H -- who's the farmer?

LEG. CARACCIOLO:

It's leased.

CHAIRMAN BISHOP:

How does it work? Explain that.

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DIRECTOR ISLES:

I think the -- I'm not sure of the exact details, but I think there's a horse boarding operation that uses some the land for that purpose. Other parts I think are used for orchards and so forth, which might be connect with the 4-H operation. I think the rest is leased. The Farmland Committee did review this and has recommended this to you today based on the ranking that they did.

LEG. GULDI:

We'll know more when it gets passed.

LEG. VILORIA-FISHER:

I just another question about the map. Tom, are they contiguous parcels or not? It seems that they are -- I see the dots around one larger piece that says acquisition parcel and then there is a strip between the two; is that correct, they're not contiguous?

MS. FISCHER:

It goes around that portion of it. If you follow the green line, that's the entire parcel.

LEG. VILORIA-FISHER:

So the solid green line is also part of the parcel.

MS. FISCHER:

The solid green line is the parcel and in between obviously is out -- an out parcel. If you follow the green line, again, that's the entire parcel. If you follow the white dotted line, that's the part of the parcel that's farmed.

LEG. VILORIA-FISHER:

But the part of the parcel that we're looking at for acquisition is not contiguous because the piece between it --

MS. FISCHER:

That's correct.

LEG. VILORIA-FISHER:

Okay. Thank you.

CHAIRMAN BISHOP:

When -- one thing I don't understand. When we buy property that is tenant farmed, what happens at the point, where becomes the landlord and we have to always find a tenant?

DIRECTOR ISLES:

No. We're still just buying the development rights from whoever owns it. That person can then continue to rent to a farmer or sell or whatever they want to do. We're just buying the right to build houses on it essentially. So the tenant could still occupy it as a tenant of the fee owner.

CHAIRMAN BISHOP:

There's usually a presumption that it's going to continue to be farmed.

DIRECTOR ISLES:

Yes, there is. It's not a guarantee, but there's a presumption.

LEG. GULDI:

For example, when we did Shwank Farm, I believe that was before you here, Tom. The Shwank Farm -- the Shwanks were not farming it, the Fosters were farming it as tenants. And at the same time that we

negotiated the acquisition of the farmland development rights, we negotiated long term farming agreements with the existing tenant with respect to that parcel.

CHAIRMAN BISHOP:

We did that.

LEG. GULDI:

We did that.

CHAIRMAN BISHOP:

That's what I'm saying. So we sort of get into the landlord --

DIRECTOR ISLES:

Well, in that case, the town came in and bought the fee, as I understand it.

LEG. GULDI:

Eventually.

LEG. VILORIA-FISHER:

I'm concerned about an argument that Legislator Bishop had posed when we were looking at the Sherwood Jayne property, which was a property that was owned by SPLIA, whose mission it is to preserve land. And I believe there was a Audubon Society property that had been presented through resolution by Legislator Field. And now we're looking at property that's own by Nassau County. And so are we -- is the implication here that Nassau County would be selling it to developers to develop the land and we have to preserve it because Nassau County won't?

DIRECTOR ISLES:

Well, we haven't begun any formal steps in this, we don't have a resolution -- I've heard it's in our interest apparently.

LEG. VILORIA-FISHER:

Well, that was the argument posed by Legislator Bishop when we were discussing Sherwood Jayne and the Audubon property. Should we be using our County dollars to preserve property from entities who we assume should be on board with us in the preservation of open space? And if that's the case, then we should continue that logic to this resolution. And I hope to defeat you again and preserve this. However, I believe it's an argument that should be -- that should be addressed each time we look and something like this. And this is a neighboring municipality that owns it. It just doesn't seem a good way to spend.

LEG. CARACCIOLO:

They are looking for the cash.

DIRECTOR COSTIGAN:

We have spoken to Nassau preliminary to entering this and speaking on a lot of issues with my colleague there. And the position of Nassau is as follows; they would like to keep everything the way it is, but they realize that this is an anomaly. For whatever reason, years and years ago, people donated money to buy this land and the donated it to Nassau. They didn't set out to be land owners in Suffolk. And having had all these years go by, they're now looking at this space which is costing them some money, it's costing them some care, and they are not in the preservation business in other counties. So -- to the extent that we are. They welcome our interest in preserving this property. I think we could hope to achieve here is something significantly less than a market value transaction.

LEG. GULDI:

It was some creative transaction.

DIRECTOR COSTIGAN:

There's a lot of -- there's the McQuade piece as you said and there's a lot of things that we can do, but this is a place to start. But it is the same argument as SPLIA and the others.

LEG. VILORIA-FISHER:

We were able to get a very good price on the development rights.

CHAIRMAN BISHOP:

Motion to approve by Legislator Caracciolo, seconded by Legislator Guldi All in favor? Opposed? It's APPROVED for planning steps.
(VOTE: 4-0-0-1; Not Present - Legis. Fields)

1796. Making a SEQRA determination in connection with the proposed Suffolk County Sewer District - No. 3 - Southwest Inflow/Infiltration Study/Habilitation and Interceptor Monitoring, Town of Babylon.
(PRES. OFFICER)

LEG. GULDI:

Since your mind is in the sewers, why don't you describe this to us.

CHAIRMAN BISHOP:

This is collection of information so it's a SEQRA determination.
Motion to approve by myself, seconded by yourself, Legislator Guldi.
All in favor? Opposed? APPROVED. (VOTE: 4-0-0-1; Not Present - Legis. Fields)

1797. Making a SEQRA determination in connection with the proposed improvements to Suffolk County Sewer Districts Chemical Bulk Storage Facility Compliance, County wide. (PRES. OFFICER)

CHAIRMAN BISHOP:

I think this is again information collection, am I correct?

MR. SABATINO:

These buildings are less than 4000 square feet, that's why they get the Type Two. They are actually going to be buildings, but they're small, less than 4000 square footage for storage purposes.

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CHAIRMAN BISHOP:

Motion by myself, seconded by Legislator Guldi. All in favor?
Opposed? APPROVED (VOTE:4-0-0-1; Not Present - Legis. Fields)

1798. Making a SEQRA determination in connection with the proposed replacement of the bridge carrying Motor Parkway over the LIE at Exit 55, Town of Islip. (PRES. OFFICER)

LEG. GULDI:

What a mess that's going to be.

CHAIRMAN BISHOP:

That's why I'll make the motion and you can second it. All in favor?
Opposed? APPROVED (VOTE:4-0-0-1; Not Present - Legis. Fields)

1799. Making a SEQRA determination in connection with the proposed construction of a sanitary facility at Indian Island County Park, Town of Riverhead. (PRES. OFFICER)

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo, seconded by myself. All in favor?
Opposed? APPROVED. (VOTE:4-0-0-1; Not Present - Legis. Fields)

1800. Making a SEQRA determination in connection with the proposed improvements to Sewer District NO 20, Leisure Village, William Floyd, Town of Brookhaven. (PRES. OFFICER)

CHAIRMAN BISHOP:

Motion by Legislator Fisher -- Viloria-Fisher seconded by Legislator Guldi. All in favor? Opposed? APPROVED (VOTE:4-0-0-1; Not Present - Legis. Fields)

1702. Appointing new member to Agricultural Environmental Task Force (Marci L. Bortman). (VILORIA-FISHER)

LEG. VILORIA-FISHER:

Mr. Chair, I would like to table this.

LEG. GULDI:
Second.

LEG. VILORIA-FISHER:
And the other resolution, because we did not invite the people to attend.

1803. Appointing four new members to Agricultural Environmental Task Force (Charles F. Scheer, Henry Ludlow, Phil Schmidt and Ron Groerler) (VILORIA-FISHER)

CHAIRMAN BISHOP:
Okay. That would ne 1802 and 1803 my yourself, seconded by Legislator Guldi. All in favor? Opposed? TABLED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

Same motion, same second, same vote on 1803. TABLED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

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1815. Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Shoreham-LI Sound Access Site - Brookhaven. (COUNTY EXEC)

LEG. GULDI:
Planning steps. Who's the seller.

CHAIRMAN BISHOP:
How much is this one?

LEG. GULDI:
Would there be any access to it?

DIRECTOR ISLES:
Yes, there is road access to it.

LEG. GULDI:
Where?

DIRECTOR ISLES:
To the south. There's a cul-de-sac that abuts the property to the south.

DIRECTOR COSTIGAN:
There's also a road on the east side in the middle through the residential area.

DIRECTOR ISLES:

The subject parcel is locate in the Shoreham-Wading River area. It's a parcel that is approximately 20 acres in area as you can see on the aerial photograph. It abuts Long Island Sound, so it's a parcel that consists of water frontage of about 350 feet. It also includes a bluff area as well as undeveloped uplands. You can see on the aerial there are some modest trails going through the property, it is predominantly undeveloped.

The parcel is in what is generally a developed area around it. We did look at it in terms of the County's ranking system, and the parcel ended up getting a ranking of about 60 points for the following reasons; the presence of the bluff give it five points, the presence of it adjacent to the Long Island Sound gave it additional points, it is within a critical environmental area, that added points, there are special views on the parcel given the bluff height, additional factors included the parcel size of 20 acres gives it a concern ranking; the perimeter ratio, public access to the water body, development pressure, there are preliminary development plans filed, a subdivision map has been filed with the Town of Brookhaven, although it has not yet been acted upon.

And Brookhaven has indicated that they would join in the County with this acquisition if it were to go forward, and therefore, there would be an intermunicipal agreement. So that's essentially the parcel. It's -- any questions you have, I'll turn over.

CHAIRMAN BISHOP:
Any motions?

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LEG. CARACCIOLO:
Motion to table

CHAIRMAN BISHOP:
Motion to table by Legislator Caracciolo, seconded by Legislator Guldi. All in favor? Opposed? TABLED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

1837. Amending the 2003 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) reserve Fund to the Cornell Cooperative Extension of Suffolk County for the administration of a program entitled "Alternative Management Strategies for Control of Insect Pests in Suffolk County Agriculture and Landscapes." (COUNTY EXEC)

LEG. VILORIA-FISHER:
Motion to approve.

CHAIRMAN BISHOP:

This is what we had testimony on earlier. I just want to add --

LEG. GULDI:

What's the dollar amount?

CHAIRMAN BISHOP:

What's the dollar amount? Was this an existing position?

MR. SABATINO:

Over three years it's \$346,932. This particular --

CHAIRMAN BISHOP:

That's for one position?

MR. SABATINO:

Well, it's for personnel and equipment. I'm not sure how it's divied up, but this particular component is 52,670 for 2003, that's partially your funding. But over the three year request that's being made it would be 346,000.

CHAIRMAN BISHOP:

How can they possibly expend \$52,000 in six weeks? All right. Well, I think more importantly is next -- would this authorize the program for next year or do we have to do it again next year?

MR. SABATINO:

No. You'll have to appropriate money, you know, on a year by year basis. This is appropriating for this year.

LEG. GULDI:

It's not in the budget for next year, these positions, through this funding?

MR. SABATINO:

I don't think. I'd have to defer. I didn't look at the upcoming budget in terms of that point.

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LEG. GULDI:

Well, I kind of asked a little earlier, so here they are.

MR. MUNCEY:

This program, the request of \$52,670 for 2003, my understanding is for 2004, they're requesting 139,771. Then 2005, \$139,771. So this would be funding that they are requesting for 2003, the 52,670.

MR. SABATINO:

The key question is whether or not there's a line item in the 2004

recommended budget, because if there is and no action is taken, then it would automatically flow through for 2004. Although it really shouldn't be. If it was properly done, it should be in the trust fund. But I'd have to defer to Budget Review, I need to know what's in 2004.

CHAIRMAN BISHOP:

They want to draw down from the trust fund, and they want to draw down annually.

MR. SABATINO:

Normally you would have to do it annually, but again -- so in a normal situation you pass this one for 52. In 2004 you would do 139,000 and in 2005 you would do the balance, in a normal situation. But Legislator Guldi asked a good question. It is in the 2004 budget? I don't believe that it is.

MR. MUNCEY:

In 2004, they requested 139,771.

MR. SABATINO:

It doesn't matter what they requested.

CHAIRMAN BISHOP:

Is it in the budget?

MR. SABATINO:

The recommended column.

MR. MUNCEY:

Right. In the recommended there's three programs in the 477 funding for Cornell. This is one of the three.

MR. SABATINO:

If it's in the recommended column, then in the absence of Legislative action to change that it will automatically be there. But also that violates the trust fund concept. So I think it's something that should be considered in the context maybe of the omnibus, because that violates the whole trust fund concept, which is the money is in a trust fund and it gets appropriated year by year.

MR. MUNCEY:

It would be -- it's being recommended --

MR. SABATINO:

That's not the way it works. Under the charter it's not -- under the

charter, the money is not to be appropriated until the following year. So there's a problem I think from what you're describing. We should talk about it in terms of the omnibus.

CHAIRMAN BISHOP:

Counsel, let me begin -- let's start with this year. All right. In 2003, is this program existing now? Does it exist now? Tom?

MR. SABATINO:

Not funded by the County. It exists -- it's run by -- it appears to be run by something called the East End Foundation but.

CHAIRMAN BISHOP:

Just to answer questions. Stay in the box.

MR. WILLIAMS:

The program has existed for the last couple of years through funding from the East End Institute. That money, as you know, was money that was appropriated through the land -- landfill agreement between DEC and the three East End towns. And that money will no longer be available.

CHAIRMAN BISHOP:

Beginning next year.

MR. WILLIAMS:

So really what we're after is next year. And next year the Executive has indicated through his budget maneuvers that he wants to fund this, he put it in the recommended budget, but he is drawing down from this trust fund, which he can't do without specific authorization of the Legislature. Now, the question is for next year, do we provide that authorization through a note in the omnibus or pass this bill?

LEG. GULDI:

Can we do it -- other than in the year that we are drawing it down?

CHAIRMAN BISHOP:

It effectively would just provide 52.

MR. SABATINO:

This bill would be 52,000 for 2003. The deal with 2004, Legislator Guldi is correct, you have to deal with it either through the omnibus or through a resolution some time in the course of 2004.

CHAIRMAN BISHOP:

Well, that's not what he said. He said it's only in 2004. I said in the omnibus. Is it either or or is it...

MR. SABATINO:

No. Because the omnibus deals with 2004. So it's a 2004 vote as

opposed to a 2003 vote.

CHAIRMAN BISHOP:

So we could just do a note in the 2004 omnibus, which we're going to pass in a few days saying that we want to fund this through Fund 477; is that correct?

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MR. SABATINO:

It's more than a note. You have line item it, because -- I think all the trust funds are screwed up quite frankly and they have to be restored to their -- all the trust funds have to be expended.

CHAIRMAN BISHOP:

You're not staying in the box. Is the answer yes?

MR. SABATINO:

The answer is you have to line item it and straighten out the trust funds.

CHAIRMAN BISHOP:

Okay. So that's what the committee wants to do. They want to fund this next year through Fund 477. I don't think there's any desire to fund \$52,000 this is for five weeks.

LEG. GULDI:

I don't think there is either.

LEG. VILORIA-FISHER:

Tom, why are we asking for \$52,000 at this point this year?

MR. WILLIAMS:

Well, this was approved by the Water Quality Committee back in April, and we had thought it would come up to the Legislature in the middle of the summer. We thought it would be a half year funding for this program for 2003. Of course --

LEG. GULDI:

It's not going to be.

MR. WILLIAMS:

It's not going to be. We're limping along with funds we're trying to get from wherever throughout the -- you know the Hort Lad and through the association. It's a important position, as you heard earlier. And we had hoped that it would be funded for the end of this year.

LEG. VILORIA-FISHER:

So you were hoping for that 52 to finish the funding for this year?

MR. WILLIAMS:

We were.

LEG. CARACCIOLO:

Tom, this is one position?

MR. WILLIAMS:

No. It's one position plus a technician, plus some lab fees.

LEG. CARACCIOLO:

What are the salaries for the individual involved in this program?

MR. WILLIAMS:

I don't -- I don't have the exact salaries, but the total salaries for the two positions on an annual base is about 99,000.

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LEG. GULDI:

Divide that by 12. We have one month left.

LEG. CARACCIOLO:

Okay. That's fine.

CHAIRMAN BISHOP:

Two months.

LEG. CARACCIOLO:

We can do that. Well, the point I'm leading up to here is if you need to fund these positions for the remainder of this year, pro rate that 99,000 by dividing 12 into 99 and, you know, maybe we can accommodate that.

MR. WILLIAMS:

That's sounds all right with me.

LEG. CARACCIOLO:

All right? About 15,000.

MR. WILLIAMS:

Fine.

LEG. CARACCIOLO:

Okay.

LEG. GULDI:

So wait. This bill is a County Executive bill.

LEG. CARACCIOLO:
They have to amend it.

LEG. GULDI:
They have to amend it.

CHAIRMAN BISHOP:
All right. We'll make a motion to discharged without recommendation.

LEG. GULDI:
We can always do that at the meeting if they amend it on time.

CHAIRMAN BISHOP:
Let me be the confused chair and you can straighten it out later. I would do a motion to discharge without recommendation.

LEG. CARACCIOLO:
Second.

CHAIRMAN BISHOP:
It gets it to the floor, they have to time to amend it between now and then through the Presiding Officer's Office. And if they fail to, they can always do a CN.

LEG. GULDI:
They can always do a CN, but if they -- it gets it to the floor in its

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existing form and it shouldn't be there in its existing form versus if we wait as a committee until they amend the bill, consistent with our discussion here today, we can make a motion to discharge it during the meeting with the ten votes at that point, you as Committee Chair and Presiding Officer, that way it's not live without the appropriate amendments.

LEG. VILORIA-FISHER:
But I think they're representing they will make the appropriate amendments if we discharge it without recommendation. Tom.

LEG. GULDI:
Tom can't make a representation for the County Exec at least not until January 1st.

CHAIRMAN BISHOP:
Let's just discharge it without recommendation, then we'll --

LEG. VILORIA-FISHER:
I change my motion to a motion to discharge without recommendation.

CHAIRMAN BISHOP:

I'll second it. All in favor? Opposed? If it's not changed on the floor, we're not going to approve it.

LEG. GULDI:

I don't want to do it that way. I want to abstain on that. I'm abstaining.

CHAIRMAN BISHOP:

Three to one, it's approved. **DISCHARGED WITHOUT RECOMMENDATION.**
(VOTE: 3-0-1-1; Abstain; Legis. Guldi - Not Present - Legis. Fields)

LEG. GULDI:

Counsel, does that meet our quorum requirements?

MR. SABATINO:

It's five member committee, three is enough.

MR. WILLIAMS:

Could I just ask a question? There was another resolution in there for another program starting for next year in the County Executive's budget. You are saying all the 477 Funds would have to be in the omnibus bill; is that correct?

LEG. GULDI:

No. We can do them during the year.

LEG. CARACCIOLO:

If you want to do it right, do it now.

MR. WILLIAMS:

Do it now in the omnibus. So I would just request if we can do that.

LEG. CARACCIOLO:

Tell the County Executive.

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LEG. GULDI:

Actually, the Omnibus Committee is meeting simultaneously in the other room at the moment. Legislator Bishop and I are there as well.

CHAIRMAN BISHOP:

Counsel is aware and he'll make the technical changes that need to occur.

MR. WILLIAMS:

Okay. Thank you very much.

1841. To establish centralized surface water and groundwater database for Suffolk County. (BISHOP)

CHAIRMAN BISHOP:

Motion to approve by myself, seconded by Legislator Guldi. On the motion, Legislator Viloría-Fisher who actually had a similar proposal first.

LEG. VILORIA-FISHER:

But there was an occasion that we needed to change some of the language in the second resolve.

CHAIRMAN BISHOP:

Just Counsel, be aware when you were out of the room, the Water Authority noted that they are not going to fund this through a bond, and the language in the resolve says that the Water Authority is funding it through a bond.

MR. SABATINO:

How are they going to fund it now?

CHAIRMAN BISHOP:

Cash.

MR. SABATINO:

Pay-as-you-go. They're learning from the Bishop van, pay-as-you-go.

CHAIRMAN BISHOP:

Motion to approve having been made and seconded, all in favor? It's carried four to nothing. APPROVED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

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

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Guldi. TABLED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

1476. Approving Adopt-A-County-Shoreline Program. (COOPER)

CHAIRMAN BISHOP:

Motion to table by myself, seconded by Legislator Guldi. All in

favor? Opposed? TABLED (VOTE: 4-0-0-1; Not Present - Legis. Fields)

That concludes our agenda. Is there any other business that anyone wishes to bring before this committee? Hearing none, motion to adjourn. And we are adjourned. Thank you very much.

(*THE MEETING WAS ADJOURNED AT 3:05 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY