

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
of the
SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislative was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on Wednesday, **June 2, 2004**.

MEMBERS PRESENT:

Leg. Daniel P. Losquadro, Chairman
Leg. Jay H. Schneiderman, Vice•Chairman
Leg. Michael Caracciolo
Leg. David Bishop
Leg. Peter O'Leary

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to Legislature
Alexandra Sullivan, Chief Deputy Clerk
Thomas Isles, Director of Department of Planning
Patricia Zielenski, Director of Division of Real Estate
Andrew Freleng, Department of Planning
Lauretta Fischer, Department of Planning
Jim Bagg, Department of Planning
Vito Minei, Director of Division of Environmental Planning
Andrew Rapiejko, DEP
Peter Maniscalco
Adrienne Esposito
Judi Durda, Integral Consulting, DEP
Charlie Bender, PO's Office
Linda Bay, PO's Office
Michael Deering
Kevin Duffy, Budget Review Office
Elizabeth Harrington, County Attorney's Office

Richard Amper

Laurie Farber

Alpa Pandya

Kevin McDonald

Sarah Ankor

Kelly Platt

Kevin LaValle, Aide to Leg. Losquadro

Maria Ammairati, Aide to Leg. O'Leary

Lisa Keyes, Aide to Leg. Caracciolo

Kim Kennedy, Aide to Leg. Caracciolo

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 1:12 PM)

CHAIRMAN LOSQUADRO:

I'm going to call the Environment, Planning, Agriculture Committee to order. Will the Legislators please report to the horseshoe. We'll begin with the Pledge of Allegiance led by Legislator Bishop.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Okay. Running a little bit behind already. Not good for my first meeting. First of all, I would just like to say thank you to the Presiding Officer. It's a great honor and a privilege to be chairing this Committee. And I plan to move directly to the public portion. So, if there's some goings on outside, the first card is Richard Amper from the Pine Barrens Society, I would ask that he please step inside. Skip Mr. Amper. Oops, there he is. We're going to give you a stay of execution. Please proceed.

MR. AMPER:

I appreciate it. Thank you members of the Committee. Thank you very much. On behalf of

the Long Island Environmental and Economic Community, Mitchell Pally and Dr. Koppelman are here with us today. We're urging you to support the two resolutions that pertain to the streamlining of the process of land acquisition. We want to use •• we want you to approve and recommend to the Legislature for June 8th an excellent process that Legislator Crecca's bill will advance where the Legislature will maintain its oversight responsibility, will say this is the land that we should preserve and in the end this is what it is right and fair to pay for it; and to do that on an expedited basis. The object of the game is to preserve 45 of 90,000 acres remaining in Suffolk County in the seven to ten years that we have to do that. So, that is the first of the two measures; that's IR 1517.

The other is IR 1338. It is a list that this Legislature requested some two years ago. The Nature Conservancy, the Regional Planning Board and the individual towns have gone through that list to satisfy ourselves as everybody whether they're concerned about the environment or the economy wants to assure; and that is that we are buying the right parcels. And, of course, this Legislature will be sure that we're paying the right price. So, that is the before you as well. One of them doesn't work without the other. So, it's important that they move ahead. And if we will refer them with a positive recommendation to the Legislature, I think we'll be back in the business of preserving open space and farmland again and not a minute too soon. It's very, very important to the health of our tourist economy, our agricultural community. We have representatives here from the Long Island Farm Bureau as well who are squarely behind the purchase of Development Rights Program, who agree with the Regional Planning Board that now is the time to do this before the property either disappears to development or becomes more expensive.

The executive branch has tried, we believe, to reform some of the internal problems that existed in the Planning Department in the Real Estate Division. We're very optimistic that the executive branch has put partisan politics aside and is moving this priority program ahead. And I must tell you that the people with whom we have worked in the legislative branch in an effort to do the Legislature's portion of this have absolutely made this not an executive or a legislative conflict, not a republican or a democrat conflict, not a business versus the environment conflict, it's what's good for Suffolk County, what's good for Long Island. And that is really, really what this is about today. There is something that this Legislature can do even as it maintains its oversight responsibility for our land preservation programs to move them ahead so that we're buying thousands of acres a year and not hundreds of acres a year. If we were to continue to buy land at the rate of, say, 500 acres a year, over nine years you can see that would produce

only 4500 acres rather than the 45,000 the Regional Planning Board's identified. We have to pick up the pace. And, I think, that what you have in front of you is a real, real good way to do it. Hope we'll have your support. Thank you very much.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you, Mr. Amper. I think you timed your presentation. That was three minutes to the second. Thank you. Next speaker Laurie Farber.

MS. FARBER:

My name is Laurie Farber. And I'm here for kind of a different reason. I'm a Star Fire Experiences. We're a non-profit education organization. And we take kids out into the parks. We're actually park stewards for Berkley Jackson Park in Huntington. But that's not the only park that we visit. The more I read about ecological needs and what's going on around the world, the more I realize that it's just critical that we grab up the largest pieces we can, think about corridors between them. I see level rises; that's going to become more and more important that we really start to work very quickly on preserving what we have left. I know there are some serious threats around Berkley Jackson County Park and the western part of the County.

But I also wanted to mention to you an area that I think pretty much nobody knows about. And that's the Carl's River Watershed. It's in Wyandanch. And this past year I've been working with some kids after school, the Martin Luther King School in Wyandanch. And we've been going two blocks from the school to explore this area. And it's actually just stunning. You can't believe what's in there. It's a pond full of tadpoles. It's mostly wetlands. The County has •• owns parts of it. It's like a patch work. I got a map from the Planning Department. And there are pieces still left to buy that are undeveloped, that are wetlands, that can never be developed. But to fill in that patchwork and take a look at this beautiful place that we've been exploring. Just some of the things that the kids found, I have their reports here in front of me, actually. One day a couple of girls saw an orange bird up in the trees. Tons and tons •• thousands of tadpoles, a twisty tree that •• where the vines descended, "it made it bendy and it was so cool," the boy wrote. Lots of tires. There are problems in there. But there's also quite a lot of beauty in there. And the more we can focus on grabbing these places both the eastern

part of the County and the western, the better off we're going to be. Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Ms. Farber. Next speaker, Alpa Pandya, from the Nature Conservancy.

MS. PANDYA:

Good afternoon. My name is Alpa Pandya. I'm with the Nature Conservancy. And I'm here to urge you to pass IR's 1517 and 1338. 1517, as you know, is the famous Crecca reform bill, many of which you guys are already co-sponsoring it so I feel pretty positive about the outcome. But I do urge you to do this. I think that this will speed up the process. It's got a couple good components, which will improve the process internally as well as giving a greater sense of assurance to the public as a whole; that the process is transparent and above board. And that at the same time we're meeting their environmental and community needs.

I also ask you to pass IR 1338, which is the master list of properties all across the County. Again, this is going to work well with 1517, which will reform the process itself. 1338 will now with the help of the reform process hopefully now jump start a number of excellent parcels all across the County which have been waiting for this kind of a clear signal from the executives and the Legislature that we're ready to really move forward with acquisitions and open space and farmland. And I think 1338 and its master list is a clear high priority list of parcels which really need to be saved. And I urge you to pass that one also. Thank you.

CHAIRMAN LOSQUADRO:

Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Next speaker, Kevin McDonald.

MR. McDONALD:

Good afternoon, members of the Legislature. My name is Kevin McDonald. I serve as Vice President of Group for the South Fork. And I'm here like my colleagues who just previously spoke on 1338 and 1517, I believe. Two necessary resolutions that if acted upon quickly would be able to expedite the land acquisition in Suffolk County that as of late has been a little bit

stalled. I want to commend those of who you have been listed as co•sponsors and those of you that intend to be co•sponsors on the bill to commend you for that for the simple reason that it's going to put the Legislature back in the land acquisition game that has been a little slower than it needed to be in the last few months and years.

And my hope is that with this, we can accelerate land acquisition because if we wait a whole lot longer, some of the best pieces just aren't going to be there anymore. Time is of the essence. And I appreciate your expeditious action on this resolution, both of them in fact. Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you, sir. Last card I have is from Sarah Anker from my district.
Good afternoon.

MS. ANKOR:

Hi. You get two for one here. I have my daughter with me. I just wanted to speak quickly on the land preservation. The resolutions 1517 and 1338, accelerating land preservation. I just want to speak also as far as the future of our •• of our County. We need to acquire land as quickly as possible. I live in an area in Mt. Sinai and Mr. Losquadro is our Legislator there. And I live in the town of Mt. Sinai. And there's basically hardly any land left. Just a matter of years, maybe four or five years, it was a farm community. It is no longer a farm community. And there have been parcels acquired by the County. And it's so much appreciated. But there's so many more parcels to be acquired. And, again, if you want to use my area as an example in how quickly real estate goes. And, again, as far as the money cost, it's much cheaper to buy now than later. I live in an area. I think my property has tripled in value in a matter of seven years. And I'd hate for that to be the situation in the future. So, thank you for the chance to speak.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you, Sarah. And, believe me, the fact is not lost on any of us. Especially someone like myself who's just come into the Legislature, that I have six terms in which to serve if the people choose to keep me in office. And during that dozen years that I will be in office, we

foresee the build•out in this County to be complete. So, during my tenure here or on my watch, this is going to take place. So, I'm committed to moving this forward and hopefully preserving the character of Suffolk County in the process. Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Okay. We have two presentations. The first will be Tom Isles, Director of Planning. He's going to talk to us, I believe, about Smart Growth. Tom, just before you start, Legislator Schneiderman just has a quick question for you.

LEG. SCHNEIDERMAN:

Tom, a question on the master list. I sent you a memo with some properties I felt were left out that I thought were important watershed properties in the Southampton area and in the East Hampton area, Montauk area. I would like to see those included. I'd also like to move this master list forward. Possibly it could be done through an amendment. Maybe Mea could answer that question in terms of resolving it so we could pass the master list out. But I don't think these properties should be left out. Any comment?

MR. ISLES:

We did receive your letter a couple days ago. We did review it. We find that most of the parcels are indeed meritorious in terms of meeting the County's criteria for acquisition. A large part of what you've suggested is the south fork special ground water protection areal. We certainly agree with those preservation efforts. So, generally speaking, we would support what you've suggested. There are a few parcels that we'd like to suggest to you that are either covered under another program or perhaps aren't perfectly fit to the County's program. But by and large it's a •• 90% of what you've put forward we think is of merit. Whether it be included in the master list or whether it be a separate resolution, at this point the County Planning Department, at least, would support a planning steps resolution in whatever form it may take.

LEG. SCHNEIDERMAN:

Mea, could you comment on if we can add to this at this point?

MS. KNAPP:

If we were to add to this resolution so that it could be eligible for a vote on Tuesday, then, we

would need to only do that by CN. The amended copy deadline was last Friday.

CHAIRMAN LOSQUADRO:

Mr. Isles, before you start, I was remiss in not asking if there was anyone else in the audience who wished to be heard. I do have another card. Miss Kelly Platt. You have three minutes. Thank you.

MS. PLATT:

My name is Kelly Platt. I reside in Center Moriches. I just want to make a quick comment that if we don't start preserving open space as quickly as possible, Long Island is only an island. And one day soon, probably ten, twenty years from now, everybody on Long Island will have waterfront property. That's all I wanted to say. Thank you.

CHAIRMAN LOSQUADRO:

I appreciate the brevity. Before we go back to Mr. Isles, is there anyone else in the audience who wishes to be heard during this public portion? Okay. Mr. Isles, proceed.

MR. ISLES:

Thank you very much. I appreciate the time today to discuss with you Smart Growth. What we've heard today already in the brief time that this Committee has started is issues concerning open space preservation. And that points to one aspect of Smart Growth, something you said Mr. Chairman, which is the build out of Suffolk County. Suffolk County was at one point the fastest growing county in the United States. What I'd like to do is just run through a presentation, but I think what you've said is rather important because we are actually at the point where we're probably 80 or 83% build out at this time. The question then becomes is how do we handle the remaining 17%.

What we've put together is a presentation for you today. Suffolk County was settled in a period whereby we had in the pre-war period identifiable communities. Many of those communities were centered around downtown areas, older development around the town. And then open space around that. As we moved along, the •• as you can see, this is an aerial photograph of the Lindenhurst area more recently showing obviously a much more in fill of development. Many of the communities pre-war had farms. Suffolk County had over 150,000 acres of farmland around World War II. And many of our communities were centered with their downtown areas, this one being downtown Northport. This is downtown Amityville Village right

here. And the downtowns were places of more than just commercial activity. They became institutional locations for churches, for post offices, civic and cultural centers as well. Housing around the downtown, here again, this is pre-war housing in Brightwaters often within walking distance of the town center. And open space, this being part of the Pine Barrens, but definable centers and open space as you move away from the downtown area.

We obviously went through a period of some rather dramatic change with here again that growth period from 1950 to 1970, where our population went from 200,000 residents to 800,000 residents, the fastest growing county in the United States at that point. Subdivisions became a very common form of development in the County. Single family detached homes were the predominant housing type. This is an example of the conventional subdivision neighborhood, very common to Long Island. Very nice in many respects. Nothing per say negative about it. But this is an example of some of the commercial development as opposed to more of a downtown oriented commercial node. This is an example of a shopping center. Per se the shopping center has trees. It has a certain attractiveness to some sense. But it's also more of a one dimensional use. It's not interacting with offices, institutional or residential uses. This is a commercial development. A little bit close to the highway in this case.

What this provoked at the County Legislative side is about three or four years ago, the Legislature directed the Planning Department to complete a Smart Growth Policy Plan for the County. And Smart Growth is something we talk be easily in the abstract such as talking about some of the new developments that are proposed in some of the former psychiatric centers in the County. We talk about Smart Growth as something that affects open space decisions in terms of protecting remaining open space. We talk about Smart Growth as being something that's at a town or village level in terms of they control land use in terms of zoning and subdivision powers. Part of the issue addressed with this particular report was that you directed the Planning Department to do was to look at, well, what role can Suffolk County play in Smart Growth. My predecessor to the position, Steve Jones, prepared this report on behalf of the department. And it contained numerous ideas affecting Smart Growth in Suffolk County from such direct things as the County can affect Smart Growth through our Health Department policies. Although we don't control zoning, we do control the number of units based on Health Department standards where there's not sewers in a particular area.

The County can also affect the development of our communities and, hence, Smart Growth

through the placement of county facilities. So, what this report then looked at were 42 specific recommendations that were contained in eight major categories. The first being encouraged consultation collaboration among communities. And there were a series of specific recommendations in order to accomplish that. The second was to direct development to strengthen existing communities. This is a photograph in Patchogue of the District Court building in Patchogue. This is an example of Smart Growth in the sense of the County placing the District Court •• County District Court facility in a downtown area in proximity to commercial services, bus and rail transportation and so forth.

Another recommendation of the Smart Growth Plan was to preserve open spaces, natural and historic resources and working farms. Obviously the subject of discussion today and continuing, certainly a priority of this Committee, encourage compact and orderly development. So rather than looking at single•family detached housing as being the only solution for housing in the County to encourage more compact development. This is a senior citizen project in Central Islip about a block from the downtown that was funded with the federal 202 Grant; a compact development, a re•use of a psychiatric center property.

Provide for transportation choices. The cars is the dominant transportation mode. Will probably remain so. But where we can provide options of improved bus transportation, other options in terms of development around rail centers is also suggested. And provide for a variety of housing choices. As talked about with one of the earlier sites, a more compact development where appropriate in locations. Here again, these are examples where they're within walking distance of downtown areas. Encourage efficient permitting. One of the aspects of Smart Growth is not only doing the right thing in terms of the land development policy but also being able to do it in a manner that's expeditious and timely and still serves the public interest in terms of collaboration and community consultation.

And then lastly ensure consistency of government policies and programs. The idea behind this is that if it's a county policy, for example, to preserve farmland, well, then, the County probably shouldn't be building certain County offices on farmland for example. That there's an integration and an approach to the actions of the County that are consistent vertically throughout the organization; that what one agency does is consistent with the overall goals and intention of the County as a whole.

One of the recommendations of the Smart Growth Plan produced by the Planning Department

under Steve Jones was that a committee needed to be formed to kind of sort through and prioritize the recommendations. Here again, this was rather extensive and so that committee was formed by legislative directive in 2002. The committee is made up •• or was made up of both County representatives from Public Works, from Health Department, from County Planning Department, but also included citizens within the community. Mr. McDonald was a representative of the committee who's with us today. Representatives of builders groups, Smart Growth groups, environmental groups were all present. The names of the committee members are presented in the report to you.

The committee met over the course of a year, held twelve meetings, and thoroughly went through the recommendations contained within the Smart Growth Plan. And what they've come out with is a series of prioritizations for you. The intent on this is to guide the County in implementing Smart Growth friendly policies. And the first noted here again, is that the County does influence land development through the actions we take with where we build our buildings that serve as county uses such as the courthouses and post office, where we buy open space, where we don't buy open space, where we allow development is something we've talked about. How we preserve our ground water supply. Here again, a major impetus of our open space preservation program. This is an example showing a County road. And here again, an example of something where the County has a direct impact. We don't control land uses along the side of the road; that is a town or local village level. But we have jurisdiction in terms of we own the County road, we permit access to the county road. And applications that come in •• many applications •• not all •• but many applications that come in have to go before the County Planning Commission. So the point would be to knit those interests together where we have county policies interfacing with local policies; and working with those communities in a collaborative fashion.

This is also another example of county effect on land development. This is Millenium Hills in Melville. This is a project that Suffolk County helped to fund. This is the development of 84 affordable housing units, here again, showing a direct correlation between the decisions that are made by the Legislature and the County Executive on the land development of Suffolk County. And then lastly on the issue of training, which is a fundamental concept in Smart Growth is that it's the sharing information. The Suffolk County Planning Federation, which is administered by the County Planning Department does conduct annual, if not more frequent training programs.

So the committee priorities that are before you today are outlined in the report. We try to keep them as succinct as possible. No single list of priorities can cover every situation. So, the priorities that we're going to talk about briefly are not to the exclusion of any of the other recommendations. But it was trying to sort things out for the committee. The first priority was to allow the transferred development rights from county surplus •• from surplus county-owned parcels. This was something that was talked about at the committee extensively. It's an issue that is not without some controversy. The idea that development rights would be removed from parcels that are protected under some County program. What the committee did feel, however, rather strongly is that transferred development rights should not be utilized off of existing County open space and park programs. But for surplus parcels that we receive through tax default, those parcels are routinely transferred to parks for preservation purposes. The recommendations of the County should consider establishing a program whereby the development rights or the sanitary credits could be removed from those properties prior to placement in a parks category. The idea, then, is that those credits would remain available for Smart Growth appropriate projects such as properly cited work force housing, affordable housing projects, downtown redevelopment projects that need sanitary credits to comply with County health code standards.

The second recommendation for priorities of the committee was to encourage sewer and sewer district extensions in Smart Growth areas. Here again, this is something where the County has a very direct impact on land development in Suffolk County. The suggestion here is that where the County has the ability and you have the authority, for example, to approve extensions into existing sewer districts, or the creation of new districts where they may happen, to the extent possible and practical, there should be a priority given to projects that are Smart Growth projects. Here again, defined as being those projects that reinforce community centers, that provide for variety of housing choice, that support the goals expressed in the Smart Growth Policy Plan.

The next recommendation or priority recommendation was to encourage development of area wide Smart Growth plans. This is something that was extensively talked about. These are obviously related to each other with the transferred development rights, the extension of sewer districts. And as Mr. Minei who is with us today and was also a member of the committee, is suggesting with our new comprehensive water resources management plan is that the County work in a manner to make it easier or enable communities to do area-wide community plans primarily for the purpose of handling sanitary flow calculations and being able to accommodate

higher density development where locally appropriated hamlet centers acknowledging open space that's been preserved around those hamlet centers. This led to a larger discussion about the benefits of providing for community planning. And the benefits to that not only in compliance with County Health Department standards but also in County's decision on open space acquisitions, County decisions on highway improvement projects and so forth. So, here again, a recommendation of the committee was that a priority should be to facilitate, to enable, to somehow work with local communities to make these area-wide plans possible.

The next recommendation, here again, and some of this may sound a little repetitious, but looking at what the priorities were of the committee members, was to encourage a variety of housing choices. This is somewhat self-explanatory, but the question then becomes where can the County do something on this one? And, here again, we do have our County affordable housing program, we do have our infrastructure grants, we do have the policies of the Suffolk County Planning Commission. The idea of being to knit those together into a common objective of the County.

The next item was to enable the purchase of non-farm development rights. And this is basically where the County would in addition to buying development rights to farmland for the purpose of protecting open space and farmland would also consider the purchase of the other rights to the property, which could include, for example, scenic easements so that when the County was negotiating the purchase of development rights, we could also negotiate the purchase of scenic easements if there was an area where we wanted to preserve open views, preserve a view corridor along the highway, for example, where we wouldn't want to see barns or greenhouses placed in those areas.

The second example of a non-farm development right would be the purchase of the use of pesticides so it would be •• we would be purchasing in agricultural and environmental management arrangement with the property owner. That would be part of the upfront transfer. So, those are the five or six priorities of the committee. What I've provided for you today is just a very brief summary and encapsulation of that. What you will see in the report that's been presented to you is a breakdown. We provided, for example, in table two of the report, an illustration of each of the priorities that the committee's recommended. And then what we've done is we've cited those back to the specific recommendations in the Smart Growth Policy Plan. What we've also done is that each recommendation that was contained in

the original report is the subject of a discussion review in your report that you have before you and recommendations of the committee. What does all this mean? What this means, then, is taking something that can be somewhat amorphous, simple and vague. When we talk about Smart Growth, what does it really mean? What we're trying to do and what the Committee was trying to do was to translate this into tangible actions for your consideration, for the County Executive's consideration, for the Suffolk County Planning Commission's consideration and so forth.

So, some of the actions that are coming out of this are actions that can be just a matter of policy implementation at the County. For example, how and where we buy open space. It can be a matter of Executive Order. It could be a matter of legislation on your level. Certainly the County Planning Department stands ready to assist you in going through this, in meeting with you, whatever your pleasure is as you digest and receive this report. And then translating it here again into those tangible actions.

I would like to, just in closing, acknowledge the •• my appreciation to the committee members who served on this committee and put in quite a bit of time for this, which here again, they're listed in your report. And I'd also like to acknowledge the members of the County Planning Department staff who also worked on this report as well. Thank you.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Thank you. I appreciate the presentation. Any there any questions •• you beat me to it. I was going to say are there any questions for Mr. Isles? Legislator Caracciolo.

LEG. CARACCIOLO:

Tom, let me extend my thanks and appreciation. I know this was an initiative kicked off by Legislator Fields. And while she's moved onto bigger and hopefully better things, I'm sure she appreciates the fact that we have finally completed this report and will now begin to put it in action.

MR. ISLES:

Well, thank you. I'll also point out she was a member of the committee so ••

LEG. CARACCIOLO:

Yes, I see that. Along with an appointee I made, Eve Kaplan ••

MR. ISLES:

Yes.

LEG. CARACCIOLO:

Who's an excellent environmentalist. But having said those two things, I just want to go back to your initial comments about the County being 83% build out. Could you just •• how many acres are there within the County of Suffolk?

MR. ISLES:

There are 911 square miles. That will be times 640.

LEG. CARACCIOLO:

I'm looking at a handout that we received just •• back at the Riverhead meeting by a Mr. Paley, Mr. Amper and Dr. Koppelman. And this is actually, I believe, prepared by the Long Island Regional Planning Board. It was the report to the Suffolk County Legislature Summary Open Space Plan Segment, May 11, 2004. In this report it indicates that there •• total Suffolk County land area 582,400 acres. And it indicates further that 146,000 •• 146,176 to be precise •• has been preserved as open space. So, I'm just trying to reconcile the numbers.

MR. ISLES:

Okay. The number that I provided to you is •• our current population in the County is 1,459,000 and change. We are actually numerically speaking at the moment the fastest growing county in New York State.

LEG. CARACCIOLO:

I know that. I'm talking about just what's preserved versus what's build out. I want to make sure I understand your definition of build out.

MR. ISLES:

Our definition, then, is looking at what's our build out of the County in terms of what's our ultimate population, we estimate that to be 1.7 million people. And by the way, back in the

'60's when the zoning was such as it was and open space was not as much of a priority, the build out of the County was estimated about 3 and a half million people. So our current build out is estimated by the County Planning Department to be 1.7 million people adding approximately another 140,000 people to the population of the County.

LEG. CARACCIOLO:

I fully understand the population demographics that you speak to. I'm just trying to in my own mind •• when you mentioned 83%, we're not talking about the land area.

MR. ISLES:

Right.

LEG. CARACCIOLO:

Okay. I think that's important to establish.

MR. ISLES:

Okay. No. We were talking about population; just demographics.

LEG. CARACCIOLO:

Very good. Okay. Thank you

MR. ISLES:

You're welcome.

CHAIRMAN LOSQUADRO:

No other questions? Being that there are many members of the public here I know who are waiting, before we get to Mr. Minei's presentation, I'm going to make a motion to take •• we'll do them separately •• 1338•04 •• out of order. Do I have a second on that?

LEG. CARACCIOLO:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Caracciolo. All in favor?

LEG. CARACCIOLO:

Well, before we vote on it, I'd just like to make a comment. Oh, just the out of order?

CHAIRMAN LOSQUADRO:

Yes.

LEG. CARACCIOLO:

You got it.

CHAIRMAN LOSQUADRO:

All in favor? Opposed? **1338 is before us. (Approving master list of environmentally sensitive, farmland, and recreationally important Land Acquisitions and implementing planning steps.)**

LEG. CARACCIOLO:

Mr. Chairman, I'll make a motion to approve. And in doing so •• well, I'll wait for the second.

CHAIRMAN LOSQUADRO:

I will second that.

LEG. CARACCIOLO:

Thank you. And, again, I would like to, Mr. Isles, if you would, first again commend you. This master list, I believe, is now in final product form with the exception of the additions that Legislator Schneiderman and I know others have indicated they'd like to see added as addendum. But I think it's important that those who are here as well as those who may read this transcript understand that this came about as a result of a lot of hard work, a lot of input from volunteer organizations right here in this auditorium over two years ago. Mr. Isles and just about every major environmental group and myself met and put together a compilation of parcels, some of which are now contained in here, some of which have been purchased, some of which owners have refused to sell. And this is, in fact, the latest most complete rendition of that original work product. Correct?

MR. ISLES:

Yes, that is correct. This is a compilation of many parties, of many lists, of many interests that have put forth ideas over the •• over at least a year, I'd say. More recently it also includes the

recommendations of Long Island Regional Planning Board, but also includes community organizations such as Long Island Pine Barrens Society. What then happened is the County Planning Department took all that in, went through the •• what is already on the list, what is •• doing reviews of those parcels and so forth. So, yes, I do think it's a good list. The County Executive had asked the Department to do this as a matter of getting it all in one basket, which we've attempted to do for those that are currently pending. But as I said at the last meeting, too, it's certainly not to the exclusion of any other planning steps resolutions. Certainly we don't consider this to be the end of open space acquisitions in the County either.

LEG. CARACCIOLO:

Right. The key component, though, in putting a list together, which we now have, is how do you proceed from this juncture to trying to make the acquisitions possible? So my question relates to how are we going to prioritize something that I have long sought an answer to, going forward. You know, we've been working on them. We're now culminating the new rating forms, and other things that are on today's agenda, which are long, long overdue. And that said, how do we go forward from here in terms of putting some order of priority? The small, the medium and the large parcels. Where do you start? You have 12 different environmental programs in the County acquisition program. More than most states. We've preserved more land as Mr. Amper's fond of saying. We've preserved more than •• more land than 45 other states. In my district alone, over 5,000 acres that I've sponsored legislation for and I hope he's listening because I just saw his letter, which is replete with inaccuracies and misrepresentations, and which I'll be responding to. But having said that, where do we begin to look and prioritize these acquisitions?

MR. ISLES:

Yeah, I will point out to you that all of the parcels, here again, we feel meet basic County criteria. We're talking about parcels that are adjacent to other county owned lands, that are wetlands, that somehow fit into one of the number of County programs. In terms of how do we go forward if the list is approved by the Legislature, we would start a process to, you know, number one our program is based on willing sellers so it's not an authorization to acquire by eminent domain. So, number one, there would have to be an interest on the seller.

LEG. CARACCIOLO:

Okay, but Tom, just cut to the chase here. Where do we begin in terms of the different •• are we going to do this by program? For example, farmland is one category.

MR. ISLES:

Right.

LEG. CARACCIOLO:

Open space protection, ground water protection and so on and so on. The quarter percent sales tax. We have three programs under that. We have Greenways. Do you have program lists with priorities?

MR. ISLES:

Most of these are going to end up being either in the Farmland Program or the New Drinking Water Protection Program. It is possible •• we talked last week at the Capital Budget hearing, that we still have some money left, for example, in the old quarter percent program. The Budget Review Office has pointed that out. And we've indicated that we want to spend down that money. And certainly it should be. So, I think what we would do, I would certainly be working with the Director of Real Estate, Ms. Zielinski, in terms of the actual funding programs to target. We would certainly have to come back to you for an authorization and an appropriation to acquire. And we would have, then, all the information you need to authorize the full acquisition at that point.

What we would also do is, you know, seek to work with Real Estate, but probably the Parks Department on, here again, parcels that are adjacent to existing County Parks we think should be a priority. Fresh water entitled wetlands, coastal stream watershed, these are the things that are identified. The special ground water protection areas within the new drinking water program as the five priorities that are enumerated in that program, those are to come first and foremost. I don't think it's going to be a perfect science where we're going to be able to say of the 60 sites that are identified in here, it's going to be exactly 1 through 60 perfectly. But I think it's going to be •• probably what we would do with Real Estate is, you know, prioritize and layer the acquisitions maybe into four or five groups and then start going out with that group, see what happens and go out with the next group and so forth.

You made reference to the new rating forms, which we've presented at a prior meeting in this committee. We would like to have those considered for adoption so we can then use those forms, which we think are more precise in terms of measuring what the County's goals are. And they also take into consideration programs that are currently do not have rating forms, so I think it's more complete. So, that's how we would approach it using the updated rating forms,

working with Real Estate, understanding that it's •• we're bound by the criteria of the program themselves. And, we're also dealing with the willing seller arrangement with our acquisition program.

LEG. CARACCIOLO:

Encompassed within 1517 is a requirement for what was until last Friday a monthly report by the Director of Real Estate to the Legislature is now a quarterly report. Will that report incorporate not only a status of pending approved planning steps resolutions and this master list, but also the priority of those acquisitions being sought?

MR. ISLES:

I think it's required to address the status in terms of where is it in the acquisition process. I don't think it says anything about the priorities.

LEG. CARACCIOLO:

As you and I have discussed many, many times here at this Committee and elsewhere, I think there's an inherent danger if County priority lists get released outside of internal staff •• should not be released to Legislators or elected officials, should not be released to towns or anybody else except those that are in the •• involved with the negotiation or environmental groups. Anyone. No one should know what your approach is going to be, what properties you are seeking because I think that •• there's an •• the inherent danger there is that you then have sellers who know this is something •• I mean there's no secret some of the large parcels in here like 4•H camp in my district and others are top priorities. But that's a Nassau County situation, so we're in a little bit position, I hope. But having said that, do you agree that that information should be kept very close to the vest and not shared with third parties?

MR. ISLES:

I think the negotiations should very definitely be kept close.

LEG. CARACCIOLO:

No, the list. The prioritization list?

MR. ISLES:

But I also think that the •• the one thing about 1517 resolution •• 1517, is it does put time limits. So, that the County will be in a structure whereby, you know, if a property owner says,

you know what, I'm on the top of the priority list, if they were think or somehow find that out, I'm going to play for the highest price I can possibly get. Well, we're now limited. If this bill is approved, we have, I think, it's 120 days, I believe it is, from authorization and negotiate on that to make a deal or not make a deal. And either we can do it or we move on. There are ways of bringing it back to go before the Environmental Trust Fund Review Board. But part of the thinking here is •• the philosophy is, the County's here to buy the land. And land that is meritorious, which I believe everything in here is, and not to spin things around forever and forever and play games. So, I think it helps to avoid that. There is no such thing as a perfect system just as there's no such thing as a perfect list. But I think it sets up a structure and a tone of how the County moves forward in a very serious way to get preservation accomplished as quickly as possible.

LEG. CARACCIOLO:

Thank you, Tom.

MR. ISLES:

You're welcome.

CHAIRMAN LOSQUADRO:

If you can just add one thing. I do have a list.

LEG. O'LEARY:

Tom, just to clarify something in my mind. With the passage of 1338, that doesn't preclude planning steps resolutions from being submitted on each subject parcel, does it?

MR. ISLES:

No, it doesn't, Mr. O'Leary. You're absolutely right. If a Legislator •• if the County Executive comes across a parcel that's important •• we hope to buy a lot more than the acreage indicated in here. So, certainly other parcels can be added. And this would not exclude that in any way, shape, or form.

LEG. O'LEARY:

No, I'm not referring to additional parcels. I'm referring to the parcels that are part that of that master list. I'm going to ignore that and you should, too. The parcels that are included in that master list, have planning steps resolutions been submitted for it or not?

MR. ISLES:

No.

LEG. O'LEARY:

Is that going to be a requirement of •• to proceed with respect to the purchase of those?

MR. ISLES:

No. There are no planning steps resolutions issued for these parcels. This, in essence would be ••

LEG. O'LEARY:

The 1338 is the planning steps resolution.

MR. ISLES:

Yes. Sorry, I misunderstood your question.

LEG. O'LEARY:

All right, thank you.

CHAIRMAN LOSQUADRO:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Largely, it is a planning steps resolution. It's just an omnibus comprehensive one, though missing a few parcels, which I •• I think that we can address separately. Particularly there was a group in South Hampton as part of their critical Wild Lands Protection Act, that they're really looking for the County to help support their aquifer protection there. And I think we'll do that as a separate resolution. It's own omnibus bill in a sense. And there are some of the others, forty plus acres out in East Hampton, Montauk and East Hampton that we can do separately as well.

MR. ISLES:

The omnibus worked out very well for the Pine Barrens Core in the County. So, it can be similar to that. The Planning Commission's recommended the critical Wild Lands Plan so it fits into other County policies as well.

LEG. SCHNEIDERMAN:

If you could take a look at that and then we'll communicate ••

MR. ISLES:

We certainly will.

LEG. SCHNEIDERMAN:

•• in a few weeks and we'll pull that together.

MR. ISLES:

Okay.

CHAIRMAN LOSQUADRO:

I know we've discussed that. Legislator Bishop.

LEG. BISHOP:

Tom, as you know, I've continually warned Legislators against omnibus bills because I feel that they can serve as a mechanism to transfer power from the Legislative branch to the executive branch. Because after all, if we approve every bill •• every parcel on the list, who then has the power to designate which ones you will work on and which ones that will be set aside? That's a problem. So, could you address that problem?

MR. ISLES:

Yes. I think number one, the parcels that are here are all parcels that I think stand well the test of scrutiny in terms of validity, merit, in terms of the county programs. I don't think we've submitted to you anything that doesn't qualify on a simple level. As the sponsor of the resolution, the omnibus resolution for the Pine Barrens Core, I think that worked out very well. I think it's enabled us to do a very effective job in the Core. And having also the checks and balances that we have to come back to you for authorization and appropriation of •• actually appropriation of funds. So, in terms of the question in terms of how the ••

LEG. BISHOP:

Here's the question. There's how many parcels on this list?

MR. ISLES:

Well, there's 60 sites and there are multiple parcels within each site typically.

LEG. BISHOP:

Number one will take how long to do; to complete planning steps on? A month, two months? The first one that you choose.

MR. ISLES:

Well, we hope to do more than one at a time, so we hope to get started ••

LEG. BISHOP:

The first batch.

MR. ISLES:

The process will be, and we've actually talked about with the Real Estate Director how we're going to approach that in terms of staff assignments and so forth. A process of contacting owners, finding out interested sellers, automating that process as much as possible and simplifying it. Organizing the appraisals and how we're going to approach that. It will take time. No question about it. But I also point out that the •• you know, this is a bit imposing when we look at this whole list. It's •• right now it's about 5,000 acres. That sounds like a lot. On the other hand, if we break it down to the 60 sites, I think it's something that Real Estate can handle. We have worked with the administration in a positive way in terms of we've identified to them some of our needs. And we've gotten a positive response from them. Anything you want to add to that?

MS. ZIELENSKI:

Well, the fact that the Legislature will be better informed of what we're doing and how we're doing it, because of a quarterly report that I'm going to provide to each Legislator that will detail where we are on any given piece, what we're working on.

LEG. BISHOP:

Okay.

MS. ZIELENSKI:

You'll know what we're ••

LEG. BISHOP:

Let me just take another run at my question again. The parcel one, the highest priority that's over on this list, theoretically but reasonably we can anticipate that the planning steps on that one will be done in a few months; will be completed. What I'm concerned about is parcel

number 60, the one that has the lowest priority. Whether they're done in batches or they're done 60 sequentially.

MR. ISLES:

Right.

LEG. BISHOP:

There is going to be one at the end and one in the front. The one at the end, how long out is it given your current resources?

MR. ISLES:

Well, when we started this with the County Executive, I guess, two months ago, my understanding is that this is the list for this year. So, I'm not looking at this as being a five •year plan.

LEG. BISHOP:

Right. Okay.

MR. ISLES:

We can walk and chew gum at the same time. And Ms. Zielinski's done a great job already in terms of multi•tasking.

LEG. BISHOP:

Twelve months from now all 60 ••

MR. ISLES:

•• should have gone through. And whether we do them or not, we don't know but ••

LEG. BISHOP:

Right. But the contacts will be made.

MR. ISLES:

Yes.

LEG. BISHOP:

The file will be handled by a human?

MR. ISLES:

Yes.

LEG. BISHOP:

With intention.

MR. ISLES:

Yes, sir.

LEG. BISHOP:

Okay. All right. That gives me some degree of certainty in some degree. Not very much, but enough that I guess I'll support it. Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Legislator Bishop. And I just want to add I know this •• I have had many discussions about this. I know I had some reservations as many people have had that this will not be done to the exclusion of other properties; that your department resources will not be entirely devoted to this; that there will be people available to handle additional planning steps as they come in. You will prioritize, you know, your staff assignments as needed to, you know, keep up with the current volume. And I appreciate it, all your input on this. Legislator Caracciolo.

LEG. CARACCIOLO:

Yeah, I just would add a foot note to Legislator Bishop's remarks, concern and Tom's response. In fairness to all, you know, this is not unprecedented. This has been done before, particularly at the town level. Back in 2001, we kicked off an initiative in the Town of Riverhead where we identified farmland parcels be that it took the town five months to provide us with a list. From that point on, Real Estate sent out the solicitation letters. And I know it was a rather extensive list. And, we were very successful, particularly the Town was in negotiating and purchasing, I believe, over 500 acres of farmland. So this has been done before. And the scale is, perhaps in terms of the overall acreage contained in here unprecedented, but I would share your remarks Tom about Mrs. Zielinski's capabilities. She's impressed me in the last few months. So, we had a very productive meeting in my office last Wednesday where we talked almost, not exclusively about 1517, so I'll say that. But I'm confident that given the resources, and this was the other point of Legislator Bishop, like myself who has either chaired or been vice•chair of this Committee in the past, have tried to drive the point home many, many times in the previous administration. And that is they cannot do their job unless the County Executive

signs the SCIN forms to give them the personnel resources they need. Now, they assured me last Wednesday that's taken place, it's in the process. So at this point and on the point of resource, do you see any limitations you're going to have in carrying out this plan in the next 12 months?

MR. ISLES:

We have had extensive discussions with the administration. And we have full confidence that what we've asked for, we will be able to receive.

LEG. CARACCIOLO:

Do you know when, Tom? Because that's key. Let's be •• you know, let's put all the cards on the table here. I know you work for somebody. But you're before the Legislature, co•equal branch of government and we're about ready to give you all a license to carry out a very ambitious plan. And I don't want to be sitting here in October or November saying, well, you know what, we're only ten parcels into this ••

MR. ISLES:

Right.

LEG. CARACCIOLO:

•• because we don't have the review appraisers, we don't have the attorneys and the Law Department to look at the contracts. And I know you mentioned last week that you're working on a new contract form that will eliminate hopefully a lot of the glitches that took place in the past. So, I just want on the record today, have a commitment from the administration, and if you're not the people to give us the commitment, then somebody should. You know, let's not walk out of here today thinking this is a done deal only to re•visit in nine months. I've been through this too many times before where people sit in there saying one thing and then doing something else.

MR. ISLES:

The County Attorney's Office has already seen an enhancement, a re•dedication of staff for the contract process. I believe they're still searching for one or two other positions. Our conversations with the administration have been in the present tense, not the future tense. It's what do you we need now, what do we need to get the job done. It will take some time potentially to find the right people to fit the positions. And that's a little bit of a variable there. We're fully cognizant of it. There's no question in my mind the County Executive is committed

to this. And I know what you were saying when you say come October, you know, where are we going to be? Your questions will be raised. So, we're fully aware of that, yes.

LEG. CARACCIOLO:

Okay, thank you. Pat, did you want to add anything to that?

MS. ZIELENSKI:

No, just that that's my biggest concern is being ••

LEG. CARACCIOLO:

I know you voiced it repeatedly with me.

MS. ZIELENSKI:

•• is being able to find the personnel that we need. It's not that we don't have the right to hire them. We just need to be able to find them. And we can't guaranty the time frames on that.

CHAIRMAN LOSQUADRO:

Okay. I appreciate your comments. And I assure you Legislator Caracciolo's correct, we will re•visit this if the time frame is not to our satisfaction. 1338 is before us. We have a motion and a second. All those in favor? Opposed? **Motion passes unanimously. (Vote: 5•0)**

LEG. SCHNEIDERMAN:

Co•sponsor.

LEG. BISHOP:

Who seconded it?

CHAIRMAN LOSQUADRO:

No, the second, I believe Legislator Caracciolo made the motion, I made the second. I will make a motion to take also in deference to the public and the audience, 1517 out of order. Do I have a second?

LEG. O'LEARY:

I'll second that.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? To take it out of order. It's the second time. All those in favor? Opposed? **1517 is before us. (Streamlining land acquisition process to preserve Suffolk's vanishing open space.)** I will make a motion to approve. Okay. I'll make a motion to approve. Do I have a second?

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. On the motion, Legislator Caracciolo was first.

LEG. CARACCIOLO:

I appreciate that. Thank you. Legislative Counsel, could you just summarize for the Committee all of the substantive changes that have taken place in this resolution since its first •• initial introduction?

MS. KNAPP:

The changes since it was first filed with the legislative clerk?

LEG. CARACCIOLO:

Yes. And perhaps even before you respond to that question, it would be appropriate to maybe summarize the first resolve clause of 1517. And what provisions of resolution 425 of 2002 that it would repeal? And this was legislation adopted almost unanimously by the Legislature, put together by several Legislators in the previous administration. I believe the Legislators were Legislator Lindsay and Legislator Carpenter. And it was in response to •• what many people referred to as the Grecco scandal, although, Counsel, correct me if I'm wrong, has Mr. Grecco ever been charged with any criminal offense?

MS. KNAPP:

Not to my knowledge, no.

LEG. CARACCIOLO:

And what were •• what was the outcome of the suit against Mr. Grecco for violation of the rarely, if ever, pursued Boss Tweed provisions of state law? That was an acquisition taken by some private parties. And, I believe, that has been adjudicated.

MS. KNAPP:

I'm not sure if the Boss Tweed was the one that the Attorney General brought ••

LEG. CARACCIOLO:

That's the one.

MS. KNAPP:

•• or the one by the private parties. My understanding of the Attorney General's suit was that it was never prosecuted beyond the initial investigation. Again, I could be wrong. And my understanding of the private party lawsuit, which I read in the law journal back in October I'm going to say, and I don't know if there's been a development since then, the judge, who I believe was Judge _Livsen_ dismissed it with costs to the plaintiffs and plaintiffs' attorney.

LEG. CARACCIOLO:

So, those who brought the lawsuit had to pay court costs; correct?

MS. KNAPP:

Yes.

LEG. CARACCIOLO:

Thank you. Because they lost. Thank you.

MS. KNAPP:

Unless there's been a development since that one.

LEG. CARACCIOLO:

Essentially a summary of the repeal provisions of 425 of '02.

MS. KNAPP:

I wonder if I could begin with the changes and then end with •• nope. I'm sorry. I can begin with the repeal. Thank you. 425 of 2002? It's the resolution implementing the Real Estate Division Reform. And sponsored by Legislator Bishop. The First Resolve Clause of 1517 repeals the 17th, 20th, 22nd, 23rd, 24th and 25th Resolve Clauses. And a portion of the 18th Resolve Clause. Starting with the 17th Resolve Clause, this is a Resolve Clause that said that the closing of property sold at public auction or direct sale shall occur within a six•month closing deadline. And that any extension of time shall be granted subject to formal administrative criteria filed with the clerk and subject to a one•year deadline, which has been repealed in its entirety.

LEG. CARACCIOLO:

So, that would be repealed. And that was incorporated in 425 as a direct result of revelations that Mr. Tucci, a large auctioneer, if you will, of county property had been allowed to purchase auction property and retain it for long periods of time, in some cases, I believe five years, without ever going to closing. I'd like to know what the rationale behind repealing that provision is? Do we want more cases, situations like that? The County owns real estate, we should be able in a reasonable time, if it's gone to auction and we accept a binder, execute a contract in good faith and maybe the Real Estate Department will come up and explain this to me, what their •• I know they support this, but I'd like to know what their •• what's changed, I guess, except for the fact that we have some new faces across the street in the Dennison Building, what's changed with respect to the substantive nature of this provision? Any volunteers?

CHAIRMAN LOSQUADRO:

Real Estate, come forward, please.

MS. ZIELENSKI:

I think some of that reflects changes that were made •• I think some of it reflects changes that were made in the auction rules. The difficulty had to do with the six•month period that was originally calculated from the time we took a contract which an auction property is at the date of the auction. It then has to •• that contract then had to come through the time frames of the Legislature in order to be approved. And if it missed a cycle or was delayed a cycle, we didn't have an approved contract until three or four months down the road. So the six month closing period became an issue.

LEG. CARACCIOLO:

I guess my question relates directly to the Tucci issue where we had a very large amount of County real estate that was in his possession.

MS. ZIELENSKI:

Yes, I understand the problem. But I think the new auction rules were designed to address those problems.

LEG. CARACCIOLO:

Do you think, do you know and what are those rule changes? Because I want to have some assurance here that we don't have a repeat of what transpired previously.

MS. ZIELENSKI:

Well, one of the things, I think, is that the •• that the clock starts on the approval of the contract so ••

LEG. CARACCIOLO:

Or the closing.

MS. ZIELENSKI:

For the closing. The clock starts as in working towards ••

LEG. CARACCIOLO:

Is there anyone here that knows with certainty that that change has taken •• is now incorporated ••

MS. ZIELENSKI:

That was in the change in auction rules that the Legislature approved two sessions ago.

LEG. CARACCIOLO:

Okay. So •• so, then there is no longer a need for this provision? I'm just trying to get ••

MS. ZIELENSKI:

Well, then, there's an overarching position that •• that limits us to two years. But that's only in cases of title issue.

LEG. CARACCIOLO:

That was a Legislator Levy resolution that I supported. I remember that one. Okay. All right. Thank you, Pat. The next?

MS. KNAPP:

On the 18th Resolve Clause, Sections B, C, D are repealed. The 18th Resolve Clause, what's left of it, is that the level of oversight shall be commensurate with the value or the complexity of the interest in real estate. Level one remains the same. On acquisitions between •• under \$25 thousand, only one appraisal is necessary and only the Division Director's approval. This change was made in recognition of the fact that the process set up in resolution 1517 requires all acquisitions to go ••

LEG. CARACCIOLO:

Two simultaneous appraisals in excess of \$300,000.

MS. KNAPP:

And to go through the Environmental Trust Review Board. And it was thought that very small acquisitions that the County often has an opportunity to pick up for several thousand dollars, perhaps not buildable lots in the flood plain area, that those should be allowed to proceed much more quickly.

LEG. CARACCIOLO:

The resolution itself, because I'm looking at your cover sheet to Mr. Crecca dated the 28th, which was submitted along with the amended copy of 1517. But if we go to the resolution itself in the First Resolve Clause, it speaks of repealing 17 •• 425. 17, the 20th, which would be the next one I'd like you to comment on.

MS. KNAPP:

Yes. The 20th Resolve Clause is also repealed. And in that one it talks about the appraised value limitation. There shall be no discretion for the Director of Real Estate to exceed the approved appraised value for an acquisition of any interest in real property. That's been repealed. And the new requirements are contained in 1517.

LEG. CARACCIOLO:

And those requirements are?

MS. KNAPP:

The appraised value is set by the Environmental Trust Review Board. And there's no ability to exceed that.

LEG. CARACCIOLO:

Okay.

MS. KNAPP:

The 22nd Resolve Clause has also been repealed. And that deals with excess land value. And it requires the Director of Real Estate to file a copy of every appraisal that's used in the

acquisition of land under the •• and there's a list of programs here. In those instances where an agreement has been reached to purchase land in excess of the mean appraised value.

LEG. CARACCIOLO:

Okay. So by repealing the 22nd Resolve Clause in IR 1022 of '02, or resolution 425, what's the essence of that?

MS. KNAPP:

Well, quite frankly, it was very confusing to begin with. It lists eight different programs. And there is no more ability to exceed the mean other than through the new IR 1517, which really doesn't allow a property be acquired other than at a value approved by the Environmental Trust Review Board.

LEG. CARACCIOLO:

Okay.

MS. KNAPP:

The 23rd Resolve of 425 is also repealed. And that resolved •• talks about, and again it's very lengthy and rather confusing •• it lists a number of different programs. And it says that •• that the resolution authorizing acquisition shall only be enacted once the Legislature has reviewed the appraisals at a full legislative meeting prior to the actual consideration of the acquisition. And it also lists a number of conditions. And those conditions include the Director of Real Estate submitting a written request to the Legislature for authorization to proceed on the basis of a value in excess of a mean value accompanied by the written recommended rationale for determining to proceed on such basis. It goes on and on and it is lengthy.

LEG. CARACCIOLO:

I'm very familiar with it. In fact, I didn't support 425 for a number of reasons. But this •• this Resolve Clause is very •• was very important to a number of Legislators including Legislator Bishop who was the prime sponsor; because in fact it incorporated a provision for going above the mean appraised value provided there was a two-thirds vote of the Legislature by procedural motion. Under 1517, is there a similar mechanism by the Legislature? No.

MS. KNAPP:

There is none.

LEG. CARACCIOLO:

So it's only this Environmental Trust Review Board, which is nine people; five of which come out of the Legislature, that have that discretion. So, I as an elected official, have no say if I'm not on that board as to whether or not the County should pay more for a piece of property. Well, ultimately it does, Dave, but at that point you have a contract that we're bound by. So, let's understand what we're •• yes, that's what the legislation says.

MS. KNAPP:

Any contract is, you know, is clearly subject to ••

LEG. CARACCIOLO:

To the approval of the Legislature. But, let me raise the point, then. At that point what discretion would the Legislature have in •• well, you can disapprove it, I guess. Okay. Fat chance. Okay. It will be very, very hard to do that. Okay. Moving onto the 24th and 5th Resolve Clauses.

MS. KNAPP:

We just did the 24th.

LEG. CARACCIOLO:

No, that was the 23rd.

MS. KNAPP:

No, that was the •• the 23rd, they were very similar. The 23rd and the 24th are somewhat similar. Oh, I'm sorry, 24, you're right. 24th is the municipal land use decision. And the 24th says that, again, that you have to file a copy of the appraisals. And if there's been in those instances in which a municipal land use decision affecting the property has been made subsequent to the authorization of planning steps, then, you must a file copy of every such municipal land use decision which has been utilized in connection with the appraisal as the case may be.

LEG. CARACCIOLO:

Is there any component of the 24th Resolve Clause carried over in 1517?

MS. KNAPP:

To the extent that there is a direction that the appraiser consider highest and best use, one could imply that any land use decisions would have to be considered in an appraisal. But quite frankly I think most good appraisers would do that without being told.

LEG. CARACCIOLO:

We had a classic just last year that happened in Riverhead where the County went out and appraised a piece of property referred to as the River Club, which is now under investigation by the District Attorney's Office, and appraised this property based on what the County appraiser believed was current zoning. And the town appraiser which was on the county certified appraised list, did something entirely different. He used a 1968 special permit which was no longer valid, and hadn't been for a number of years, and appraised the property at twice the value that the County appraised it at. And surprise and behold after the County appraisal was rejected, the town announced it was going to purchase the property. A number of individual residents went to the District Attorney. And as I said it's being investigated. Because the Town's appraisal was more than twice the County's based on a premise that didn't exist. And the contract vendee who was in contract to develop this land and wanted to sell it to either the town, the County or both, closed on it just within the last three or four months for almost the same value that the County appraisal had determined. But there was some who felt, oh, my goodness, you got to preserve that at whatever the costs. But wrong. You buy it at what it's valued. So this highest and best use in this instance represent the way appraisals are ordinarily done. And if that's the case, then, was this previous 24th Resolve Clause even necessary?

MS. KNAPP:

I would probably defer to Ms. Zielinsky if it's ordinarily done by that. She is an appraiser. It's my understanding having been in private practice and then having done a lot of land use work for one municipality, that highest and best use is always at least considered in the appraisal process.

MS. ZIELENSKI:

Yes, I would think it should be considered. However, appraisers generally speaking appraise according to the direction they've been given by the people who pay them.

LEG. CARACCIOLO:

That's right. And in the future it would be based strictly and solely on highest and best use.

MS. ZIELENSKI:

Well, that's what we're trying to attain.

LEG. CARACCIOLO:

Is that the industry's standard?

MS. ZIELENSKI:

It is.

LEG. CARACCIOLO:

Is that what the state does?

MS. ZIELENSKI:

It is.

LEG. CARACCIOLO:

Okay. I just want to make sure that we're conforming to industry-wide standards and not deviating from such.

MS. KNAPP:

The 25th Resolve Clause which is also repealed relates ••

LEG. CARACCIOLO:

Could I have Mrs. Zielinski's answer to that? Is that the standard being applied?

CHAIRMAN LOSQUADRO:

I believe she did answer your question.

LEG. CARACCIOLO:

I didn't hear her answer.

MS. ZIELENSKI:

Yes, that's the standard.

LEG. CARACCIOLO:

Okay. That's •• I just want to be satisfied in my own mind that we're not breaking some new ground here.

CHAIRMAN LOSQUADRO:

Counsel.

MS. KNAPP:

The 25th Resolve Clause says that no resolution authorizing an acquisition, and again it lists a number of programs, shall be enacted by the Legislature until the Legislature has reviewed any such municipal land use decision that's been utilized in an appraisal. And they make certain determinations. Certain conditions have been complied with; that there's been a procedural motion of at least the majority of the Legislature; that the acquisition should proceed on the basis of either the original County generated appraisal or updated appraisal as the case may be. After a presentation by the County's appraisers, the County's appraisal reviewer, the Director of Real Estate and the Director of Planning has been made regarding the use and impact of such a decision on the County generated appraisal including a determination that the acquisition may proceed notwithstanding the use of such municipal land use decision which affected the appraisal if such presentation as to its use has been made to the Legislature under this Resolve Clause.

LEG. CARACCIOLO:

Okay.

MS. KNAPP:

And, again, if •• that would be the first Resolve Clause. Again, the second Resolve Clause deals with a planning steps resolution that can be done either with individual parcels or with a master list attached. It moves onto, the Director of Real Estate after consultation with the Planning Director shall begin the acquisition of the parcels for which planning steps have been approved. The Fourth Resolve says that the Director shall submit a quarterly report to the County Executive and the Legislature containing the status of each parcel on any approved planning steps resolution.

CHAIRMAN LOSQUADRO:

Counsel, if I may, Legislator Caracciolo, you seem to be quite well conversant with this resolution. Do you have questions on specific portions so Counsel does not have to read the bill in its entirety?

LEG. CARACCIOLO:

Yeah, thank you, Mr. Chairman. You know, I have had some consternation with this creation of an Environmental Trust Review Board. And probably to the surprise of some, I'm actually going to support this resolution. But I felt it was imperative for the record that Legislators particularly in this Committee understand what was being modified, changed, in terms of the acquisition process because it is •• there are some very significant changes.

CHAIRMAN LOSQUADRO:

Absolutely.

LEG. CARACCIOLO:

And the creation as we had discussed last week Mr. Deering, myself, Mr. Isles and Miss. Zielinsky in my office, the creation of an ETRB, the Environmental Trust Review Board, as Mr. Sabatino in response to an e•mail I sent him for comment on this, thinks it actually may elongate the process. Now, I hope that's not what happens here because, you know, the title says streamline. But I'm going to monitor very closely to see what the pace of land acquisitions are in the future. Because I know currently, Mr. Chairman, there is a pipeline and a floodgate about to be opened just by inertia. Just by stuff that's been pent up for the last 12, 18 months. So, nobody should be surprised that there's going to be a flurry of activity. It won't be because of this resolution. It won't be because of anything else than what's been accumulating and building up. And I'm not certain but I'll it give it the benefit of the doubt that this Environmental Trust Review Board, which I planned on attending their meetings, doesn't interfere in some way hamper, impede, slow down that process. But, you know, we'll have to wait and see. And if that's the case, hopefully there will be consideration in the future to either eliminate that and go through the process as it exists now, which is, you have appraisal, review appraisal, this Committee, the Legislature. This actually adds a step. You have appraisal review panel, the Board, the Committee and the Legislature. I'm I right, Dave?

LEG. BISHOP:

You're right.

LEG. CARACCIOLO:

Okay. So, for those who are, you know, major proponents of this approach, I find it interesting that you really believe this is going to improve and streamline the process. Streamline definitely doesn't belong in the title of this resolution. But I'm willing to give it a try and let's move the resolution. From my perspective.

CHAIRMAN LOSQUADRO:

Thank you, Legislator Caracciolo. Legislator Bishop, your comments.

LEG. BISHOP:

Thank you, Mr. Chairman. Congratulations on your ascension, Mr. Chairman de jour.

CHAIRMAN LOSQUADRO:

Thank you for the back-handed compliment, Legislator Bishop.

LEG. BISHOP:

Legislator Caracciolo, surprised he's •• I have another one. He is surprised that he's supporting the measure and I'm surprised that I have to agree with much of his statement, especially the last couple paragraphs. I don't think that this bill represents a "see change in the approach "that we adopted previously. And just by way of background I know you offered a measure of defense to former Real Estate Director Alan Grecco. And certainly in my dealings in my district, you know, it was all positive with Mr. Grecco. But, clearly the majority of Legislators and the majority of the public was troubled by the revelations that Newsday revealed •• is that redundant •• Newsday revealed that he had a financial entanglements with the owner of the Chandler estate and that the County ended up paying more than the appraised value for the Chandler Estate. Whether ultimately that was a wise purchase or not is not the point. A great majority of the public had lost faith in our real estate program and land preservation program. And it was incumbent upon this Legislature to take action to restore that faith and to keep the program moving. The first step was, as you pointed out, a Commission with Legislators Carpenter and Lindsay. They had to report that came to this Committee. And together as a Committee we thoroughly went through hours upon hours upon hours of hearings and came up with a bill. And that bill was adopted and it now seeks •• now with this measure, it will be adjusted somewhat. But that •• what we did last year or the prior years in reforming the system had two principals. And those two principals are not being assaulted by this measure. And those measures are openness and accountability. Under the old system, the pre-reform system, the Legislature would say to the executive branch obtain that parcel. Make an effort to get that parcel. And that was our last measure in the process. That's the last thing that we did in the process. We would authorize. Then it was up to the executive branch to both appropriate and to negotiate. And so when there was this scandal at the Chandler Estate, it was pointed out that the Legislature never had an opportunity to review what the executive branch did. And so what the reform did is it added a step, and a wise step, that the Legislature

will at the end of the process vote with knowledge of what the County will be paying. And that is still the case at the end of this reform if it is adopted. And while it is portrayed in many quarters as an expediting bill, I don't think it actually expedites as you pointed out. It adds a step. But what I think it does is it provides a measure of backbone into the system that just doesn't seem to be there right now. There seems to be a great reluctance to move away from appraised value at any time even if it's against the County's interest or even if it is in the County's interest to do so. And I suppose what the prime sponsor has in mind and what I'm endorsing by cosponsoring and supporting it, is that this Committee, if properly run and aggressive in terms of giving of its time can do a lot of the work that's necessary to provide a confidence in this branch that we're making the right decision in going above the appraised value. And ultimately I think that's the value of this bill. Is that it will relieve some of the gun•shyness among Legislators to do that when there are purchases that it is in the County's best interest to do. And that's why I'm supporting it.

CHAIRMAN LOSQUADRO:

Thank you, Legislator Bishop. I appreciate your comments. And I assure you as the Chairman of this Committee I will work very hard with the agencies involved here to make sure that that happens. We have a motion and a second. All those in favor?

LEG. SCHNEIDERMAN:

Co•sponsor.

CHAIRMAN LOSQUADRO:

Opposed? Motion passes unanimously. **(Vote: 5•0)**

Okay, back to business. Mr. Minei, if you'll please come forward. I'll try to get you out of here. I understand we have a bit of urgency. I appreciate your patience.

MR. MINEI:

Thank you, Mr. Chairman, members of the Committee, learned Counsel, assorted staff. I'm Vito Minei. I'm Director of Division of Environmental Quality for the Department of Health Services. Today we're going to make a presentation on the Peconic River Health and Environmental Assessment in accordance with a directive from this Legislature. And we'll give you an overview of that in a moment. I'm joined today by my colleague at the Health Department, Andrew Rapiejko. He's a hydro•geologist with the staff; our consultant who did the health and environmental risk assessment, Judy Durda from Integral; and two members of

our Citizens Oversight Committee Andrienne Esposito and Peter Maniscalco.

I think normally if it's okay, Mr. Chairman, we typically let the citizens speak first; then, I'll give you a quick overview and we'll give a presentation. That formidable package in from of you contains a •• it's part of the exercise program of the Health Department. There's a ••

CHAIRMAN LOSQUADRO:

By exercise, do you mean biceps curls?

MR. MINEI:

Basically, thanks.

CHAIRMAN LOSQUADRO:

It looks heavy enough.

MR. MINEI:

Thank you, Legislator. There's a one•page summary of the document. There's a hard copy of the power point presentation. There's a graphic, again, that give us a perspective on the mercury in the sediments in the Peconic River. And then there's a copy of the resolution. But, again, if it's okay with you, I'd ask Adrienne and Peter if they want to make any statements before we make a presentation.

CHAIRMAN LOSQUADRO:

Okay. All right.

MR. MINEI:

I'm going to turn the microphone over to Andy Rapiejko in a second. But the bottom line here is that the findings of this very extensive investigation and report really underscore and affirms the position of the Health Department to require that Brookhaven Lab undertake a very thorough clean•up of the Peconic River in terms of removing the sediment ladened with mercury and other contamination while also maintaining the integrity of the County parks system. So with that as the overarching theme to the presentation, I'd like Andy to take it from here. Thanks.

MR. RAPIEJKO:

Good afternoon. I'd just like to start with a little background on why this study was done. The

study was authorized by the County Legislature in 1999. This legislation actually authorized three activities for the Health Department; to do the first was to do a split sampling with Brookhaven Lab. At the time there was concern of plutonium contamination in the Peconic river, which •• that was completed. The second task was for do a study of the Carman's River, which was completed last year. And this was probably the more major of the three activities that was done; was to do a health and environmental assessment of the Peconic River. And the legislation actually spelled out specific things that this study needed to determine. The first was that it was to determine the past and potential future impacts on public health and safety. Also look at the impacts upon the surrounding ecosystem and environment of the contamination in the Peconic River from Brookhaven Lab. And the third thing was to look at was to perform a fate and transport analysis of the contaminant releases from Brookhaven Lab sewage treatment plant into the Peconic River.

The legislation also established a nine•member citizens community oversight committee; that it spelled out that the County Health Department was to work with this oversight committee closely on all three of these projects. The County Health Department did work very closely with the citizens on all these projects. The citizens, we had many, many meetings going back awhile now. The Citizens helped develop the work plan of the actual •• this study as well as develop the RFP with County Health Department. And two members of the citizens committee were actually non•voting members of the RFP selection committee that selected the consultants for this.

The contract was awarded to Cash and Associates. And Cash and Associates subcontracted out the risk assessment part to Integral Consulting, who •• Judi Durda is here. And she's going to go •• speak a little bit after me to give the details on how they did the assessment. Basically this is a map of •• just to give it perspective •• Brookhaven Lab. It's out by William Floyd Parkway, exit 68 on the Expressway. And the sewage treatment plant starts the flow of the Peconic River on Brookhaven property. And it flows off the property into •• the green on this map is all county parkland. It flows through county parkland and eventually discharges into the Peconic estuary.

The study area define was the fresh water portion of the Peconic River basically from the head waters up on BNL property all the way to Garangeable Park. And it also encompassed the groundwater contributing area to the river. The consultant in their study divided this study area

into six segments and evaluated the contamination levels and the health risks for each of these six areas. And that was more of a management •• it's such a wide area with different contaminant levels. More contamination has erupted near Brookhaven site. And also there's different exposure. People do more fishing down the river than up in the head waters where the river is a bit intermittent.

And basically what this study found and Judi is going to get into more details on exactly what •• how this whole study was done. I'm just going to give you a preview of what the results were. According to the legislation for the past and potential future risks, the study found that there is an increase risk for past and future consumers of ground water. Ground water had been contaminated with solvents and tritium and the risk was mainly due to the solvents that was in there. Brookhaven Lab in 1997 extended public water to effected homes in the area so that risk has been mitigated.

Also, the study found that there was an increase risk due to the consumption of fish. And that's due to the presence of PCB's and mercury in the fish that were analyzed in the Peconic River. The impacts upon the surrounding ecosystems, the study found that there is an impact to birds that do consume fish. And that would be a reproductive impact to the birds. And that's due to the mercury levels in the fish. As far as the fate and transport analysis goes, that was done •• there was many analytical data sets that are were evaluated and culled together and pulled out. And basically I put two of the graphics here from the report. The first one is the Cesium 137 levels discharged from the Brookhaven sewerage treatment plant. And it goes back •• the data set goes back to the 1940's. And as you see, there was a spike in the 1950's of a very high level. And the point here is that these levels, the loading to the river from the sewage treatment plant has decreased tremendously over time up until present where it's just around the zero mark.

Also, the other graph on the right is the mercury loading from the sewerage treatment plant. Also, this data set doesn't go as far as back but you see the levels in the historic discharges were much higher than they are presently. And as far as the fate and transport for PCB's, the study found that they're more likely to stay in the sediments up on the property. That's mainly where they find •• they haven't migrated down river or off of the property into county parkland. The PCB's are pretty much going to stay where they are which is what happens with PCB's. The cesium 137 has a radioactive compound. It has a half life, which half of the concentration will •• the concentration will cut in half every thirty years. So eventually that will

decay over time and the cesium levels just through the half life will decay. The transport of cesium 137, it is soluble in water and has transported down stream. It has been detected five miles down from the sewage treatment plant in the Peconic River.

Mercury is a very complex chemical. Does a lot of chemical transformations. Changes to methylmercury, changes back. It volatilizes. So, it's fate in the environment •• and it also changes to a form of methylmercury, which becomes bio available, and that's the problem with the fish. So, it's caught up into the fish and you get the exposure from people and animals from eating the fish from mercury. And that also has been found to be mobile and transported down stream. And that's also been found to be over five miles down from the sewage treatment plant source.

And the last slide I have here is as the Committee may now, Brookhaven Lab is currently •• has come out with a clean•up proposal for the Peconic River. They're currently in the public comment period of that clean•up proposal. And this slide is, well, what does this study •• has a study •• the Health Department's opinion on this clean•up, how does this study fit in with that. And basically the study affirms that the Health Department's position that BNL should do the most thorough clean•up of these sediments that it possibly could do. And also that BNL needs to commit to a long term monitoring program of the fish and the water and the sediments to make sure that the clean•up that they do do, is going to take care of the problem and bring those •• the fish levels down.

Now, I'd just like to turn it over to Judy Durda, who's the consultant from Integral that actually did the assessment. And she'll get into a little more detail on how that was done.

MS. DURDA:

Although I promise you the detail will not be anywhere near the five inches that are right in front of you. You can go to the next slide. Basically in a nutshell what we are trying to do in our risk •• our evaluation was determine four answers to four basic questions. First of all, the contaminants out in the river, are they compounds that can be toxic to either people or the animals that live in the environment; could people or wildlife contact these contaminants; and if so, could that cause harm? Very simple questions. Not necessarily simple to answer but the approach and the technique we used was a technique called risk assessment, which is an approach that's used by the US Environmental Protection Agency and regulatory bodies across the US to try to determine the significance of environmental contamination and the need to clean up.

In scientific terms, risk assessment is a function of how toxic or hazardous a chemical is; and how •• what the degree of exposure is. In a nutshell, risk assessment pretty much is the answer to how bad the chemical is and how often someone's exposed to it. And what we found, first of all, we found out that, yes, contaminants do exist in the river. Some of the key players here are mercury, PCB's, some pesticides primarily DDT in a few isolated locations, some radio nucleides, some solvents and a few other miscellaneous compounds. We know from the literature based on studies and animals that these compounds theoretically can cause adverse effects in people including cancer and non•cancer effects such as developmental effects in children. We also know that some of these compounds can cause environmental effects, including effects on the ability of animals to live and reproduce in the environmental.

We also concluded that people and wildlife can, in fact, be exposed to the compounds that are in the river. There are ways that people can come in contact with these compounds. And the principal pathways by which people or animals can come in contact with these compounds is either by eating the fish and game in the river, touching the water or sediments or in the past drinking the ground water that was used for well water. We also found based on our analysis that the potential levels of exposure could cause increased harm in people. And with two types of effects, potential cancer risks and non•cancer risks, with risks as high as one in ten thousand for cancer in the past; and 30 in ten thousand cancer in the future. And non•cancer developmental effects in children.

Our analysis also suggested that ecological impacts in wildlife specifically birds that might eat fish from the river could be harmed and other components of the ecosystem might likely to be unaffected by the contamination out there. Overall, our study concluded that eating fish from the river in either humans or wildlife was the exposure path way associated with the greatest risk. And again the biggest players here in this risk equation were mercury for non•cancer effects and PCB for cancer effects. Based on the findings of this health risk assessment, the conclusions were to •• recommendations were to clean up the sediments in the river to reduce these risks to acceptable levels, continue monitoring mercury in fish and PCB's in fish. And then also the current state fish advisory for sport fish consumption that currently applies to Peconic River should remain in effect. Thank you.

MR. MINEI:

I think we have a statement from two members of COC.

CHAIRMAN LOSQUADRO:

Thank you. Miss Esposito.

MS. ESPOSITO:

Okay. I served as the co•chair of the community oversight committee for the last several years on this study. And just briefly, Legislator Caracciolo asked the last speaker to cut to the chase when you're in front of the Suffolk Legislators, so, we'll just do that.

Basically we feel that this study in addition to underscoring and confirming the Health Department's position on a clean •• on a comprehensive clean•up for the Peconic River, it also underscores and confirms environmentalist's position for the last five years that the river needs to be cleaned up to the maximum degree because it does, in fact, present a public health and ecological risk to the people of Suffolk and others who are using the river. And to me the bottom line is this one sentence in your executive summary, which I think just about says it all. It says the risk for eating fish out of the Peconic River are greatest for children; but maximally exposed adults also face increased risks well above background levels in all areas of the river. Cash and Associates Fish Consumption survey had found that some people catch large numbers of fish from the river and some eat more than 50 meals a year of these fish. That represents a human •• a public health threat. And this was our concern. And it is now confirmed in this independent investigation. So, one thing I want to do is thank the Health Department for the hard work and diligence that they put into this particular health study. And I think it's a very valuable and necessary tool. And it serves the public well. So thank you very much for that.

MR. MANISCALCO:

My name is Peter Maniscalco. I coordinate the environment programs at Southampton College. I also teach environmental ethics at the school. And when I was reviewing my notes this morning, I think maybe I'm going to offer to the Department of Energy to teach environmental ethics at the DOE there, at the Brookhaven Lab; so maybe I'll get myself a little work out of this. And I'm also the co•chair of the community. I first would like to thank the Suffolk County Legislature, Mike Caracciolo and others who sponsored the legislation to allow for this program to go forward so that we can have a scientific assessment of this river. And I would just like to read a short statement in the record if I may, please.

CHAIRMAN LOSQUADRO:

Proceed.

MR. MANISCALCO:

Thank you. The data reveal that Brookhaven Lab is an ongoing threat to the public health and safety into our environment. In fact, Brookhaven Lab's threat is understated because no one can scientifically explain to us the results of the interaction of the various toxic chemicals and the radio•nucleoids found not only on the BNL site, but also beyond its borders. And that's known as the synergistic effect, when chemicals or radio•nucleoids interact with each other. I'd like to read one short piece here from the summary of this report. "One important area of uncertainty for these analysis is an incomplete understanding of the potential health effects from exposure to chemical mixtures. The standard approach in risk assessment is to assume that chemicals essentially are additive in the total toxic effect. Some data show certain chemicals can be synergist or acting in concert with each other. So, that the combined toxicity of the chemical mixture is greater than the sum of their individual effect. As a result, synergy among the chemical analyzed in this report was not a valued in these risk assessments."

So that means to me that there is a greater potential than what this report has on the record for all of us to think about. Having said that, I would like to say that over my years •• I've spent my entire adult life as an environmental activist trying to defend this beautiful island that all of us live on. And I have found in working since 1982 with Brookhaven National Laboratory, when we first tried to alert the community to what was happening at this laboratory, it was not politic, people really weren't aware, it really got no public exposure. And virtually we got no where for many years. Now, in working with the culture at Brookhaven Lab's Management, the way I understand this culture, it still does not understand what it means to be a responsible member of the Long Island community. When it comes to cleaning up the poisonous mess that they have made, they still try to minimize their responsibility. BNL's management bases their clean•up decisions on spending the least amount of money possible. If BNL was or is to become a responsible industrial citizen, they would make clean•up decisions based on what's best to protect the public health and safety and the environment. Therefore, it's essential that the Suffolk Legislature through the Suffolk Health Department and others constantly monitor Brookhaven Lab to make sure that the lab acts with full responsibility to protect the public's health and our environment.

CHAIRMAN LOSQUADRO:

Thank you. And I'm sure that was the intention of my predecessors and I'm sure we will

continue to do so. Do you have a comment, Legislator Caracciolo?

LEG. CARACCIOLO:

Well, first let me as sponsor of this resolution as well as the one that proceeded it, the BNL task force and I see Amy _Ukats_ sitting in the audience, now an employee of Suffolk County, someone who as a citizen volunteer back in 1998 called my office after reading an article in Newsday about the tritium leak and said, you know, I have some expertise, I'd like to volunteer for your task force. And she was one of my appointments. And I want to thank you for your work then with the original task force and your subsequent work with the CAC and with the Health Department and your continued contributions; also to both you, Pete Maniscalco and Adrienne Esposito, I have to show you a letter later, a letter I received •• I just got a copy of from another environmentalist. And I'm going to ask you people who have known me probably as long as anybody in the environmental community to respond to this because it's outrageous and false. So, thank you for that opportunity.

CHAIRMAN LOSQUADRO:

I appreciate it. Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. As a new Legislator I take note of the fact that this study took almost five years to come to fruition and the report that was compiled is before us now. I hope the clean•up isn't going to take as long. But that's what I'm going to focus my question on. What efforts are being made towards initiating the clean•up of the various substances that have been identified in this contaminated area?

MR. RAPIEJKO:

Currently Brookhaven Lab is today cleaning up on their property. They've begun and initiated that clean•up. That's going to be taken through, they figure 'til August. They currently have the proposed plan which would include the off•site clean•up in the county parkland. That's open for public comment. And they'd hope •• there's access that they need to get from the •• from the County to the parkland. There's some other issues. They need to close the public comment period and respond to that. And they're hoping by August or this fall to begin that work cleaning up off•site. And that should be in the order of several months before everything is completed and the clean•up is done.

LEG. O'LEARY:

So, the process has begun ••

MR. RAPIEJKO:

Yes.

LEG. O'LEARY:

•• with respect to the clean•up. Have they gotten into the area of the effected parklands that are the County's properties?

MR. RAPIEJKO:

Not yet. The initial clean•up is •• that they're doing now is just on their property.

LEG. O'LEARY:

Just on their properties?

MR. RAPIEJKO:

Right. And then they •• they have •• that was being done under an acquisition memorandum. It's a little different thing. They got approval to do that first since that is upland of the County parkland, you want to clean up upland first because if you ••

LEG. O'LEARY:

Right.

MR. RAPIEJKO:

•• do disturb anything, then, you know, it would move down. So they're going to complete that first. And then the second phase, which is like I said, is open for public comment period now is the offsite portion.

LEG. O'LEARY:

And the cleanup of the affected properties that are the properties of the County will be •• the lead agency will be BNL for purposes of that?

MR. RAPIEJKO:

We'll be doing that clean•up, yes. DOE and Brookhaven Lab, yes.

LEG. O'LEARY:

Any time table on that •• on the conclusion? I hope it's not going to take five years?

MR. RAPIEJKO:

No. They'll begin hopefully in the fall; late summer, fall. And it'll take order of several months to be completed.

LEG. O'LEARY:

Okay, thank you.

CHAIRMAN LOSQUADRO:

Thank you. Any further questions? Appreciate your coming. Thank you.

MR. RAPIEJKO:

Okay, thank you.

CHAIRMAN LOSQUADRO:

No, this was the only further presentation we had.

MR. MINEI:

Thank you very much.

CHAIRMAN LOSQUADRO:

I appreciate it, Mr. Minei.

Okay. Onto tabled resolutions. **Resolution 1011•04 Implementing Brownfield Policy for Poulos property in Eastport, Town of Brookhaven.**

I have a motion from Legislator Caracciolo. I will make a motion to second for purposes of discussion. Legislator Scheiderman.

LEG. SCHNEIDERMAN:

Mike, did you amend this as we talked about?

LEG. CARACCIOLO:

Yes. The resolution now contains provision for affordable housing as well as public use. And as

I indicate in my e•mail to Legislator

Schneiderman, I have an inquiry pending with the Town of Brookhaven to ensure that their council member, Mr. Hennessey, who I met with last week, as the district representative as well as the Town Board overall, would be in support of an affordable housing initiative. And this allows us the flexibility to go in either direction.

LEG. SCHNEIDERMAN:

Thank you.

CHAIRMAN LOSQUADRO:

Very good. Do we have any further questions? We have a motion and a second.

LEG. BISHOP:

This is the Brownfield resolution? So, what we're doing is we're taking title to the property and moving forward. Is that the essence of what the decision is?

LEG. SCHNEIDERMAN:

We would do the clean•up.

LEG. CARACCIOLO:

That's correct.

LEG. BISHOP:

And we're going to do the clean•up?

LEG. CARACCIOLO:

Yes.

LEG. BISHOP:

I think that we should do that on all Brownfields. Not save it for the previous laws that we passed, but ••

LEG. SCHNEIDERMAN:

I had a concern on the earlier version that it would •• the resolution required it to be auctioned to the highest bidder. And it seemed to me like a perfect affordable housing type of opportunity. So I ••

LEG. BISHOP:

That's a good catch, then.

CHAIRMAN LOSQUADRO:

Motion and a second. All those in favor? Opposed? **Motion passes unanimously. (Vote: 5 •0)**

LEG. SCHNEIDERMAN:

I'll co•sponsor that one.

CHAIRMAN LOSQUADRO:

Please make sure that Legislator Schneiderman is listed as a co•sponsor.

LEG. BISHOP:

That was a practice of former Legislator Towle, to co•sponsor any bill that he liked as opposed to anything he worked on.

CHAIRMAN LOSQUADRO:

1033•04 Adopting Local Law, Charter Law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions.

I'm going to make a motion table subject to call. Do I have a second?

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

LEG. CARACCILOLO:

Opposed.

CHAIRMAN LOSQUADRO:

Two opposed, three in favor. Motion's tabled to subject to call. **(Vote: 3•2•0•0)**

1239 • Charter Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County Save Open Space Fund. Make a motion to table. Do I have a second?

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **Motion is tabled. (Vote: 5•0)**

1330 • A Charter Law adding Article XII•B to the Suffolk County Charter to establish the 2004 Suffolk County Farmland Preservation Fund.

I'll make a motion to table.

LEG. CARACCIOLO:

All right. After you get the second.

CHAIRMAN LOSQUADRO:

Do I have a second?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. On the motion.

LEG. CARACCIOLO:

Yeah. We talked about this repeatedly, Mr. Isles, about the County's need for funding environmental acquisitions. Based on our current summary of fund balances, which I have with me, are you confident that we can continue to table this resolution and Vivian Fisher's resolutions indefinitely? Or at point would you like to see us trigger •• and I hope we're not going to see the County Executive come down the pike in a month or two with his rendition because that would be most irritating if •• you know, we talk about working together, let's work together. Let's not say today we don't the money and then a month from now come in with a resolution that says we need money. Does this rendition or composite of these two resolutions at some point sooner rather than later, when I say later, being after the November cycle because both of these are subject to charter law amendment and public referendum, do we have enough time to wait beyond November? Because then we get into another whole twelve

•month cycle before we can refuel the pump. So, I'd like your comment on those issues.

MR. ISLES:

In terms of waiting indefinitely, no, I don't think we should wait indefinitely. In terms of the cycle for the referendum, I'm not sure what the deadline is for that.

LEG. CARACCIOLO:

I believe it's August.

MR. ISLES:

What I can say is that we are in the midst, the County at the moment reviewing the Capital Budget. And I think that's going to be critical to answering this question in terms of additional funding requirements. So, my sense is, yeah, we probably will need additional funding going into 2005 at some point. But it seems to me we need to figure out the Capital Budget and then see how much will be allocated for that and then address this type of issue.

LEG. CARACCIOLO:

Okay. Does the executive plan in the near future propose in any kind of funding resolutions outside the Capital Budget that you're aware of?

MR. ISLES:

I'm not sure if he is.

LEG. CARACCIOLO:

Okay. Then would you please bring him a message? That if he intends to do that, that I as sponsor of this resolution given again the May 11th presentation by environmental representatives where they talked almost exclusively about the need to preserve farmland, I want to make sure we have enough money for do it. You're on notice. Thank you.

MR. ISLES:

Okay. Thank you.

CHAIRMAN LOSQUADRO:

Consider yourself on notice, Mr. Isles. We have a motion and a second. All those in favor? Opposed? **Motion's tabled. (Vote: 5•0).**

1331 • adopting Local Law No. 2004, a Charter Law adopting the extension of the common sense tax stabilization plan for sewers, environmental protection, and County taxpayers.

LEG. BISHOP:

On the motion. I'll make a motion to table.

CHAIRMAN LOSQUADRO:

I will second that motion to table. On the motion.

LEG. BISHOP:

On the motion, if can ask that the County Attorney's representative inquire of bond counsel the following. When we •• Legislator Fisher and I'm a co•sponsor, drafted this resolution, we were under the impression that the County would have the ability to extend out the Quarter Cent Program which is set to expire in what year, Tom?

MR. ISLES:

2013.

LEG. BISHOP:

Correct. You're correct. I was just checking. The current program is set to expire in 2013; that we would have the ability to extend it beyond 2013. I think the year we sought was 2025; is that correct? To 2025. And recognize money now •• borrow money now and pay it back in those future years 2013 through 2025. I have subsequently been informed that we cannot do that. And so that's a •• that's a critical element of the bill because if we have to pay back the money immediately, then, it's not such a fiscally attractive proposal. However, I understand that the east end communities did do this; that they have •• maybe Legislator Schneiderman can comment on that. I thought that was some of what occurred on the east end in the last couple of years where they're borrowing now against future revenues.

LEG. SCHNEIDERMAN:

From a different revenue stream, we have the two percent transfer tax. And we did •• both the Towns of Southampton and East Hampton went to the Environmental Facilities Cooperation for low interest or no interest loans in some cases borrowing against future proceeds selecting, you know, conservative estimates. Some may argue what is conservative, what is not conservative about that future revenue stream. Now, that there's been the extension of that, the sunset for

the two percent transfer tax, there is again a movement to extend that borrowing even further. Although I've seen no movement per se on that. But, yes, if your question is has that been done, yes, it has been done.

LEG. BISHOP:

Okay. So, given that you have the arbitrage issue and then the fact that apparently some municipalities around here have done it, can we do it? So, if you can communicate that to bond counsel and get an answer, that would be very helpful for us in determining whether we want to go forward. Thank you, Mr. Chairman.

CHAIRMAN LOSQUADRO:

Thank you. If you can respond, obviously not only to Legislator Bishop, but to myself and all the members of this ••

MR. ISLES:

The County Attorney's Office is present today, too, so I will speak with them.

LEG. SCHNEIDERMAN:

Can I just say one more thing on that?

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

We did •• you know, the towns did have to backup that borrowing, not just with the 2% transfer tax; but in case it doesn't come in, it goes to our general borrowing. And our taxing authority, which the County's also taxing authority for sales tax revenues per se don't come through.

CHAIRMAN LOSQUADRO:

We have a motion and a second to table. All those in favor? Opposed?

Motion is so tabled. (Vote: 5•0).

1338 has already been approved.

1355 • authorizing planning steps for the acquisition of land Lakeview Woods,

Bayport parcel under Pay•As•You•Go 1/4% Taxpayer Protection Program. Motion to approve by Legislator O'Leary ••

LEG. CARACCIOLO:

On the motion.

CHAIRMAN LOSQUADRO:

Second by Legislator Bishop. On the motion, Legislator Caracciolo.

LEG. CARACCIOLO:

Yes. What is the environmental ranking on this property?

MR. ISLES:

We had done a rating based on the current rating form. It came out to point value of 25 to 35 points. And as you know, the rating system goes from zero to 110 with 25 being a guideline for
••

LEG. CARACCIOLO:

Consideration.

MR. ISLES:

Consideration.

LEG. CARACCIOLO:

Okay. If you were to apply the new criteria ••

MR. ISLES:

I'm not really sure at this point.

LEG. CARACCIOLO:

When do you plan on incorporating the new rating forms, Tom?

MR. ISLES:

Yeah, we'd like to get that started soon. So, we can either do it administratively, we could do it

by resolution, we can do it by committee consent, something like that.

LEG. CARACCIOLO:

Is there any reason for it to be done other than administratively?

MR. ISLES:

Well, I think we had presented it to you and we're looking for feedback. You had sent out notices. We got some comments on the initial presentation we made. We can then take that and make the final changes to the forms and start using them.

LEG. CARACCIOLO:

I think that would be an appropriate measure. But it did meet our minimal criteria?

MR. ISLES:

Yeah. The old criteria, right.

CHAIRMAN LOSQUADRO:

We have a motion and a second to approve. All those in favor? Opposed? **Motion is approved. (Vote: 5•0)**

1402•04 Amending 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park, Town of Babylon. I am going to make a motion to table this at this time. Do I have a second?

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor?

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

We had a motion and a second.

LEG. BISHOP:

I didn't realize it was just a prerogative of the Chair to table resolutions. The resolution is to use the greenway matching program in a partnership with the Village of Amityville to develop the Maxine Postal Park, which is a project that •• that I sponsored at her request because Maxine was a resident of the Village of Amityville and she saw this property, from which at one time you could stand in the Suffolk County and see the World Trade Center. It's a remarkable piece of property. It's on the edge of Suffolk County and Nassau County. It sticks out onto the Bay. And it's going to make a spectacular park when it's developed. So, Legislator Mystal working with the village government and the Village of Amityville has put forward this proposal, which I think we ought to support. And if you have a reason for tabling it, you know •• is it technical or is it on the merits?

CHAIRMAN LOSQUADRO:

I would like a chance to review it further. If we can table it for one cycle. I'll be happy to speak with Legislator Mystal. We have two cycles this month. I'll be happy to address it in the next cycle. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

Legislator Bishop is opposed. **Motion is so tabled. (Vote: 4•1)**

MR. ISLES:

Just make a point, Mr. Chairman, this may have to go to CEQ. I'm not sure if this was covered by that. But, okay. Trustees. It appears to be the case, though.

LEG. BISHOP:

Who is responsible for walking those things through to CEQ? I mean, Legislators, you know, they are just projects. Is that our responsibility?

MR. ISLES:

Well, here again, we've talked about this before, too, I think.

LEG. BISHOP:

Doesn't seem to be.

MR. ISLES:

I mean typically, I think, the legislation provides in Greenways that the sponsor is responsible for that •• of that process. Certainly, you know, the Planning Department can assist in completing EAF and so forth. But basically the County has to consider the impact to the environmental of what it does under SEQRA so there has to be a plan to review what's being proposed.

LEG. BISHOP:

But, wouldn't the municipality in this case have its environmental process?

MR. ISLES:

Well, a lot of times you're right.

LEG. BISHOP:

Wouldn't we defer to them since they're the actual developer of the property?

MR. ISLES:

Right. A lot of times they'll do all the leg work and prepare the plans and then the sponsor will then submit that for CEQ to consider. So, the County's not actually doing the drawings and the EAF, but they're doing it and submitting to the County for review. I can certainly speak with Legislator Mystal and kind of go over this with him just to clarify. But I think we do need a resolution from this village, too.

CHAIRMAN LOSQUADRO:

Mr. Isles, would 1403 fall under the same category?

LEG. BISHOP:

Yeah, I'm going to table that anyway.

CHAIRMAN LOSQUADRO:

Okay.

LEG. BISHOP:

I have other issues.

CHAIRMAN LOSQUADRO:

All right. Well, then ••

LEG. SCHNEIDERMAN:

Is a SEQRA done on amending the capital program budget? Or is it on the actual project? Question for Mr. Isles. On 1402 would the SEQRA be done on the amending the 2004 capital program or would it be on the actual project or there is none? No difference?

LEG. BISHOP:

Mr. Bagg has an opinion.

MS. FISCHER:

We're not sure if this was ever brought to CEQ initially and/or Parks Trustees. So, there has to be some verification as to whether they ••

CHAIRMAN LOSQUADRO:

Mr. Bagg, if you'll come forward.

MS. FISCHER:

••• approved the site plan as it was approved to acquire.

LEG. SCHNEIDERMAN:

Well, the question •• my question really had to do with when is it an action? Not necessarily pertaining to this resolution, but others similar.

MR. BAGG:

Basically, if you were to just place it in the capital program, that would be a Type II action. But you cannot fund a project until SEQRA'S complete. So, this appropriates money for the actual project. You cannot appropriate that money which funds it until you've completed SEQRA.

LEG. BISHOP:

When it was a Greenways proposal, didn't it go through SEQRA then?

MR. BAGG:

In this particular thing, we did review our Lady of Grace property through Greenways but nothing within Van Bourgondien Park. From what I understand, they want to cut down woodlands.

LEG. BISHOP:

No, no, that's a different project.

LEG. SCHNEIDERMAN:

So, this would have to have this. Because this is an appropriations bill. Would have to have SEQRA done before ••

MR. BAGG:

Yes, SEQRA has to be ••

LEG. BISHOP:

I'm sorry. Then, I don't understand because that's a jumbled answer. Let's just do the •• Mr. Mystal's one, Legislator Mystal's one.

LEG. SCHNEIDERMAN:

I thought we already tabled 1402.

CHAIRMAN LOSQUADRO:

1402's already been tabled.

LEG. BISHOP:

I just want to have the process discussion based on that one because there's confusion on the next one. On 1402 it was a Greenways proposal. And at that time I assume it went through some sort of SEQRA or CEQ process.

MR. ISLES:

That's what we have to confirm. It was under the name of •• Rameriez was the owner.

LEG. BISHOP:

Right, Rameriez.

MR. ISLES:

Oncore Place was the other acronym or name for the property. And I'm not certain if it went through CEQ under the acquisition.

MR. BAGG:

Well, if this proposal was an acquisition •• now it is a development of a park.

LEG. BISHOP:

But when we acquire under Greenways, you have to have a partner in place. And you have to have a plan. A partner and a plan.

MR. BAGG:

Well, no, it was not submitted to CEQ under any active recreational proposal.

LEG. BISHOP:

Of course, it was. I mean of course it was approved by the Legislature. Maybe ••

MR. ISLES:

Yes, it was.

CHAIRMAN LOSQUADRO:

If counsel could comment.

MS. KNAPP:

I think the details of the plan were not within our possession. Now, that's not saying they weren't done then. But they were not within our immediate possession on the Maxine Postal Park, but we did just very recently get them. So, you know that may answer a lot of questions.

LEG. BISHOP:

Sure. But, what I •• I guess what I want to know is in general in the future in all these Greenways, are we going to have double SEQRA's? I'm just trying to limit it to one bite of the apple, rather than •• you know, it's maddening when you think you're moving a project and you're told hey, you got to go back. I was there already. It was certainly before Parks Trustees on every Greenways. So ••

MS. KNAPP:

I'll let me Mr. Bagg correct me. But I believe if in the process of acquisition, the town plan for the improvements is in a fairly final stage. Then, the SEQRA process can be folded in together on both the acquisition and the construction of the new park?

MR. BAGG:

That is correct. That would be the best alternative for active Greenways; that when it comes to proposal that the plans be submitted at the time of acquisition. And that it all be incorporated into an environmental assessment and be reviewed at that time.

MR. ISLES:

Right.

LEG. BISHOP:

Which is the course of action that we typically take.

MR. ISLES:

Right. I'm not sure about this one. This went back a few years, I think, 2001 when it was authorized. I'm not sure if it followed that process or not. It's very easy for us to check, though. It doesn't ring a bell, apparently with ••

LEG. BISHOP:

Now, on the next one, you'll check that as well because, you know, when we purchase •• when we added to Van Bourgondien Park, we had a plan. And we're going forward with the plan. So, I assume we went through that process then.

MR. ISLES:

We'll check that, too, then.

LEG. BISHOP:

I appreciate it. Thank you for your indulgence.

CHAIRMAN LOSQUADRO:

No problem. So, you made a motion to table. I'll second that motion on 1403. All those in favor? Opposed? **Motion is so tabled. (Vote: 5•0).**

Onto **Introductory Resolutions 1452 Amending the 2004 Capital Program and Budget and appropriating funds for the clean•up of former wallpaper factory site, Lake Ronkonkoma.** Legislator Caracciolo, you made a motion to approve?. Do I have a second?

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **Motion is approved. (Vote: 5 •0)**

1455 • authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Mastic/Shirley Conservation Area Phase I • Town of Brookhaven, motion by Legislator O'Leary, second by myself. All those in favor?

LEG. CARACCIOLO:

On the motion, just so the record be consistent, what is the environmental ranking?

CHAIRMAN LOSQUADRO:

Speak on the •• to the microphone, please.

MR. ISLES:

This achieved a rating of 60.

LEG. CARACCIOLO:

I just got that. I appreciate the answer. Thank you very much.

CHAIRMAN LOSQUADRO:

Legislator O'Leary. All those in favor? Oppose? **Motion is carried. (Vote: 5•0)**

1502•04 • to appoint member of County Planning Commission Edwin Fischel Tuccio.

LEG. O'LEARY:

Motion to table subject to call.

CHAIRMAN LOSQUADRO:

I will second that motion table subject to call.

LEG. BISHOP:

This went through once and we raised issues.

LEG. CARACCIOLO:

This came before the Legislature in March. And I made a motion at the Legislature meeting to approve and I couldn't get a second.

LEG. BISHOP:

Oh, I see. That's why it's back. Okay.

LEG. CARACCIOLO:

And I subsequently informed the County Executive that this nominee would probably not meet with approval.

LEG. BISHOP:

But I thought they were specific questions and they were going to endeavor to find answers.

LEG. CARACCIOLO:

There was one issue of him being on the County Appraiser's list, which he was.

LEG. BISHOP:

Right. He removed himself from the list?

LEG. CARACCIOLO:

He has subsequently removed •• said he'd be willing to remove himself from the list.

LEG. SCHNEIDERMAN:

I think there are other issues as well.

LEG. BISHOP:

What were the other issues?

CHAIRMAN LOSQUADRO:

We have a motion to table subject to call before us.

LEG. BISHOP:

On the motion, what ••

LEG. SCHNEIDERMAN:

The individual is a large property owner in the Riverhead area.

LEG. BISHOP:

Right.

LEG. SCHNEIDERMAN:

And also a •• one of the larger real estate brokers in that area. Now, if I •• I look at the role of the Suffolk County Planning Commission, which largely gets down to looking at zoning within the town, particularly, let's say, if the Town of Riverhead decides to rezone a piece of property, the Planning Commission can force that to a super majority vote on the town board. There may be multiple times when there is a perception of a conflict where he may own or be representing property in and around a zone change, which seems to me that we need to be really careful in putting somebody who may have a lot of potential conflicts within their area.

LEG. BISHOP:

Let me congratulate you on that assessment because if we do that, And it's a good assessment, we're going to have to change a lot of the board members because we have very heavy real estate community dominated Planning Commission. And, so, that hasn't been the practice up to this point.

CHAIRMAN LOSQUADRO:

Well, do you agree ••

LEG. BISHOP:

I do agree. I would like to see more balance and apply that standard across the board. The problem is that the standard that we've been using is, is that the supervisor's choice? And apparently in this case, this is the supervisor's choice in the Town of Riverhead. And there's no

legal impediment. I mean, you're arriving at a conclusion, you know, based on potential. And you're saying, you know, I see a problem. And I agree with you that there could be a problem. But that hasn't been our past practice.

LEG. SCHNEIDERMAN:

I think that practice may need to change. I think we need to think about the function of Suffolk County Planning Commission, what we want to do. Although typically it's a supervisor's choice, they are •• it comes through the County Executive. And they are subject to confirmation by this Legislature. And if we feel that somebody will not necessarily serve the best interest ••

LEG. BISHOP:

Who's the Chairman of the Commission?

LEG. SCHNEIDERMAN:

I don't think this should be ••

CHAIRMAN LOSQUADRO:

Mr. Isles has a brief comment to make.

LEG. SCHNEIDERMAN:

It should no longer be a rubber stamp.

LEG. BISHOP:

Yeah. Who's the Chairman?

MR. ISLES:

The Chairman •• the acting Chairman is Robert Martin, who is with the town •• from the Town of Smithtown. Just on the point of clarification on appointment, it is an appointment by the County Executive subject to confirmation of the Legislature. Geographically we must have a member from each of the ten towns. It does not specifically require a nomination from the town supervisor. At the present time I don't •• would disagree with the statement that it's heavy real estate interest. I don't know if we have anybody at the present time ••

LEG. CARACCIOLO:

Mr. Iversoll?

MR. ISLES:

Mr. Iversoll resigned.

LEG. BISHOP:

Oh, he resigned.

MR. ISLES:

Mr. Parr resigned.

LEG. CARACCIOLO:

We didn't know that.

MR. ISLES:

So, that's changed at this point.

LEG. BISHOP:

And who's replacing them?

MR. ISLES:

They're slowly being replaced. At the present time Mr. Martin is the acting Chair. We have four vacancies in the Commission.

LEG. BISHOP:

From towns or from •• or county•wide? They're Levy appointments, in other words? Whose appointments are they?

MR. ISLES:

Well, a lot are holdovers. We have a new appointment, Mrs. Holmes from Shelter Island.

LEG. BISHOP:

The open ones.

MR. ISLES:

We have four vacant positions that consist of Brookhaven, Southampton and two at large positions. And we have a number of expired terms, too, which are being addressed.

LEG. SCHNEIDERMAN:

Tom, can I just ask a quick question. Any other roles the Suffolk County Planning Commission has other than reviewing these zoning changes?

MR. ISLES:

Most definitely.

LEG. SCHNEIDERMAN:

Can you speak a little bit to that?

MR. ISLES:

Well, for example, the County Planning's Commission responsible for reviewing local comprehensive plans. We see them almost every single month from the towns. But we had a proposal on today for •• the County Planning Commission's required to review state and county highway projects. We had •• state road 112 was on the Commission today, this morning in Riverhead on a reconstruction of that. The Planning Commission can also authorize the County Planning Department to work with municipalities on specific projects so we can go into a town or village and assist them with different technical or professional services. So, it's much more broad than just the referrals that come from the towns and villages. And it's really operating mode, it should be.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Isles. 1502, motion subject table to call. Motion and second. All those in favor? Opposed?

LEG. CARACCIOLO:

Opposed.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo's opposed. **Motion is tabled subject to call. (Vote: 4•1•0•0)**

1517 has already been approved.

1518 • to establish a Task Force to develop a Common Sense Plan to Expedite Suffolk County's Land Acquisition Program and Improve Accountability in Land transactions.

Legislator Schneiderman, I'll entertain a motion from the sponsor.

LEG. SCHNEIDERMAN:

I'm going to make a motion to table in light of the passage of the Crecca bill which largely at least tries to achieve the same thing. And if for some reason the process still isn't working, I think we need to really do what this bill says which is to bring the best of the best together in a room and evaluate the many, many proposals that are in front us to come up with the best system to expedite the County's land program.

CHAIRMAN LOSQUADRO:

We will certainly keep this as our safety net. I will second the motion to table. All those in favor? Opposed? **Motion is tabled. (Vote: 5•0)**

1556 • authorizing planning steps for the acquisition of land under Pay•As•You•Go 1/4% Taxpayer Protection Program. This land has no other name than land adjacent to the Sixth Police Precinct, Town of Brookhaven.

LEG. BISHOP:

Wow, this looks useless.

CHAIRMAN LOSQUADRO:

I had a motion to approve by ••

LEG. O'LEARY:

Motion.

CHAIRMAN LOSQUADRO:

•• Legislator O'Leary. I will second that motion.

LEG. O'LEARY;

Planning for future bowling lanes?

MR. ISLES:

That's what it looks like. Spaghetti factory or something.

LEG. BISHOP:

What's the ranking?

CHAIRMAN LOSQUADRO:

Mr. Isles?

LEG. BISHOP:

Twenty points?

MR. ISLES:

Yeah, the rating on this property, here again, based on the current form was 20 points. I will point out to you that we do own the adjoining property, obviously, to the east for the police precinct. Part of that has been dedicated as open space in the south end of that property that's not delineated. This is a •• obviously we don't recommend including the commercial building that's on Middle Country Road, a small portion that's outlined with the white dotted lines. Planning Department at this point despite the 20 rating is recommending this because we feel that we're dealing with a location that's pretty heavily impact with development along Middle Country Road. It is adjoining existing county property. And it does serve •• it's across the street, by the way, from the Central Suffolk special groundwater protection area which is diagonally opposite on the north east corner of Middle Country Road and County Road 83. So, it really is within the same hydro•geologic zone. And also lastly it does serve somewhat of a buffer to the neighborhood to the east from the county police operations. So, we think it's a little bit of a unique situation in a community that is relatively low on open space; that we think planning steps is reasonable. We own six acres on the police precinct property for open space purposes.

LEG. CARACCIOLO:

Mr. Isles, where would the •• what is the footprint on the new Sixth precinct on this property depicted in the aerial?

MR. ISLES:

It's north or center of the property. So, basically along 25 there's a wooded area of, I'm guessing maybe 150 feet; then there's the police station itself which is not shown on this current aerial photograph. And then in the back of the property, here again six acres along the south end of the property is dedicated as open space. So, the actual police precinct has been kind of nestled in there pretty well with preserving the vegetation around it. And here again this is adjacent to that.

CHAIRMAN LOSQUADRO:

It is definitely hidden amongst the northeast corner of the property.
I just drove past there.

LEG. CARACCIOLO:

I was going to say. That was my recollection. But I'm not really familiar that much with the ••
I didn't know there was an adjoining parcel there.

LEG. BISHOP:

I'll go on the list.

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

What could be developed on these long narrow strips?

MR. ISLES:

I'm not sure.

LEG. BISHOP:

There's no road, right?

MR. ISLES:

They would have to put in either a road, combine the parcels to a flag lot. They could potentially take credits off of them for the Pine Barrens Program. All of that would have to be taken into consideration in the appraisal of the property in terms of what's the likely use. And so if the use of the property is rather limited, which it may be given this configuration, that's

got to be reflected in the appraised value of the property.

LEG. BISHOP:

But on the other hand, is the uses are limited, it's going to remain this way.

MR. ISLES:

Well, maybe not. I don't know.

CHAIRMAN LOSQUADRO:

We'll have to see what it comes back with. I think due to the unique situation being adjacent to the county facility and as Mr. Isles pointed out, my father's business used to be very close to this area; very, very high density area. I think it prudent to move forward with the planning steps at least and see where we go from there. We have a motion and a second. All those in favor? Opposed?

LEG. BISHOP:

I'll oppose. I don't see any point ••

LEG. CARACCIOLO:

Opposed.

CHAIRMAN LOSQUADRO:

Legislator Caracciolo and Bishop opposed. **Motion is approved. (Vote: 3•2•0•0)**

Sense Resolutions, Sense 41 • memorializing resolution in support of New York State legislation expanding the "Bottle Bill." I'll make a motion to approve. Do I have a second?

LEG. SCHNEIDERMAN:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator Schneiderman. This is in support of their bill before the Senate to expand the bottle bill to include non•carbonated beverages and put into environmental protection fund. All those in favor? Opposed? **Motion's approved. (Vote: 5•0)**

Sense 047 • memorializing resolution in support of New York State legislation to regulate solid waste management facilities. Do I have a motion? Motion by Legislator O'Leary. Do I have a second? Second by Legislator Bishop. All those in favor? Opposed? **Sense 47 is approved. (Vote: 5•0)**

LEG. BISHOP:

Before you adjourn and before Mr. Isles leaves ••

CHAIRMAN LOSQUADRO:

Well, we still have CEQ.

LEG. BISHOP:

Sorry. I have a question before he departs, though. Can I ••

CHAIRMAN LOSQUADRO:

Legislator Bishop.

LEG. BISHOP:

On this 1556, I see that it got •• it got ten points for perimeter area ratio less than one. Bulky shape as opposed to strips. But when I look at it, it's strips.

MS. FISCHER:

The two properties together gives you enough width to actually squeeze by and get the proportion. But it is question •• you know, it is close.

MR. ISLES:

It was done combined, yeah.

CHAIRMAN LOSQUADRO:

Before we proceed, just unfortunately I have an event that I must attend. I was trying to fit this in. I'm going to turn the Committee over to Vice•Chairman Schneiderman to complete the CEQ resolutions. Thank you very much.

(CHAIRMAN LOSQUADRO LEFT AT 3:35 PM)

VICE•CHAIRMAN SCHNEIDERMAN:

Okay. We'll move on. Jim, I'm going to turn this over to you to talk us through the CEQ.

MR. BAGG:

Okay. **The first resolution number 30•04 is the Council's recommendations relative to resolutions laid on the table April 20th and May 11th in 2004** pursuant to SEQRA. Most of them are Type II actions. I believe a number of them we talked about previously. We said that an EAF was required prior to adoption.

VICE•CHAIRMAN SCHNEIDERMAN:

Okay. Any questions on this? Is there a motion?

LEG. O'LEARY:

Motion.

VICE•CHAIRMAN SCHNEIDERMAN:

A second? I'll second it. All in favor? **(Approved. Vote: 4•0•0•1)**

MR. BAGG:

Next resolution 31•04 is for the proposed upgrading of water utilities at Timber Point County Club, Great River, Town of Islip. The project includes upgrading water service by using a trenching machine to bury the lines underground. No natural vegetation or trees will be disturbed as a result of this project. Council recommends that it is a Type II action pursuant to title 6NYCRR.617.5 (c) (2) and (15) as it involves minor temporary uses of land having negligible or no permanent impact on the environment.

VICE•CHAIRMAN SCHNEIDERMAN:

Quick question on archeological resources. Is that something you typically consider in these underground projects; trenching projects?

MR. BAGG:

Well, basically, since this is a golf course and it has been manipulated and overturned many, many times; no.

VICE•CHAIRMAN SCHNEIDERMAN:

Okay. Is there a second? I'll second. All in favor? **(Approved. Vote: 4•0•0•1)** Okay,

next.

MR. BAGG:

The next resolution 32•04 is proposed Grease and Scavenger Waste Facility Feasibility Study. Council recommends that it's a Type II action simply because it is a study concurrent with Title 6NYCRR part 617.5 (c), (18) and (21).

LEG. BISHOP,

Motion.

VICE•CHAIRMAN SCHNEIDERMAN:

I'll second myself. All in favor? Any opposed? **(Approved. Vote: 4•0•0•1.)** Okay. Next.

MR. BAGG:

Next action 33•04 the proposed improvement to sewer district #12 Birchwood/Holbrook in the Town of Brookhaven. The project is to improve the process reliability of the sewage treatment plant which includes the construction of an equalization tank an f•flue and filtration system. Council recommends that it's a Type II action pursuant to Title 6NYCRR Part 617.5 (c) (1) (2) and (7) as this project involves maintenance, rehabilitation and reconstruction of a facility in kind and the expansion of a primary or accessory appertinent non•residential facility involving less than 4,000 square feet of gross floor area.

LEG. O'LEARY:

Motion to approve.

VICE•CHAIRMAN SCHNEIDERMAN:

And I'll second. All in favor? Any opposed? Passed. **(Vote: 4•0•0•1)**

MR. BAGG:

CEQ resolution number 34•04 is for the proposed safety improvements on CR 50 Union Boulevard from the vicinity of Gardiner Drive to the vicinity of Aberdeen Lane, Town of Islip. Project involves a construction of sidewalks to improve pedestrian safety in the area. Council recommends that it is an unlisted acquisition. It will not have an impact on the environment for the following reasons. Another criteria in 617.7 (c) of Title Six NYCRR are

exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the Suffolk County •• of the State of New York or Suffolk County Charter and code.

LEG. O'LEARY:

Motion.

MR. BAGG:

And the parcel does not appear to suffer from any ••

VICE•CHAIRMAN SCHNEIDERMAN:

I'll second. All in favor? Any opposed? Sorry to cut you off, Jim.

MR. BAGG:

It's all right.

LEG. BISHOP:

He welcomes it.

VICE•CHAIRMAN SCHNEIDERMAN:

You were hoping we'd chime in there at some point. All right. That passed. **(Vote: 4•0•0•1)**

MR. BAGG:

Next resolution is number 35•04 for the proposed improvement and expansion of sewer district number 18, Hauppauge Industrial Park, Town of Smithtown. Project involves the abandonment of one of the sewer districts two treatment plants and reconstruction of the second plant which is capable of treating 1.6 million gallons per day to New York State DEC standards. The sewer service area will be expanded to include the entire industrial park which would total approximately 400 parcels. Three remote pumping stations will be constructed, one which will replace the abandoned sewage treatment plant. Council recommends that it is a Type I action because it will involve the physical alteration of more than 10 acres that will not have a significant impact to the environment. None of the criteria in SEQRA will be exceeded. No unique environmental resources will be disturbed. Over 250 parcels currently utilizing onsite sewage systems will be hooked up to the expanded sewer facilities traffic mitigation during the

period of construction will be implemented. And the Town of Smithtown has no objection to the project.

LEG. O'LEARY:

Motion.

LEG. BISHOP:

On the motion, how can •• by taking this vote, we would say don't study the environmental impact of this?

MR. BAGG:

Well, basically this action is taking place in a developed industrial park area. And there are 250, you know, industries in there that are not currently on sewage treatment facilities. They're discharging into the ground water.

LEG. BISHOP:

Before that. I'm all for the sewerage, but what I've always had trouble with in this whole SEQRA thing is that everything gets neg dec no matter ••

MR. BAGG:

The negative declaration says there will be no significant impact on the environment. There are criteria in 617.7 which outline what are the thresholds that if exceeded would require further environmental review. And in this particular instance none of those thresholds are exceeded. So, therefore, they're recommending that a negative declaration be issued. That doesn't mean there are no impacts. It just says that the impacts will not be significant enough to require further environmental review on environmental impact statement. All projects have impacts.

LEG. BISHOP:

Right, of course.

LEG. SCHNEIDERMAN:

What do you look at in a sewer expansion? Do you look at growth inducing capacity or associated smells or •• I don't know.

LEG. BISHOP:

Ground water levels? Or how ••

MR. BAGG:

Well, basically with this, is you have two plants there now. This is a ••

VICE•CHAIRMAN SCHNEIDERMAN:

•• seward area, yeah.

MR. BAGG:

And what they're doing is one plant is not meeting standards. So, what they want to do is combine these two plants, upgrade the one plant. They want to expand the sewer district to include that 250 parcels not on sewage treatment now and discharge.

LEG. SCHNEIDERMAN:

All right. I'll make a second. All in favor? Any opposed? Passed. It's carried. **(Vote: 4•0•0•1)**. **Last 36•04**. Jim, do you have one more?

MR. BAGG:

The last one is the proposed opening of firelanes in Veterans Park Complex including Knolls Park, which was the former Benjamin Property in the Town of Huntington. Project involves the maintenance of existing fire lanes to 15 foot wide along the complete residential perimeter of Veterans Park Complex.

LEG. SCHNEIDERMAN:

I'll make a motion.

MR. BAGG:

The local fire marshall recommends that ••

VICE•CHAIRMAN SCHNEIDERMAN:

All in favor? Any opposed? Passed. **(Vote: 4•0•0•1)** Okay, thank you, Jim. Is there anyone else who wishes to address us? Okay, I see no hands. Motion to adjourn. Thank you.

(THE MEETING CONCLUDED AT 3:44)