

**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, 725 Veterans Memorial Highway, Smithtown, NY 11787 on Monday, **November 24, 2003** at 1:30 P.M.

MEMBER PRESENT:

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

ALSO IN ATTENDANCE:

Paul Sabatino - Counsel to the Legislature
Legislator Crecca - District # 12
Alexandra Sullivan - Chief Deputy Clerk - Legislature
Tom Carroll - Aide to Legislator Bishop
Frank Tassone - Aide to Legislator Crecca
Nanette Essell - Aide to Presiding Officer Postal
Catherine Stark - IR/County Executive's Office
Margo Myles - TOH Dept. of Planning
Charles F. Scheer, Jr. - Appointee
Harry S. Ludlow - Appointee
Philip Schmitt - Appointee
George Proios - Agricultural & Environmental Task Force
Chris Wiede - Suffolk County Planning
Tom Isles - Suffolk County Planning
Lauretta Fischer - Suffolk County Planning
Ed Randolph - Suffolk County Water Authority
Steve Jones - Suffolk County Water Authority
Vito Minei - Dir. of the Div. of Environmental Quality w/ Health Department
Paul Ponturo - Chief, Water Resources SCDHS
Judith Gordon - Commissioner of Suffolk County Parks
Nick Gibbons - Suffolk County Parks
Jim Bagg - Suffolk County CEQ
Alpa Pandya - Nature Conservancy
Adrienne Esposito - Citizens Campaign for the Environment
Kevin McAllister - Peconic Baykeeper
Frank McAlonan - River & Bay Neighborhood Assoc., Pres.
Mathew Engel - Student
Rosanne Bernardis - Self
Anthony Bernardis - Self
Brenda Coman - Self
Debra Reines - Self

Paul Gronert - Self
All other interested parties.

Minutes taken by:
Eileen Schmidt, Secretary

(* The meeting was called to order at 1:35 P. M. *)

CHAIRMAN BISHOP:

The meeting will come to order everybody and would you all rise for the Pledge of Allegiance to be led by Legislator Fields.

SALUTATION

CHAIRMAN BISHOP:

This is the November 24, 2003 meeting of the Environment, Land Acquisition and Planning Committee. As usual we have a lengthily agenda and we have many cards. The way I try to organize this meeting is rather than in the order that cards appear I try to divide the cards into

the issue so that we have essentially panels of people who speak. I know that representatives from the Town of Huntington are anxious because they have business back Huntington Town Hall. So I would ask that Margo Myles and whoever else she has from the Town of Huntington that needs to speak to us, please come forward at this time. Is there anybody else who's here on this issue of acquisition of the Marion Carll School Property? No, that's it. Okay.

MS. MILES:

Good afternoon. My name is Margo Myles. I'm here representing the Town of Huntington Department of Planning and Environment in support of the Town Boards resolution which has been forwarded over requesting County acquisition of the BDG Property in Commack also known as the former Marion Carll School site. This is a 5.3 acre property that is planned for active recreational use. It's situated on the townline between Huntington and Smithtown. It's a property that's 5.3 acres in size fairly level property. It contains the former ball fields that sat behind the Marion Carll Elementary School; that school was then the New York Institute of Technology -- is now partially developed on its Jericho Turnpike frontage with a Ruby Tuesday's and a Pep Boys.

This is a property that we're very excited about. It gives us an opportunity to bring new recreational facilities into an area that is somewhat under served. What we're proposing and this has already gone before the Park Trustees and CEQ is a junior soccer field, two peewee micro fields; the smaller fields for the younger kids. A fitness par course, this will be the first fitness trail developed in the town as a par course. Handicapped accessible playgrounds with street games, hopscotch whatnot. We're planning two multi-use courts. A jogging and bicycle path; that will be a perimeter path as well as several walkways through the site and parking for 40 cars. It's a fairly level site. Basically, the cost for the town to improve is going to be involved with the construction of the facilities themselves. There is not demolition to any great extent; there's not grading to any great extent that is going to be required here.

Once the County has determined that it will move forward and we hope you will on this project we will proceed to prepare a RFP in-house so we will have it in waiting. So as soon as the County acquires this property we can move forward to get our engineering specifications, get our bids and proceed to develop the site. We have held a community meeting and had a great deal of participation in order to determine what types of facilities should be placed here. We believe there is a good amount of support in the community. We got a lot of accolades for notifying not only residents within the Town of Huntington, but also those in Smithtown because they'll both be potentially the greatest uses of the site. If you have any questions I'd be happy to answer them.

LEGISLATOR CARACCILO:

Just a quick one, with regard to the town board resolution -- our resolution 1989 does not specify one has been considered and approved, has that now taken place?

MS. MYLES:

Yes. It occurred last week on the 17th.

LEGISLATOR CARACCILO:

Do we have a copy?

MR. TASSONE:

Counsel has a copy.

LEGISLATOR CARACCILO:

Okay. Thank you.

CHAIRMAN BISHOP:

My question is that in the past with other purchases in other towns when there have been nature trails, jogging trails, other types of trails we're concerned that the trails are in essence an attempt to create an open space purchase and, you know, presented as an act of recreation purchase.

MS. MYLES:

This is likely to be a paved bicycle path. It will be used for jogging. It'll be hard surfaced whether it's paved or rolled blue stone this is an active park. It's not --

CHAIRMAN BISHOP:

What's inside of the trail?

MS. MYLES:

The trail is a perimeter pathway that goes all the way around the site. It adjoins a roadway and the rear of the commercial buildings. It will enclose the playground, the par course, the fields, the multi-use courts and the connect from the parking area.

CHAIRMAN BISHOP:

Good. All right, so there's a lot going inside the boundaries of the --

MS. MYLES:

Absolutely.

CHAIRMAN BISHOP:

So we've had others where they have just taken a, you know, a large piece of acreage put a trail around it and say, you see it's active recreation and that's a different program not this program. So that's good this meets that criteria.

MS. MYLES:

The only other element I didn't mention is that we will be holding the existing wood line to the greatest extent possible is buffered between the existing homes. And we will be doing supplemental landscaping as well.

CHAIRMAN BISHOP:

And what's happening to the school property the school proper, you know, the structure, the building?

MS. MYLES:

The buildings have been removed several years ago.

CHAIRMAN BISHOP:

Oh, that's --

MS. MYLES:

They were on the commercial component of the property.

CHAIRMAN BISHOP:

And that's where you have the Pep Boys and --

MS. MYLES:

Yes. A portion of this site had been used as a parking lot, but other than that it was a playing

fields.

CHAIRMAN BISHOP:

Okay. Any other questions? Yes.

LEGISLATOR CARACCIOLO:

The town estimates its infrastructure investment here at what dollar amount?

MS. MYLES:

Yes.

LEGISLATOR CARACCIOLO:

How much?

MS. MYLES:

At this point we haven't sent this out to bid yet. I asked our Director of Engineering --

LEGISLATOR CARACCIOLO:

Give me a range.

MS. MYLES:

He gave me a range of \$1.5 to 1.7 million will likely be construction cost. The difference being if there's a restroom building constructed there or not. We have left room on the plan for that. We have not at this point determined for sure that we'll put one in.

LEGISLATOR CARACCIOLO:

And of course it will need all the federal requirements for handicapped access.

MS. MYLES:

Absolutely.

LEGISLATOR CARACCIOLO:

Okay. That's significant because not only handicap access, but the towns investment because often times we see proposals where as the chairman has sighted with particularly trails it's really a guise to get the County to make a huge land cost acquisition that then doesn't really fulfill the purposes of what the active parklands component greenways was intended to accomplish.

MS. MYLES:

All new facilities that are constructed by a municipality must be ADA required compatible.

LEGISLATOR CARACCIOLO:

Right. No, I was speaking now to the --

MS. MYLES:

I understand, I know.

LEGISLATOR CARACCIOLO:

-- infrastructure investment. And the town board resolution as I don't have a copy of it, does it specify with specificity the facilities that will be here?

MS. MYLES:

Yes.

LEGISLATOR CARACCIOLO:

It does. I mean, your diagram and that board you have up there certainly does. I just want to make sure they're consistent and that there are not any significant deviations between now and the time of construction.

MS. MYLES:

The town board's resolution states exactly what our greenways application stated all of the facilities that I identified.

LEGISLATOR CARACCIOLO:

Thank you.

LEGISLATOR CRECCA:

And if I can Legislator Caracciolo, I apologize. I know I walked in late. I would just like you to know too that it was myself as the Legislator who represents this area who went to the town first with an interest in putting together this park as active parkland. And I met with Supervisor Petrone on at least a half a dozen occasions on this particular acquisition. So I feel very confident that the town is committed to seeing this through and making this a really nice active park for the residents, County residents and it will actually end up serving both Huntington and Smithtown. I don't know if I was suppose to say that with Huntington sitting next to me, but it's right on the boarder.

MS. MYLES:

Absolutely.

LEGISLATOR CRECCA:

So it's right on the boarder, so it's right on Commack Road.

LEGISLATOR CARACCIOLO:

Well, that's been said and the other thing that's been said that I can appreciate is that you have a proposal that you've had community impute and community support. Because sometimes we run into a situation where the communities don't support these active components of greenways simply because of sometimes { nemeisum} , but sometimes because you've had long standing residents that only find out about these things through the media. And by then they feel it's too late and then there concerns of not being addressed. So I applaud the town and you Mr. Crecca for doing that as Legislator Guldi and I did several years ago in Eastport we ran into that problem. We held a meeting and found out that about the community was divided 50/50 and we didn't go ahead with that proposition. And that proposition has been back several times since and it hasn't gone anywhere and I would not anticipate its going anywhere until we can address the community concerns as well. So, you know, both of you deserve credit for that. Finally question, if either one of you know the answer we could wait till Ms. Myles is -- Mr. Chairman, do we know what the fund balance is back to Greenways?

CHAIRMAN BISHOP:

We'll do that with Mr. Isles. This is a --

LEGISLATOR CARACCIOLO:

Okay. Because I know he's given us a summary later on anyhow. Thank you.

CHAIRMAN BISHOP:

Legislator Viloría-Fisher:

LEGISLATOR VILORIA-FISHER:

Just a brief question regarding the property. I noticed that the commercial building presently has as one of his tenants a Pep Boys. Has there been contamination to the property. Has the testing been done there to see if --

LEGISLATOR CRECCA:

Pep Boys is a brand new location there. It's actually a Ruby Tuesday's there and a Pep Boys. The Pep Boys went in definitely within the last year if not the last six months or so. I don't remember the exact date.

LEGISLATOR VILORIA-FISHER:

I see. So it's right outside of the property in question?

MS. MYLES:

Yes.

LEGISLATOR CRECCA:

Yeah, that's actually that section that you're looking at there is the part faces Jericho Turnpike and if you'll see there's a roadway that goes around the side of that parking lot and that goes on the side of Ruby Tuesday's and exits on to Commack Road. And you can also enter from Commack Road.

LEGISLATOR VILORIA-FISHER:

I see, I was looking at the red line and I thought that the Pep Boys was within that they had been tenant who were leaving, but you're saying those were the existing tenants who will remain there and the line I suppose is south well beyond that.

LEGISLATOR CRECCA:

Yes. It's the --

LEGISLATOR VILORIA-FISHER:

It's the dotted lines right above the junior soccer field.

LEGISLATOR CRECCA:

That's correct. It was a bill to suit for Pep Boys so.

LEGISLATOR VILORIA-FISHER:

So it is south of the Pep Boys. Okay, I see. Thank you.

CHAIRMAN BISHOP:

Unfortunately, Legislator Crecca you're going to have a seven meeting with Supervisor Petrone. Counsel advises me that the resolution is currently constructed is not reflective of the project cause it doesn't mention the trails.

MS. MYLES:

It says bicycle path. It's not a trail it's technically a jogging bicycle path, I believe.

CHAIRMAN BISHOP:

Is that good?

MR. SABATINO:

Legislator Caracciolo asked the question before and I started to respond to it through the Chairman. There's a corrected copy. We got the town to do the resolution the right way. It specifies the use the way it's suppose to be, but the uses are junior soccer field, two tee ball fields, a par fitness course, a bike path, two multi-youth courts, a children's playground with street games, a parking lot, fencing and landscaping. What happened was, in the dialogue there was some talk about a hiking path. I just thought that maybe -- was there was some dialogue --

CHAIRMAN BISHOP:

Yeah --

MR. SABATINO:

I wanted to clarify.

CHAIRMAN BISHOP:

All right. I got it. So we don't have to we can go forward.

MS. MYLES:

It's a bicycle path.

CHAIRMAN BISHOP:

Very good. Thank you very much. I appreciate it.

LEGISLATOR CRECCA:

I'll stick around for a few minutes if there are any questions.

CHAIRMAN BISHOP:

You're going to wait a long time because we take the Planning Department has to come and they come at the end of the speakers.

LEGISLATOR CRECCA:

Is there any other Legislators that have any questions for me in case I do cut out? No. I'll speak to George privately.

CHAIRMAN BISHOP:

Thank you.

MS. MYLES:

Thank you.

CHAIRMAN BISHOP:

Steve Jones. Is there anybody else who's here on 1885 or 1886? They are permanent easement for the Water Authority production distribution transmission of drinking water supply.

MR. JONES:

Thank you. These are two resolutions, which will allow the Suffolk County Water Authority to go

into two parcels, which were purchased by the County for drinking water purposes. The both resolutions are in Legislator Guldi's district and he is sponsoring them. I've been working with your Counsel the last number of months on the structure and substance of these resolutions and I think they're in conformance with his wishes. These projects have both gone through the CEQ and come to you and you have approved the environmental aspect of the two projects in terms of issuing a negative declaration. Each of the two resolutions comes with four exhibits associated with them the deed to the property so you can see how it was purchased. The site plan showing how we propose to use the parcels, appraisal showing what we are proposing to pay for our easement on the properties and the actual easement agreement itself.

The appraisals were done by appraisers who were on the County certified appraiser's list. The structure and extent of the actual easement agreement assumes the worst case scenario that it will cross Dave Fishbein's desk. So we've put every possible word we can into the easement and made it definitely covering the belt and suspenders and every other thing.

LEGISLATOR VILORIA-FISHER:

You should do standup.

MR. JONES:

Having just done an easement with him out at Laurel Lake. The site plan on Laurel Lake was modified after there were a number of meetings with the trails group there in Southampton and also some site visits there between the County Parks Department and our personnel and people from the neighborhood. Basically, the issue was that there are people in a subdivision lying to the west. They did not want to see anything in the woods coming out of their subdivision on to Deerfield Road. So we moved everything out of their field of view; they seem to be satisfied with that. We are providing some parking spaces to support the trailhead at that location.

So those are the two -- those are our two proposals. We are introducing them now because we are ready to introduce them and for us in the Water Authority it's a time where we can get -- if we can get these approvals going we would then be able to actually put production wells on both of these locations for the next season since we have had test wells -- we had test well at Westhampton so -- and the water quality came up good and we expect the water quality to be excellent at Laurel Valley.

CHAIRMAN BISHOP:

So to simplify this, this is land that the County purchased under the quarter cent program. You're coming on to the land and pumping water out and who's getting the revenue from the -- the Water Authority or the County?

MR. JONES:

You're getting the revenue of the value of the easement from the Water Authority and we will get the revenue from the water we sell to our customers.

CHAIRMAN BISHOP:

Right. Okay. Does everybody understand? No questions?

LEGISLATOR CARACCILO:

(inaudible)

CHAIRMAN BISHOP:

Oh, of course. Legislator Caracciolo.

LEGISLATOR CARACCIOLO:

Mr. Jones, the backup indicates that the general site data is mixed commercial, nature preserve, residential. Is that an accurate description?

MR. JONES:

For Westhampton it is, yes. It's across from the Westhampton train station. There are some commercial structures lying to the east between {Arser} and CR31 right by the railroad tracks there. It's kind of south and easterly of Gabreski Airport.

LEGISLATOR CARACCIOLO:

The question I have for Counsel then is, are there any limitations or prohibitions from using nature preserve for easement even for this purpose?

MR. SABATINO:

No. In fact, former County Executive LoGrande's original initiative on a ¼% which was in 1987 has that precise language written into the referendum bill that was actually adopted by the electorate which said you can do precisely this. So this is implementation of something that was contemplated in the original ¼%.

MR. JONES:

And you'll see that as a deed restriction in exhibit "A" you'll see the section that that provides for water supply production and distribution as the only exception to that deed.

LEGISLATOR CARACCIOLO:

Okay, Steve. What are the dollar amounts involved here?

MR. JONES:

We're proposing to pay \$40,500 for the Laurel Valley, I'm sorry, for the landlocked piece in Westhampton and \$81,000 I think for Laurel Valley. We've included, you'll see in exhibit "C" both of the resolutions how the appraiser approached the problem. The fact is the County bought almost all and extinguished almost all the development rights when it acquired the land for drinking water purposes. There's some development rights obviously, left for us and there is some value to the easement any you'll see how the appraiser valued that easement and came up with those values.

LEGISLATOR CARACCIOLO:

I have further questions that I'll retain to Mr. Isles approaches the committee.

CHAIRMAN BISHOP:

Okay. Thank you. Thank you, Steve. Next issue that we'll hear from the public on is 1853 which is authorizing planning steps for acquisition under the Multifaceted Land Preservation Program, Browns River Road Property in the Town of Islip. I have a number of cards on that from Brenda Coman, Brenda Coman twice. She's very eager to speak. Anybody else who wishes to address the committee on that issue is welcomed to come forward. Good afternoon, whichever order you wish to go in. You have to turn the mike on and there's a button on top, which you'll push towards you.

MR. BERNARDIS:

My name is Anthony Bernardis and I'd like to give my time to Mr. McAlonan.

CHAIRMAN BISHOP:

There's no time limits, so except the Chairman gets anxious after a couple of minutes.

MR. MCALONAN:

My name is Frank McAlonan and I'm president of the River and Bay Neighborhood Association in Sayville. And I'm here representing our group any of whose members can't come because of family obligations and work. I'd like to thank Legislator Fields for sponsoring this the acquisition of this small parcel. It's contiguous to the Sayville Little Beach. There are two small oyster shucking shacks is what they call them on the property now and the idea would be that they would be leveled and it would be kept as a grassy overlook. The owner of it now is a developer. They put it up for sale in Newsday. He is also saying he would like to put up some kind of condominiums on it. It's not particular deep property; it's not a particular wide property. There are substantial problems down there with drainage and septic systems.

The Sayville Little Beach was bought by the Women of Sayville in the '20's and a number of them mortgaged their home to buy the land and then give it to the town. And then over the years they helped baked raffles and fairs and things and got their money back. But they gave it to the town and as the town has grown we kind of --

MS. SCHMIDT:

Please speak into the mike.

MR. MCALONAN:

-- I'm sorry. Is that better?

MS. SCHMIDT:

Yes.

MR. MCALONAN:

Okay. Sorry about that. As the town has grown there's a continuous need for more open space. I spoke with Islip Town Supervisor McGowan and he said while the town cannot buy it, he would accept it if the County gave it to him. And he would maintain it so that there wouldn't be any out of pocket expense beyond the actual purchase price of it. And basically, you know, as you Legislator's know better than I we're in the last ten years of Suffolk's raw land build down so if we do it now would be the time to do it. It's a lovely spot; it's a 4 1/2-mile view over to the beach and Fire Island. An awful lot of people come down there and find peace just sitting there. So we hope you will snatch it back and give it to Suffolk County voters, taxpayers, whatever. Thank you.

MS. COMAN:

Hi, I'm Brenda Coman. I live on Browns River Road close to the -- up the street from where this property would be. I wanted to say that in terms of people in the neighborhood the majority of them are interested in seeing the property acquired. Sayville has a very small beach area in terms of other bay front hamlets. And we get an awful lot of people coming from hamlets north of us and with the growth of Sayville and every place else there isn't enough parkland. This area is very overdeveloped right now. It has the ferries; it has mariners, a major banquet restaurant. So in terms of open space there's a great need for adding to what we have and helping to

preserve the parkland that's there so it isn't contaminated. So I just wanted to stress there is a need for it and there isn't opposition from people in the neighborhood, in fact, they do support it. They'd like to see Sayville have more open land and more recreational space for both the residents of Sayville and surrounding communities. Thank you.

CHAIRMAN BISHOP:

So as you all envision it from -- and I'm sure Legislator Fields expand on this the County would buy this 1/3 of an acre turn it over to the town and it would become part of the public beach.

MS. COMAN:

Yes, there's a small beach next to it.

CHAIRMAN BISHOP:

Okay. Thank you. Okay. Any questions? Thank you. Legislator Fisher don't you have a number of appointments? Are they here any of them? Is anybody here for consideration to an appointment? Please step forward.

LEGISLATOR VILORIA-FISHER:

Marci Bortman, Charles Sheer, Henry Ludlow, Phil Schmidt, Ron Goerler.

CHAIRMAN BISHOP:

Okay. Which -- these resolutions are at the end of the agenda, is that correct?

LEGISLATOR VILORIA-FISHER:

Thank you very much.

CHAIRMAN BISHOP:

Oh, there's several on one.

LEGISLATOR VILORIA-FISHER:

Yes.

CHAIRMAN BISHOP:

Under Tabled Prime on your agenda you'll see a resolution appointing four members to the Agricultural Environmental Task Force. This is a legislatively established task force, is that correct?

LEGISLATOR VILORIA-FISHER:

Correct. It was done with a resolution and these four members in 1803 are listed in one resolution for appointing four new members.

CHAIRMAN BISHOP:

And that's three of you who are up here, right?

MS. SCHMIDT:

Put mike on.

LEGISLATOR VILORIA-FISHER:

It's on, but it may not be working. How's that?

MS. SCHMIDT:

Okay.

LEGISLATOR VILORIA-FISHER:

Okay. Thank you, Mr. Chair.

CHAIRMAN BISHOP:

So I guess three of you are on this one resolution 1803 for the Environmental Agricultural Environmental Task Force. And that's a task force, which is -- whose mission is to promote environmentally responsible farming.

LEGISLATOR VILORIA-FISHER:

Management --

CHAIRMAN BISHOP:

Management practices, okay.

LEGISLATOR VILORIA-FISHER:

Best practices, techniques so that we have less -- fewer pesticides and fertilizers going into our groundwater.

CHAIRMAN BISHOP:

Well, anybody the three of you -- we have one standard question that we ask -- you're a different board, right? You're the same board.

LEGISLATOR VILORIA-FISHER:

The same board, different resolution.

CHAIRMAN BISHOP:

Different resolution, okay. So the same question to all four which is why would you want to do this? Why do you want to help us with this issue?

MR. SHEER:

I'm Charlie Sheer. I've been involved my background is I was a Cooperative Extension specialist at one time and now a commercial nurseryman. I have been very active in the IPM program. I think this is an achievable responds. We have been working through Cooperative Extension with a stewardship committee trying to achieve this through a voluntary basis. And I think the legislation that Legislator Fisher proposed fits right in with this and we'll be happy to work with her and try to come with some achievable goals and methods by which to do it.

MR. LUDLOW:

Do you want me to say something more creative or --

LEGISLATOR VILORIA-FISHER:

How about saying your name for the record.

MR. LUDLOW:

Harry Ludlow. I'm a farmer and I'm familiar with these things. I've been working the same committee as Charlie.

CHAIRMAN BISHOP:

This is good you're doing well and you want to continue. Okay.

LEGISLATOR VILORIA-FISHER:

By the way, it's really important to have farmers on this committee because they're the people whose livelihoods depend on having a good plan and it's a voluntary reduction of pesticides and fertilizers. So we need the people who know the most about it and who have spent their lives doing it represented on this board. And so I thank you for being here.

MR. SCHMITT:

Phil Schmitt I'm also a farmer and I serve on the Suffolk County Ag. Stewardship Program. And was involved in, you know, setting up IPM and hopefully looking forward to working with you and convincing the rest of the growers that this is the right thing to do.

CHAIRMAN BISHOP:

Right.

LEGISLATOR VILORIA-FISHER:

Thank you very much.

MS. BORTMAN:

I'm Marci Bortman I'm a marine scientist and also the Director of the Marine Conservation Project for the Nature Conservancy. And we look at this as a very great opportunity to work with the farmers to reduce the amount of fertilizer and pesticides going into the Peconic Bays.

LEGISLATOR VILORIA-FISHER:

George, are you the County Executive's appointee since you're sitting there -- Planning Department member to the task force -- did you want to say anything? You need the mike.

MR. POREIO:

I was just here in case you want to have any questions on the program and how it relates to the stewardship committee all the work that the {saltwater} and Cooperative Extension doing to implement the recommendations that come out of this committee.

LEGISLATOR VILORIA-FISHER:

Okay.

CHAIRMAN BISHOP:

Do any of the committee members have questions for any of the nominees? No. Okay, we'll take these out of order. First is Bortman, she stands alone **1802 Appointing new member to Agricultural Environmental Management Task Force (Marci L. Bortman). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Viloria-Fisher)** A motion to take out of order by myself second Legislator Viloria-Fisher. It's now before us. Motion to approve by Legislator Viloria-Fisher second by myself. On the motion, Legislator Caracciolo.

LEGISLATOR CARACCILOLO:

The only question that comes to my mind not in terms of their qualifications, but is a practice. Now that this committee and other committees of the Legislature have instituted self imposed, if you will, the last three months and that was not to make any appointments or reappointments until such time as the election of County Executive took place and those appointments could move forward. Now I'm very cognizant of the important work this particular group will be engaged in. This has nothing to do with any of the individuals before us because as I said their

qualifications it really is to process and policy as well, are we going to make an exception --

LEGISLATOR VILORIA-FISHER:

Can I respond to that because --

LEGISLATOR CARACCILO:

-- and as a sponsor I'd be happy to hear your response.

LEGISLATOR VILORIA-FISHER:

Thank you. It's actually not an exception to the practice that we adhere to recently those were with County Executive appointments. These are legislative appointments and so with legislative appointments we have moved forward. In the Health Committee there were a number of appointments that we made because they were legislative and so this does not in any way opposed what we have been doing in practice.

CHAIRMAN BISHOP:

The motion has been made and a second. All in favor? Opposed? It's carried 6-0. **1803 Appointing four new members to Agricultural Environmental Task Force (Charles F. Scheer, Jr.; Henry Ludlow; Phil Schmidt III; & Ron Goerler, Jr.). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Viloria-Fisher)**

LEGISLATOR CARACCILO:

Motion.

CHAIRMAN BISHOP:

Motion by Legislator Caracciolo.

LEGISLATOR VILORIA-FISHER:

Second.

CHAIRMAN BISHOP:

Second by Legislator Viloria-Fisher. On the motion.

LEGISLATOR CARACCILO:

On the motion would the clerk note myself as a co-sponsor.

CHAIRMAN BISHOP:

All in favor? Opposed? 6-0. **(Vote: 6-0)** I want to say to the farmers before you leave, I read a great article last week that, you know, you're economic future is not no longer in doubt because the next big movement in America is restaurants that serve locally grown products. In an increasingly homogenize society there's a great hunger for authenticity and so this is the new organic is going to be locally grown. So you're all set.

LEGISLATOR VILORIA-FISHER:

Is that a metaphorical hunger or an actual?

CHAIRMAN BISHOP:

It's both; it serves both that's what makes it good writing or speech making in this case. Thank you all, congratulations.

LEGISLATOR VILORIA-FISHER:

Thank you very much for coming down.

CHAIRMAN BISHOP:

Okay. Next issue is one that I think may take a little time, which is the issue of the Vector Control Plan. Mr. McAllister, Ms. Esposito, Ms. Panyda a/k the usually suspects. Welcome back.

MS. PANYDA:

Can it be on the record that you said we have no time limit now? You've never said that to us. Good afternoon. My name is Alpa Panyda. There is no Vector Control bill in front of you today, but we have reason to believe that Vector Control continues to hope to pass a 2004 work plan a 2002 continuation into 2004. It was in front of the ELAP Committee last month and failed and they then laid it on the table and moved it into the Health Committee where it is now tabled I believe.

LEGISLATOR GULDI:

(inaudible)

MS. PANYDA:

Yeah, well, I don't want to say anything, but it's now in front of the Health Committee and we are expected to be maybe CN'd or come up again in front of the full Legislature next week. So in anticipation of that -- and we just wanted to briefly make some statements asking you to not pass Vector Control this work plan. As you know and as we've said before ditching is one of our major concerns. It takes decades for marshes to recover from that. In addition, the Peconic Estuary Management Plan is against -- recommends no new ditching or reopening existing ditching though I'm sure Vito and Walter will tell you that the language is a little fuzzy on that recommendation. But nonetheless the Peconic Estuary Management Plan to our understanding is not in favor of it. In light of those two statements and because there is a big GEIS and big long term management plan happening for Vector Control and the treatment of our marshes and of our mosquito problems and West Nile problems we're asking you not to pass this work plan when it comes up in front of you -- if it comes up in front of you and to wait until the GEIS is done which will give the County greater guidance on both the environmental issues and health options that are available out there. Thank you.

VICE CHAIRMAN CARACCILO:

Adrienne.

MS. ESPOSITO:

Good afternoon Legislators. Hope you're all well. I just want to make a quick statement about the proposed extension of the 2002 Vector Control Plan into 2004. My organization considers this one of the greatest contradictions in Suffolk County government to-date. On one hand we have a government and many of you actually have worked very, very hard throughout your terms to leave a legacy of environmental protection, protecting our bays, our estuaries, reduction of pesticides. And you have done so successfully at it is at a very commendable a very worthwhile and a very significant action.

On the other hand year after year after year you vote for a Vector Control Plan that degradates wetlands, that applies adulticides that we have no EIS for and continues to apply larvicides that we also have no EIS for. So on one hand we preserve and we protect and we spend taxpayer dollars to save a resource and on the other hand we spend taxpayers dollars to denigrate the same resource. So when I say it's one of the greatest County conflicts that's the spirit which I mean it. And what I'd like you to do is stop -- vote no on extending the Vector Control Plan. We

feel Vector Control is out of control. It is out of sink with the rest of the government goals that you are working to achieve and many in which you have achieve. So we're going to ask you to wait for an environmental impact statement which you have wisely put forth into action to end and come up with some answers before we continue to implement a very serious degradation plan that we have been utilizing for the past 30 years. Ditching wetlands and applying these adulticides for nuisance control is an archaic and out of date mode of operation. Other counties do not do this in New York State and we're asking Suffolk to take your own advice, wait for the EIS please, and then see what the results are and then we can make wiser choices, wiser decisions for our resources and for the public health. Thank you.

VICE CHAIRMAN CARACCILO:

Kevin before you take the mike, Counsel, what is the status of the EIS?

MR. SABATINO:

The testimony I heard at the Health Committee on Friday afternoon was that it should be completed by December of 2005. And under questioning it seem to be a pretty hard date, not a soft date.

VICE CHAIRMAN CARACCILO:

Thank you. Kevin McAllister.

MR. MCALLISTER:

My name is Kevin McAllister I'm the Peconic Bay Keeper. I'm professionally trained as a coastal biologist and I have a daunting task. For four years I've been speaking to this issue and, ultimately rightly so, this body looks to defer to their own staff. I want to tell you I'm in the field quite a bit. I'm again, academically trained in and professionally trained in this area. I hope you would agree that I know what I'm talking about.

A brief overview with the 2002 Plan. Again, ultimately that was pretty aggressive work plans and specifically now I'm speaking to the ditching. Initially, DPW was seeking to reopen, reconstruct three feet wide three feet deep 660 miles of ditches in this County on 220 miles per year cycle a cycle that would be repeated. Ultimately, after bringing this forward there was a scale back of that plan to 75 miles. At the same time concurrently this body approved and really sort to commence an environmental impact study to really take a hard look at these practices. And I believe the understanding was that ultimately try to minimize the impact while this is under study. Ultimately, I believe and this is my personal perceptive that you are provided with bad advice with the continuation of that work plan from '02 into '03 now '04. And it was clarified the other day we are looking at 75 miles per year. So this is a piecemeal project to get into the big picture and ultimately maintain this network of ditches. And again I'll speak to the ditches themselves, they do cause extensive drainage and in some areas where these upper reaches of these marshes where these ditches extend again near and adjacent to upland, again, high march there is drainage occurring and ultimately degradation. You have fragmities dominating these systems ultimately have a reversion in the plant coverage from what would now be designated as wetland type vegetation ultimately in 10 or 15 years maybe longer reverted into a transitional or upland type vegetation. Therefore they're no longer protected by wetland protection laws. New York State's not going to do it and municipalities are not going to do it and we're going to lose wetlands.

The encroachment process, this process, and this is what's at play. The conveyance of upland source pollutants, I've been speaking to this for four years. I gleaned a document recently in a foiled process from DEC and I provided this committee with that document a couple of weeks ago.

These ditches are important for the drainage of upland rain run off. This is an extension of Suffolk County's plumbing system. Mr. Foley queried Mr. Ninivaggi last week on a Friday concerning Cupsogue County Park where this application pertains and his response was, Cupsogue is largely undeveloped. There's a 10/15-acre parking lot asphalt that's pitched down into those wetlands where those ditches come up. We're talking about drainage, further, there's substantiation of what I'm saying. Recently, early in the summer a federal judge ruled and this is some similarities not identical ditches that were dug through wetlands to reach isolated wetlands in North Carolina. A federal lawsuit brought forth by the North Carolina shellfish growers association the judge ruled there is a high likelihood that these ditches would act as conveyances of upland source pollutants, sediments coliform bacteria's and other contaminants.

There is a study done by and again there was reference made, there's no studies out there. The Town of East Hampton in conjunction with Cornell Cooperative Extension Service looked at some ditches in East Hampton Town and they actually implementation of open march water management, the plugging of these ditches. And they're showing distinctions where the ditches were plugged differences in the receiving waters from in the marsh the coliform bacteria counts in the marsh versus in the receiving waters -- disparity there. There's no question that when you restore the retention time the residents times of these marshes their bio-filters they're kidneys to the bay. Direct conduits are going to flow. I'm in the field I see these flows occurring. Again, at a time when we're grappling with stormwater management problems and this body in the next couple of years is going to have to make some allocations of funding and some hard decisions to address stormwater both on a County level as well as municipal level. This is counter-intuitive to that process. Its academic, stormwater is a big problem out there. Mr. Bishop, you know this and again we're negating the kidney effect of these marshes.

Again, deference to myself as a coastal biologist in weighing credibility in the information that I'm bringing forward. Do you ever just, you know, throwing out a question with the insistence that #1 these ditches are effective for mosquito reduction and #2 having any effect on disease prevention. Is there any question where at least should the question be proposed that perhaps the Department of Public Works has an interest in protecting this program and their budget into the foreseeable future? I mean, that's a valid question and hard questioning that should be asked of them. I've sat here and I've listened to Mr. Foley in the Health Committee, in fact, Ms. Fields both you asked some hard questions last year, show us where you're ditching, the extent of ditching, why you're ditching, that information has never been made available. To-date right now the State of New York DEC, Vector Control has a expired wetlands permit. They have no permit to do this other than maintenance; that expired January 31st. of 2002 has not been issued. The DEC is waiting to see how ultimately I think the legal challenges play out here. They're in no hurry to issue this permit.

Very briefly and I'll close. The EIS process it's a great thing; I encouraged you and implore you I said please pay attention closely to this assert yourself in this process to insure that it's legitimate and above board. Immediately we went to a consultant without an outside bidding process so selected and now the process and I raise the flag going back in April I'm concerned where this is heading. There was a statement made by Mr. Dawydiak on Friday when pressed about the network of ditches and ultimately he said and I'm paraphrasing it is very highly -- it is highly unlikely that the long term management plan will recommend that the ditches be allowed to revert. You've talked about object objectivity. I mean, here is a bias that's coming out before the study is underway and for months I've been pressing them include in this study -- take a hard look at stormwater conveyance and pollutant loads that are being entered in receiving waters. And ultimately that was being included and now I have to keep pressing with other community leaders to insure that we do in fact take this hard look. But yet here a matter of fact we have

two years to go and the real meat and potatoes of the study hasn't been under way yet. We've already decided that we're not allowing these ditches to revert. In a spring advisory committee meeting Mr. Proios made a statement. "Perhaps we should look at complete restoration you should be looking at everything in an EIS study." That was immediately dismissed. No, we're not going there. Why? Why?

Four years I've been speaking to it; I'm not going away anytime soon. I'm going to try to continue to educate, enlighten the Legislature as well as the community at large. But again, Mr. Losquadro asked a very good question, you know, how long does these ditches take to recover? Decades. So going in from, you know, what was 1930's program to present day. You know under the gaze of maintenance; maintenance is not a shovel it can be. Maintenance is setting up that million-dollar piece of machine -- machinery on that marsh and cutting three feet wide three feet deep. And I'll tell you in many of these systems I've been in those ditches there are some 12/15 feet wide. They don't tell you that though and that's going up and down on the length of the ditch numerous times. Is this about mosquito control or is there another agenda here? Mr. Ninivaggi conveyed it and acknowledged that they have a consideration for flood control. We can't allow upward properties to be flooded. Again, I understand and I respect the Legislature in your need to insure that the County's being responsible to public health that's absolute. Again, please --

CHAIRMAN BISHOP:

Please, where did Mr. Ninivaggi say that the County's agenda is beyond --

MR. MCALLISTER:

He didn't say the County's agenda he made reference that the ditches were important and that we had to have a consideration for flood control with upland properties.

LEGISLATOR VILORIA-FISHER:

At the Health Committee.

CHAIRMAN BISHOP:

At the Health Committee?

MR. MCALLISTER:

Health Committee meeting, correct. And I'm certainly going to obtain that transcript because there's a number of statements that are made that need rebuttal to.

CHAIRMAN BISHOP:

Okay. Now on these ditches that you've brought to our attention with photographs today, what is the hidden agenda on each ditch? It's always flood control upland or you say that there's agenda to deal with stormwater run off, but the County wouldn't deal with stormwater run off unless it was a County road. We simply just, you know, I -- knowing the government works we just wouldn't care if it wasn't our -- it would be the towns problem. We wouldn't dig a ditch for the town. It's really highly unlikely.

MR. MCALLISTER:

There are road dips there are culverts that feed into these ditches. There's no question about that; they're out there. And in one case one instance there's actually an unlawful and illegal septic overflow that's feeding into a ditch. Again, this is problematic and again, a conveyance.

MS. ESPOSITO:

But let me just chime in about flood control, Legislator Bishop because during storms the more ditches you have the greater the floods going to be on the inland. So flood control works both ways. So it might be taking stormwater off the streets -- ditches, but it's going to be putting stormwater from storms back on the streets. So when the wetlands are impaired they lose that ability to absorb the increase in tides during storm events.

CHAIRMAN BISHOP:

I guess my point is, you're making an impassioned articulate case that the County is digging ditches to deal with stormwater run off and that's -- isn't that what you were essentially says?

MR. MCALLISTER:

No, I'm saying that these serves as conduits for stormwater. I will say this and this is a questionable -- let me give you one example. The Village of North Haven there's a sizable marsh that's in Sag Harbor area very expansive marsh there. There's a ditch system that's been dug; there's a culvert that goes under the road. There's a 500 -- I'm sorry there's a 483 feet because I measured it ditch that runs through woodlands through uplands that ultimately makes a right hand turn a right angle, goes for another 75 feet and terminates in the heart of approximately $\frac{3}{4}$ acre freshwater wetland. You have a subtle change in elevation. There is a constant down flow / out flow and the vegetative cover on that marsh is reverting from what should be grasses to the woody vegetation including some young sapling pitch pines. And in ten/fifteen years that wetland is shot.

CHAIRMAN BISHOP:

So your point is ditches are bad because they carry stormwater run off.

MR. MCALLISTER:

Correct.

CHAIRMAN BISHOP:

Okay. Why -- but the County is not digging the ditches to deal with stormwater run off that's just a negative collateral damage.

MR. MCALLISTER:

Yes.

CHAIRMAN BISHOP:

Right, Okay. I misunderstood I thought you were implying that the County purposely was digging the ditches to deal with its stormwater run off problem or, you know, to alleviate flooding. Okay. Now that --

MR. MCALLISTER:

I encourage you to read the transcript that was provided to the Health Committee that Mr. Ninivaggi made reference to this.

CHAIRMAN BISHOP:

Any other questions?

MS. ESPOSITO:

Just a last finally comment.

CHAIRMAN BISHOP:

Sure.

MS. ESPOSITO:

I have heard many of you actually ask questions of DPW. I've heard actually Legislator Caracciolo, Legislator Fields ask for specific things like, what triggers adulticiding? To the best of my knowledge you haven't received those answers in writing. I've heard many of you ask, what caused you to go in and maintain a ditch? You haven't as far as we know received that in writing. I've heard you ask things like, what are you plan on ditching next year? Can you tell us where, when? So here you are asking the right questions; you're getting from what I see and what I would characterize as vague answers. None of it has come back to you at least, and please correct me if I'm wrong, in writing. So I haven't seen any written statements which say what triggers adulticiding. What is some of the minimal components that would trigger reopening a ditch? Where is the plan, where is the plan?

LEGISLATOR CARACCIOLO:

Mr. Chairman, since my name was invoked, Adrienne you're absolutely correct and that's why Legislator Guldi and I have steadfastly opposed the Vector Control plans for the last three years and why we will continue to do so cause until we can make informed decisions on issues as you've raised I don't see how anyone could come to any other conclusion.

CHAIRMAN BISHOP:

One last question. Legislator Fields, you have a question?

LEGISLATOR FIELDS:

I think that this came up originally when I first became a Legislator because the plan had not been approved for apparently seven years prior to that. And we had all kinds of testimony from experts in the field making statements about what the ditching does and what it doesn't do. We also had testimony from DEC that some of the ditching had actually opened up a deposit of DDT that had entered the bay because of the ditching. We have been consistently when I was chair of the Health Committee asked Dominic for information on the criteria for adulticiding and there has never ever been a real answer about what constitutes a spraying. And we have also consistently asked for a plan of which wetlands are going to be ditched. We even asked on the record for him to number each ditch and then be able to provide some kind of a plan. We have never ever, ever received any of those answers.

CHAIRMAN BISHOP:

Yes, Legislator Viloría-Fisher.

LEGISLATOR VILORIA-FISHER:

I sit on the Health Committee and the Commissioner at that committee testified that in the protocol --

MS. SCHMIDT:

Please speak into the mike.

LEGISLATOR VILORIA-FISHER:

It's not sensitive today. In the protocol the CDC protocol they have a variety of steps that lead to the use of adulticide that you try to avoid the use of adulticides. And she said that their plan is to control the mosquito population before they have a need -- before they're required to have to use

larvicides and pesticides. Now you said that there is no one else doing this in New York State?

MS. ESPOSITO:

No one has the nuisance mosquito control program that Suffolk County has.

LEGISLATOR VILORIA-FISHER:

No. I'm asking about the ditching, is there anyone else doing ditching in New York State?

MS. ESPOSITO:

I believe Nassau County does ditching.

LEGISLATOR VILORIA-FISHER:

Okay. Because I thought maybe I misunderstood you earlier. I thought you said no one else does the ditching or spraying in New York State.

MS. ESPOSITO:

What I meant was no one else has this magnitude of a Vector Control plan here in New York State. No one does as much ditching or as much adulticiding as Suffolk County.

LEGISLATOR VILORIA-FISHER:

Okay, but it is done in other counties. I just wanted to make sure that we understand because you sat in Health with me and you heard how we went over testimony and there is so much rhetoric on both sides just to be very honest about it. There's so much rhetoric on both sides that sometimes the statements aren't clear. So there is ditching done in other places only not done to the same -- at the same level as Suffolk County. Mr. Ninivaggi also sat where you're sitting and said the maintenance is hand maintenance because they have been -- this is what he testified -- Mr. McAllister you were there. He said its hand maintenance that we're doing now to clear the ditches. You're testifying you're representing that their using large machinery because those are two different images that we're projecting here.

MR. MCALLISTER:

Three weeks ago we met with DEC officials the Region One Director as well as his staff. And the photos that you saw today the two that show later stages of recovery on those ditches. One was about six inches wide; the other was completely filled in naturally with vegetation growing. I placed them on the table and I said under your -- under the guise of maintenance would Vector Control be allowed to set up the machinery on that marsh and reconstruct this ditch and they reluctantly said, yes. The fact that the ditch was dug and exists and you can still visibly see it allows -- provides great latitude unfortunately. So that's my concern; they do have great latitude unfortunately.

LEGISLATOR VILORIA-FISHER:

Okay. So machinery is still being used so the representation that's its being hand cleared is not accurate according to what you're saying?

MR. MCALLISTER:

They have the ability to use machinery.

MS. ESPOSITO:

Wait. I want to be clear on this. I think what he's saying is we don't know.

LEGISLATOR VILORIA-FISHER:

That's what I'm hearing we don't know. Okay.

MR. LUDLOW:

If I could just clarify that, I seem to recall from the Health Committee that they said in some instances hand clearing will be done where machinery was not necessary or not feasible or where it would cause excessive damage to the surround area. So I do think he said both would be used, but a hand cleaner will be used where applicable.

LEGISLATOR VILORIA-FISHER:

But as being represent here we don't know where -- which method is being used. When I sat on CEQ as the former chair of Parks the first time this permitting process came to my attention was at a CEQ meeting when Duck Unlimited was doing a presentation. And my question at that meeting was Vector Control is doing this all the time, why aren't we seeing these presentations here for Vector Control. And I think that was the first time that we began to really look at what was going on with regards to the local Suffolk County permitting of this issue and it has been followed up. So we have become more aware of the parameters and the impacts. I just have one more statement with regards to the plan and the scoping. I believe you all sat here at this committee when we questioned the RFP process when I had a particular problem with the consultants who were being used. Because I've seen the names of these consultants on many different types of contracts and I was not comfortable with it at the time. And there was quite a bit of testimony by the administrative team with regards to how they had send out the RFP and the number of responses. So on the record they dotted their I's and crossed their T's, but we were still not comfortable with how the process looked to us. It's just to put it on the record again.

CHAIRMAN BISHOP:

Thank you.

MR. MCALLISTER:

Thank you.

MS. ESPOSITO:

Thank you.

MS. PANYDA:

Thank you.

CHAIRMAN BISHOP:

Mr. Isles has a presentation providing an update on the acquisition program.

MS. PANYDA:

Legislator Bishop I was asked to speak about IR 1852, after this?

CHAIRMAN BISHOP:

Yes.

MS. PANYDA:

Okay.

CHAIRMAN BISHOP:

Sorry.

MR. ISLES:

Good afternoon. I'm fighting a cold so just bear with me if my voice just doesn't convey well enough, but I appreciate this opportunity to give you a relatively brief presentation. And what I'd like to do is to give you an overview, more of a global overview in terms of the open space program from the perspective of looking at the past 10 years of what the activity has been. What the accomplishments have been to look at the current year to see how do we do in 2003. And then to look forward for the next 10 years to see what's available funding wise and what our opportunities might be.

The first is just a recap from 1993 to the present time to 2002 the end of that year. As you can see open space was 7,600 almost 7700 acres. Farmland which of course are development rights were almost 2200 acres and that totals about 9900 acres.

LEGISLATOR GULDI:

Do you have a copy to distribute of this?

MR. ISLES:

Yes. Yes, we do. Should I do it now?

LEGISLATOR GULDI:

Yes.

MR. ISLES:

Well, we have it to take home that kind of thing too.

LEGISLATOR GULDI:

Is it homework or can we follow along? And we can scribble notes as we go along.

MR. ISLES:

That's fine. That's fine.

LEGISLATOR GULDI:

Thank you.

MR. ISLES:

So the average then for the past 10 years would be almost a 1,000 acres per year and here again divided over open space and farmland. The next slide shows us just looking at over the past 10 years the average cost per acre and as you can see the price was about 1,000 -- \$10,000 per acre through much of the 90's from 1993 through 1999. The obviously in 1999 starting to spike up to 2002 to about \$40,000 an acre on average. This is not a big surprise I don't think to any of us, but here again this is just a blend between all programs open space and farmland divided by the number of acres.

The next slide then shows the total number of acres per transaction. Just get a sense of what is the average deal result in an average number of acres. I will point out in the early 90's the average number of acres per transaction was about 100 acres per transaction. 1993 you can see it's about 50. It went up a little bit and now the average tends to be somewhere around 10-20 per acre. Now I will point out there are two factors to this. Number one, is the large very large parcels are fewer and far between number one, but also and this is significant is that the small lot

purchase program in the Pine Barrens Core came into effect in latter part of the 1990's. But here again just to see that the average transaction now ranges from that 10 to 20 acres per transaction.

The next slide shows the expenditures of open space in farmland acquisitions. Here again looking at this past 10 year history and we can see with this is that the slow increase in the rate of acquisitions in terms of dollars spent. This is not acres just dollars going through and then culminating in the 2001 which did hit about \$50 million slightly below that in 2000. Interestingly too there are only three years in the past 10 years where the purchases have exceeded \$20 million per year.

LEGISLATOR GULDI:

Question. What's '03 project to be?

MR. ISLES:

I'm going to do that for you. I'll show you. The next is just a comparison of the east and west expenditures which the blue indicates the west includes the Town of Brookhaven, the five western towns. The green indicates the Town of -- the five eastern towns. Relatively close though in terms of dollar expenditures with a slight edge to the west. And then going to the acres preserved here again, relatively close more acres preserved in the East End probably based on a land value situation, but relatively close.

So that's the synopsis of the past 10 years; now looking at the current 2003 obviously there have been continued acquisitions approved by the County Legislature, the County Executive. And at this point just to show you just a couple of these properties, which you probably know is the Fuchs property in Huntington a very significant parcel; looks like a state park at this point, but a good acquisition. Next was the Krudop addition to Stotsky Park in Riverhead sponsored by Legislator Caracciolo. This is an active recreation Greenways Program to show you an example of one of those expenditures. Next is the Duke property in East Hampton, 57 acres on Three Mile Harbor in Hands Creek a joint acquisition with the Town of East Hampton. This was also our first acquisition to use EFC financing that was approved. We actually went to closing on that in September with the EFC financing. Next is a farm acquisition the Gatz Farm out in Riverhead. The Rich property in Quogue which has a numerous both town, village and a county ownership. This is on the back bay of the barrier beach in Quogue. And the last one for the photograph just as a representation of the acquisitions this year, this was an acquisition that closed about a week ago which is the Sherwood-Jayne property in Setauket. What you're seeing in the photograph is part of the pastureland that was purchased under Greenways with the Town of Brookhaven contributing 30% of that amount. The County also went ahead and purchased another 36 acres completely on the County's drinking water protection program to the north of that area.

So for the year 2003 as of this moment 442 acres have been protected at a cost of slightly over \$20 million. As we look at what's in contract in accepted offers we have about 693 acres in contract or we have offers accepted by the owners and they're on there way to the Legislature for approval. And that represents a dollar figure of \$33,800,000 of course it's possible that not all the accepted offers will result in contracts, but this is as we speak at this moment those are the numbers that are reflected.

We have identified some of the specific parcels, here again, a number of these are probably familiar to you. 511 Equities was approved by the Legislature about two weeks ago so we are moving to contract on that one at this point. The Buck acquisition, which is Abets Creek, is on today for your consideration. BDG is an active recreation that will also be on today and was a

subject of Legislator Crecca's presentation and Margo Myles. These are all open space or recreations acquisitions and this is a partial list. Another -- the next slide would then show farmland and, here again, these are either contracted parcels or those where we have accepted offers. One of the items that is on today is number three which is the Corso acquisition also known as the Morrell-Oregon LLP a 40 acres in Southold Town.

So to summarize for 2003 we think we'll be in the range based on current contracts and expected closings between 600 and 700 acres and the dollar amount will be about \$26 million. Here again, we have spent about 20 already. So it's about another \$6 million in closings between now and the end of the year. In terms of comparison to 2002 the -- you can see just on the chart that's provided the acquisitions in terms of number of acres is obviously increased. We did a little over 300 acres in 2002 and I think there's 360 acres in 2002 and expect to do 650 as an average number in 2003. And then in terms of the dollars spent here again an increase in the dollar spent. Obviously 2002 is a -- was not a banner year when there was a recovery at that time and there were new procedures, but just to show you the actual numbers. In terms of the amount currently available for future acquisitions we spent \$20 million; we have \$33 million in contract or accepted offers. We have 17 million in negotiation, active negotiation at this time and we have about 22 million leftover for future acquisitions. This is based on appropriated funds so there is a resolution on your agenda today to appropriate more of the multifaceted funds. If that is approved by the Legislature that would be added to this figure, but at the present time this \$22 million for future acquisitions.

LEGISLATOR LOSQUADRO:

(inaudible)

MR. ISLES:

Well, EFC gives us the ability to bond against the ¼% monies and that really then brings up the next question is, if we start to look forward from next year 2004 and I brought it to 2013 as being a logical 10 year period and that's when the current ¼% program expires. We have two funding sources for County acquisitions, one being the 1/4% program which is in effect at that time the other is the capital program multifaceted which historically the Legislature has funded to the tune the total amount of \$13 million, but that includes some monies for affordable housing. So I've taken the assumption of saying \$10 million a year for the next 10 years.

Then we go to the next chart, which just shows you how much money, do we think we can collect on that. There have been estimates on the sales tax generation for open space. Looking at the years that have been projected through Budget Review Office of the County Executive's Budget Office we expect about \$97 million more in the drinking water program for open space. And in the farmland program about 52 million and then here again taking multifaceted at 10 million a year which here again has been the track record for the past couple of years. The total funds available will be about a quarter of a billion dollars \$250 million and this is based on current levels. Obviously, if the numbers increase or decrease then of course the numbers change. We then tried to figure out well, how much land can we buy with that and we assumed \$50,000 per acre, which is a blended figure. I took the figure of everything we have in contract in the acreage at the present time and it came out to 52,000 and change. Obviously, farmland generally comes in less than 50,000, but some open space or recreation can be more than that. But just for the purposes of trying to get some sort of estimate this would enable the purchase of about 5,000 acres over the next 10 years or about 500 acres a year. Obviously, here again if we buy more farmland the less money we can stretch that further perhaps and obviously, the prices in the market can change from time to time. But here again our purpose was to give a sense in terms of the amount of land that was purchased in the past 10 years actually exceeds the size of the

entire Town of Shelter Island by actually 25%. The almost 10,000 acres is a credit to this government certainly in this Legislature.

In terms of going forward we do feel that there's been good movement in the year 2003 by basically doubling what we did last year. And in terms of moving forward in terms of the next 10 years those just to give you some numbers for planning purposes to get a sense of where we are and what we might be able to achieve with that. So we just want to present that to you to give you an overview of the program at this point. Christine Costigan has been a big help in putting this together and planning the program at this point. So if there's any questions from this point we can try to answer them for you.

CHAIRMAN BISHOP:

Thank you very much for that broad perceptive. I would ask at the next meeting that you have a similar presentation that's on the specific programs that are account balances and what we have in contract. You know a sort of a similar program that's up to date and specific on the programs. This is fantastic. It provides a nice broad perceptive and I appreciate it. I don't think there are any questions.

MR. ISLES:

We do have updates on all the planning steps resolutions because periodically we've asked that so we can provide that to you today.

CHAIRMAN BISHOP:

You can provide that today, but we'll go in-depth at the next meeting because I want to move.

MR. ISLES:

Okay.

CHAIRMAN BISHOP:

Thank you. That was good.

MR. ISLES:

Good.

CHAIRMAN BISHOP:

All right. Mr. Minei, I know you have a similarly pithy presentation on the comprehensive water resources management plan.

MR. MINEI:

Good afternoon. Again for the record I'm Vito Minei; I'm Director of the Division of Environmental Quality for the Department of Health Services. And I'm joined today by Paul Ponturo whose Chief of our Office of Water Resources. I gave you several hand outs and I'll try to touch each of them quickly as we go through the presentation. But essentially this is an update, Chairman Bishop, of a presentation we made Paul and I about a year and a half ago on groundwater and water supply quantity and quality issues. And it's a follow-up to a very thorough assessment of drinking water and I'll talk about it and actually goes into what we proposed as a management plan. And it is a response we believe to resolutions 1842 and this successor IR1867 which is on your agenda today.

(This is a slide show presentation)

What I thought I'd do is just quickly go through this presentation and hopefully touch on some saline issues as we go through this. There's about three parts to this presentation. First, I'm going to touch on the 1987 Comprehensive Water Resources Plan then go through quickly an overview of the Long Island Source Water Assessment Program and most importantly the proposed Comprehensive Water Resources Management Plan.

In the mid 80' the County Department of Health Services took on a Comprehensive Water Resources Management Plan the study cost about \$400,000 that was co-funded with the Water Authority. It took about two years for us to complete; that's the cover of the report on the slide. And very quickly, some of the more important findings of that Comprehensive Water Resources Plan was that in essence there was plenty of groundwater and that quantity itself was not expected to be an issue except in some isolated areas on the North Fork. And what is referred to in that plan is insular areas there is some peninsulas on the North Fork and, of course, Shelter Island is considered an insular area.

Some of the other points too from 50 to 80 the groundwater pumpage had increased four-fold. It was projected to increase by 20% by 2020. And again think of the mid 1980's volatile organic chemicals was coming to the forefront and is a important parameter of concern and it had been identified that it was likely to impact deeper wells in the future. Also going on with the '87 plan talked about the ability and the cost effectiveness of wellhead treatment for volatile organic chemicals. And truly back then it was thought that the future of water supply would more and more rely on deepen wells or treating wells with not long distance transmission of water. A long distance transmission of water was considered viable especially for those wells that were impacted by nitrates and pesticides.

Then quickly going through some of the recommendations that the water resources should be protected by a really group effort of public education, enforcement of existing regs, planning and groundwater investigations.

Continuing with the recommendations it talked about the expansion of the County program to extend public water supply mains. I don't think it's any secret to you folks that that's the preferred way of providing safe water to the people of Suffolk County is through public water. And then we also had a recommendation of limiting the creation of new small public supplies and indeed the Water Authority through its acquisitions has made strides to address this recommendation. And also this was very controversial certainly in the early and mid '70's when I started my planning career. This idea of the County acquiring open space, but it wasn't available for water supply purposes it was being acquired for parkland purposes, but I believe through subsequent legislation this body changed that access. In fact, Steve Jones talked about access to County property.

Some of the other specific measures for water resource protection was the establishment of a chemical spill response fund did not happen through the ensuing years because of budgetary constraints, performance of industrial property transfers and environmental audits. We've essentially done that through a surrogate process, Dave, through your Brownfields initiative and I'm pleased to say that we're expanding on that list and we probably should get together to talk about other properties. And then the sewerage needs planning, recall now this is a 1987 vintage study comes on the heels of the scandals of the Southwest Sewer District and people in elected office were essentially saying things like, over my dead body would we extend sewers. And now we're talking about extension of Southwest and some other County sewer districts. One of the

(inaudible) points is that we have 160 disparate sewerage treatment plants. Little dots on a map serving only about 30% of the population. Still as it was in the mid 70's a good 65 to 70% of the population utilizes septic systems and not communal sewers and sewerage treatment plants.

This is just a graphic that shows the extension as the population grows; the obvious the pumpage will increase. This was put in here because it kind of shows you the state of the art of graphical presentations. In '87 it was a black and white map. I've referred to this kind of as the rat dropping maps because it sort of shows contamination in these different locations. But doesn't give you a good through understanding of the sources of contamination, time of travel, impact on our water supply more importantly also on our shoreline resources. That was '80's vintage what we intend to do is certainly improve on that graphics. We all go smarter when we went from black and white to color I think.

So what's happened since the mid 1980's when we did that {COMP} study and what's going on more recently. There's no sense of assurance that we've kind of addressed all the issues. Almost ever few years there's a new set of emerging contaminates. More recently its been MTBE the gasoline additive perchlorate that was found in solid rocket fuels and also in fireworks, but also as it impacts the North Fork water supply can be found as a contaminate of fertilizers and a by-product of pesticide production. Even more recently is a nationwide emerging issue of pharmaceuticals. There's a concern that all the sort of prescription drugs that we're taking, are finding their way into groundwater and into our water supply. People kid me whenever I bring this up, but this is a very serious issue that we're -- in some point might be sharing our pharmaceuticals by virtue of water supplies. So we're really -- this maybe the emerging issue of the next ten years, pharmaceuticals and personal care products.

LEGISLATOR GULDI:

I just want the record to reflect that I was always kidding when I suggest that we put Prozac in the water supply.

MR. MINEI:

That's your example; others have used other chemicals as a suggestion especially guys of my vintage, but it's not true. I use Lipitor. I use Lipitor not Prozac as my example, George. Groundwater Quality Management. There's been a concern over the last few years and I serve on the County's Commission of Smart Growth and Affordable Housing. And one of the concerns I've had and I was queried almost at every meeting of the Smart Growth Committee is this idea of having to serve these new smaller communities with more and more small sewer treatment plants. I hope that is not the future of Suffolk County. A greater recognition of the potential groundwater impacts of surface groundwater resources from nutrients and pesticides again, this come by virtue of our continued monitoring and our expansion of our analytical capabilities.

Again as I mentioned, our groundwater investigation capabilities comes up in almost every year you ask me, why is all this money needed for more well drilling. It's for all of these wells that we drill, all the investigations that we conduct and again we're pushing the technology on doing groundwater investigations that's what a GO probe is. It's a quicker way of getting a monitoring well installed at shallow depth and extracting a sample. Our lab and you know how personally proud I am of it is certainly the envy of every county health department and even some state health departments that we have a public and environmental health laboratory that can literally analyze 50,000 samples for nearly 300 parameters. No other county laboratory can do this kind of capability and I would suspect not too many local labs can even compare to this.

Also what's happened since the mid 1980's was the development of a Suffolk County groundwater

model. And once again you see that we've parlayed County money and used others with regard to the Water Authority to develop this diagnostic and actual planning tool simulation capability to plan on water quantity and quality impacts.

This source water assessment program this -- I was asked in probably February of 1999 I was approached and I was told that the state health department has maybe a 100 to \$200,000 to spend on Long Island for Nassau and Suffolk County and did we think it was worthwhile. I think almost anybody that comes before you that's in the water supply and groundwater monitoring business will rightfully assure you that nobody certainly in the United States knows more about their groundwater and their drinking water supply than Suffolk County by virtue of the Water Authority and their sampling and by all the analysis we're done in the planning we've done. But what concerned me back in early 1999 was we were really the best at telling you from week to week, month to month what the current condition of water supply was, but I along with a lot of citizens wasn't very comfortable with the idea of our ability to forecast and plan for the future conditions of water supply. So I in essences made this stand that we had to do the Long Island Source Water Assessment Program and that we would have to encourage Nassau County who then was very reticent. They were going through tough budgetary times in '99-2000 literally didn't want any part of it not that they were not interested in groundwater protection, but people were leaving Nassau County government; they didn't have the staffing resources and what I also told the state health department was this was not a 100 to \$200,000 effort. This was a half a million dollar effort if we were going to undertake the type of effort that we envisioned. So the state came on with the additional money and we went through the source water assessment program. By federal law we could've drawn circles around each of the public water supply wells and we said that certainly would not suffice as a forecasting or planning tool for Suffolk County. We wanted to utilize our modeling capabilities and we'll see a little bit about that. But essentially, the steps done for the source water assessment program was to delineate the areas contributing to each public supply well in Nassau and Suffolk County, access the prevalence of potential contamination. And I'd like you to keep that word potential in mind because we're not talking about existing contamination based on the types of industries and land uses in each contributing area to evaluate each wells sensitivity to this contamination. And that's based on the different contaminants in the time and travel to the wells and then to come up with an evaluation of the susceptibility of each well to contamination and that's based on the prevalence of the contamination in the contributing area and the well sensitivity.

As I mentioned the state health department stepped up and they did fund our project to the tune of a half a million dollars and the other counties were getting in essence less than \$10,000 each county. So we really stood out and the state health department relied on us to come up with the study that was eventually completed. We used our County model to determine that contributing area and travel times and we used the databases that we the County Health Department had and the Planning Department provided with regard to land use. But the shortcoming of this was that it was just an examination by law, by federal law it was not a management plan. Originally, we said the assessment had to be done, but we couldn't stop there. So since early 1999 we've been planning to use this source water assessment for management purposes and you'll see how this plays out toward the end of this presentation.

The idea what SWAP did for us was to provide Health Department with improve management tools, the modeling and land use analysis be Planning Department our colleagues at Suffolk County Planning took the work they had been doing in the eastern Suffolk and now upgraded and updated the land use analysis for western Suffolk to help up with this evaluation. And then finally the importance of this, and this is what you asked me about Dave a year and a half ago, isn't time to do a management plan and I said on the heels of SWAP it absolutely is time to do

management plans. So it provides that examination that assessment of current conditions so we can move towards a management plan.

These are just some quick graphics that show you the difference between drawing circles around public supply wells and what a computer simulation of what the actual land contributing groundwater to a well field might look like. I believe this is one down in the Bohemia area and it shows the well field down towards the lower portion and sort of this odd elongated shape of land contributing. And what happens is distance away from the well the pumping rate you can get the time of travel when you overlay land use which our Suffolk County Planning Department provided you can get a handle on the prevalence of contamination whether it's residential land use, industrial commercial or agricultural. Incorporating that information -- this is sort of 3-D representation of what goes on in our groundwater system. You see rainfall hits the ground, penetrates into the groundwater system and the groundwater picks up contamination from the land uses or doesn't pick up any. And either travels to a shallow well as you can see which are very vulnerable to contamination in very short order or travels a longer time through the groundwater system to public supplies. And that's what we're really talking out evaluating this time of travel to the pumpage rate to the level of a contamination in the area.

This graphics show the susceptibility of Suffolk County community supply wells. And again, this is only a picture of the potential the possible outcome of well fields. This is not a representation of current contamination. Very few public supply wells are contaminated, but you see, again, I'm color blind, but the red is the higher susceptibility; the cooler colors are lower susceptibility, but you can see we still have a relatively high susceptibility to nitrates. Again, from a number of septic tanks we have in Suffolk County the amount of lawn fertilizer applied and the amount of agricultural fertilizer is use in Suffolk County. Nassau County because they're sewered has a slightly different picture of this.

Moving over to the pesticides we have relatively small amount that's high in terms of susceptibility, but certainly as you move out to the few public supply wells on the North Fork that susceptibility moves up. In Nassau County literally no susceptibility to pesticides. Microbials again, a low susceptibility; bacteria and viruses don't travel a long distance to our public supply wells. They can be a problem in shallow private wells. Again, think of how close you might be to your neighbors septic system or things like that by old rules. Our new rules provide more protection.

The fourth parameter that were looked at volatile organic chemicals and you see again some susceptibility on the high levels with regard to industrial sources. In general, it's a little bit lower, but again there's a concern for the amount of industrial development that is not sewered that could impact our public supplies.

Now we get into the really the heart of this. I've been asked now for nearly four years where are we going with all this assessment. And what I told the state health department and what I've told others was that the SWAP Program is great and we were very proud to have the premier SWAP Program in New York State. But certainly elected officials and the public of Suffolk would demand that we use this great state of the art evaluation technique and look into management. And that's what we had proposed to do and that's what we are coming to you to discuss today and first of all that's the follow-up to the Long Island SWAP. We have funding that we've provided through a continuation of that computer model in our capital program 8237 with a match provided by the Water Authority -- a promise. I'm please to see Steve is still here so he'll live up to that promise. And the idea was that with the Health Department's oversight we would do as we normally do with these programs establish an oversight process a steering committee to

guide us through the comprehensive plan.

I gave out one of the handouts I gave you was the vital questions to be answered. Things have changed now from the '70's through the '80's to the present with regard to what is the future of providing safe water supply to Suffolk and how do we protect the surface water resources of Suffolk County. And the idea also is how do we accommodate some of these other computing social needs with smart growth affordable housing without impacting on drinking water supply in our coastal marine resources. And the question for us and it was one of the reasons why we undertook the '87 plan and why we would do it now is are the present prevention and management programs sufficient to protect water supply, sanitary code provisions, the mapping, the kind of inspection capabilities we have.

This is what we expect to be some of the recommendations that would come out of a management plan. Certainly, we need some recommendations and guidance on this idea of do we continue to rely on small sewerage treatment plants. Do we need to extend public sewer districts? We also would like to see some outside evaluation on allocating our resources for industrial inspections. We have over 16,000 industrial establishments in Suffolk County. We have about eight staff that investigates. We oversee about 200 cleanups. Thousands of gallons of contaminated water and contaminated soils are brought out of these cleanups and we're contemplating prioritizing and redirecting some of that enforcement and inspection staff to some of the priorities. The highest priorities now are gas stations and dry cleaners. We also think that this comp plan will give us more definitive guidance on our managing and our monitoring capabilities on emerging issues. This will not go away with all the joking we heard today and with other kidding around this is a very serious issue not only for us, but for the nation in terms of drinking water protection. And we'll also be discussing, in recent years and Mike you're aware of this we've struck certainly a more cooperative arrangement with our farm community than the regulatory agencies that had in the past. And I'm proud that we can move forward on that because we really have to manage our irrigation demands not only residentially, but from agriculture.

And water supply security. We all know in the aftermath 9/11 this is a major, major issue with regard to protecting our drinking water supplies. So these are the expectations of what we think will come out also to determine the cost effectiveness of water treatment and distribution. In the '70's when I was part of the team of younger professionals working on the 208 study there was the protection of the Pine Barrens, but it was always thought that that would definitely be the last resort that Suffolk County would follow the example of Nassau County. Continued to deepen water supply wells, I call it staying one step ahead of the Grim Reaper, or rely more and more on treatment because the cost of treatment back in the '70-'80's was certainly far cheaper than extending public water. That situation maybe changing somewhat that long distance transmission maybe more promising with regard to water supply.

The other thing that's expected to come out of this is evaluating the feasibility of exploiting the Pine Barrens to western end and/or eastern Suffolk County. We're working with our associates at the Water Authority to look at North Fork Water Supply and they're certainly thoroughly evaluating the alternatives of treatment versus bringing in water from Riverhead. Then Riverhead's demand may need to be met by importing water from the Pine Barrens. All of those have to be thoroughly examined with regard to the long-term future of water supply here.

Smart Growth; Ginny certainly knows that probably one of the biggest frustrations of the Smart Growth Committee and even the Smart Growth Summit that was held on Friday was there are no real examples in Suffolk County. Whenever I go to a meeting or discuss Smart Growth it's always

in the abstract. We need some real examples of promising Smart Growth areas and I personally don't care where it is, believe me. Whether it's Huntington, Westhampton Beach, Southold Hamlet, Selden, Centereach I don't personally care. But we need, if we're serious about this, we need some real examples of Smart Growth and we're allowing for it in the COMP study to work with each of the ten towns and have an example of Smart Growth and evaluate both their social needs for housing, affordable housing, meeting transportation requirements and protecting water resources.

The next question is really we call it validation; I hope it's validation of the sanitary code, but it's a legitimate objective examination of the sanitary code including things like the boundaries of the groundwater management zones themselves and our current regulations. People have asked me what have I done since Article 6 and Article 7. I think I've been working earnestly, but it's time again to evaluate all of those regulations and have an objective view of it.

And then finally we hope to have a blueprint for Resource Management for decades. Here's the quick summation of this. People ask in 1867 who should be managing this study again. We're the agency with the regulatory authority. These are some of the examples in the sanitary code. We have recently managed a number of major comprehensive studies including the '87 COMP study was done by the Suffolk County Health Department. The 2000 Comprehensive Conservation Plan for the Peconic's was done by the County Health Department as was the Suffolk County portion of the Long Island SWAP. We have a number of ongoing projects. You heard a little bit about Vector Control and I can answer some questions on that if you like and the Suffolk County segment of the Long Island Sound Study. The pesticide investigation is done by the Health Department. Also we're trying to meet some of the challengers in Suffolk County and people say, well, why not a regional approach. We've asked Nassau County and quite honestly they still don't have the resource undertaken and their situation is quite differently. Keep in mind Nassau County is essentially sewerred and almost all the population of Nassau County is sewerred. And Nassau County essentially is all on public water supply, a dramatically different situation than we have here in Suffolk County. So it doesn't lend itself really to that regional approach. We really have our own distinct problems in terms of water supply management and I mentioned their limited staffing resources.

We anticipate that once again we'll be able to try to attract other funding that's been our experience in the past. We consider this probably one of the most important undertakings of Suffolk County that of planning for future water supply for the of Suffolk County and we anticipate that we'll be successful in securing other funding.

There's a timeframe that we've laid out for this and you can see it's taken awhile since the inception of SWAP. The SWAP study that you have a summary report for was completed in '03. We have indeed completed the COMP study RFP and that is over to the other agencies and --

CHAIRMAN BISHOP:

(inaudible)

MR. MINEI:

Yeah, and we're done. And hopefully the COMP study will begin in '04 and will be completed in '06. The point is on that last handout was why the Health Department with regard to it and that was in those slides as to why we believe we're the appropriate agency to conduct this COMP study.

CHAIRMAN BISHOP:

I just have one question on that. When you say the Health Department it would be that the Health Department does the work though it would be, you know, Cashin Associates or one of the other typical vendors that we see that does the work.

MR. MINEI:

We have about two dozen on our list of potential respondents to this. I anticipate at least three major work teams, consulting teams would respond to this. Keep in mind, you know, this is what we follow all the time by County regulations, but I believe our list and I have it I can share it will you of who I think the potential vendors that would receive the RFP and it's at the County Attorney now. I hope it will be ready to go with this RFP by December 1st. if the County Attorney says it's okay. Okay, whenever.

(Laughing)

We'd like it to -- I'm not in on the joke, but I understand how long it takes to do things in Suffolk County, but the RFP -- I'm here to let you know that the RFP is complete. It's a very thorough one based on all of the experience to this point and I can tell you that it -- we believe the budget should be more than what's in 1842 and 67. Yes, Mike.

LEGISLATOR CARACCILO:

Vito, as you're aware in the past we've run afoul of the County local preference law. I looked out there at Adrienne Esposito, we served on a committee dealing with the Peconic River Cleanup.

You mentioned that we have on file a dozen or so vendors, two dozen, that could accommodate the requirements of this RFP. And yet sometimes those of us who have served on those committees have felt that we have kind of limited ourselves to local vendors because of that local preference law which interestingly was sponsored by Legislator Levy, then Legislator Levy.

MR. MINEI:

Let the record show no comment from the Health Department.

LEGISLATOR CARACCILO:

Okay. But with respect to this initiative should we revisit and modify or exclude those limitations that sometimes severally limit our abilities to select vendors that are more aptly suited than perhaps the local vendors?

MR. MINEI:

Mike, you and I have had this conversation before and I've had it with other Legislators. I don't think so in this instance. I think we have a core group of consultants that are very powerful that would be distinct proposes on this. We have some that are extremely strong in groundwater modeling and evaluation. We have others that are very strong and have decades of experience in water supply management. We have others that are very strong in land use management that's why I'm thinking that in this instance that local preference law I don't think is a deterrent. And quite often, quite often its happened that unless it's very specific esoteric science that typically as much as you try to advertise nationally for consultants one of the criteria always is knowledge of the local situation and you may get a very powerful nationwide consultant whose good on California conditions, New Jersey situations, New England regulatory affairs. But when it comes down is, when you have a couple of years to undertake a major program like this you don't want to be training a consultant team on Suffolk County situation in terms of groundwater. And we'll be looking -- one of the more powerful and most important criteria to be examined is, do they

understand our situation. So in this instance maybe in others and that was the case with the Peconic Estuary Program. We had the power because of federal funding to go outside and some of that study was pretty unique science that you needed someone from the outside. But I guess in short, my answer would be I don't think this is an example of the shortcoming of the local preference, in fact, I think it would be positive in the sense that you wouldn't have hard feelings of national consultants proposing and then not being selected.

LEGISLATOR CARACCIOLO:

So then the follow-up question would be, do we limit to just local vendors? How many local vendors would qualify?

MR. MINEI:

I have a list of 24 that I could --

LEGISLATOR CARACCIOLO:

But locally, how many of the 24?

MR. MINEI:

Well, locally 24 of them all do work relevant to groundwater and water supply, planning or oversight or analysis. And that's why I'm hoping that we get something on the order of -- we don't like 12 proposals, but I'm hoping for something on the order of three teams combining some of these 24 and maybe some outside consultants with the core team being from that 24. But hopefully we won't get 24 proposals; I wouldn't mislead you and say the 24 would be able to carry on, but certainly portions of it. And I'm thinking we should get a few formidable proposals all from that group under local preference law.

LEGISLATOR CARACCIOLO:

Thank you.

CHAIRMAN BISHOP:

Legislator Vioria-Fisher very quickly.

LEGISLATOR VILORIA-FISHER:

Very quick question which is just a follow-up to the previous question.

CHAIRMAN BISHOP:

Yes.

LEGISLATOR VILORIA-FISHER:

If we don't have any examples of smart growth programs or models here in Suffolk County wouldn't it be helpful to have a consultant who maybe has an intimate knowledge of how smart growth programs have worked and have succeeded?

MR. MINEI:

That certainly will be one of the evaluation criteria as these teams are put together who has planning experience. It won't be simply we've operated x-number of water suppliers over this number of years. All of the issues that we touched on quickly -- I don't want to go into the specifics of the RFP, but yes, the firms who respond should be able to address --

LEGISLATOR VILORIA-FISHER:

But if they're local they wouldn't have the experience.

MR. MINEI:

Well, they might have done work elsewhere. I mean, certainly -- again, I know Vector Control is a sore point here. The core team did come from Nassau and Suffolk County, but what made that a powerful proposal was the nationwide team they put together from the Harvard School of Public Health, from other Vector Control programs, from the risk, ecological risk and public health risk. It's a Maryland firm. So the core team, the core consultants to meet the local preference law comes from Nassau and Suffolk County, but we almost invite them to put together a nationwide consultants to respond to such a major program. Either they or their sub-consultants would have to have that capability.

CHAIRMAN BISHOP:

Thank you very much. I appreciate it. To the agenda. Oh, you're right, Ms. Pandya. Alpa filled out a card to speak on --

MS. PANDYA:

IR 1852.

CHAIRMAN BISHOP:

IR 1852 invasive plant species.

MS. PANDYA:

Very quickly. My name is Alpa Pandya I'm with the Nature Conservancy. We are asking you to pass IR 1852 prohibiting the use of invasive plants on County land. Invasives are the second greatest threat bio-diversity after habitat fragmentation. The Conservancy is working with the Long Island Weed Management Area, a public private partnership to prevent and management the impacts of invasives on our lands and waters. We ask the County to help stop the spread of invasives by stopping planting that the top 20 most invasive plants on County lands. Please pass IR 1852. Thank you.

CHAIRMAN BISHOP:

Okay. Why don't you get a picture of my yard?

INTRODUCTORY PRIME:

1852 Adopting Local Law No. –2003, Prohibiting use of invasive plant species by the County of Suffolk. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Fields) I assume this needs a hearing.

MR. SABATINO:

Public Hearing, Mr. Chairman.

CHAIRMAN BISHOP:

Motion to table by Legislator Fields, second by Legislator Viloría-Fisher. All in favor? Opposed? Tabled for Public Hearing. **(Vote: 6-0)**

1853 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Browns River Road Property) Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Fields) This is the third of an acre parcel.

LEGISLATOR FIELDS:

Motion to approve.

LEGISLATOR GULDI:

Second.

LEGISLATOR CARACCIOLO:

On the motion.

LEGISLATOR CARACCIOLO:

On the motion and can we hear from the Planning Department.

MR. ISLES:

For an open space acquisition the parcels ranks 30. It's a small parcel; it's not typically -- well, Mr. Caracciolo actually it's something we'd like to talk to you about in the future is the ranking system. It's something we need to deal with, but looking at this parcel it's -- we had two issues with this. One is that it's not connected to or nearby any other County land. I did hear today from Mr. McAlonan that the town supervisor's indicated a willingness to take over management responsibility. If so that would alleviate that concern in terms of County management of a small parcel like this. The second issue would be in terms of the use of the property. If its to be protected it could certainly fit into an open space category. If its going to be used by the town as an extension of the beach then it maybe best to do it as a Greenways active recreation proposal whereby we would buy it at the County level and then the town would then take on responsibility for maintenance and management and so forth. We could certainly work that out as it proceeds.

CHAIRMAN BISHOP:

Is the beach within Greenway?

MR. ISLES:

It could also be done under Multifaceted I think allows a Greenways component as well Stage II Active Recreation. So the Multifaceted that this is in could still work for that.

CHAIRMAN BISHOP:

Right. Okay. I just have a question. These structures they describe them as oyster shacks. Do they have any historic value?

MR. ISLES:

I'm not aware of that at this point; that would have to be considered though. It would be considered by CEQ as well.

CHAIRMAN BISHOP:

Okay. This is planning steps only, which provides maximum flexibility. A planning steps resolution simply says that the County will explore the ultimate acquisition by obtaining appraisals doing the necessary surveying and entering preliminary negotiations with the owner. It does not bind the County. How's that for background? Motion having been made and seconded. All in favor? Opposed? The resolution carries. **(Vote: 6-0)**

1867 Authorizing program to update of Suffolk County Comprehensive Water Resources Management Plan (without funding). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Foley) I'll make a motion to table so we can hear from Legislator Foley who will have a 35 minute presentation to counter Mr. Minei's presentation. No.

Second by Legislator Caracciolo. All in favor? Opposed? 1867 is tabled. **(Vote: 6-0)**

1868 Authorizing application for clean vessel assistance reimbursement. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Fields) What is the clean vessel assistance reimbursement?

MR. MINEI:
(inaudible)

CHAIRMAN BISHOP:
Who said that?

MR. MINEI:
Vito Minei.

CHAIRMAN BISHOP:
No. His answers are long. Mr. Sabatino's answer will suffice. Go ahead Paul.

MR. SABATINO:
It's a state program that it makes available federally funded grants up to 75% of an eligible project with a maximum of \$25,000 to help municipalities for example install pump outs and it would dovetail with previous legislation we've adopted to establish procedures for the purchase of pump out vessels.

CHAIRMAN BISHOP:
Okay.

LEGISLATOR FIELDS:
May I just add --

CHAIRMAN BISHOP:
Yes.

LEGISLATOR FIELDS:
-- that there are several problems with pump out stations and that is that if you own a fairly large or maybe not even a very large sailboat the keel is so deep that it doesn't allow you to have access to a pump out station. So most of the sailboats have no ability to pump out the sewerage from their boats. Secondly, a lot of the pump out stations are either locked or inoperable and therefore again, regular boats don't have the access to them and the opportunity to use them. And in other I think Southampton they have provided pump out vessels and have had great response to cleaning up their bays by the usage of the pump out vessels.

CHAIRMAN BISHOP:
So the point of this resolution is directing Planning Department to make application for the federal money is that the point?

LEGISLATOR FIELDS:
It's Parks.

CHAIRMAN BISHOP:
Parks Department to make application for the federal money.

LEGISLATOR FIELDS:

Correct.

CHAIRMAN BISHOP:

Motion by Legislator Fields second by Legislator Guldi. All in favor? Opposed? The resolution carries. **(Vote: 6-0)** You're on a roll here.

1870 Authorizing planning steps for the acquisition of land under pay-as-you-go ¼% Taxpayer Protection Program (land of South Oak Lane, East Islip, Town of Islip). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Alden)

MR. ISLES:

This is a parcel of about one and quarter acres located on Bayview Avenue in East Islip adjacent to the Islip Town Nature Center. Legislator Alden, I spoke to his office this morning and submitted this resolution basically following discussions with the Town of Islip. The parcel itself appears to be non-buildable at the present time although it does contain wetlands that are not state regulated wetlands, but are none the less wetlands and considered to be locally important. We would note that given the fact that it is adjacent to a nature preserve with open space managed by the Town of Islip wetlands and so forth that maybe a candidate for the 12-5E Program which is money dedicated to Islip, appropriated by the Legislature. So it seems at this point the ranking is 25, which is just on the borderline of typical acceptance by you.

CHAIRMAN BISHOP:

It's open space adjacent to publicly held lands and it's only a 25?

MR. ISLES:

Yes. It's not that big.

CHAIRMAN BISHOP:

What's wrong with this parcel?

MR. ISLES:

It's not that big.

CHAIRMAN BISHOP:

Maybe is should have a Pep Boys is that all right?

MR. ISLES:

As I said, we would like to have a conversation with you about the ranking system. Well, we'll talk about the timing, but we think it needs some work we've got some suggestions for you.

CHAIRMAN BISHOP:

And it's also important that the Town of Islip rename that facility. Yes, motion has been made by Legislator Caracciolo second by Legislator Guldi. All in favor? Opposed? It carries. **(Vote: 6-0)**

1876 Making a SEQRA determination in connection with the proposed donation of property from Silver Ridge Homes to the Suffolk County Nature Preserve, Town of Brookhaven. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Pres. Off.) Silver Ridge is not doing this out of the goodness of their heart I assume so.

MS. FISCHER:

No. This is a TDR with property that they're sterilizing in the Patchogue River corridor where we own various pieces and it's wetland.

CHAIRMAN BISHOP:

Sterilizing, I never heard that term sterilizing property.

MS. FISCHER:

Throw a new one at you. And that's the one that they're going to be donating to the County.

CHAIRMAN BISHOP:

Okay. They're going to donate property along the river --

MS. FISCHER:

Yes.

CHAIRMAN BISHOP:

And they're going to pay for the cleanup of the property?

MS. FISCHER:

I don't think there is any problem with the property at this time.

CHAIRMAN BISHOP:

Why are we calling it sterilizing?

MS. FISCHER:

Sterilizing meaning it can't be developed upon.

CHAIRMAN BISHOP:

Okay.

SPEAKER:

(inaudible)

MS. FISCHER:

The property that is in Brookhaven along the Patchogue River corridor north of Woodlawn Avenue and west of Ocean Avenue -- North Ocean Avenue.

CHAIRMAN BISHOP:

That's what they're developing?

MS. FISCHER:

No. That's where they're sterilizing donating the property.

CHAIRMAN BISHOP:

And what are they developing; what are they getting in return?

MS. FISCHER:

They're getting to develop a property that they own I believe hold on let me get my notes out. The property that they're going to be allowed to be developed is south of 347 and 25A in Mt.

Sinai.

CHAIRMAN BISHOP:

Isn't that Legislator Losquadro district?

LEGISLATOR LOSQUADRO:

(inaudible)

CHAIRMAN BISHOP:

Maybe you should table this and take a look at the application.

MS. FISCHER:

Well, it's in your packet with the resolution. There's a tax map attached.

LEGISLATOR LOSQUADRO:

It I could just make one comment.

MS. FISCHER:

Excuse me. No. It's in the resolution itself.

CHAIRMAN BISHOP:

Well, I think there's no rush, right? And the Legislator whose district this is in that effects it hasn't had a chance to review it.

LEGISLATOR FIELDS:

We do have the backup.

CHAIRMAN BISHOP:

So he'd like the opportunity to review it so I'll make a motion to table it.

LEGISLATOR LOSQUADRO:

Second.

CHAIRMAN BISHOP:

Second by Legislator Losquadro. All in favor? Opposed? And we'll take it up next time after he's had a chance to look at it. **(Vote: 6-0)**

MR. ISLES:

Could I just make one statement though, Mr. Chairman?

CHAIRMAN BISHOP:

Yes.

MR. ISLES:

You see a {inaudible} on the transfers of development rights with the Health Department a lot of times those are done with private parcels that the owner then gives to the neighbor or whatever. Often times they don't involve the County at all. In this case it falls within land the County might want to preserve. It's a candidate for donation to the County.

CHAIRMAN BISHOP:

Right.

MR. ISLES:

So a lot of this you never see and it's just subject to local zoning.

CHAIRMAN BISHOP:

But still I'm sure he doesn't want to be in the position of facilitating something that the community doesn't want if that's what --

MR. ISLES:

That's fine just so you know too, if you were to get a private parcel it wouldn't be before you.

CHAIRMAN BISHOP:

Okay. We are relevant despite our lowly status.

MR. ISLES:

No. You are I know, but I just want you to understand the context of the thing.

CHAIRMAN BISHOP:

Yes. Thank you.

MS. FISCHER:

And we usually put them in the resolution when we send them over the tax maps. So why you don't have them I don't know.

LEGISLATOR FIELDS:

None of us got them.

CHAIRMAN BISHOP:

All right. Come on we'll all survive.

1877 Making a SEQRA determination in connection with the proposed temporary pedestrian bridge – CR 39, North Road and LIRR, CP #5405, for 2004 US Open Golf Championship, Town of Southampton. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Pres. Off.)

LEGISLATOR GULDI:

Motion.

LEGISLATOR CARACCILOLO:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Guldi second by Legislator Caracciolo. All in favor? Opposed? It's approved. **(Vote: 6-0)**

1878 Making a SEQRA determination in connection with the proposed safety improvements on CR 50, Union Boulevard at CR 82, Higbie Lane, CP #3301, Town of Islip. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Pres. Off.)

Motion by myself second by Legislator Fields. All in favor? Opposed? It's carried. **(Vote: 6-0)**

1879 Making a SEQRA determination in connection with the proposed improvements to CR 76, Townline Road at Hoffman Lane (Phase II), CP #5039, Towns of Islip and Smithtown. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Pres. Off.) Motion by Legislator Fields second by Legislator Losquadro. All in favor? Opposed? 1879 is approved. **(Vote: 6-0)**

1880 Making a SEQRA determination in connection with the proposed planning of the revitalization of William and Mollie Rogers Waterfront at Vanderbilt Museum, Town of Huntington. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Pres. Off.) What does this involve?

LEGISLATOR FIELDS:

This might have been tabled in CEQ was it not?

CHAIRMAN BISHOP:

Oh it's just the planning.

MR. SABATINO:

You know what happened the appropriate resolution was tabled in Parks because we met in reverse order this week so CEQ normally is the beginning of the week.

CHAIRMAN BISHOP:

But in terms of a CEQ we're fine with it.

MR. SABATINO:

Exactly. I mean, it was tabled for different reasons on the merit of the --

CHAIRMAN BISHOP:

Motion by Legislator Vilorio-Fisher second by Legislator Guldi. All in favor? Opposed? 1880 is approved. **(Vote: 6-0)**

1885 --

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

Which was discussed previously by Mr. Jones.

CHAIRMAN BISHOP:

Motion by Legislator -- let me read it. **Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and transmission of drinking water supply on Drinking Water Protection Lands of the County of Suffolk (Laurel Valley County Park, SCTM# 0900-022.00-01.00-052.001 p/o). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Guldi)**

CHAIRMAN BISHOP:

Motion by Legislator Guldi second by Legislator Caracciolo. All in favor? Opposed? It's carried. **(Vote: 6-0)**

1886 is a companion resolution Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and transmission of drinking water supply on Drinking Water Protection Lands of the County of Suffolk (Dwarf Pine Plains County Park, SCTM# 0905-001.00-01.00-01.1 p/o). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Guldi)

LEGISLATOR CARACCILO:

(inaudible)

CHAIRMAN BISHOP:

Yes.

LEGISLATOR CARACCILO:

(inaudible)

MR. ISLES:

It's not something we've been asked to look at this point. It looks like the appraiser is on the County list. We can certainly ask the Director to look at it.

LEGISLATOR CARACCILO:

(inaudible)

MR. ISLES:

I don't believe it has, no.

CHAIRMAN BISHOP:

How is the value arrived at, that's what he wants to know? It's an appraisal from the County list -- but it's intergovernmental as you also pointed out. So is there any distinction in the process because --

LEGISLATOR GULDI:

There should be no distinction in the process. Again, it's the value of an easement to pump water out of land not the price of land which would ordinarily include the right to use and develop the land. This is just for water only.

CHAIRMAN BISHOP:

Right.

LEGISLATOR GULDI:

So it has to be appraised as the market value of a for water only easement right to pump water out of land.

CHAIRMAN BISHOP:

It would be very valuable in Colorado.

LEGISLATOR GULDI:

We're not in Colorado.

LEGISLATOR CARACCILO:

George, I don't have any question with that approach however I just want to make certain that in

terms of the process and the review process that the assumptions made in the appraisal reports are accurate. For example, on exhibit C-2 of the appraisers report, it says the property requested for appraisal is based upon the hypothetical condition that a three acre portion of the described -- to be described of the total above reference tax lot is best suited for municipal water supply and then it goes on. I just think it's in everybody's best interest; I don't know what the rush is to just have our review appraisers take a look at this that's all.

MS. COSTIGAN:

We haven't had this appraisal so if you want it reviewed we'll do that.

LEGISLATOR CARACCIOLO:

It would only delay one cycle.

CHAIRMAN BISHOP:

Is it a long process?

MS. COSTIGAN:

It's not a long process; there's a line of them to be reviewed that's all and they'll have to get on the line and it's not going to be the front.

LEGISLATOR CARACCIOLO:

How long would it take for a review appraiser to look at this -- these two?

MS. COSTIGAN:

An appraisal reviewer might be able I mean, I've never seen this before so I can't tell you too much about it, but the average review takes a couple of days. They have to go look at the property; they have to look at the comparables and do some research.

CHAIRMAN BISHOP:

There's no comparables obviously.

MS. COSTIGAN:

Well, there have to be some kind of comparables. I mean, there has to be something that they based the price on. So they would do their research for sure.

LEGISLATOR CARACCIOLO:

I just want to make sure the County's being fairly compensated that's all.

MS. COSTIGAN:

I understand and I can't comment on it because we haven't reviewed; we haven't seen it before.

LEGISLATOR CARACCIOLO:

Then I'm going to withdraw my second and I'll abstain on the motion.

LEGISLATOR GULDI:

So I'll still make the motion to approve.

CHAIRMAN BISHOP:

I'll second the motion to approve. All in favor? Opposed?

LEGISLATOR CARACCILO:

Abstain.

CHAIRMAN BISHOP:

Legislator Caracciolo is an abstention. **(Vote: 5-0-1-0 Abstention Caracciolo)**

SPEAKER:

(inaudible)

CHAIRMAN BISHOP:

Sterilization is really not a good term.

1935 Donation and dedication of certain lands to County Parks – A SCDHS Board of Review Transfer of Development Rights (S02-01-0051). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.)

MS. FISCHER:

This is the follow through for IR 1876.

CHAIRMAN BISHOP:

Which we previously approved.

MS. FISCHER:

Which you tabled.

CHAIRMAN BISHOP:

Which we tabled, right. Motion to table by myself second by Legislator Losquadro. All in favor? Opposed? **(Vote: 6-0)**

1951 Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program (CP 7177). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.)

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

Explanation from Counsel. Motion by Legislator Guldi second by myself.

MR. SABATINO:

This takes the balance of the multifaceted funds that are available in the capital budget and program, which is \$10,805,000 and appropriates them because if they're not appropriated before the end of the year being a capital item they would be otherwise lost. So by appropriating them they become available for acquisitions in the future just means that next year when you're doing acquisitions you have to keep an eye on this to make sure you don't go beyond the 10,805,000.

CHAIRMAN BISHOP:

Right. Okay. Motion having been made and second. All in favor? Opposed? Is carried. **(Vote: 6-0)**

1954 Approving the acquisition and appropriating funds under Suffolk County Multifaceted Land Preservation Program (Abets Creek, East Patchogue, Town of Brookhaven, CP 7177.219). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.) This is a 13.6 acre parcel.

MR. SABATINO:

The only concern on this Mr. Chairman was that this is apparently it's a 50/50 share and the town resolution limits itself to \$495,000 and the County's putting up 530. So I think the math either didn't work or there's something missing. There was a second town resolution, but the second town resolution only took it up to 517,500 so I'm not sure what happen to the other.

CHAIRMAN BISHOP:

What's 517,500 times two?

LEGISLATOR GULDI:

A million 35.

CHAIRMAN BISHOP:

One thirty-five, right?

LEGISLATOR GULDI:

Which is the amount of the offer.

CHAIRMAN BISHOP:

Right. So that's good?

MR. SABATINO:

We're paying 530,000, which is the resolution. We committed \$530,000 and we're appropriated 530,000.

CHAIRMAN BISHOP:

What should we be paying? What's 50/50?

MS. COSTIGAN:

Both are right. The appropriation anticipates soft costs, title insurance, all of the rest so we are paying 1,035,000. The town is paying 50% of that.

CHAIRMAN BISHOP:

Right. Okay. And is that reflected in the resolution, do we all agree that that's 50%? Silence is acquiescence Counsel. Okay. Motion by Legislator Losquadro second by Legislator Guldi. All in favor? Opposed? Resolution is carried. **(Vote: 6-0)**

1955 Authorizing the acquisition of Development Rights to Farmlands by the County of Suffolk under the Suffolk County Multifaceted Land Preservation Program (Corso Farm, Town of Southold, CP 7177.221). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.)

LEGISLATOR CARACCILOLO:

Motion.

CHAIRMAN BISHOP:

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

MR. ISLES:

This was approved by the Farm Committee. It was actually approved also by the Legislature earlier this year it's 40 acres that has development rights purchased on both sides of this property on the north side of Oregon Road. We certainly recommended that the Farm Committee recommended it. The Real Estate Division has obtain appraisals; they've been reviewed. The appraisals are relatively close to one another as you can see. The purchase would be slightly below the mean, but it does conform to the requirements of Chapter 712. It has been reviewed as well.

CHAIRMAN BISHOP:

40 acres, isn't that the mule acreage 40 acres in a mule. Okay. Motion by --

LEGISLATOR VILORIA-FISHER:

40 mule team.

CHAIRMAN BISHOP:

-- Legislator Caracciolo second by myself. All in favor? Opposed? It's approved. **(Vote: 6-0)**

1971 Accepting and appropriating up to 50% grant funds from the United States of America, acting by and through Commodity Credit Corporation under the Farm and Ranch Lands Protection Program (FRPP), formerly known as the Farmland Protection Program to the County of Suffolk for the acquisition of conservation easements or other interests in farmland, pursuant to Suffolk County Code Chapter 8 (05-PL-004). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.)

LEGISLATOR GULDI:

Motion.

LEGISLATOR VILORIA-FISHER:

Second.

CHAIRMAN BISHOP:

Motion by Legislator Guldi second by Legislator Vilorina-Fisher. All in favor? Opposed? **(Vote: 6-0)**

1980 A resolution rescinding Bond Resolution No. 1190-2002, Adopted December 17, 2002, and repealing the authorization of the issuance of \$3,650,000 Serial Bonds of the County of Suffolk, New York, to cover the cost of the State Share of grant funds for the Suffolk County Farmland Preservation Program for the acquisition of Agricultural Development Rights (CP 8701). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.) So explain that one, Counsel.

MR. SABATINO:

All I can say is that it does what it states it says which is to repeal the issuance of \$3.65 million that was previously authorized to cover the state share of County Farmland Preservation Program, but I don't know beyond that what my question is why. I mean, is the money coming from some place else now I'm not sure.

CHAIRMAN BISHOP:

Mr. Isles.

MR. ISLES:

Yeah, I'll have to defer on that one or ask the Budget Review.

CHAIRMAN BISHOP:

Should we discharge without recommendation --

LEGISLATOR GULDI:

Motion to table.

MR. SABATINO:

I know what we're doing it's just that I'm not sure where the money is being replaced. Apparently, somebody is replenishing it, but I don't know where.

LEGISLATOR VILORIA-FISHER:

I'd like to second the motion to discharge without recommendation.

LEGISLATOR GULDI:

We're rescinding a previously authorized bond. Motion to table.

LEGISLATOR CARACCILO:

Second.

CHAIRMAN BISHOP:

Motion to table by Legislator Guldi second by Legislator Caracciolo. They're very insistent on that. All in favor? Opposed? **(Vote: 6-0)** All right.

1989 Implementing Greenways Program in connection with acquisition of Active Parklands at Marion Carll School, Commack (Town of Huntington). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Crecca)

LEGISLATOR GULDI:

Motion.

CHAIRMAN BISHOP:

This is for the act -- this is not a planning step, but the actual acquisition so what's the agreed upon price?

MR. ISLES:

This is a -- I'll turn it over to Christine Costigan to give you a little more of the details, but this is one that obviously had the presentation on earlier. It was a involved process of getting appraisals in negotiations so you should be aware of that. There were -- we are purchasing this property for less than the mean. I will tell you that there was an appraisal we had a total of three appraisals and this one of which was rejected. Even if we continue to factor in that appraisal we're still at the purchase price at the mean so we still would not be going about that, but it is active recreation as Legislator Crecca explained earlier. This was a former school site and it's an area that's in Commack that's very densely developed. It's one of the few areas where you can still

put athletic fields in this community; everything else is developed in this location. So I think it's very good from that standpoint it's an opportunity site. So at this point if you have any questions -- the price is \$1.8 million.

LEGISLATOR CARACCILO:

I noted in the resolution it says that there is environmentally sensitive property on this site.

MR. ISLES:

There really isn't and I think that just an error. There's some woods along the perimeter of the property, but was actually developed as an elementary school; it was a building --

LEGISLATOR CARACCILO:

I just wanted that on the record because Counsel, it is sited in the resolution.

MR. ISLES:

Okay. So we'll clean up that. Okay.

MS. FISCHER:

It's just boiler plat --

LEGISLATOR CARACCILO:

Does anything have to be done to correct the resolution on the second page Paul, were it says it's environmentally sensitive?

CHAIRMAN BISHOP:

Well, is it environmentally sensitive just -- is it defined status or is it just, you know --

MR. SABATINO:

That's the CEQ determination number one, number two I mean, that's the way it was presented to the sponsor of the bill.

CHAIRMAN BISHOP:

Right. Motion to discharge without recommendation. I think everybody is for this; if it has to be technically changed then the sponsor will do so.

LEGISLATOR VILORIA-FISHER:

I'll second.

LEGISLATOR CARACCILO:

On the motion.

CHAIRMAN BISHOP:

Yes.

LEGISLATOR CARACCILO:

I would just ask Counsel, is that a material defect in moving this resolution?

MR. SABATINO:

No. It's not a defect. I mean, it's judgmental.

LEGISLATOR CARACCILO:

Okay. All right.

MR. SABATINO:

It's in the eye of the beholder; you may not view it as environmentally sensitive.

LEGISLATOR CARACCIOLO:

I support the acquisition; I just want to make sure.

MR. SABATINO:

It would not be a material defect.

LEGISLATOR CARACCIOLO:

Okay.

CHAIRMAN BISHOP:

I'm a material defect, but that's not material.

MS. FISCHER:

It is a problem in the fact that it's uses boiler plate a lot of times and we see this come up again and again and it's just put in without consideration so we would like to just note sensitivity to that.

CHAIRMAN BISHOP:

Can I ask, Ms. Costigan could you communicate with Mr. Crecca --

SPEAKER:

(inaudible)

CHAIRMAN BISHOP:

It's all right; we can just pass it as is?

MR. SABATINO:

It can be passed in fact the generic CEQ determination that you passed a year ago has, you know, has identical language. So you already generically done it for all of these acquisitions and again it's in the eye of the beholder. I mean, if the majority says it's environmentally sensitive it's environmentally sensitive.

CHAIRMAN BISHOP:

Motion to approve second by Legislator Losquadro. Please add me as a co-sponsor. All in favor? Opposed? Resolution carries. **(Vote: 6-0)** Now we're going to CEQ resolutions. All right you're up come up forward. **(referring to Mr. Jim Bagg.)** You're not in your red coat you're undercover that's why I lost you. When you wear the red coat I know CEQ is here. Don't go too far; we're going to run through these quickly.

CEQ RESOLUTIONS:

71-03 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on November 18, 2003. (Type II actions) Motion by myself second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 6-0)**

72-03 Proposed Improvements on CR 19, Patchogue-Holbrook Road, between Old

Waverly Avenue and CR 65, Division Street, CP #5050, Town of Brookhaven. (Unlisted action; Negative Declaration). Motion by Legislator Viloría-Fisher second by Legislator Losquadro. All in favor? Opposed? **(Vote: 6-0)**

73-03 Proposed Acquisition of 13.6 acres of Vacant Land along Abets Creek for Park Purposes, East Patchogue, Town of Brookhaven. (Unlisted action; Negative Declaration). A motion by Legislator Guldi second by Legislator Viloría-Fisher. All in favor? Opposed? **(Vote: 6-0)**

74-03 Proposed Donation of Property from Newport Construction, Inc. to Suffolk County Parkland for Open Space Preservation, Miller Place, Town of Brookhaven. (Unlisted action; Negative Declaration). Explanation.

MR. BAGG:

This is the one that was tabled, but the Counsel reviews it as a donation of property to Parkland and as such there is no impact. So the recommendation is basically that it's a unlisted action that will not have an impact on the environment. It will not exceed any criterion SEQRA. The site contains environmentally sensitive lands that will be preserved as open space and the properties contiguous to other Suffolk County Parkland --

CHAIRMAN BISHOP:

Do you consider the other side of the equation or just the acceptance; you're just looking at this parcel you're not looking at what's going on the other side of the deal?

MR. BAGG:

No, because that's up to the Health Department to determine if what's going on the other side of the parcel is in conformance with Article 6 and 7 of the Sanitary Code.

MS. FISCHER:

And that's determined by the Board of Review.

MR. BAGG:

So they grant an approval --

MS. FISCHER:

They've already granted.

MR. BAGG:

And at this point in time the applicant now wants to donate that property to Suffolk County.

CHAIRMAN BISHOP:

Right. Okay.

LEGISLATOR CARACCILOLO:

Where exactly is the location?

MS. FISCHER:

Miller Place, on Miller Place Yaphank Road. The area on Miller Place Yaphank Road, south of 25A. It was an area you might be familiar with last year there was a active recreation proposal to put ball fields in that area. This is contiguous and east west of there where the County has approximately 100 acres that we transferred to Parkland in the beginning of the year and this is a

parcel within that area.

MR. ISLES:

North of the sanding mining area.

LEGISLATOR CARACCIOLO:

I just want to make note there is a, you know, several very large sand mining areas along Miller Place.

MS. FISCHER:

Yes, this does not include that area.

LEGISLATOR CARACCIOLO:

Okay.

MS. FISCHER:

This is the area that we have designated for Parkland.

LEGISLATOR CARACCIOLO:

Does this have anything to do with the previous consideration of active parkland acquisitions on the DeLalio farm?

MR. ISLES:

It's in that same area.

MS. FISCHER:

It's in the area.

MR. ISLES:

It's a different parcel, but the same area, yes.

LEGISLATOR CARACCIOLO:

Because I know there's a lot of community opposition to that so I just would make note of that today.

MR. ISLES:

Okay.

LEGISLATOR LOSQUADRO:

(inaudible)

MS. FISCHER:

This is on the west side. The active recreation proposal was on the east side.

MR. LOSQUADRO:

This was sort of -- this would sort of make up the other end of the "T" if you will.

MS. FISCHER:

Yes.

LEGISLATOR LOSQUADRO:

Okay. I know where it is.

LEGISLATOR CARACCILO:

Okay.

CHAIRMAN BISHOP:

Motion by Legislator Losquadro second by Legislator Viloría-Fisher. All in favor? Opposed?
(Vote: 6-0)

75-03 Proposed Acquisition of Patchogue River Watershed Addition – 0.25 acres – North Patchogue, Town of Brookhaven. (Unlisted action; Negative Declaration). Motion by Legislator Viloría-Fisher second by Legislator Losquadro. All in favor? Opposed? **(Vote: 6-0)**

TABLED PRIME:

1476 Approving Adopt-A-County-Shoreline Program. ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Cooper) Motion by Legislator Caracciolo to table second by myself. All in favor? Opposed? **(Vote: 6-0)**

1815 Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Shoreham-LI Sound Access Site - Brookhaven). ASSIGNED TO ENVIRONMENT, LAND ACQUISITION & PLANNING (Co. Exec.)

LEGISLATOR VILORIA-FISHER:

Motion.

LEGISLATOR CARACCILO:

On the motion.

LEGISLATOR LOSQUADRO:

(inaudible)

MS. FISCHER:

It's in Shoreham.

MR. ISLES:

Yeah.

CHAIRMAN BISHOP:

I don't think he knows the district boundaries. I mean, you sort of --

LEGISLATOR CARACCILO:

No, no. This is a piece of property that Tom Isles and I had extensive conversation about several months ago. The problem I have with this is that at that time Mr. Isles indicated to me that he didn't know that there would be much usefulness in purchasing this property which is literally sandwiched in between two sub-divisions. And that being the case I have a real problem with the County nine months after a developer purchased the land considering its purchase I don't know where this is coming from. But the town has already indicated and it's on the record as saying that they would limit development on this property to a very large extent. So I don't see what the value of the County moving forward --

CHAIRMAN BISHOP:

Would you make a motion to table subject to call?

LEGISLATOR CARACCIOLO:

I sure do.

CHAIRMAN BISHOP:

Motion to table subject to call by Legislator Caracciolo second by myself. All in favor? Opposed? The resolution is tabled subject to call. **(Vote: 6-0)** Now let us move to the **TABLED CEQ RESOLUTIONS SUBJECT TO CALL**. I think we have to move out #10.

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) Since we approved the resolution, is that correct, Counsel?

MR. SABATINO:

Yes, to be consistent.

CHAIRMAN BISHOP:

See I did pass the bar examine. Motion by myself to approve second by Legislator Caracciolo. All in favor? Opposed? **(Vote: 6-0)** That concludes the agenda and there is no further business to be brought before the committee we stand adjourned. Thank you.

(Having no further business, the meeting was adjourned at 3:55 P. M.)

{ } denotes spelled phonetically)