

**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 Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Wednesday, **December 1, 2004.**

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Legislator Jon Cooper, 18th District
Legislator Cameron Alden, 10th District
Mea Knapp, Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Kevin Duffy, Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielinski, Department of Real Estate
Lauretta Fischer, Department of Planning
Leslie Mitchel, Deputy Commissioner of Public Works
Dr. Patricia Dillon, Director of Communicable Diseases, Public Health Department
Dominick Ninivaggi, Vector Control, Department of Health
Walter Dawydiak, Acting Chief Engineer, Health Department
Vito Minei, Director of Environmental Quality, Health Department
Kevin LaValle, Aide to Leg. Losquadro
Charlie Bender, Aide to Presiding Officer
Marie Ammirati, Aide to Leg. O'Leary
Frank Tassone, Aide to Majority Caucus
Lisa Keyes, Aide to Leg. Caracciolo
John Turner, Assistant Town Planning Director,
Emily Rogan
Joe Gergela, Executive Director of LI Farm Bureau
Enrico Nardone, Director of Seatuck Environmental Association
Eric Alexander, Vision Long Island

Kathy Munch
Gina Robbins
Joann Whitcher
George Proios

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CONVENED AT 1:15 PM)

CHAIRMAN LOSQUADRO:

I apologize for the delay. I'm not going to keep waiting any longer. I call this meeting to order. Begin with the salute to the flag led by Legislator Bishop.

(SALUTATION)

CHAIRMAN LOSQUADRO:

Thank you very much. I'll try to move things right along here. I know we're a little behind schedule.

We'll go straight to the public portion. First card. Mr. John Turner. Ah, there he is. Hello, John. Podium, table whatever's your pleasure.

MR. TURNER:

Okay. Table.

CHAIRMAN LOSQUADRO:

Just make sure the microphone is turned on. Please, Tom, for all those •• attempt to keep your comments to about three minutes.

MR. TURNER:

Okay. I'll try to read relatively quickly then. Good afternoon, Chairman Losquadro and

members of the Environment, Planning and Agriculture Committee. My name is John Turner. And I serve as Assistant Town Planning Director for the Town of Brookhaven. And in that capacity I have administrative oversight responsibilities for the Town's Open Space Acquisition Program. I am here today to express the Town of Brookhaven's strong support for the adoption of four introductory resolutions: 2134, 2135, 2136 and no, not 2137, although that's a great acquisition, too, but 2138.

These resolutions relate to the Hoshyla Farm, Zey Farm and Hanley Nursery properties located in Manorville and South Manor; and in addition to the preserved open space assemblage situated along Abets Creek in Each Patchogue. As the County's resolutions indicate, the Town of Brookhaven Town Board has adopted resolutions authorizing the Town to enter into a funding partnership with Suffolk County to acquire real property interest in these parcels. Purchase of development rights in the farm and nursery property cases and then fee for the Abets Creek parcel. And, of course, the PDR is a 70/30. And then Abets Creek would be a 50/50.

The Hoshyla, Zeh farms are two important properties embedded within the highest priority farmland preservation target in the Town of Brookhaven, the Manorville Farm study area. This is a 460 acre area located mostly between the L.I.E. and South Street in Manorville with a few additional parcels located on the south side of South Street. And I just happen to bring an aerial photo of that area, which I'll be happy now to pass around. You can just get a sense about •• kind of the cohesiveness or the integrity of the area.

The Town believes that this area provides the best opportunity given its size, integrity and cohesiveness to ensure continuing agricultural operations in the Town, which is something that we obviously strongly support. We know the County does as well. The Hanley Farm situated in South Manor is also, given its size and location, a priority target of the Town. It is adjacent to existing County and Town•owned open space. The Abets Creek property situated on the west side of Abets Creek represents an increasingly rare commodity in the Town of Brookhaven. It is situated on the shoreline of the Great South Bay. And due to prior open space acquisitions, this property will provide for both visual and physical access to the bay and hence the value of these •• and enhance the value of these previous purchases, which are, of course, were done in partnership between the Town and the County.

In conclusion the Town's identified these four properties as high priorities and has committed funding in anticipated partnership with the County. Again, your resolutions reflect that, the

adopted resolutions by the Town Board. And I appreciate the opportunity. I would like to reiterate the Town's enthusiastic support for legislative adoption of these four resolutions.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Turner. Good timing, no less.

MR. TURNER:

Thank you.

CHAIRMAN LOSQUADRO:

Next card is Emily Rogan. Just make sure the microphone is turned on. No, top button.

MS. ROGAN:

Can you hear me?

CHAIRMAN LOSQUADRO:

Yes.

MS. ROGAN:

Okay. I'm a little nervous.

CHAIRMAN LOSQUADRO:

Take your time.

MS. ROGAN:

Okay. My name is Emily Rogan. I am a parent in Huntington School District Three. And I am here today representing the group of moms in the back over there, but also other parents in our school district. And I'm here today in support of Legislator Cooper's initiative to purchase One Tower Street in Huntington Station. The building in discussion is directly across the street from the middle •• from the intermediate school where many of our children now attend and all of our children will attend in the next year or so. And this building Tower Street has been a constant source of violence and crime over the last few years. And it's indicative of a huger problem in the Huntington Station community; but because the school •• this building is directly across from the school, it's been a tremendous source of •• of problems and of unease for most of the people in the community; not just the people who send their children to school at Huntington Intermediate, but for the people who live in Huntington Station in that community.

There's been drugs there, there's been shootings there. It's just a known •• just basically hellhole. And the purchase of this building in turning it into a community resource center in conjunction with the Town of Huntington would be a tremendous benefit to not only the people in the surrounding areas but all members of the Huntington community and the Huntington Station Community. And I think it would be a really wonderful first step to rejuvenating Huntington Station and paying attention to a disenfranchised part of Huntington community that has really been neglected for far too long.

The playground and the school that's directly across the street from where this building is has been closed for almost three years because it hasn't been deemed safe for our children to play on that playground. That shouldn't be the case. It's a wonderful school; but our children should be free to play in the playground of their wonderful school. I guess the most important thing that I want to press upon the members of this committee today is that so far •• and let me just qualify by saying that all of us are here because we have a lot of faith in our school district and in our community and in our Town. And we are here because we believe in where we are sending our children to school. And so far, there has been no violence and no danger within our schools. But I don't know what anybody's waiting for. You know, we don't want to wait until a child is hurt or, God forbid, killed because of violence in the surrounding neighborhood. And I think that the resolution •• the passing of this resolution and the purchase of this building would be a phenomenal •• phenomenal show of good faith to start making a big difference in that community. Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Ms. Rogan.

Next speaker Joe Gergela.

MR. GERGELA:

Good afternoon, Mr. Chairman, members of the Legislature, ladies and gentlemen.

CHAIRMAN LOSQUADRO:

Good morning, Mr. Gergela.

MR. GERGELA:

How are you, sir? I'm Joe Gergela, Executive Director of Long Island Farm Bureau. And before

I get into the main thing that I want to talk about, I do want to backup John Turner in what the Town of Brookhaven is trying to do in partnership with the County Legislature on those farmland parcels in Brookhaven. There's not too many farms left in Brookhaven and certainly we support, you know, their preservation if possible. So we urge your support on that.

The main thing that I want to talk to you about this afternoon is the introductory resolution regarding pesticides. And I've got a longtime relationship with Legislator Schneiderman. We've talked about this issue for many, many years. He kind of expected I was going to be here this afternoon. From an organizational standpoint, we certainly oppose the legislation. And I'm not going to read the whole thing. I provided it for the committee today. And also I sent this to the entire Legislature and the County Executive.

Main points. While we recognize the intent of the Legislature to protect the citizens and environment of the County, this resolution basically is beyond the County's realm of authority, expertise and nor is it necessary. Pesticides are regulated by FIFRA at the federal level by the congress; and also by the state and DEC. Local government is preempted, and I believe that most people do know that. I had a conference call this morning with a number of environmental organizations; we actually discussed this. And obviously the environmental organizations do believe, like Legislator Schneiderman that, you know, pesticides are an issue of concern. And you're probably going to hear from some of them.

My point of view is different. It's already being done. Could you imagine how much money it would require for the County of Suffolk or any municipality in the state to really get involved with pesticide regulation? The State of New York and what this do with their pesticide bureau costs them annually in excess of \$100 million. And there's a science to it. It's very complicated stuff. I don't think you really want to go there. And I do understand the concern over the issue.

I'm not going to go through all the case •• I gave you case law and I give you some examples. But one of the judges, and he actually references this, it says it would be peculiar interpretation for us to view the statute as permitting 62 counties, 929 towns, 556 villages and 62 cities to adopt their own regulatory schemes concerning the use of pesticides with their own •• within their own geographical limits. Basically they're saying there's a reason why it's preempted.

Two things of •• yes, sir?

CHAIRMAN LOSQUADRO:

Your time expired, but I know you had touched on another subject prior to going onto this one. So, I'd just ask you to sum up.

MR. GERGELA:

Yes.

CHAIRMAN LOSQUADRO:

But I'm sure you are aware, there is a public hearing being held on this on the 7th. So I •• obviously you have a lot of information about this. I would ask you to be present at the public hearing and speak on this again.

MR. GERGELA:

Yeah. We're going to be at our state convention, but we will have a representative to read it into the record or at least part of that ••

CHAIRMAN LOSQUADRO:

Very good. Because that would be before the full body of the Legislature as well.

MR. GERGELA:

I just got two points for you as far as Committee and a couple of suggestions. In my •• what I'm giving to you, there are a couple of suggestions. One is that there is a urban IPM program sponsored by Cornell University. The Governor whacked it out of his budget this year. And it's not a lot of money. He only funded it a couple hundred thousand. That is something that is existing that could be adopted by the County through extension and health services to develop more educational programs particularly for the homeowner use of pesticides. You need to take a look at that.

The other point that I'm making is about the new agricultural stewardship program. You guys have funded that program with the County Executive and gave us some start•up this money year, about 175,000. It really needs more resources. That will provide real environmental benefit and help the agricultural industry, which is not mentioned even in this bill; but I'm

saying to you these are areas where we can have real impact on the pesticide concerns of the County. So, thank you for giving me the opportunity and you've got all my comments in writing. Thank you.

CHAIRMAN LOSQUADRO:

Thank you very much. Next speaker Enrico Nardone. Good afternoon, Mr. Nardone.

MR. NARDONE:

Good afternoon, Mr. Chairman, members of the Legislature. My name is Enrico Nardone. I'm the Director of the Seatuck Environmental Association. And behalf of our Board of Directors and hundreds of members, I'm here to express our support for resolution 1865. You probably recall that we were here about a year ago in support of the County's acquisition of the Scully sanctuary. We worked closely with the local civic association, the Chamber of Commerce and the Historical Preservation Society to urge this body to preserve one of the last remaining tracks of undeveloped and environmentally significant properties in western Suffolk County. This room is filled with our members, friends and supporters when that resolution was passed. And most of them cheered in delight when it was. On that day all of Suffolk County residents were winners. The County preserved a magnificent 70 acre property that includes vast salt marsh, mature upland forest and extensive fresh water wetlands; a property whose varied habitats provide refuge for an astounding diversity of wildlife.

Resolution 1865 would ensure that this invaluable property is not only preserved but becomes a place where all county residents can experience nature and learn to appreciate the wonderful natural resources of their Island home.

The key point I'd like to make today, though, is that the proposal that we made to the County a year ago still stands. We remain willing to partner with the County, to offer our expertise and our financial resources to help making this vision a reality. While recent revelations about the state of the Scully building may render certain aspects of Seatuck's proposal unrealistic, we certainly remain willing to be intimately involved in the property's future. Seatuck is willing to help make this a first rate education facility for the people of Suffolk County. Passage of resolution 1865 would help to make this a reality. Thank you.

CHAIRMAN LOSQUADRO:

Thank you, Mr. Nardone. Last card is Mr. Eric Alexander. I know I saw him. Oh, there he is.

MR. ALEXANDER:

Thank you.

CHAIRMAN LOSQUADRO:

Just waiting for some copies to be distributed. I won't start your time yet.

MR. ALEXANDER:

Thanks.

CHAIRMAN LOSQUADRO:

All right, Mr. Alexander.

MR. ALEXANDER:

Thank you, Chairman Losquadro.

CHAIRMAN LOSQUADRO:

Good to see you.

MR. ALEXANDER:

Good to see you. I want to congratulate you again on the hearings for the Regional Planning Council. I'm here today, I want to speak about the Regional Planning Council again and maybe clarify some comments we had in the prior hearing about two weeks ago. I also want to say that, you know, that I think Newsday's editorial board is congratulating you for continuing a process of really vetting out this legislation. And we're excited about that.

I just wanted to hit a couple key points. And the rest of the comments are in the written material that we've handed out. But, again, there's some things about the existing legislation that are problematic. The lack of local participation and empowerment particularly jurisdictional participation in the Regional Planning Council is one big major concern that we have. We'd like to see at least the Town Supervisors and the Village Officials on some level involved in the Regional Planning Council.

We also are concerned •• I know we mentioned the term •• we mentioned 81 people in the Regional Planning Council. That's not our position as Vision Long Island. But there is a difference. We do believe that ten people can't effectively have the stakeholder representation that are needed to really think regionally on Long Island. So somewhere •• you know, there are some reasonable compromises regarding number of members for the Regional Planning

Council.

This really brings us to the point of questions and due diligence. Do we have clarity? Does the existing legislation have clarity regarding functions and responsibilities for the Regional Planning Council as far as relationship to existing entities, whether it be NIMTEC, whether it be local planning •• the county •• existing planning commissions. So, we have concerns about that. And we just think that there could be some amended legislation to clear these up.

So, just, you know, we're talking about negatives. Let's get into positives. There's two approaches that we feel could be taken right now. One is the Legislature could put together a task force that would •• that could be done quickly as three months, could take as long as six months; to really pull together and re•work this legislation. Have discussions with municipal leaders from other areas that have created these regional councils. Discussions with our own municipalities to determine what type of Regional Planning Council they'd like to see. And we feel this would be the preferred course of action. Let's take time out and do it right. We spent forty years with the existing Regional Planning Council •• Regional Planning Board. Let's take some time to do this properly.

Another option would be to move forward now immediately. But with some radically re•worked legislation. At a minimum we would like to see a general council comprised of the Town Supervisors, Mayors. This is in Nassau County. Several key stakeholders from environment, housing, community business, development interest.

CHAIRMAN LOSQUADRO:

Sum up, please.

MR. ALEXANDER:

What?

CHAIRMAN LOSQUADRO:

Sum up.

MR. ALEXANDER:

Oh, sure, sure. Got it. So really we'd like to see, again, various •• various input from the communities. I think other aspects that we would want to see is that there be some provisional legislation that the Planning Council meet regularly; that they have significant staff issues and that there be a national search for its staff. And, that, again, that there be some powers for

the Regional Planning Council to address developments of regional impact. So, again, there's a number of others listed in the legislation •• in our comments. So I won't continue on. But I just want to say that as structured right now, the Regional Planning Council in our view is not going to meet the needs that it should. And that, you know, this is a time on Long Island where we need significant regional thinking. And the best entity to move it forward. So, we like the concept. We think there just should be, you know, some more time and input into the implementation. And right now it falls short of other standards for other councils. But we're willing to help out in any way possible so ••

CHAIRMAN LOSQUADRO:

Thank you very much.

MR. ALEXANDER:

Thank you. Great.

CHAIRMAN LOSQUADRO:

I have no more cards, but is there anyone else wishing to be heard before this body? I know we have a couple of people in the back. So, if you would just come forward one at a time to whichever microphone suits you. Just make sure it's turned on. And since we don't have a card, just be sure to state your name clearly for the record and if necessary, if it's a last name like mine, please spell it.

MS. ROBBINS:

My name is Gina Robbins, R•o•b•b•i•n•s.

MS. MUNCH:

My name is Kathy Munch, M•u•n•c•h.

MS. WHITCHER:

Joann Witcher, W•h•i•t•c•h•e•r.

CHAIRMAN LOSQUADRO:

Okay. Would you like to address us individually or as a group?

MS. ROBBINS:

If it's okay with you, we'd like to address you as a group.

CHAIRMAN LOSQUADRO:

That's fine.

MS. ROBBINS:

We're all here in support of the purchase •• the resolution to purchase One Tower Street. I am a resident of Huntington Station as well as a parent that has three children that go to the schools in Huntington Station and on the PTA and a business person in Huntington.

We just want to give you why we support the purchase. And I think Kathy is going to start and then we'll come back around.

MS. MUNCH:

I would just like to •• just have everybody just look at a situation right now and imagine something that did actually happen; but I'd like you to imagine this; that early in the evening about eight o'clock, being in a group at the school •• at the intermediate school, a cub scout group, inside the school and at the end of the meeting, all coming out, it was a beautiful evening, we were all outside on the grass, the children were playing catching frogs, little frogs. And this was going on. The shooting was going on as our children were outside. So, if you could imagine that it •• it didn't across the street, but the shots came towards our children. And one of our children were shot and fell to the ground. I mean, imagine a situation like that? Simple situation that we were just out enjoying a beautiful evening with our children; and to not feel safe enough with them that something like this could happen.

MS. WHITCHER:

We know that the purchase of the house isn't something that's typically done but we feel that this is an opportunity and that we need to take it. And that sometimes in order to get things done, you have to look outside the box and not do things the same old way.

MS. MUNCH:

I know two years ago •• it's not something recent that has been going on in this area. I have kids that have gone through that school. And two years ago •• it doesn't happen after school hours. They were part of lockdown because shots were being fired in front of that house that is looking to be purchased. And my kid •• my child came home to tell me he was in lockdown for their safety. And they can't go outside to use the grounds. I think this is one step toward ••

toward many steps that can go onto make things happen in that area for the children so they can use the playgrounds, feel safe when they're going to school, not have to have police escorts. So, I think we do need to purchase this. And as Joann said, look outside the box. I think it's a step in the right direction for the town and the community.

MS. WHITCHER:

This neighborhood has been allowed to deteriorate. So, I think it's time that we start to put back into that neighborhood.

CHAIRMAN LOSQUADRO:

Thank you. I know we all appreciate your comments. Is there anyone else wish to be heard?

MS. MUNCH:

Thank you.

MS. ROBBINS:

Thank you.

CHAIRMAN LOSQUADRO:

Move to close the public portion. I know we had a request from Legislator Cooper. I know a lot of the moms here today have other things to do. We appreciate you coming forward to speak. So, I'll make a motion to take 2088 out of order.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **2088 is before us.**

(Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program • Tower Street, Huntington Station, Town of Huntington)

Obviously you've heard some of the discussion from Legislator Cooper and I'm sure he'll •• he'd like to be heard on this. You're absolutely right in the fact that this would be rather precedent setting. This is not something that generally the County's in the business of doing nor •• many of us, this is the first time we're hearing of this. In fact, I think I can speak for most of us that this is the first time we're hearing of this. So, I for one certainly need a bit more information. Will the purchase of this one particular property make that much of a difference with that

school? Is this part of a larger societal problem in the area that needs to tie into increased law enforcement, increased patrol? As you said, this is obviously one step in something that needs to be done. I can't image a single home no matter how great a problem the people in that home are causing being the only source of problems in descent within that community.

So, I know Legislator Cooper was speaking to legal counsel about some of the precedents involved in this. And we're certainly going to look towards this further. And just as an aside, I would suggest to Legislator Cooper based on Supervisor Patrone's letter to possibly get a resolution citing the Town Board's approval of this instead of just the Town Supervisor ••

LEG. COOPER:

Chairman, I actually have the resolution. It was approved.

CHAIRMAN LOSQUADRO:

Very good. So, if that could be distributed as well. There are certainly a lot of questions associated with this. I certainly think it's a laudable goal. But I think we need to do a bit more looking into this. So, at the moment, I will be making a motion to table this resolution. I'm not saying anything at the moment on the merits of it. Do I have a second on that motion?

LEG. O'LEARY:

I'll second that; and on the motion, if the Chair would recognize ••

CHAIRMAN LOSQUADRO:

Yes.

LEG. O'LEARY:

I'd like to point out that I think it's a very laudable goal that the residents of the area have. But they should be aware of the fact that it's •• there's not a unanimity of opinion with respect to the construction of this particular youth center in this particular area. Since this has been introduced, we have had feedback from other members of the community who are opposed to the construction of this particular building as a youth center. It's been pointed out that there are several youth development resource centers in the immediate area. And I just want to verify if, in fact, that's the case.

Let me just say for the record that even though my tendency is to be supportive of an initiative

such as this, I think there should be some statements before this Committee from members of the Town Board or the Supervisor himself about the affordable housing problem that exists in the Town of Huntington and the possibilities of addressing that and perhaps utilizing property such as this for just that purpose. So, I would support a tabling motion to look into a little bit further this particular initiative. There are several questions that we have. And I certainly want the people who are here representing the area that there is •• there is some opposition to this particular endeavor. And we'd like to hear their viewpoints and reasonings behind same as well.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I certainly hear the concerns of the residents in that Huntington Station area. Again, though this is coming to us •• we're fairly blind on this issue. We haven't seen this house. There's talk about converting it to a youth center. We don't know about egress issues. Is it a safe place to go in and out. We don't know what's next door to it. At least you may know, but I don't know if it's in a residential neighborhood, are there other residences right next door, how might they be affected by a change of use from a residential use to a commercial type of use. And the problems that have been affecting this house, might they just move over to the house next door. It may not actually solve the problems that you're having. I know there was a case in East Hampton where an individual discharged a weapon. He went to jail for that. So there might be some •• might be a law enforcement issue as the Chair has spoke to. So, we want to •• we're hearing your issues. We're hearing your problems. We want to help you solve those problems but it's very premature, I think, to act at this point. We don't have enough information.

CHAIRMAN LOSQUADRO:

Legislator Cooper.

LEG. COOPER:

I would support the tabling at this point since the next Legislative meeting is only in two

weeks. I do want to say that many of the questions that are being raised are valid questions. I believe that we have answers for every question. Some of the information is misinformation. We're not proposing it for a youth center. We already have a youth center just down the block. It's a community resource center that the Huntington Station community has been calling for •

- leaders of the community for years; well over a decade. And this is the first time that the County and the Town are willing to partner in an endeavor such as this to try to bring government resources directly to this community.

The house is certainly a blighted house. It is owned by an absentee landlord who owns about 100 properties in the area. But the entire community knows this one address as the single most problematic address in all of Huntington Station. I have four pages of police reports going back to two years of shootings, stabbings, domestic violence, gang-related assault, on and on and on; all took place at this home. And the situation is exacerbated because it is the property directly across from this elementary school. And we •• my office has received complaints and pleas for action for years about this. And luckily the timing just happened to be perfect because the tenant •• the most recent problematic tenant, his lease was up. The landlord was putting the property up for rent yet again. And, again, he doesn't have a very good track record of selecting appropriate tenants. And we happen to approach him at just the right time. And when he heard about the proposal for the community resource center and the likelihood that it would bring increased security to the community, he was willing to work with us. But that was a feat. He's never done that before.

Actually what we are doing since it's going •• even if this does move forward, it'll be several months before we can conclude an acquisition. And he was not willing to forgo rent for even one month. The Town of Huntington did step in on an interim basis. And they have agreed to rent this building until the County can acquire the site. And then it will be run in partnership with the Town. And this is the first time that the Town and County are going to working in partnership to create a community resource center.

But there are other historical precedents for this. So, I will get you information about that. This will not solve the problem on its own. There has been an ongoing police sweep in recent weeks in Huntington Station that's resulted in a dramatic decrease in crime. Actually a 95% drop in crime, which is great. But this will be the first concrete step being taken by the County to show that we care. And I happened to hear from one constituent who normally has called me or e-mailed me to complain and express concern about crime and violence and deterioration of the neighborhood. And this time once he heard about our plans for this community resource

center, he called me to say, Jon, this time I'm calling you because finally I get the feeling that somebody gives a damn. And the community •• maybe one except •• I only know one person who doesn't even live in the community who expressed opposition. I don't know of one community resident, one resident in Huntington Station that has been anything about 100% supportive of this as evidenced from the fact that everyone who's come here today has been supportive. Trust me, you'll be getting a lot of e-mails and faxes and letters in support. I do not know of one Huntington Station resident that is opposed to this. So, hopefully over the next couple of weeks I'll be able to address your concerns about precedents that may have been set and any other issues that you may have.

But I think that it is thinking outside the box. But this has been a long standing problem in the Station. Concern not just to parents of kids who go to local schools, but local community residents. You have a letter before you from the person who heads the board for affordable housing development •• someone addressed the issue of affordable housing. The largest affordable housing development in the neighborhood, which is right around the corner from this, their board is 100% supportive of this effort. And they're thrilled at the prospect of the County and the Town coming together on this.

So, anyway, I will use the next couple of weeks to try address your concerns. I'll reach out to all of you. But it's a very exciting effort. And it may well set a precedent for other blighted communities, whether it be Brentwood or Amityville. If we can do this successfully in Huntington Station by partnering with the Town, maybe it can be implemented in other towns as well.

CHAIRMAN LOSQUADRO:

Thank you. And I just want to thank Legislator Cooper and Legislator Alden who I'll recognize in a moment. We all know how busy our schedules are and for them to take the time to come to a committee that they're not an active member of is appreciated. So, Legislator Alden, you had a comment?

LEG. ALDEN:

Thank you very much. I'm just going to throw out another suggestion. And in case this doesn't end up going as a community resource center, I would strongly encourage seeking the Town Supervisor and the Town Board's ideas on putting this into an affordable housing program

because over in Islip and before I became a Legislator, that's exactly what I did in Islip, was affordable housing. And in a lot of these areas we found that you couldn't just isolate and take one house out of the mix. A lot of times by doing more global type of solution to it, and we all know that when you put a family in there with the intention that that family's going to stay in there, that stabilizes a community. So, either a renter with an option to buy or a homeownership program, a lot of times will stabilize the area as much as a community resource center might. So, just as an alternative, I think you might want to just ask, you know, Huntington's preparation of a possible alternative solution to that.

LEG. COOPER:

I appreciate that, Legislator Alden. And actually the Town of Huntington does have a program called the Take Back The Block Program where they are trying to encourage home ownership as opposed to •• but unfortunately you need a willing seller. And actually the Town had approached the owner of this property to see whether he would be willing to sell it for affordable housing. And he turned it down. And it was only when I came to him with the idea about using it for a community resource center, and the Town might have some Town security personnel base there, COPE units, which already patrol the neighborhood, may end up using it as a relief station. I hope to get job placement services there from the County. Maybe only for a couple of hours a week, but they can use it as a base of operations. Local non•profits will be able to use this facility. And, again, the up front costs will be borne by the County. But the Town has already committed to putting in a parking lot and lighting and new landscaping and upgrading both the interior and the exterior of the facility and paying utilities on an ongoing basis. So, it will be a true partnership. I'm sorry? Yes, they will be •• they have already committed it to making it ADA compliance. So, again, I'm sorry that the Committee was not appraised •• I mean the resolution was only introduced about a week ago. So, it's quite understandable. So, I will take the next couple of weeks to provide all the information that you may require. I really think that this is an exciting, positive step. And it may be precedent setting, but in a good way. And I hope to ultimately get unanimous support of the Committee.

LEG. O'LEARY:

Through the Chair?

CHAIRMAN LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

Legislator Cooper, I would ask you to provide to the Committee a fully executed resolution from the Town Board indicating their intent with respect to this endeavor.

LEG. COOPER:

Sure.

LEG. O'LEARY:

Okay. That would certainly help. This isn't a fully executed •• this is just a draft.

LEG. COOPER:

That was provided to me the afternoon before the vote.

LEG. O'LEARY:

All right.

LEG. COOPER:

Yes, I will get the fully executed •• yes. It passed unanimously.

LEG. O'LEARY:

Well, I'm sure. But it doesn't say that.

LEG. COOPER:

Absolutely.

LEG. O'LEARY:

So, that would help your situation and cause tremendously. Thank you.

CHAIRMAN LOSQUADRO:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Also for my help in reviewing this, I would like to see some kind of aerial or map so I can see the surrounding areas and how people might enter and exit this and get •• you know, typically you'd want some kind of traffic analysis. You don't want to see people getting hurt particularly in front of a school where you're going to have a lot of pedestrian traffic.

LEG. COOPER:

Absolutely. And keep in mind this is just planning steps. I mean at some point all this information will be provided. But I'll see what I can get.

LEG. SCHNEIDERMAN:

I think you want a sense, though, even at this early stage, that it's a feasible site for the type of use. Typically if a community were looking for a resource center, they would evaluate multiple sites. And, you know, you're kind of going at this backwards. You got a problem house and looking for a use for that house rather than knowing the use then finding the best spot to place that use.

LEG. COOPER:

I disagree a little bit. I saw this as an opportunity to kill two birds with one stone. And, again, you don't live in the community and these are not your constituents. They're mine. It was my office that for years •• for literally years has been getting calls from frightened parents, upset taxpayers in the neighborhood frustrated that the County doesn't care.

LEG. SCHNEIDERMAN:

I'm just saying if you work with Town Planning or County Planning and get that information ••

LEG. COOPER:

Sure.

LEG. SCHNEIDERMAN:

•• an aerial photograph, I could see the roads that it's on and how accessible this would be, I think that's important information.

CHAIRMAN LOSQUADRO:

And being that this is sort of out of the scope of our •• things we usually look at. I know what you're saying; that that's usually a little further on in the process, but it would help us in examining this.

LEG. COOPER:

I understand.

CHAIRMAN LOSQUADRO:

So, I think we've sort of said all that needs to be said on this.

LEG. BISHOP:

I'd like to be recognized.

CHAIRMAN LOSQUADRO:

No problem. Legislator Bishop.

LEG. BISHOP:

First, there are four pages of incidents that occurred at the site. Was there ever a Nuisance Abatement Notice sent to the owner?

LEG. COOPER:

No, unfortunately that's the very first thing I checked into. I was hoping that we could use the Crack House Law; but for whatever reason, the previous administration and perhaps the current administration never followed the requirements of the Nuisance Abatement Law. So, no notification was provided; so, therefore, that option was not available to me.

LEG. BISHOP:

And that is tragic, frankly, because back in 1995 when the Nuisance Abatement Law was neglected then, one of the initiatives that I was responsible for was adding a County Attorney specifically for the purpose of pursuing Nuisance Abatement/Crack House situations. And it seems that once again prior administration, perhaps this administration, whoever at the County Attorney's Office is not properly pursuing these matters. And the result is that if they were, then you wouldn't have to come forward with this type of resolution seeking to do it out of open space. We would have done it by alternative means. So, the County is very much responsible for the situation today because the County didn't pursue the options that it had in the past. And I think that members should bear that in mind as they research the issues that surround this. But also note that there is precedent for these type of purchases. There are other purchases in the Amityville community that have been done with this in mind. I don't think that Legislator Cooper has it backwards at all. I know that without order in a community, there can't be progress. And what he's seeking to do is take the steps necessary to have order. And then this community can grow and fulfill its best destiny. So, I think that we should support Legislator Cooper in an initiative that is solely within his district, which is another point, that

usually carries a lot of sway in this institution. So, if you want to table, Legislator Cooper, I'll support you on that. But I know that I will be supporting this the next time it comes forward.

(APPLAUSE)

LEG. BISHOP:

And I have five friends in Huntington Station.

LEG. COOPER:

Actually I think it's nine ••

AUDIENCE MEMBER:

But more to come.

LEG. COOPER:

Let me throw this out. I do believe that I could address all of your concerns. You already have an aerial map. Everything that you've thought about, my office had thought about it and looked into. And, believe me, if I didn't feel completely justified in moving forward with this, we wouldn't have done so. And, yes, I mean I do have to respond to the concerns of these parents with third and fourth ••

CHAIRMAN LOSQUADRO:

But obviously not their need to leave early.

LEG. COOPER:

No. When do you have to get back to pick up your kids at the bus stop?

But, I mean, third, fourth •• as one of them mentioned, the playground across the street within a few yards of this building has been closed for a year•and•a•half because they're afraid that one of children will get shot. Some kids almost got shot a couple of years ago. There was a fight that took place described as a gang•related fight that took place in front of the property just a few months ago that spilled across the street to school property. It's really a unique situation. And, yes, this is not the only home in Huntington Station where the police have been called. But if you look at the list of the police incident reports, which I think is now stuck in

front of Legislator Schneiderman's lap, you'll see that there were about 35, 45 incidents just within the past two years. But the problem has been ongoing for years. And what I would ask if I can at least get the support of the Committee for this would be if you would discharge it without recommendation so it can be before the Legislature on Tuesday. That will give me a week to answer your questions, address your concerns. If I haven't addressed them adequately by Tuesday, I won't move forward on the vote on Tuesday.

CHAIRMAN LOSQUADRO:

We have two cycles this month. I would be more comfortable tabling it for one cycle being that it's only a couple of weeks. So, if you don't mind, I would like to •• we have a lot of stuff before us. I mean we're just sort of going over the same information, you know, several times at this point. And, you know, no disrespect to those here. But I would like to move the vote at this point. And I look forward to working with you on addressing the concerns that we raised and others. So, you know, hopefully we can get this resolved within the next couple of weeks and re•address it at the next committee cycle.

LEG. COOPER:

Okay. Thank you very much. I would support the table motion.

CHAIRMAN LOSQUADRO:

Thank you. So, we have a motion to table and a second. All those in favor? Opposed? Motion is tabled. Thank you to everyone for coming down. I appreciate your comments. **(Tabled. 4 •0•0•1. Leg. Caracciolo absent)**

Okay. We have a brief presentation from Department of Public Works. For those who are not members of the •• from the Department of Public Works. For those who are not on the Health Committee or those who are who have additional questions, they're going to be discussing the 2005 Vector Control Plan with us. I thank them for coming down. Please get yourself situated and begin whenever you're ready.

DEPUTY COMMISSIONER MITCHEL:

Good afternoon and thank you. And I do promise to be brief. At the Health Committee meeting earlier this week, resolution 2093 was approved and will be before you on Tuesday for consideration. That resolution is approving the 2005 Vector Control Plan of Work. December 31st of this year our existing plan of work will expire. I cannot underscore to you how

important it is for us to be able to respond to the mosquito population both more importantly in a preventive way, which begins during the winter. It is our obligation to protect the public health from any potential public health threat. And I will actually ask Dr. Dillon to speak to that in just a moment.

CHAIRMAN LOSQUADRO:

Thank you, Leslie.

DEPUTY COMMISSIONER MITCHEL:

Just to highlight some of the major changes in the 2005 Plan of Work, we continue to seek environmentally friendly alternatives. We have eliminated entirely toxicity level one and two materials in the 2005 Plan of Work. You should all know and I'm sure you're all very aware of the fact that Suffolk County has a strong history of vector borne disease. And Dominick's going to quickly go through some of these maps which will identify over the past ten years the presence of Triple E, Malaria and West Nile virus. And there are some hand outs that you can look over.

MR. NINIVAGGI:

Yes. There are maps of locations of mosquito borne pathogens in Suffolk County for the last few years. 1999 was the first year we detected West Nile Virus. As you notice, the red dots are birds with virus. We did find virus in mosquitos. And in the east end of the county particularly, we had the first cases of horses dying of West Nile virus in North America.

2000 we had 121 occurrences of virus in mosquitos. Positive birds particularly in the western part of the county but also over the entire county. It's not just •• one of the things about West Nile virus is that it's not limited to anyone particular part of the county.

2001 we had our first human case, not far from my house in Nesconset. We •• again, we had a lot of birds, positive mosquitos, still 68 pools. And again, it's over the entire county.

2002 we had eight human cases, two fatalites. You could see that there are cases in the western part of the county both coastal and inland including in Huntington and Town of Smithtown. And again I want to point out literally from one end of the county to the other. Similar situation in 2003. Again, nobody should think that because they're in the eastern part of the county that they're immune to West Nile Virus. It is, in fact, in the eastern part of the

county. There were ten human cases; again, two fatalities.

2004 we had a relatively mild year in terms of mosquitos and virus activity. But we continue to see West Nile virus in birds and mosquitos. We did have a horse case also. West Nile virus is not the only mosquito borne pathogen in Suffolk County. My first year on the job here I found myself dealing with a public health threat from eastern equine encephalitis, which is a far more virulent virus than West Nile in terms of its fatality rate. We had it in two locations. In 1996 we had it in five locations. This is considered extremely high levels of eastern virus •• to see this many isolations of mosquitos in over such a wide spread area.

Eastern virus tends to be concentrated around maple swamps. So, there are particular places where you tend to find it. It does tend to be more in the eastern part of the county than the western part. We did not declare a public health threat for eastern virus in 1997 because we only had one location with a few pools of mosquitos. It was late in the year. So, every time we find virus, it does not automatically mean we declare a public health threat. We declare a public health threat when there's a serious issue.

2003 we had a positive group of mosquitos in Montauk. And just to prove that it is transmissible we did have a horse case. The horse had to be euthanized. Again, this was a very serious situation because the same types of mosquitos that bite horses bite people. So, we had a serious risk of human transmission of eastern equine encephalitis in 2003. This was seen in other jurisdictions. We're currently in an uptick in eastern virus activity.

As if the viruses are not enough, we do have possibility of Malaria in Suffolk County. That was more or less eradicated in the 1930's. But we did have two human cases in the Baiting Hollow area. Fortunately they were 12•year old boys that recovered fully. But again, mosquito borne disease is a reality in Suffolk County. And it is a reality throughout the entire county. That's all I have to say on that.

CHAIRMAN LOSQUADRO:

Thank you.

DEPUTY COMMISSIONER MITCHEL:

The perfect segue to Dr. Dillon.

DR. DILLON:

Hi. I'm the Director of Communicable Diseases for the Public Health Department. And I wanted to point out there's basically six basic issues that separate a developed nation from a third world nation. Those six issues are nutrition, clean water, education of the children and young adults, mosquito control, sewage treatment and health care. Now, no one would doubt that we need all of these issues in order to stay a developed nation. In Suffolk County we've had children hospitalized with malaria. We've lost a great deal of our song birds. We've lost some of our horses. And we've lost some of our residents due to mosquito borne diseases.

I believe it's very important to continue our efforts. And the county does welcome scientific inquiry as to how best should we do these. And we look at that everything year. We stop and we look at how we can best protect our whole ecosystem and protect our population. Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Leslie, are there any other ••

DEPUTY COMMISSIONER MITCHEL:

I just want to point out one thing. At the Health Committee we did identify a typo that was inadvertently in the Environmental Assessment Form, which is backup to the resolution. Permethrin, which is listed as a substance to be stored, is listed in error. We do not utilize that material anymore. And, in fact, throughout the plan and other locations, that material is identified as a substance that we no longer use. So, I just wanted to correct that for the record.

CHAIRMAN LOSQUADRO:

Very good. I know that was brought up and I appreciate you putting that on the record, that that is not something that the County is ••

DEPUTY COMMISSIONER MITCHEL:

That's correct. Utilize.

CHAIRMAN LOSQUADRO:

•• going to utilize any longer. Were there any questions from the Committee?

LEG. O'LEARY:

Yes, I have a question.

CHAIRMAN LOSQUADRO:

Legislator O'Leary.

LEG. O'LEARY:

With respect to the diagrams that you gave out, is there any correlation between •• between the density of population and the incidents reported? Because •• you know, mosquitos don't know the difference between population of humans. Why is it •• for example, why is it in the year 2000 the West Nile report predominantly the western part of the County and hardly anything on the eastern end of the County?

MR. NINIVAGGI:

Well, if you look at things like the birds, those are birds that were brought to the lab by the public. So, it's not surprising that in the western part of the county where you have more people to pick up the birds, you're going to see more of the positive birds; but on the other hand, if you have virus and people together, that's also a higher risk. We're not entirely sure why the distribution seems to change from year to year. It probably has to do a lot with weather factors. It may have to do with the local bird populations, things like that. There's a lot we still don't know about West Nile.

DEPUTY COMMISSIONER MITCHEL:

Certainly that would underscore the need for us to continue our active surveillance, our monitoring so that we know exactly what we're dealing with and we can target our response appropriately.

LEG. O'LEARY:

Well, that leads up to my next question. Is there, again, any correlation between the areas that we've serviced and treated with •• with the pesticides or the spraying as a direct result on these graphs?

MR. NINIVAGGI:

What we find •• well, for instance in 2000, you notice that there were positive horse cases the previous years in the Riverhead area and not in 2000. I think we can at least partly attribute that to the fact that we did increase staffing, we did increase our attention to that area. It's hard to prove because it does vary a lot from year to year. What the surveillance •• we try to keep mosquito numbers at a relatively low level to reduce the risk to humans. It's probably not feasible to completely squelch the virus activity. What we do do is we look for areas that are particularly high at risk and we concentrate our efforts there, particularly when we're spraying for adult mosquitos.

LEG. O'LEARY:

Thank you.

CHAIRMAN LOSQUADRO:

Thank you. Legislator Bishop.

LEG. BISHOP:

Anecdotally I can tell you in 2000 there were a lot of dead birds in Babylon. I remember seeing this constantly. However, my question is, the study that was supposed to be occurring, it's now occurring? It's not complete?

DEPUTY COMMISSIONER MITCHEL:

That's correct. That study is currently underway. It's a long term plan and environmental impact study. And it should be complete December of 2005. If you have specific questions, Walt Dawydiak from the Health Department is overseeing that project.

LEG. BISHOP:

No, I just know that the prior •• I think it was last year I said I would vote for it this year and wait for the study. But I guess ••

DEPUTY COMMISSIONER MITCHEL:

No, the study is actually on schedule for December of '05. At that point we will have •• that study •• they will make •• that study will make recommendations as to what the plan •• how what our program should include.

LEG. BISHOP:

Is it providing any insight currently? Or is it just on an independent track?

MR. DAWYDIAK:

If I could answer that question? Walter Dawdiak, Acting Chief Engineer for the Health Department here for Vito Minei, Director.

Basically the study is more than one-third over. The literature review is coming to an end. We're going to synthesize the information in a risk assessment and a management plan, which should be drafted by the summer. The generical environmental impact statement is scheduled for completion as of the end of December. As of now the results that have come forward through the literature review have basically pointed toward the need for a change with respect to open marsh water management. Again, up and down the east coast people are reversing to gearing the marshes to a more natural state, more hydrologically sound, less mosquitos, less pesticide usage, improved habitat. This is something that we've started developing implementation strategy for. The Wertheim project has been designed. We spent considerable effort over two years collecting, monitoring data. We've come to an agreement with DEC on a project design, submitted a permit application and we hope that that first demonstration project hits the ground, that it gets implemented this winter.

In terms of chemical usage, we basically found that the chemical usage that are proposed in the annual plan of work is sound. The initial registration data was reviewed as well as subsequent studies. And we found that chemical such as a methoprene questions have been raised at the CEQ. Basically the information indicates that the concentration used in their intended manner, there are not adverse impacts to target or non-target organisms. That's been good news. We've also found that ditch maintenance as proposed in a very limited fashion toward hot spots is essential.

LEG. BISHOP:

Isn't that the opposite of OMWM?

MR. DAWYDIAK:

I'm sorry?

LEG. BISHOP:

Isn't that the opposite of OMWM?

MR. DAWYDIAK:

Yes, it's essential until you can go in and identify which areas are candidates for Open Marsh Water Management and how to implement the Open Marsh Water Management. The reason is that if you leave these ditches to untended and haphazard decay, as indicated by the State Department of Environmental Conservation in letters in support of the granting of our wetlands •water management permit, if you let these ditches haphazardly decay, you run a significant risk of drowning vegetation as well as phragmites invasion. That's sort of a longer term risk.

The short term adverse impact will be the need for significantly increased chemical usage, which we always seek to avoid at any time. So, while the plan is under development, we're identifying universes of wetlands for Open Marsh Water Management. Some may be candidates for reversion. And some may need continued water management. Until all of those are sorted out in terms of a coherent strategy to fix these marshes, limited water management is the most prudent way to go. And that is, in deed, what's proposed in this annual plan of work. So, it's been a good news story on a number of fronts as a result of our literature review.

CHAIRMAN LOSQUADRO:

Thank you. Any further comments or questions? Okay. Thank you very much. I appreciate the outreach that you're doing coming to committee where this is non•prime, but trying to address the questions Legislators outside of the Health Committee so that people are better informed when it comes before the whole body. So, thank you again.

DEPUTY COMMISSIONER MITCHEL:

We appreciate the opportunity. And if you have additional questions, you know where to find all of us. We're ready to answer your questions.

CHAIRMAN LOSQUADRO:

Absolutely. Okay.

Onto the agenda. Commissioner read my mind. Didn't have to ask him to come up. Hello, Miss Longo. Onto the agenda. Of course, the first item on the agenda is **1658 authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program known as the Southampton parcels.**

LEG. SCHNEIDERMAN:

Before I make a motion to adopt, I would like to hear from our Planning Director as to whether he's prepared to see this move forward yet or •• I haven't seen any revisions on it yet.

MR. ISLES:

Right. No, you haven't. And we have been in communication with Southampton. I am happy to report that we did receive yesterday by e•mail their suggested prioritization of the list. What I would like to do is to •• Laretta and I went over briefly yesterday but really not thoroughly is to complete a •• at least an initial review of that in time for you to •• obviously you've been very patient and we appreciate that. Perhaps at the next committee meeting have something for you or next week in order to you •• for you to do a corrected amendment to the resolution or something. But we did get it. It is broken down into priorities. And we think it's very helpful.

LEG. SCHNEIDERMAN:

Okay. So, I'll make a motion to table.

MR. ISLES:

Thank you.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **1658 is tabled. (4•0•0•1. Leg. Caracciolo not present)**

1729, authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Smoke Run Farm in Stony Brook. I know this has been before us for sometime. I know there were a number of questions regarding an equestrian center. Do you have any further information on this? Or did Legislator Schneiderman, do you have any further questions?

LEG. SCHNEIDERMAN:

No, I haven't heard any of the questions answered so ••

MR. ISLES:

True. And I think the last discussion on this was, would the Town of Brookhaven be a willing partner under the Greenways Active Recreation Program. So, that in the event the County of Suffolk purchases the property, would they improve the property, manage it and so forth. We have in been communication with the Town. I did do a letter after the last committee meeting as well. And we been advised that they are doing a more detailed analysis of the buildings. They just want to obviously get a handle for their own purposes on what that cost might be, what that obligation might be. So, we have not heard back in neither the affirmative or negative from the Town at this point other than the update that we received recently that they are completing that review of the properties at this time.

LEG. SCHNEIDERMAN:

Motion to table.

CHAIRMAN LOSQUADRO:

Okay.

MR. ISLES:

We have communicated that to the sponsor, by the way, too, just so she's aware.

CHAIRMAN LOSQUADRO:

Very good. So long as she's kept updated on the progress. Motion to table by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **1729 is tabled. (4•0•0•1. Leg. Caracciolo not present)**

1793, appoint a member of the County Planning Commission Vince Taldone. Motion to table by Legislator O'Leary, seconded by Legislator Schneiderman. All those in favor?

LEG. BISHOP:

On the motion.

CHAIRMAN LOSQUADRO:

On the motion, Legislator Bishop.

LEG. BISHOP:

Are we waiting for information regarding this Mr. Taldone? Is there any rationale for the tabling?

LEG. O'LEARY:

It's not necessarily information regarding Mr. Taldone. I'm fully aware of the individual. He serves as Chairman of TAB. However, it's come to our attention there's •• if you go to resolution 2071 ••

LEG. BISHOP:

Yeah.

LEG. O'LEARY:

•• we'd like to look into that a little bit further as to just what that entails. 2071.

CHAIRMAN LOSQUADRO:

It's a donation by Mr. Taldone.

LEG. BISHOP:

Right.

LEG. O'LEARY:

Donation of lands to the County of Suffolk by Mr. Taldone.

LEG. BISHOP:

Right. And that's the only reason?

LEG. O'LEARY:

We'd like to •• well, for now, yes.

LEG. BISHOP:

I see. Part of an ongoing saga with one of your ••

LEG. O'LEARY:

No, not necessarily. Excuse me?

LEG. BISHOP:

Is he here? Has he been to the committee yet?

LEG. O'LEARY:

He has been.

CHAIRMAN LOSQUADRO:

He did come once. He is not here today.

LEG. BISHOP:

Invite him to the next meeting, Mr. Chairman?

CHAIRMAN LOSQUADRO:

I certainly will.

LEG. BISHOP:

If that's the issue, I'm sure we could ••

CHAIRMAN LOSQUADRO:

Mr. Zwirn, would you like to •• would you like to make a comment?

MR. ZWIRN:

Mr. Taldone has come, but Mr. Taldone takes public transportation to get here from Riverhead. And he's come here before and sat for the day and it's been tabled. So, it's ••

LEG. BISHOP:

Well, all the more reason that perhaps if you have all your questions ••

CHAIRMAN LOSQUADRO:

We have been contact ••

LEG. BISHOP:

Rather than ••

CHAIRMAN LOSQUADRO:

We will continue to be. I know Mr. Taldone has a problem with his vision. And we appreciate his efforts especially with TAB.

LEG. BISHOP:

With his planning vision.

LEG. O'LEARY:

Well, to be a little bit more to the point to Legislator Bishop, as you described it, the ongoing saga of filling this particular spot of member of the County Planning Commission, there are other issues which we're discussing.

LEG. BISHOP:

Where are you discussing them? Okay. I withdraw. It's all right.

CHAIRMAN LOSQUADRO:

There's a motion to table and a second. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

1793 is tabled. (3•1•0•1. Leg. Bishop opposed. Leg. Caracciolo not present)

1865, designating site for Suffolk County Greenways Fund Educational and Interpretive Center.

LEG. BISHOP:

Motion to approve.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Bishop, second by Legislator O'Leary. All those in favor?

Opposed?

MR. ISLES:

Mr. Chairman, I don't want to interrupt your motion, but can I just make one comment on that, please?

CHAIRMAN LOSQUADRO:

Please.

MR. ISLES:

I just want to let you know, I think we talked about this a little bit last time, this, as mentioned by Mr. Nardone earlier, is the former Scully property which the County purchased last year; has a 26-room house on the property. Just so you know, and I have spoken to Legislator Alden about this, we are completing with the Department of Public Works and Department of Health a full investigation of that building in terms of what issues would have to be faced, the cost and so forth in terms of using it for an interpretive center. So, just two points. One is that this building may or may be the suited to an interpretive center. Mr. Alden's indicated well, maybe it's another building, you know, a new building on the site. It doesn't have to be that building. That's obviously a question to be answered at some point. But I want to let you know we are collecting that information so that if this building is selected, that you have that information available in terms of what the impact would be to use this for that.

CHAIRMAN LOSQUADRO:

Very good. I know Legislator Alden was merely seeking to designate the site. As you said, it doesn't necessarily have to that building.

MR. ISLES:

Right. The second point, too, is on the site itself, and obviously that's a legislative directive in

terms of designating the site. There have been two previous committees that have looked at sites. They have looked at different locations in the County. And, I think, just from our perspective in terms of that larger picture of knowing what the cost is to the building and so forth, we think that's something's that's helpful to this process. Potentially this could be very expensive. So, here again. I'll respect your decision, obviously of the choice, but I'll respect it. But I just wanted you to be to aware that we're still continuing with the gathering information and hopefully making the best decision based on that information.

LEG. BISHOP:

Mr. Chairman, I'd like to amend my motion to discharge without recommendation. And the point is that I just •• I was one of the authors of the Greenways resolution, which was 1996. And we still don't have meaningful progress on citing this, so my patience has run out. That's why I want to move forward with this resolution ••

CHAIRMAN LOSQUADRO:

Absolutely.

LEG. BISHOP:

•• and bring the issue to a head. I don't know how many committees we've had. Several. And I don't know why they have not resulted in a more meaningful moving of the issue. A selection.

CHAIRMAN LOSQUADRO:

Well, I believe ••

LEG. BISHOP:

I think if we get this to the floor, maybe we can ••

CHAIRMAN LOSQUADRO:

I believe we had already called the vote.

LEG. BISHOP:

We didn't call the vote.

CHAIRMAN LOSQUADRO:

We did.

LEG. BISHOP:

I didn't take a vote.

CHAIRMAN LOSQUADRO:

I had already said all those in favor, opposed.

LEG. BISHOP:

And then he spoke.

CHAIRMAN LOSQUADRO:

Absolutely. Well, I mean regardless ••

LEG. BISHOP:

Regardless.

CHAIRMAN LOSQUADRO:

Regardless, I would also like to see it out on the floor. I believe we have three votes here who will remain in favor of an approval. I understand your discharge without recommendation, but I'm still in favor of an approval.

LEG. BISHOP:

My point is that I want to see the issue move forward because I want to see it brought to a head. And I'm not sure this is the best location. But I can't abide by another, you know, languishing, you know, period; long period of this just being out there without anything happening.

CHAIRMAN LOSQUADRO:

Okay. Would you like to change your vote to an abstention or ••

LEG. BISHOP:

No. I'd like to make the motion to discharge without recommendation. But if it's already been called ••

CHAIRMAN LOSQUADRO:

That would take precedence. So, I will ask is there a second to the motion to discharge without recommendation? Hearing none, we'll proceed with the motion to approve and the vote that was already called. **So, 1865 is approved. (4•0•0•1. Leg. Caracciolo not present)**

1954, reorganizing and strengthening the Nassau•Suffolk County Regional Planning Board. We heard some commentary on this today. I have •• well, I was just going to say I have a meeting set up with a member of the County Executive's Office. I spoke to the Chairman of the Nassau County Environment Committee. He would like to get together with our.

Respective legal counsels and try to come up with a uniform bill that both Legislatures can craft and pass simultaneously. So, at the moment we're going to need to table this again until we can put some of those thoughts that we've heard down on paper and come together with a bill that both counties can agree on.

LEG. O'LEARY:

Motion to table.

CHAIRMAN LOSQUADRO:

Motion to table by Legislator O'Leary, second by Legislator Schneiderman. All those in favor? Opposed? **1954 is tabled. (4•0•0•1. Leg. Caracciolo not present)**

Introductory resolutions. **IR 2009, making a SEQRA determination in connection with the proposed Nautical Park, Greenways Program in the Village of Amityville.** Motion by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **2009 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2010, making a SEQRA determination in connection with the proposed stormwater remediation at the Peconic River at County Road 63. Motion by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **2010 is approved. (4•0•0•1. Leg. Caracciolo not present)**

Is Mr. Bagg here? Do you have anything to add on these or ••

MR. BAGG:

They all went through the committee last time.

CHAIRMAN LOSQUADRO:

Yes. Legislator Schneiderman just asked if you had anything to add on these before we proceeded.

LEG. O'LEARY:

Consent calendar?

CHAIRMAN LOSQUADRO:

Yes. Well, we'll do that at the end.

2011, SEQRA determination in connection with the proposed improvements to active parkland/recreation areas at Maxine Postal County Park. Motion by Legislator Bishop, seconded by myself. All those in favor? Opposed? **2011 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2012, SEQRA determination in connection with the proposed acquisition of Goldsmith Inlet County Park addition. Motion by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **2012 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2013, SEQRA determination in connection with the proposed stormwater remediation to the Peconic River on County Road 94, motion by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **2013 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2014, SEQRA determination in connection with the proposed acquisition of Bluepoints Upland property for parkland purposes, motion by Legislator Bishop, second by Legislator O'Leary. All those in favor? Opposed? **2014 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2015, SEQRA determination in connection with the proposed acquisition of a conservation easement to the McQuade property for Open Space, Town of Riverhead. Motion by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **2015 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2016, making a SEQRA determination in connection with the proposed acquisition of Goldsmith Inlet County Park addition, Palmer property. Motion by Legislator Schneiderman, second by Legislator O'Leary. All those in favor? Opposed? **2016 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2039, creating a transfer of development rights oversight committee to promote workforce housing and a sustainable environment. I have received a request from the sponsor to table. So, I don't think we •• I think he knows there's a need for some possible amendments, so no need to comment on this today. Motion by Legislator Schneiderman to table, second by Legislator O'Leary. All those in favor? Opposed? **2039 is tabled. (4•0•0•1. Leg. Caracciolo not present)**

2071, donation and dedication of certain lands now owned by Vincent Taldone to the County of Suffolk. Explanation, please?

MR. ISLES:

I'd like to ask Laretta Fischer to give a brief explanation.

MS. FISCHER:

Hello. This property is located in the Flanders Preserve, County Preserve area in the Town of Southampton. It's an area that we've been picking up properties. There are wet tidal •• fresh water wetlands in the area. And he was generous enough to request that he •• he wanted to donate this without cost to the county.

LEG. O'LEARY:

What's the size of the property?

CHAIRMAN LOSQUADRO:

I believe it's point five five acre according to what I have in the resolution; is that correct?

MS. FISCHER:

Yes, that's correct. As you can see on the tax map in the resolution, the County owns significant parcels to the east. That old file map area, the one just to the east is Suffolk County Parks; and then the larger parcel further to the east, we acquired a few years ago under the Drinking Water Program.

CHAIRMAN LOSQUADRO:

Very good. We have a motion by Legislator Bishop, second by Legislator O'Leary. All those in favor? Opposed? **2071 is approved. (4•0•0•1. Leg. Caracciolo not present)**

We already addressed 2088 out of order.

2094, reappointing George Proios as a member of the Suffolk County Soil and Water Conservation District.

LEG. BISHOP:

Motion.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

I have rarely met another person who cares as much about soil and water as Mr. Proios. I don't even think it's necessary for the members of this committee to have you come forward. I appreciate you being here. We had a motion by Legislator Bishop, seconded by myself. All those in favor? Opposed? **2094 is approved. (4•0•0•1. Leg. Caracciolo not present)**

Thank you.

2101, amending the 2004 Capital Program and Budget and appropriating funds for improvements to active parkland/recreation areas at Maxine Postal County Park. This is Greenways matching funds; is that correct, Counsel?

MS. KNAPP:

Yes.

CHAIRMAN LOSQUADRO:

Very good. Motion by Legislator Bishop, seconded by Legislator Schneiderman. All those in favor? Opposed? **2101 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2102, local law to promote the health of Suffolk County residents by limiting non essential use of toxic chemical pesticides in Suffolk County. Obviously we need to table this for a Public Hearing. So, I will make that motion to table, second by Legislator Schneiderman. All those in favor? Opposed? **2102 is tabled for a Public Hearing. (4•0•0•1. Leg. Caracciolo not present)**

Mr. Zwirn, could I ask if we could reserve comments either for the Public Hearing or for the next •• when it's before us live?

MR. ZWIRN:

Okay. Can I just ask •• I'll just ask one question.

CHAIRMAN LOSQUADRO:

Sure.

MR. ZWIRN:

I'll reserve my comments but I just would like if Mea could just •• I saw her memorandum with the legislation, but it doesn't address the preemption issue, which is probably the paramount issue here as opposed to the substance of the bill. And if she could give us something so we could take a look at that, that would be helpful.

CHAIRMAN LOSQUADRO:

Absolutely. Counsel, if you could take care of that.

MS. KNAPP:

Preemption issue is always a difficult one in dealing with the pesticide bills. There is a Law Review article that I have not yet taken a look at. And I believe we might have some authority

in there. In addition to some language in a federal court case that I'm in the process of tracking down. So, I'd like to, if I could, reserve any final opinion until after Public Hearing is closed.

CHAIRMAN LOSQUADRO:

Thank you. Very good. So that motion was tabled.

2121, appropriating funds in connection with the Peconic Bay Estuary Program. Can we get an explanation, please? Good afternoon.

MR. MINEI:

Good afternoon. I'm Vito Minei, Director of Environmental Quality. This is capital program 8235. We've had it place for a number of years. It typically represents our, at least a large portion of our matching funds, with the federal grant we get for the Peconic Estuary Program. In particular there's two ongoing studies that we want to utilize this money for. One is a benthic mapping. This is very sophisticated work being done by Stony Brook University in conjunction with the federal funds from the Peconic estuary study. And also the Nature Conservancy. And another smaller portion of the funds is to be utilized by Cornell Cooperative Extension in an ongoing investigation of submerged aquatic vegetation, SAV. Very important component of the natural resources protection of the program.

CHAIRMAN LOSQUADRO:

Very good. And this is \$150,000?

MR. MINEI:

Yes.

CHAIRMAN LOSQUADRO:

Is that correct?

MR. MINEI:

That's correct.

CHAIRMAN LOSQUADRO:

Very good. I'll make a motion to approve.

LEG. O'LEARY:

Motion.

CHAIRMAN LOSQUADRO:

Second by Legislator O'Leary. All those in favor? Opposed? **2121 is approved. (4•0•0•1. Leg. Caracciolo not present)**

MR. MINEI:

Thank you.

CHAIRMAN LOSQUADRO:

2122. I need to take a deep breath on this one. **Amending the 2004 Capital Budget and Program accepting and appropriating Federal up to 50% Grant in the amount of \$1 million, 500,00 from federal, 500,000 from local match, from the United States of America, acting by and through Commodity Credit Corporation under the Farm and Ranch Lands Protection Program, formerly known as the Farmland Protection Program of the County of Suffolk for the acquisition of Conservation Easements or other interests in farmland, pursuant to Suffolk County Code Chapter 8.** Explanation.

MR. ISLES:

Okay. This is a result of the grant application filed by Suffolk County with the federal government for funds to help us acquire farmland development rights or conservation easements. In this case the federal government did award a grant to us. We are now seeking your permission to accept the grant and to appropriate the funds and it will then be used to actually acquire development rights.

CHAIRMAN LOSQUADRO:

Very good. Motion by Legislator O'Leary.

LEG. BISHOP:

What's the offset in the ••

CHAIRMAN LOSQUADRO:

I'm sorry. On the •• seconded by myself. On the motion, Legislator Bishop.

LEG. BISHOP:

What's the •• I don't even know if you would know it. What's the offset in the capital account?

MR. ISLES:

I think it's coming out of the •• one of the open space farmland.

LEG. BISHOP:

One of the farmland programs. Just moved to another one? Is that correct, Counsel?

MR. ISLES:

Let me just check here.

LEG. BISHOP:

I'm going to assume it's correct unless I hear otherwise.

MR. ISLES:

I don't think we have any other authority to take it out of another program anyway.

LEG. BISHOP:

Right. Okay.

CHAIRMAN LOSQUADRO:

We had a motion and a second to approve. All those in favor? Opposed? **2122 is approved.**

(4•0•0•1. Leg. Caracciolo not present)

2134, authorizing the acquisition of Farmland Development Rights under the Greenways Program for the Hoshyla property we heard about earlier. I'll make a motion to approve, second by Legislator O'Leary. All those in favor? Opposed? **2134 is approved. (3•1•0•1. Leg. Caracciolo not present. Leg. Bishop opposed.)** List Legislator Bishop as opposed.

2135, authorizing the acquisition of Farmland Development rights under the Greenways Program for the Zeh property, which we also heard about earlier. Motion by Legislator O'Leary, seconded by Legislator Schneiderman. All those in favor? Opposed?

Legislator Bishop is opposed. **2135 is approved. (3•1•0•1. Leg. Caracciolo not present. Leg. Bishop opposed.)**

2136, authorizing the acquisition of Farmland Development Rights under the Greenways Program for the Eberhard/Hanley Farm. Motion to approve by Legislator O'Leary, seconded by myself. All those in favor? Opposed? Legislator Bishop is opposed. **2136 is approved. (3•1•0•1. Leg. Bishop opposed. Leg. Caracciolo not present)**

2137, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program, the Tedford parcel, Shelter Island. Motion to approve by Legislator Schneiderman, seconded by Legislator O'Leary. All those in favor? Opposed? **2137 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2138, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program for the Abets Creek parcel. Motion to approve by myself, seconded by Legislator O'Leary. All those in favor? Opposed? Legislator Bishop is opposed. **2138 is approved. (3•1•0•1. Leg. Bishop opposed. Leg. Caracciolo not present)**

2139, authorizing acquisition of a conservation easement for open space purposes under the New Suffolk County Drinking Water Protection Program, the McQuade property in the Town of Riverhead. Motion by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **2139 is approved. (3•1•0•1. Leg. Bishop opposed. Leg. Caracciolo not present)**

2147, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program for the Randall property, Town of Smithtown, 21.7 acres in Smithtown. I'd like to take a look at that.

LEG. O'LEARY:

Motion.

CHAIRMAN LOSQUADRO:

I was waiting for the copies to be distributed.

MR. ISLES:

And this is just the planning steps. We do have a few questions in terms of what the sponsor's intentions are. We have communicated with them. The property has a couple of houses on it. Does she want to include those or not include those? So, before we order appraisals and so forth, we'd like to get clarification of what her intentions are just on that.

CHAIRMAN LOSQUADRO:

It scored a 47. Not bad.

MR. ISLES:

It's in the Stony Brook Harbor watershed as part of the Long Island Sound.

CHAIRMAN LOSQUADRO:

It certainly warrants ••

LEG. SCHNEIDERMAN:

I'll second it.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator O'Leary, seconded by Legislator Schneiderman. All those in favor? Opposed? **2147 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2164, authorizing planning steps for acquisition of Farmland Development Rights by the County of Suffolk, under the New Drinking Water Protection Program. Which parcel is this?

MR. ISLES:

There are four parcels that are attached to the resolution. It think it's a total of four parcels, all of which have been reviewed by the County Farmland Committee and rated. Pardon me. It's three parcels.

CHAIRMAN LOSQUADRO:

61 acres?

MR. ISLES:

Yes, 61 acres. East Hampton and Coram.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **2164 is approved. (4•0•0•1. Leg. Caracciolo not present)**

2169, authorizing use of Environmental Facilities Corporation Financing for acquisition of AVR Realty property.

LEG. O'LEARY:

Can I get an explanation on that, Tom?

CHAIRMAN LOSQUADRO:

Explanation.

LEG. O'LEARY:

Can I have an explanation on that, Tom?

MR. ISLES:

Yes, yes. The Legislature approved the acquisition of the AVR properties, I guess, it was early this summer. We have been proceeding with that. We are in contract. And as part of that, we are hoping to finance this acquisition through the New York State Environmental Facilities Cooperation. The Legislature had authorized that a couple of years ago. The County was given a line of credit with EFC, the Environmental Facilities Corporation last year. In filing the application, EFC has indicated they are not satisfied with our resolution •• your resolution. It's the same resolution we used last year for the acquisition of the Duke property through EFC. But they've insisted that the resolution be modified the way they have instructed it to be done. So, in a sense this is really a technical correction. It's something you've already authorized. You've authorized EFC in general. And you've authorized the acquisition of these properties. So, we are hopeful of closing on this property in the near future. And we are hopeful of using EFC financing to do that. In order to do so, we must have a resolution that reflects the language that's before you.

LEG. O'LEARY:

This is the Fox Lair Warbler Wood property?

MR. ISLES:

Yes it is. Exactly.

LEG. O'LEARY:

Motion to approve.

CHAIRMAN LOSQUADRO:

So you shall have that resolution.

MR. ISLES:

We appreciate it very much.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator O'Leary, seconded by Legislator Schneiderman. All those in favor? Opposed? **2169 is approved. (4•0•0•1. Leg. Caracciolo not present)**

Onto CEQ resolutions. Mr. Bagg.

MR. ISLES:

While Mr. Bagg is coming up front, let me just mention to you ••

CHAIRMAN LOSQUADRO:

Yes.

MR. ISLES:

•• that with the approval of the three acquisitions for the farms, the Greenways Farmland Program is now done. We have no further money at that point, which is good news because we have to spend it by 2006. But just so you're aware of that.

CHAIRMAN LOSQUADRO:

Very good.

MR. ISLES:

Yes, to the end of 2006. And there •• the other two accounts Active Recreation and Open Space are also getting close to the end at this point.

CHAIRMAN LOSQUADRO:

This should be exhausted by that time.

MR. ISLES:

That's for sure.

CHAIRMAN LOSQUADRO:

Very good. Onto CEQ resolutions.

Resolution 70•04, proposed SEQRA classifications of legislative resolutions laid on the table (on November 16, 2004)

LEG. O'LEARY:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator O'Leary, seconded by Legislator Schneiderman. All those in favor? Opposed? **70•04 is approved. (4•0•0•1. Leg. Caracciolo not present)**

71•04, proposed park • Greenways Program, southeast corner of Dixon Avenue and Great Neck Road. Mr. Bagg?

MR. BAGG:

This project involves the acquisition of a former residential use parcel, which does not have a house on it any more to be developed as a neighborhood park area as described in the EAF and as shown on the plan which was submitted to you. Council recommends an unlisted action, negative declaration.

CHAIRMAN LOSQUADRO:

Very good. Same motion, same second, same vote. **(Approved. 4•0•0•1. Leg. Caracciolo**

not present)

72•04, proposed donation of 2.848 acres of land for open space preservation purposes (in the Orowoc Creek Wetland Preserve Area, Town of Islip)

LEG. O'LEARY:

Motion.

CHAIRMAN LOSQUADRO:

Same motion, same second, same vote. **(Approved. 4•0•0•1. Leg. Caracciolo not present)**

73•04, proposed acquisition, proposed acquisition of land for open space preservation purposes known as the Falco property (in the Town of Islip). It's a unlisted action.

Same motion, same second, same vote. **(Approved. 4•0•0•1. Leg. Caracciolo not present)**

74•04, Proposed Vector Control • 2005 Plan of Work for Suffolk County. This •• now we have officially taken lead agency status?

MR. BAGG:

Yes. We received a letter •• a copy of a letter in our office that told Dominick Ninivaggi that the County is lead agency; SEQRA lead agency. That letter was November 24th of 2004. The transcript, I believe, of the November 17th CEQ meeting covering the Vector Control has been transmitted to all Legislators. So, you have before you all of the information necessary to make a SEQRA determination.

LEG. SCHNEIDERMAN:

Before us is whether it's a Type I action or not; not whether it's a positive or negative declaration?

MR. BAGG:

That's correct. The Council made a recommendation that it's a Type I action. Spraying of insecticide is considered a SEQRA•able action. The spraying will involve more than 2.5 acres of parkland, which makes it a Type I action. The regs also say that •• ten acres, but they're going

to spray more than ten acres, too. But the smaller one applies. And the Council, rather than hold this up because the Legislature has to make a determination by December 31st technically pursuant to the law, deferred it without recommendation in terms of the SEQRA determination positive or negative declaration.

LEG. SCHNEIDERMAN:

I just point out that the •• the separate resolution went before the Health Committee yesterday, which contained the SEQRA declaration within it, the approval of the work plan and the SEQRA declaration with a negative dec on it. So, I don't feel there's any need for this committee to make a position or negative declaration. The Legislators will have it in front of them when it reaches the floor.

CHAIRMAN LOSQUADRO:

Counsel?

MS. KNAPP:

My understanding is that the SEQRA determination will be made by the full Legislature on 74 •04. We just want to declare it a Type I action at this point in time. Isn't it?

MR. BAGG:

Well, basically, the Council makes a recommendation with respect to SEQRA. They make it terms of the classification and possibly a recommendation for determination. In this particular instance, they only recommended a Type I action. They didn't recommend a determination because there wasn't enough time in the time constraints. You cannot delegate SEQRA. So, the Legislature is the final decision maker that makes the classification as well as the determination. Not the CEQ; they are only a recommending body.

CHAIRMAN LOSQUADRO:

Okay. So, as far as recognizing this as a Type I action, this 74•04, I'll make a motion.

LEG. SCHNEIDERMAN:

Second.

LEG. O'LEARY:

Second.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Schneiderman. All those in favor? Opposed? **74•04 is approved. (4•0•0•1. Leg. Caracciolo not present)**

If there's no further business before us today •• Counsel has something to add before we adjourn.

MS. KNAPP:

I just want to go back and answer Legislator O'Leary's question. I'm sorry, it took me forever to find 2122 on any of my drives. There was a question about what the offset was on that farmland acquisition. There is no offset because of the 50% federal funding. The Charter permits when it's 50% funded, that we don't need an offset.

CHAIRMAN LOSQUADRO:

But Legislator Bishop didn't stick around to hear his answer so he'll have to read the transcript. Being no further business before us, meeting is adjourned. Thank you very much.

(THE MEETING WAS CONCLUDED AT 2:45 PM)

DENOTES SPELLED PHONETICALLY