

**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 Thursday, **January 13, 2005**.

**MEMBERS PRESENT:**

Leg. Daniel P. Losquadro, Chairman  
Leg. Jay H. Schneiderman, Vice•Chairman  
Leg. Allan Binder  
Leg. David Bishop  
Leg. Vioria•Fisher  
Leg. John M. Kennedy, Jr.

**ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to the Legislature  
Alexandra Sullivan, Chief Deputy Clerk  
Jim Spero, Director of Budget Review Office  
Kevin Duffy, BRO  
Ken Knappe, Budget Office, County Executive  
Michael Deering, Director of Environmental Affairs  
DeWitt Davies, Department of Planning  
Vito Minei, Department of Health Services  
Nick Gordon, Parks Department  
Ben Zwirn, Assistant Deputy County Executive  
Thomas Isles, Director of Department of Planning  
Janet Longo, Department of Planning  
Jim Bagg, Chief Environmental Analyst/Department of Planning  
Patricia Zielinski, Department of Real Estate  
Lauretta Fischer, Department of Planning  
Kevin LaValle, Aide to Leg. Losquadro

Charles Bender, PO's Office

Jacqueline Caputi, Ass't County Attorney

Gregg Rivara

Karen Rivara

Chip Maran

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

**(THE MEETING CONVENED AT 2:11 PM)**

**CHAIRMAN LOSQUADRO:**

I'll ask all Legislators to report to the horseshoe, please, so we can get the meeting underway. All right. We're going to get started. We'll begin with the Pledge of Allegiance led by Legislator Binder, an addition this year to the committee.

**(SALUTATION)**

**CHAIRMAN LOSQUADRO:**

Thank you. And I'd just like to say welcome to the first meeting of Environment, Planning and Agriculture for 2005. I'd just like to say it's an honor and a privilege to be serving in the capacity as Chairman again. Welcome back to those members who served with me last year. Welcome to certainly not new members to the Legislature •• well, one new member to the Legislature; a couple of old hands at the Legislature. And we look forward to their input in this meeting. We certainly accomplished a great deal last year. We passed some groundbreaking legislation, some sweeping changes, to which I'm happy to report that the Real Estate Department is implementing quite well. And we look forward to continued success with them this year and expanding their staff and their personnel. We look forward to even better results this year. So, on with the show.

We will go right to the cards. We only have three here. The first being a Karen Rivara. Have a seat. It's a little more comfortable. Good afternoon.

**MS. RIVARA:**

Hello.

**CHAIRMAN LOSQUADRO:**

Just make sure you state name for the record.

**MS. RIVARA:**

Sure will.

**CHAIRMAN LOSQUADRO:**

Thank you.

**MS. RIVARA:**

My name is Karen Rivara. I'm the President of the East End Marine Farmers Association. And I have been growing shellfish for 25 years, roughly, since 1983. And I'm here to talk to you about resolution 2226•2004, the Aquaculture Leasing Program and funding of that program. And basically we'd like to urge you to move forward on funding the program. Many shellfish farmers and baymen will benefit from the opportunity to harvest shellfish that they have been able to grow in a sustainable way on leases that they've gotten from the County. It will also enable us to grow all species of shellfish and move away from mono cultural industry that's dependent mostly on oysters. So •• because we would be able to use the bottom and grow species like clams and also be able to expand growing bay scallops.

And I would just wanted to point out the environmental benefits of growing shellfish. One, they are filter feeders so they improve the water quality. We enhance the habitat through the use of our cages and also animals that like to grow in and around our shellfish. And it also actually enhances the shellfish resource on public grounds when our animals spawn. The larvae will set on public grounds.

The economic benefits, as I mentioned, the shellfish resource on public grounds being harvested; employment and the economic multiplier for aquaculture is anywhere from 2.5 to 4. So, that's a pretty nice number. It also will improve the quality of life on Long Island by enabling us to maintain a traditional life•style and keep people working on the water.

I also have a written statement or a letter from the East End Marine Farmers Association. And,

again, would just like to urge you to move forward on the funding of this Aquaculture Leasing Program. A lot of work and study has gone into the bill that was passed by New York State which hopefully will streamline the process by which the County leases underwater land. And I thank you for your time.

Oh, I also included a list of •• we started a list of individuals who are interested in leasing. And we're going to update that as we move along so ••

**CHAIRMAN LOSQUADRO:**

Thank you very much.

**MS. RIVARA:**

You're welcome. Did you have a question?

**LEG. VILORIA • FISHER:**

Thank you. I don't know a great deal about how the leasing program works. And you preempted my question by saying that you were distributing a list of those entities that were interested in leasing. Is there a kind of bidding process for who presents the best type of deal or the most appealing program for the County?

**MS. RIVARA:**

Actually the County has had the right to lease underwater lands since 1969.

**LEG. VILORIA • FISHER:**

Okay.

**MS. RIVARA:**

And because you were supposed to survey and map the entire hundred and ten thousand acres, it never moved forward. So, this new bill that was passed by the New York State legislature streamlines that process so you can pick zones in the Bay that are appropriate for leasing. So, the County hasn't leased anything since they've had the opportunity to do so. But as far as how the leasing would go forward in terms of who would be the lessor or lessee •• sorry •• it is kind of up for the •• the County to decide. Some •• I know about leasing programs in other states. Some states like Connecticut has a bidding process where you bid on the area. Other

townships will •• you basically come to them and say you're interested in leasing. You define the area. They have a public hearing. And if there's no opposition, they will lease for a set fee. So, it's up to you guys, I guess, to decide how you want to do that.

**LEG. VILORIA • FISHER:**

How the process would work.

**MS. RIVARA:**

Right.

**LEG. VILORIA • FISHER:**

Okay. Maybe later on we'll ask some questions on how that would work. Maybe Budget Review could help explain that. It would be Real Estate that would do that? Planning would do that. Okay. I didn't know if you were pointing to someone or just raising your hand, Tom. Okay, thank you so much.

**MS. RIVARA:**

You're welcome. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you, Karen. I believe we do have one more question for you.

**MS. RIVARA:**

Okay, sure.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Once it's leased, do you need to survey and buoy the corners of it? And then how do you •• how do you keep other shellfish collectors from going into that area.

**MS. RIVARA:**

Invading your farm area?

**LEG. SCHNEIDERMAN:**

Yeah.

**MS. RIVARA:**

We put an electric fence. No. You do have to buy •• DEC requires you to mark out at least the •• you know, something that would be a rectangle, the four corners. And you have to be out there working your property. If a DEC Conservation Officer does find somebody else taking shellfish from a lease that you have, then, they will fine them and •• shock collars are fine with me, too.

**CHAIRMAN LOSQUADRO:**

I'm glad someone agrees. The next •• thank you, Karen. The next card I have is from a Greg Rivara. Is this speaking on the same •• do you have something additional to offer? I guess there's some sort of a relation there? It would be a little too coincidental.

**MR. RIVARA:**

Thank you for pronouncing it right. Yes, Karen's my wife. I work for Cornell University Cooperative Extension of Suffolk County. While I can't lobby for bills or resolutions, I can ••

**CHAIRMAN LOSQUADRO:**

Could you just sit a little closer to the microphone?

**MR. RIVARA:**

Yes.

**CHAIRMAN LOSQUADRO:**

Thank you.

**MR. RIVARA:**

I just wanted to read something from the New York Aquaculture Industry Status Constraints and Opportunities. This is a Cornell University aquaculture program work team document that I helped put together along with Karen dated May 1st, 2004. And it's actually quite a bit dated already because of the legislation that Karen mentioned. I just want to read one paragraph.

"The law's most in need of revision" •• and, I'm sorry, this is from Required Changes to Implement Growth in the Shellfish Industry in New York State. "The law's most need of revision are those dealing with access to underwater land, the farmland needed by shellfish culturists. The County of Suffolk has had the right to lease underwater lands since 1969. The County has not leased any land due to the cumbersome survey and mapping requirements and due to negative reactions by wild harvesting to the leasing of underwater land to private individuals." And a lot of that has changed over •• actually really in the last year. As Karen mentioned, the cumbersome requirements have been unencumbered actually and it's a lot easier now for the County to lease these lands out. I'll leave a copy of this with my business card for the Committee. And I look forward to working with the Planning Department and the Legislature with my role with Cornell, county contract agency. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you very much, sir. I appreciate that. Next card is a Chip Maran. Thank you, Mr. Maran. Have a seat. And I just noticed •• I just got a list distributed of persons wanting to lease in the Peconics and I see your name on there so obviously ••

**MR. MARAN:**

Yeah.

**CHAIRMAN LOSQUADRO:**

•• an interest in this.

**MR. MARAN:**

Yeah. I'm Chip Maran from the Southampton Town Baymens Association representing them. I'll just say a testament to how important this leasing structure is to baymen. It's a 60 degree day with no wind in January. And I would love to be working on the water, but this is very important. 26•years old. Been on the water all my life. And it's •• I don't know •• we all know what's happened to the Hamptons and the cost of living out there has definitely changed. So, in order to work on the water, you have to change. I grew up, you know, rowing a crab•trout line. And then from there I went over to Cedar Beach Cornell, learned the aquaculture trade because I was, like, there's got to be a better way to do this.

Then I went to Australia, studied in Australia, brought the technology back. And it was •• suffice to say, we were still using potato •• you know, we were still digging potatoes by hand

and they had potato graters. That's kind of what the difference between the two countries were. So, we're way behind the eight ball as far as aquaculture goes.

There's pluses and minuses to everything; but you have to •• you have to, you know, you have to make a choice. As a County Legislature, do you want to put this through and allow people to work on the water and continue a way of life that we all, I think, love to see, you know. And I'm •• most people like to consume the product produced in the bays. Or do we want to let it fall by the wayside? And I guarantee there's not going to be too many people working the water that much longer. I'm probably the youngest bayman in Southampton working. So, you know, give us an opportunity to continue working on the water. And the grunt work of its been done to try and streamline this. It's just got to be pushed through. I appreciate your time.

**CHAIRMAN LOSQUADRO:**

Thank you very much, sir. Well put. I believe we have a question. Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

Thank you for coming here and testifying. We appreciate it. It's good to have people who have their hands in the issue, you know, have their arms around the issue.

You said that you did learn a variety of other methods that are more advanced, more progressive. Are you going to be sharing that with, let's say, Cornell Cooperative, bringing back this information, sharing with other baymen?

**MR. MARAN:**

Cornell •• a lot of the industry is familiar with the technology that I brought back from Australia. As far as the leasing structures, they're based on •• it's all sites specific, you know. We have a three•foot tide out in Peconic Bay. You know, some places in the world they have a 10, 12 foot tide. \\_Bay of Fundies\\_ 30 foot tide. So, I mean •• and we have a lot more people surrounded on the Bay so, we've had •• I took a lot of the gear from Australia and I've adapted it to keeping it on the Bay so you don't conflict with boat traffic and what not.

So, basically the Army Corps of Engineers permits and the Coast Guard permits and the Department of State permits that you have to apply for •• regardless of whether it's a grant from the state, existing land grant, you know, temporary marine assignment, kind of limit what

you can put on the bottom so ••

**LEG. VILORIA • FISHER:**

So, are you saying, then, that we have the technology; but we don't have the governmental processes that let people access?

**MR. MARAN:**

Yeah, we can't access the water with ease.

**LEG. VILORIA • FISHER:**

I see. Okay. So, that's where you feel we're falling behind; and so this legislation would be a good way to begin to address that issue?

**MR. MARAN:**

Yeah, the technology is there. The technology is world renown. It's just ••

**LEG. VILORIA • FISHER:**

But government is kind of holding you back because we're not moving ahead with facilitating your access to the bay •• to the waters?

**MR. MARAN:**

Yes.

**LEG. VILORIA • FISHER:**

Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you very much, again. Legislator Schneiderman, I believe ••

**LEG. SCHNEIDERMAN:**

The lands that we're talking about, the bottom lands, are they currently productive lands or ••

**MR. MARAN:**

In what respect?

**LEG. SCHNEIDERMAN:**

Or is there clams growing there now?

**MR. MARAN:**

It depends on where you go. I mean basically as •• I don't know if you're familiar •• Southampton Town has gone through with putting aquaculture in Southampton Town bottoms. As a digger, the majority of Peconic Bay is barren except for fish. So, I think the biggest conflict you're going to have is with your trap fishermen. And occasional spots where a scallop set. And that's, you know, that's historic. You can go back. And most of this gear is transient gear. So, if there's a scallop set there, you move the gear. But as far as the Bay itself, you know, there's a lot of it that's under-utilized or never utilized.

**CHAIRMAN LOSQUADRO:**

Hold on one second. Legislator Kennedy. Sorry.

**LEG. KENNEDY:**

I just want to dovetail off of what Legislator Schneiderman asked. So, the bottom land that's in question here from a lease perspective, is it all homogenous? I mean, do they have better sections of bottom to do aquaculture as opposed to others? Or is it all basically just square footage in which you would raise a harvest?

**MR. MARAN:**

I think that's something that the Planning is definitely going to have to address. And it's a big issue in other states, especially on the west coast. I work with a lot of companies out there developing gear and stuff from Australia; but basically they put a monetary value on a piece of property. And say, you know, this piece of property is prime bottom. It's worth 100%. So, you know, if you're only allowed 100 acres, that means that you can keep that 100 acres. If there's a piece of property that's 60% property, so, then you're able to hold 160% or, you know, 160 acres.

**LEG. KENNEDY:**

What makes it more valuable?

**MR. MARAN:**

Depending on the water depth, where •• you know, water depth, how hard the bottom is, tidal flow, nutrient load. I think for ease is •• when you're talking •• what was in the bill is 60 acres in bottom. And I believe it's ten acres off bottom. And there's so much land out there that basically everyone who's interested •• I have a running list of 24 names, you could probably triple that. And that's going to be how many people are going to apply. There's plenty of acreage to get what lease you want.

**LEG. KENNEDY:**

All right. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you again for the third or fourth time.

Okay. I have no further cards. Is there anyone else wishing to be heard before this Committee? Seeing no one, we'll move onto the agenda. We have some tabled resolutions. If we could •• I believe we may have a couple of questions even during the table resolutions. If I could just get the representatives from the Planning and Real Estate Departments to come up. Have a seat. And we'll get right to the agenda. Good afternoon. Made reference to all of you sitting in the back there when we opened the meeting. But good to see you all again. Look forward to another productive year.

The first item before us is will be in tabled resolutions is **1729, authorizing planning steps (for implementing Greenways program in connection with acquisition of active parklands at Smoke Run Farm in Stony Brook)** This is the Smoke Run Farm. We've discussed this on a number of occasions. And before we offer any additional testimony into the record, I believe Legislator Fisher may have a couple of questions to guide those discussions.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair. Actually, I'm going to be making a motion to table this because we're still trying to work with Brookhaven Town on this to so see what their disposition will be. But I did want to discuss with the Planning Department and Real Estate the various scenarios that Brookhaven has been looking at, which is •• they have suggested perhaps a farmland development acquisition. You've walked the property with me, Tom. And I'm not so certain that that would be an appropriate program for this, but I'd like to just know how you would

weigh in on that particular suggestion.

**MR. ISLES:**

Okay. Everything has its advantages and disadvantages. And in the case of the purchase of the development rights, the advantage it would offer is that the County would not have ownership of the property nor the responsibility of ownership including the maintenance and upkeep of the buildings and so forth. In terms of its rating, in terms of the county farmland program, the County Planning Department has done a preliminary look at it. We do think it does at least merit consideration given its proximity to county-owned land immediately next door. So, from an advantage standpoint in terms of the purchase of development rights, it's a limited county involvement once we buy the development rights. It is adjacent to county property. The disadvantage would be is that there would be no public access necessarily allowed. So, here again, it's a pro and con.

As far as the option with the resolution in question, the active recreation, certainly it is a permitted activity under the Greenways Program, which is, you know, could be done in the Multifaceted Program. The issue is a willing partner. We have contacted Brookhaven and had had discussions. We have no clear indication at this point that they would step in on that. Obviously, it has repercussions to them in terms of the cost impact, the management impact and so forth. So, that's essentially where we stand.

**LEG. VILORIA • FISHER:**

Can we stop that on that second scenario ••

**MR. ISLES:**

Okay. Sure.

**LEG. VILORIA • FISHER:**

•• which is the active parkland scenario. Going back a few years to The Wedge in Mt. Sinai, one of the things we had discussed at that point was whether we could have a partnership with a civic group or association or some other type of entity other than the town in •• or a three •way •• three•way agreement, I think, is what we finally did wind up with. We had the County, the Town and the Mt. Sinai park district or civic association. We always do need a resolution from the town.

**MR. ISLES:**

Actually ••

**LEG. VILORIA • FISHER:**

Or a municipality.

**MR. ISLES:**

No.

**LEG. VILORIA • FISHER:**

We don't?

**MR. ISLES:**

The Greenways Program talks about a municipality or town or village or community organization is the terms that's used.

**LEG. VILORIA • FISHER:**

That's or. Not and. Okay.

**MR. ISLES:**

Or. Now, there are requirements in what's known as stage two Greenways active recreation, which has •• which is the subsequent legislation approved by the Legislature that says that if it is a community organization, that organization must demonstrate, I believe, to the satisfaction of the Budget Office ••

**LEG. VILORIA • FISHER:**

Yeah.

**MR. ISLES:**

And the County Executive's Budget Office.

**LEG. VILORIA • FISHER:**

We looked at the fiscal history, I remembered of ••

**MR. ISLES:**

Exactly. And their financial records and so forth in terms of their ability to take on the project essentially.

**LEG. VILORIA • FISHER:**

Okay. All right. Thank you, Tom. Now •• so there's active parkland and the development rights. Certainly it wouldn't be open space because it wouldn't •• unless we only bought a piece of it, which would give us access.

**MR. ISLES:**

That's a possibility. I mean access for ••

**LEG. VILORIA • FISHER:**

Forsythe Meadow.

**MR. ISLES:**

Forsythe Meadow might be a possibility, yeah. Let me just make one point, too, and that is the Farm Committee meets four times a year usually.

**LEG. VILORIA • FISHER:**

Okay.

**MR. ISLES:**

Their next meeting, I believe, is January 24th. So, if the owner of the property was interested, they should drop us a letter expressing an interest and we'll put it on the agenda. If you have an interest, if the owner has an interest.

**LEG. VILORIA • FISHER:**

Okay.

**MR. ISLES:**

•• to at least get a read from the Farm Committee, which is advisory to you. It's not mandatory for you.

**LEG. VILORIA • FISHER:**

Thank you, Tom. And I will be making a motion to table.

**CHAIRMAN LOSQUADRO:**

Thank you. We have a motion to table from the sponsor. I'll second that motion. All those in favor? Opposed? **1729 is tabled. (Vote: 6•0)**

**1793, to appoint member of the County Planning Commission Vincent Taldone.** Mr. Taldone is not here. He was not requested to be here today. Motion to table by Legislator Binder, second by Legislator Schneiderman. All those in favor? Opposed? **1793 is tabled. (Vote: 6•0)**

**1954, reorganizing and strengthening the Nassau • Suffolk Regional Planning Board (and renaming the Board "The Long Island Regional Planning Council.")** I just received an updated copy from the County Executive's Office. And I'm in discussion with the Presiding Officer of the Nassau County Legislature. So, I'll be making a motion to table this again while we continue to work on it.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Binder. All those in favor? Opposed? **1954 is tabled. (Vote: (Vote: 6 •0)**

**2039, creating a Transfer of Development Rights Oversight Committee to promote Workforce Housing and a Sustainable Environment.** We had a request from the County Attorney's Office to say a couple of words on this.

**MS. CAPUTI:**

Thank you, Mr. Chairman. Can you hear me? We've spoken on this resolution before. And we just wanted to reiterate our concerns that the establishment of this TDR committee would be in contravention of the Charter and the newly enacted •• under the referendum, which established a Planning Department as being the authority to oversee the TDR program and the day•to•day

management. So, the Law Department doesn't feel that having an oversight committee can meld with that. And so that it's not proper to do both at the same time.

**CHAIRMAN LOSQUADRO:**

If we can just ask our Counsel for an opinion on that.

**MS. KNAPP:**

I actually •• somehow we differ on the reading of this. It's clear that the Planning Department has the authority to recommend the TDR program. What •• and I'm sorry the sponsor's not here because he can make his intentions, I think, better known than I can. But I understand that the desire here was to develop a committee that would advise the Legislature on each and every subsequent application as to whether or not •• to rank the projects for the Legislature and to basically look at a whole variety of options that are out there; and just give the Legislature their advice as to which ones should have priority over others. And I don't see that as conflict with the Planning Department.

**MS. CAPUTI:**

We just don't see that there's any provision in the Charter for any other entity to have a role in the TDR program other than the Planning Department.

**CHAIRMAN LOSQUADRO:**

And if I may just clarify, this is an oversight committee. It would act in an advisory capacity; not a mandate capacity? How does ••

**MS. CAPUTI:**

That's what the bill says.

**MR. ISLES:**

I think the bill says that, yeah.

**CHAIRMAN LOSQUADRO:**

I believe it's clearly advisory; correct?

**MR. ISLES:**

I believe so. I don't ••

**MS. CAPUTI:**

That's what the bill says, yeah.

**MR. ISLES:**

If I could just add to that?

**CHAIRMAN LOSQUADRO:**

Yes.

**MR. ISLES:**

I'd like to hear from the Planning Department.

**MR. ISLES:**

To what Counsel has said, too. It has been agreed upon and indicated that the Planning Department has been charged with developing a suggested program. We are well in the midst of that and we'll be having something to the County Executive shortly. It would seem logical to me that we would do this as part of that process. We're looking at a whole soup to nuts program in terms of the administrative structuring of this, the legal structuring, the oversight responsibilities and so forth. So, very least just in terms of my comment, that is well underway. We expect to have it completed soon and then delivered to you and the County Executive our recommendations. It would seem to me that would be a broader picture of •• a comprehensive way of looking at this. Not speaking specifically on this particular bill in terms of the good, bad or indifferent, but I think it should be looked at as part of the whole proposal versus incrementally.

**CHAIRMAN LOSQUADRO:**

I know this is something that is of great concern. We are all justifiably proud of the work that we did last year with the Save Open Space bond initiative and putting the TDR component in there as we did. But one of concerns that you hear from many groups because of past practices in many towns of development right, you know, certain communities being overburdened and some communities unfairly benefitting from these transferred development rights, that there is a concern that there should be a greater level of oversight such as this. So, I know that the sponsor •• I believe the sponsor had spoken to you on a number of occasions

about this; is that correct? Because I know he went through several different versions of this bill.

**MR. ISLES:**

He may have spoken to me generally. I don't recall specific conversation. You know, I'm not saying anything negative on the sponsor •• on the idea. I think the idea certainly is logical to present in this context. The sponsor's also made reference to the County's Smart Growth Plan, which here again, was part of a larger planning initiative. The TDR component of the workforce housing is a component of that. It's not •• it's not taking on the entire smart growth proposal. Certainly I'll be happy to speak to the sponsor if that's what you're suggesting. My only point in my comments today was that a) to report to you that we're well on our way to our task as you've charged us to do. And I would respectfully request that we •• you, pardon me •• provide us with an opportunity to present that to you. Obviously you make the final decision on this with the County Executive. But I just think it would make more sense to consider it as part of the whole administrative structure, the legal structure, the whole program. Obviously counsel has indicated that •• the belief in terms of the authority question. And I'm not here to comment on that, but it would just seem to me to be premature at this point to pass this resolution if we're going to be delivering to you in very short order an entire report and suggested program that may or may not conflict with that.

**CHAIRMAN LOSQUADRO:**

What time frame is short order? Three months, six months, a month? By year's end?

**MR. ISLES:**

It is definitely not six months. And it is definitely not three months. Yeah, it's much sooner than that. Perhaps a month, perhaps maximum two months. But we put a lot of work into this. This is really the first TDR program of its kind in the County. We've obviously done the Pine Barrens one through state legislation. There's a lot that has to go into this. We've had numerous internal meetings on it with Health Department, Public Works, with legal counsel and so forth. We don't consider this to be a trivial act of what we're doing. It's very important to the Workforce Housing Program success, to the success of the SOS program. We are giving it a high importance from the administrative side of things. And, you know, my rough time frame in terms of completion of our work's certainly within a month.

**CHAIRMAN LOSQUADRO:**

Legislator Vilorio • Fisher.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair. Regarding the work you have been doing on this, both Legislator Schneiderman and I serve on the Workforce Housing Commission, and we're both very well aware that •• I see some of the entities that are mentioned here as members of this committee are actually people with whom you are currently working. There is •• I know that you have been working with health services, Department of Public Works, with the Affordable Housing Program, with Marianne Zuckerman. And that you have also been open to input from those members of the Workforce Housing Commission which had expressed some concern as to what the framework of the TDR program would be. I know that you've spoke •• I think Connie Keppert has spoken with you or •• and Vision Long Island •• Neighborhood Network. So, you have been very open to the input from those various entities. So, in some ways I think that passing this at this time might actually be restrictive in the oversight or the ability to have a broad view or a broad consensus of opinion. Consensus is not the •• input of opinion from various areas, various camps. So, I think that Mr. Isles certainly has a very reasonable request which is to wait until they finish the product on which they've been working for so many months; and that when we see that product and we see that framework, then, within the framework of what they've developed, we can see whether or not this would be the appropriate format to move •• move forward with the TDR program. And certainly a promise that I made to the voters of Suffolk County as the sponsor of that SOS was that we would have very, very careful scrutiny. And I believe that we can do that by allowing the people who have been working on this for so many months to finish their work, present it before us, have us look at it. And then if we feel that within that framework we want to have a committee that's either •• that either has the makeup that's reflected in this legislation or perhaps the makeup might be a little bit different when we see what the framework looks like. At that time we could make a better decision as to how •• how to move forward.

**CHAIRMAN LOSQUADRO:**

I was going to make a motion to discharge without recommendation. Is there an alternate motion?

**LEG. VILORIA • FISHER:**

I'd like to make a motion to table ••

**CHAIRMAN LOSQUADRO:**

Motion to table takes precedence.

**LEG. VILORIA • FISHER:**

•• 2039.

**CHAIRMAN LOSQUADRO:**

Is there a second on that motion?

**LEG. VILORIA • FISHER:**

Because it would give them that month.

**CHAIRMAN LOSQUADRO:**

There's a motion and a second to table. On the motion, Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I don't really see the harm in discharging it. I mean on its face it certainly seems like a well balanced committee. And I understand •• I'm looking at the one on the internet, but it's been amended. There's been two more members added, I believe. Do you have an amended copy?

**LEG. VILORIA • FISHER:**

No.

**MS. KNAPP:**

The amendment •• the only •• the amendments were not to the positions, I believe. The amendments were literally the kind of things that •• it said •• let's see. One of the whereas's •

**MS. CAPUTI:**

There was a second.

**MS. KNAPP:**

To insure that the plan in process developed by the Department of Planning; just to make it clear that there was no interference with that •• for the transfer of development rights is overseen by those having diverse and relevant interests. I believe that the only amendment ••

**LEG. SCHNEIDERMAN:**

I was told by the sponsor that, I believe, that the Chair of this Committee and the Chair of the Parks Committee, which is myself, would also serve on this TDR.

**MS. CAPUTI:**

Yes. There was a corrected copy that added some additional members, Ms. Knapp, yeah. I think it was December 16th. Some additional legislator appointees.

**LEG. SCHNEIDERMAN:**

All right.

**MS. KNAPP:**

The Chair of EPA ••

**LEG. SCHNEIDERMAN:**

Let's make sure we're all talking about the same copy.

**MS. KNAPP:**

The Chair of EPA is definitely on this •• is definitely on my version. And I do not see the Chair of Parks. I see the Chair of ad hoc on Affordable Housing.

**LEG. SCHNEIDERMAN:**

Well, maybe that's what it was. Okay.

**MS. KNAPP:**

Okay.

**LEG. VILORIA • FISHER:**

I don't have that copy.

**MS. KNAPP:**

It is twelve members.

**LEG. SCHNEIDERMAN:**

Okay. So •• so, there's actually 12 members. I think it's a good faith to have a committee like this and reviewing it. I like the fact that the sponsor put a representative from the Suffolk County Supervisor's Association and the Suffolk County Village Association because too often we leave these individuals out and ultimately they're responsible for the zoning within their municipalities. And nothing is going to happen in terms of •• we could do all the TDR's in the world, but unless the zoning is there to allow for the greater density, it's not going to happen. So, I think it's important to have them at the table. It seems to me relatively harmless if you want to discharge it without a recommendation, we could do that. But I would support it as is.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop.

**LEG. BISHOP:**

Does everybody agree that this committee has no power other than advisory?

**CHAIRMAN LOSQUADRO:**

It's advisory.

**LEG. BISHOP:**

We're all comfortable with that? Counsel? County Attorney?

**MS. CAPUTI:**

But still the point is that the Charter provision says that the Planning Department has the management, administration and day•to•day supervision. I mean it just seems that's clear, that there's really no other entity.

**LEG. BISHOP:**

Right. They can be advised. I'm going •• it's not because it's Levy or the County Executive. I didn't like these committees when Gaffney was the County Executive. I hate these committees. I mean they're just extra burdens. They just slow everything down.

**LEG. VILORIA • FISHER:**

They slow things down.

**LEG. BISHOP:**

And then everyone is going to say well, we didn't get a report from the TDR Committee. And, you know, it's going to meet twice a year. It's too big, 12 members. It's not going to be •• it's not moving the issue forward. And the other ideological problem I have with these committees especially those that have power •• this is simply advisory •• is that they're not truly accountable, at least when these issues come to the Legislature, everybody knows who to blame and praise. You know, these committee are just a way to remove the direct oversight. So, it's called oversight, but I think it works against oversight because oversight really rests with the Legislature. And the burden rests with the Executive, which is what the County Attorney says. It's a function of the executive branch and we're the oversight and we should perform that function. And it should really be in this very committee. So, why have this committee?

**CHAIRMAN LOSQUADRO:**

All right. Thank you.

**LEG. BISHOP:**

So, I'd support table, kill it.

**CHAIRMAN LOSQUADRO:**

Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

I'm not going to use quite those suggestions; but I will say that my concern is that it would add a layer that would add time. It may not have •• it may not be empowered, but it does add another layer. And as you know, Legislator Schneiderman, it's difficult to move forward with our affordable housing program. Our Workforce Housing program. And in the bond •• in the \$75 million SOS bond that the voters voted for, we list as one of the provisions that the TDR's will come before •• on a case by case basis will come before the Legislature. We are the

oversight committee. And to have another oversight committee before it comes back to us adds an unnecessary layer, I believe, that will slow down the process. It will burden the process. And we're having enough trouble moving this forward. Not that we don't want to be cautious and we don't want to be careful. But many of the members who are mentioned here are already working on the process.

**CHAIRMAN LOSQUADRO:**

I understand. But the •• I don't know if you had received at your office through the Presiding Officer's office, we all received a binder of all the current task forces and committees. So, you know, I'm almost tempted to say by that logic we should disband all of them; that they're unnecessary. So, I do think they function in important roles at times; other times there may not be a need. But I do think for the reasons I stated earlier, I think this is an important oversight function. Legislator Schneiderman, then we're going to move the tabling vote.

**LEG. SCHNEIDERMAN:**

Yeah. I mean I would argue just the opposite, Legislator Fisher. When you leave out critical stakeholders from the review process and you come up with a decision; and then they find out about it, that's what really holds up the process. If you're developing the idea and you have those people whose interests are going to be affected at that same table, it tends to move it forward faster. You know, I recall when I •• when I asked for Gabreski Airport Advisory Committee, that was to move things quicker in terms of economic development at the airport because we all know once those things go out there, then suddenly citizens groups are all stepping forward and •• and if you have them involved in the process, it'll move quicker. That got vetoed. I think that was unfortunate. I think this •• having these players at the table will speed up the process; not slow it down.

**LEG. BISHOP:**

On the motion.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop.

**LEG. BISHOP:**

All right. Now, where is this stakeholder in the community on this list?

**LEG. SCHNEIDERMAN:**

The supervisors and mayors associations, the village associations.

**LEG. BISHOP:**

They're elected officials. That's not community stakeholders.

**LEG. SCHNEIDERMAN:**

They only represent their communities.

**CHAIRMAN LOSQUADRO:**

If I may, they also hold the home rule powers, Legislator Bishop.

**LEG. BISHOP:**

Right. That's true.

**LEG. SCHNEIDERMAN:**

So, there's your answer. There's your stakeholders.

**LEG. VILORIA • FISHER:**

But they sit on the Workforce Housing Commission.

**LEG. BISHOP:**

It would seem to me that when a particular TDR comes up, that's when all that feel good community involvement stuff should trigger. Not on one of these committees that will no doubt linger on the books for years to come and accomplish very little. That's my perspective. Maybe I'm becoming jaundiced in my final year.

**CHAIRMAN LOSQUADRO:**

A bit jaded, are we? Okay, we have a motion and a second to table. All those in favor?  
Opposed?

**LEG. BINDER:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**CHAIRMAN LOSQUADRO:**

I'm opposed. Two in favor, four opposed.

**LEG. SCHNEIDERMAN:**

In light of the controversy, discharge without recommendation.

**CHAIRMAN LOSQUADRO:**

I made the suggestion before. I will make the motion to discharge without recommendation, seconded by Legislator Schneiderman. All those in favor? Opposed? Motion is carried. **2039 is discharged without recommendation. (Vote: 6•0)**

**2088, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Tower Street property, Huntington Station.** This has been before us now, I believe, this is the third cycle or second cycle. We've heard much discussion about this. I for one •• we also discussed that we think it's a laudable goal to help improve this community; but I am absolutely of the mind set that this is not the proper mechanism to go about accomplishing that. So, do we have a motion?

Hearing no motion ••

**LEG. BISHOP:**

I'll make a motion to table.

**LEG. VILORIA • FISHER:**

Second.

**CHAIRMAN LOSQUADRO:**

2088 we have a motion by Legislator Bishop, second by Legislator Vilorina•Fisher.

**LEG. BINDER:**

On the motion.

**CHAIRMAN LOSQUADRO:**

On the motion Legislator Binder.

**LEG. BINDER:**

I hope we won't table this. I think we should just take it off the table. The fact is, that it's the wrong idea at the wrong time. I'll be fine. So, do the same thing. It would seem to me that it's a bad precedent to set. And the community itself doesn't want it. I had 140 signatures that were sent to my office from people who live right there who don't want this to happen. So, it would seem to me it's not something that we should ••

**CHAIRMAN LOSQUADRO:**

And on that same note, I will say that it's not •• it's not just window dressing to say that it's a bad precedent. I actually received a call at my office from someone who had heard about this and thought it would be a great idea if I put in to purchase a house in Sound Beach that the person down the block wasn't keeping up to the standards that they thought would be appropriate for the rest of the block. So, I truly feel that this is the wrong mechanism to accomplish this. And I will not support a tabling motion. So, would you like to be heard before I move the vote? Legislator Bishop.

**LEG. BISHOP:**

I just want to distinguish your wise decision not to pursue the purchase of the home in Sound Beach from what I also consider a wise decision by Legislator Cooper which is to try to address a community nuisance. I don't know what the petition said. I know from the previous meetings, there was a lot of talk about how this house would be used in the future. And there was like community people said, we don't want it to be a social service center. Well, obviously that would be an inappropriate use for it. However, as a community youth center across from a middle school, that be a superior use to what is occurring now which is apparently arrests emanating from this home. Legislator Cooper has a companion resolution to change the crack house law because apparently, I guess, gun shots •• gun possession is not considered a nuisance. Right, fine. But my point is that •• isn't that what's occurring at this property? Has occurred?

**CHAIRMAN LOSQUADRO:**

No longer. It had in the past. It's currently vacant. The previous tenants are no longer in the

property.

**LEG. BISHOP:**

And it was only one tenancy that had this? I thought it was a string over the years where this has occurred.

**CHAIRMAN LOSQUADRO:**

Well, this was a slum lord in the area who obviously did not give much attention to whom he was renting the property.

**LEG. BISHOP:**

Right.

**CHAIRMAN LOSQUADRO:**

And that is obviously something we need to address through other legislative means. I do not believe that purchasing this parcel is the band aid that is going to stop a hemorrhage of this type.

**LEG. SCHNEIDERMAN:**

If I may?

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Apparently the landlord that put the troublesome party into this house also owns quite a few other houses in this neighborhood. So, the idea of picking one and purchasing it •• and then the troublesome tenants go to another, what are we going to do? Buy the whole neighborhood? It is a •• it's a little bit unprecedented.

**LEG. BISHOP:**

Grant it that's a problem.

**LEG. BINDER:**

Mr. Chairman.

**LEG. BISHOP:**

That superior problem may be the home that's adjacent to a school. And I think that was a lot of what was behind this initiative.

**LEG. SCHNEIDERMAN:**

It was presented, though, as a •• this is a troubled, troubled house for whatever •• for some reason. It's like the Amityville Horror. I mean you're got this house that somehow attracts the wrong tenants.

**LEG. BISHOP:**

I've had troubled houses. And they're very hard to remedy.

**CHAIRMAN LOSQUADRO:**

We're going back and forth here. So ••

**LEG. BINDER:**

Mr. Chairman.

**CHAIRMAN LOSQUADRO:**

Legislator Binder.

**LEG. BINDER:**

The person that owns this home owns something in the order, I think, 200 houses around the area. You could see pictures from this clearly. If you took, say, pictures of the house that there were three electric boxes on there which is clearly a violation of the town code. It seems that this particular landlord doesn't get •• doesn't have problems that he violates the town code basically on almost 200 houses. So for whatever reason, there doesn't seem to be enforcement •• wasn't enforcement on this.

And, in fact, let me tell you what the town expects us to do. They expect us to buy this. And how do we know that? They put in a resolution they passed saying that they have a not•for •profit that they gave six months of leasehold money, which would be 2500 a month, \$15,000.

And then they followed that with \$83,000 to fix up the house. So, they're going to put in \$10,000 worth of central air conditioning for this particular owner and a number of other •• list of things for \$83,000 based on a six•month lease. And it all says based on the fact that we're going to buy it. And making that assumption is an outrageous assumption that the Legislature would do •• that we would go buy this in an unprecedented manner.

And I think that's the reason, I think, today that we should kill it and not keep this thing lingering around so that people of the area get some closure and they know, and the town board knows that that's not something the Legislature is going to do. To table this would give them •• the Town Board further hope that they're going to take this \$83,000 and use it towards something to fix that we're going to eventually buy. So, I think it's time •• it's very important today that we defeat this legislation so it's clear to the Town Board where we're going with this.

**CHAIRMAN LOSQUADRO:**

I believe this deceased equine mammal has been kicked enough. We have a motion and a second to table. All those in favor? Opposed?

**LEG. BINDER:**

Opposed.

**LEG. SCHNEIDERMAN:**

Abstention.

**CHAIRMAN LOSQUADRO:**

We have three in opposition, one abstention.

**LEG. BISHOP:**

All right. I'll make a motion to approve. And I just want to ask on the motion, not to rehash the debate, but to bring it to a new area since precedence seems to be a very important term here, whose district is this in?

**CHAIRMAN LOSQUADRO:**

Hold on. There's a motion to approve by Legislator Bishop. Second by ••

**LEG. BINDER:**

You would have voted to table? Be on the record.

**CHAIRMAN LOSQUADRO:**

Yes. Motion to approve by Legislator Bishop, second by Legislator Binder. On the motion ••

**LEG. BINDER:**

No, no.

**CHAIRMAN LOSQUADRO:**

For purposes of ••

**LEG. BINDER:**

No.

**CHAIRMAN LOSQUADRO:**

Okay. Well, then seconded by Legislator Fisher.

**LEG. BISHOP:**

Whose district is this in?

**CHAIRMAN LOSQUADRO:**

I believe it is in Legislator Cooper's district.

**LEG. BISHOP:**

Okay. So, we have a district issue in Legislator Cooper's district that he sponsored a resolution in which he has the support of the Town Board. And it is the will of the majority of this Committee, apparently, to ignore the precedent that has always been set in these type of matters, which is give great deference to the community legislator. So, we don't break down into some sort of nasty partisanship.

**CHAIRMAN LOSQUADRO:**

This is not partisanship. This ••

**LEG. BISHOP:**

Of course not.

**CHAIRMAN LOSQUADRO:**

No. I'm not going to get sanctimonious on this at all. But this is not. Just because we see a decision by a Town Board or by an individual Legislator, it happens to be in his district, does not mean or does not sit the precedent that we have to approve that. That is why we vote by majority. That is why one voice is one of 18. So, I do not agree with this mechanism. And that is why I stand in opposition to it. Legislator Binder; then Legislator Schneiderman.

**LEG. BINDER:**

I would say actually if there was partisanship, it would be on the other side to support an idea that, number one, is not supported by anyone in the community with 140 signatures of people that live around there that don't want it. The people actually that don't want it. And, number two, to do an unprecedented thing which already the Chairman has gotten a request to do the same and it'll start coming at us. It's unprecedented. It is bad legislation. To support bad legislation because a particular legislator wants it in his district, is not something we need to do. And it would seem to me that it would be •• the support would be the partisan action; not the opposition to it.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman; then we're going to move the vote.

**LEG. SCHNEIDERMAN:**

As a former Supervisor of a town, I can't imagine ever asking the County to buy a house within that township. If the town wants the house, the town would buy the house. And you know what, you guys would have laughed at me if I asked you to buy a house in East Hampton that was a troublesome house.

**LEG. VILORIA • FISHER:**

We wouldn't have been able to afford it.

**LEG. SCHNEIDERMAN:**

And you would not have been able to afford it, right. I just think it really will open a door that we probably should not go through.

**CHAIRMAN LOSQUADRO:**

We have a motion by Legislator Bishop, second by Legislator Vilorina•Fisher to approve. All those in favor? Opposed?

**LEG. BINDER:**

Opposed.

**LEG. SCHNEIDERMAN:**

Abstained.

**CHAIRMAN LOSQUADRO:**

We have two in favor, three opposition, one abstention. **2088 fails. (Vote: 2•3•1•0. Legislators Vilorina•Fisher and Bishop approve. Legislators Losquadro, Binder and Kennedy oppose. Legislator Schneiderman abstain)**

**2102, local law to promote the health of Suffolk County residents by limiting non •essential use of toxic chemical pesticides in Suffolk County.** We do have a request from the County Attorney's Office and I just see a representative from the County Executive's Office. This public hearing is recessed. This will be tabled. This is not an active bill before us today. Do you still wish to be heard on this?

**MR. ZWIRN:**

I know you want me to say no, but I have to walk through that door, if I may. Just a small ••

**CHAIRMAN LOSQUADRO:**

Just open it slightly.

**MR. ZWIRN:**

Just slightly ajar. And I was listening. If anybody wants to buy the house where I live, I'm always open to suggestions. My neighbors might offer to chip in.

With respect to this legislation, and the hearing I know has been recessed, but one of the things that we have an issue with and we've had from the beginning is the preemption issue. And the state •• there are areas where the cell phone law we've heard used as an example, where the County moved forward; but it is different. And I'm not speaking for the County Attorney's Office, but for the County Executive's Office. And that preemption is a critical issue here. I mean it often is, but this one seems to be very clear.

I have read an opinion from the County Attorney's Office, which their opinion is clear that •• without getting to the merits of the bill itself •• this is one where it is clear that the State has taken the authority on this. The County Executive is putting together his state agenda presently. And this is an item that we've brought before him. Assemblyman Tom DiNapoli, who was my old assemblyman from the 16th assembly district in Nassau County, has a bill in Albany as does Senator LaValle, who is my present state senator out in the east end has a companion bill in the state senate that speaks to this particular issue on the statewide matter.

And the only thing •• I know I've asked Counsel in the past •• I'm not going to ask her again today, but we would like to get some opinion from Legislature Counsel on this as well. I know the County Attorney has an opinion •• has an opinion. I don't know if she's handed it out yet; but I've had an opportunity to read it and maybe Liz Harrington who is here from the County Attorney's can comment on it. But I think that's the issue that we have before us. And if we could get that resolved as early as possible, then, we can move on from there. Thank you.

**CHAIRMAN LOSQUADRO:**

Very good. I know that this is something that the sponsor is working on. I'm sure he'll like to make a brief statement before we ••

**LEG. SCHNEIDERMAN:**

I'll turn it quickly over to legislative Counsel if she wants to respond. Obviously the preemption issue •• you know, I've heard those arguments. I have •• I have had discussions with Christian Malafi. I have given her some journals and some case law on this issue. I don't think it is a completely black and white issue as you portray it. It's certainly the right thing from a public health perspective to do, is to try to limit the amount of known human toxins entering our environment. And when there are acute toxins entering for non•essential purposes, purely

aesthetics, I think the County, which is empowered under state public health law to make daily decisions to protect the public health, it's legitimate to make a decision such as this from a policy perspective. It's possible like as in Nassau County when they passed the neighbor notification law, it was phrased in such a way that it was not clearly preempted, though ultimately a judge did decide that that was preempted. It did lead to changes at the state level. So, it's possible that this bill could be modified in such a way to capture other chemicals other than just some of the lawn chemicals we talked about, but I'll turn things over legislative Counsel, if she wants to add to that.

**MS. KNAPP:**

I certainly can't disagree with anything that Legislator Schneiderman has said so far. I, too, have talked to the County Attorney about this and very much aware of her opinion. And I know she's aware of mine, also. However, we did speak about the possible modifications and amendments that we could look at that would serve to ameliorate the concerns about preemption. And I think that the sponsor and I have already begun those discussions. And I think that, you know, we're going to make some changes that may make everybody more comfortable.

**CHAIRMAN LOSQUADRO:**

Very good. As I said, this public hearing is not closed. It is recessed. So, I'll make a motion to table, second by Legislator Schneiderman. All those in favor? Opposed? **2102 is tabled.**

**(Vote: (Vote: 6•0)**

**2224, this is for the acquisition of Farmland Development Rights (under the New Drinking Water Protection Program) for the Sujecki Farm.** Was this already approved under an alternate bill; is that correct?

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

Okay. Well, Counsel, do we need to make a motion?

**MS. KNAPP:**

If you make no motion at all, it will remain on the agenda. It should be withdrawn. Not being

withdrawn? No?

**MR. ZWIRN:**

Yes.

**CHAIRMAN LOSQUADRO:**

Okay. I'll make a motion table subject to call, second by Legislator Viloría•Fisher. All those in favor? Opposed? **2224 is tabled subject to call. (Vote: 6•0)** And the understanding is that it will be withdrawn.

**2226, amending the adopted 2004 Operating Budget to transfer funds from the 477 Water Quality Protection Fund (amending the 2004 Capital Budget and Program and appropriating funds in connection with the Aquaculture Leasing Program)** This is for the Aquaculture Leasing Program.

**LEG. BINDER:**

Is there a motion? I would make a motion to table. And if there's a second ••

**LEG. BISHOP:**

I'll second it.

**CHAIRMAN LOSQUADRO:**

Motion to table Legislator Binder, seconded by Legislator Bishop. On the motion, Legislator Binder.

**LEG. BINDER:**

In Public Works, we've had some discussion on the 477 and also in the Budget Finance Committee. I think it's important before we go further, and we have a lot of 477's out here, that we take a good look at what the 477 is, what exactly we want to do with it, how we want to do it. There are laudable goals in all of these bills; things we want to do. The question is what's the pot of money that it's going to come from to accomplish all of these goals? I think in the end we want to do all of these, but where does it come from? It might in the end come from the 477; but I think it's important that the committees of this Legislature •• so we have a lot of committees •• that means there's a lot of members looking at this •• come to some

understanding of we want to do going forward and not say well, we did it this way in the past. We have to really go forward and say and really narrowly define what we want to do with the money and how we want to do this, what are our goals. And I hope we're going to do that. I look forward to seeing a memo from Budget Review and Counsel. They're going to put together something for us. And I think there'll be some good discussion. And I think by the end of the process we'll have a better idea, the County Exec will have a better idea, the Planning •• everyone's going to have a better idea. And I think we'll use the money in a way that's appropriate.

**CHAIRMAN LOSQUADRO:**

Thank you.

**LEG. BISHOP:**

On the motion.

**CHAIRMAN LOSQUADRO:**

And as Legislator Binder said, I raised this issue in Budget and Finance Committee. We're already working with Budget Review on this; so, we look forward to getting some answers on this as to what areas this money is looking to be spent in. Legislator Bishop.

**LEG. BISHOP:**

Legislator Binder's remarks were cogent, correct and timely. The problem is ••

**CHAIRMAN LOSQUADRO:**

That's on the record.

**LEG. BISHOP:**

I've been saying •• I mean, thank you for joining me in this fight which I've been waging now for •• through two administrations. This is not a fund with which you dip into any time you have a project that, you know, you don't have money for. And that's what's occurring. If you look at the Public Works agenda, there are six •• six items on there including one in my district which I initiated, which was a flooding problem. And yet I see it's being remediated through the 477 account.

And I wrote to DPW, and I said, where is the environmental angle on this so I'm comfortable that we're, you know •• you know, addressing water pollution and not flooding issues. I've yet to receive a response. So, what I know is occurring is that a host of different initiatives are being funded through the 477. And what's being neglected in the 477 is its very purpose, which is to make the water surrounding Suffolk County cleaner. And, you know, clam seeding •

- I've always been troubled by that because that's like the cart before the horse. Let's first clean the water with this fund; and then do all these seeding and agriculture projects. I wouldn't •• by the way, this mapping project is important and it should go forward. But it shouldn't go forward through this account.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Schneiderman was before you, Legislator Vilorio•Fisher. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I just want to add something that I learned from a committee yesterday through Counsel •• committee counsel added herself, but that the Charter does provide that there's a recommendation process through either the Peconic Estuary or several other committees that must first recommend the project. And I think a lot of the ones we've been seeing on the 477 program are •• have not gone through that process that's mandated by statute. So •• is that correct, Counsel?

**LEG. BISHOP:**

Yeah. There's a •• I'm a counsel as well. I passed the bar.

**LEG. SCHNEIDERMAN:**

I didn't mean you.

**LEG. BISHOP:**

I know you didn't address it to me but I happen to have the answer. When we implemented the Water Quality Protection Program in 2002, it was resolution 1169, it says it has to go through the Peconic Estuary Program or the South Shore Estuary Program or the Long Island Sound Study. Three committees for it to be eligible. And many of these projects, I'm sure, on

that Public Works agenda did not go through.

**LEG. SCHNEIDERMAN:**

All right. So, they would have to be tabled for that reason alone unless it has gone through those committees. It hasn't. Okay. So, let's ••

**MR. ISLES:**

Mr. Zwirn has one comment on it.

**CHAIRMAN LOSQUADRO:**

Hold on. We're not done yet. Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

There was a request made in the Public Works Committee asking that Counsel give us an executive summary or salient parts of the Charter that refer to how we should be using 477. I thank Legislator Bishop for pointing out that there was a resolution in 2000 •• resolution 659? 2002, that also referred to how we are to use the 477 account. And through the Chair •• Mr. Chair, through the Chair I'd like to request that we have that information also at this Committee so that as we address these issues, we can refer to them. Although I don't agree with everything that Legislator Bishop has said regarding clams and shellfish because they do filtrate the waters. So, it's not putting the cart before the horse, but that's not the issue here.

**CHAIRMAN LOSQUADRO:**

The issue of the bivalves we're well aware of here.

**LEG. VILORIA • FISHER:**

I want to look at all of the pertinent information that Counsel may bring before the Committee.

**LEG. BISHOP:**

You should ask the clams if they want the water cleaned first.

**LEG. VILORIA • FISHER:**

No, they love to clean the water.

**LEG. SCHNEIDERMAN:**

They're very quiet those clams.

**LEG. VILORIA • FISHER:**

They're bottom feeders.

**CHAIRMAN LOSQUADRO:**

Okay. Your microphone is not on? We'll first hear from the County Attorney's Office.

**MS. CAPUTI:**

Thank you very much. I have that resolution with me today, 659 of 2002. So, I just wanted to read from it because I think it might answer some of the concerns that were raised. It says the program provides an opportunity to implement actions to improve and protect surface water quality and related resources that are in accord with recommendations. The Charter really misinterprets what this law said that was passed. It doesn't have to be official recommendations from those; but it just has to be in accord with recommendations that they've, you know, issued. But it's not a recommendation process.

**LEG. BISHOP:**

They recommended flooding on Evergreen Street in West Babylon?

**MS. CAPUTI:**

No, but the aquatic •• there is a specific section of the Charter that does say aquatic restoration for bay scallops. So, you know, that is covered; but I think, if you want, we'll give you a copy of this. This expresses the intent of the resolution 659 2002 that was introduced by the Presiding Officer at the request of then County Executive Gaffney.

**CHAIRMAN LOSQUADRO:**

Please do. This is going to go into what I anticipate being a great deal of information we're going to receive about this because as you can tell, we've discussed this in a number of committees now. This account is obviously being used for a large scope of projects; not just things that are coming before us here in Environment, but in Public Works and in Budget and Finance. So, we need some clarity as to how this money is being spent, is it being used for

salaries. How can this money be spent legally? And even if it can be spent legally on those types of endeavors, is that the right usage for the money?

**LEG. SCHNEIDERMAN:**

Right. Thank you.

**CHAIRMAN LOSQUADRO:**

So, even if we can prove that, you know what, there's a loophole we found, we can spend it on this, should we be spending it on this? And that's something very important to keep in mind when you're talking about a water quality protection fund. Because there was intent when it was created on how that money would be utilized. So, Mr. Zwirn, if you would like to be heard before we move the vote?

**MR. ZWIRN:**

Yes. Thank you, Mr. Chairman. Is it possible •• we'll argue this another day, but the report that has been requested, will that report be ready for the General Meeting on the 25th? So, we can get some of these projects going. I think there has been a request of BRO to come up with a report on this? Just so we have something that we can work off of?

**CHAIRMAN LOSQUADRO:**

I do not believe the legislators here felt that that would be adequate time. We were anticipating looking to do this through the next committee cycle so we would have adequate time to review the various projects and the various funding sources. So, I would not anticipate being able to move any of these either through discharge or through Certificate of Necessity at the next General Meeting. I would anticipate vetting this out through the committee cycle as we intend.

**MR. ZWIRN:**

I was more curious just to get a time frame of when the report will be finished. So, I mean these •• obviously these projects, these 477 projects are going to be backed up. And it means work for people who are ••

**CHAIRMAN LOSQUADRO:**

Budget Review?

**MR. ZWIRN:**

Public Works projects. And also their environmental concerns.

**CHAIRMAN LOSQUADRO:**

When do we anticipate getting this information?

**MR. SPERO:**

Well, we were planning to have it report out for the next committee cycle. So, that's what we were attempting to do.

**CHAIRMAN LOSQUADRO:**

That's what I believe. Legislator Bishop, do you just have a question for the County Executive's office?

**LEG. BISHOP:**

The County Executive's office can provide us a schedule of when this Quarter Cent Committee that was formed four years ago, when they've met over the last couple of years?

**MR. ZWIRN:**

I know they have had some meetings this year. They met with Public Works. Have had some meetings with respect to the projects that have been recommended to go forward, but I'll get that information for you.

**LEG. BISHOP:**

Would you?

**MR. ZWIRN:**

Sure.

**LEG. BISHOP:**

Thank you.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. An integral part of this report is also going to be what legislative Counsel gives us as far as statutory authority. And the referendum in its first instance and what we will be looking at as far as what legislation, I guess, allows us to do as it was first entailed and whether or not we might have moved somewhat astray of what the original boundaries were. So, that's integral as well as what Mr. Spero is going to do for us.

**CHAIRMAN LOSQUADRO:**

Of course. We look forward to taking in all that information making an informed decision on it.

We have a motion and a second to table. All those in favor? Opposed? Abstentions? **2226 is tabled. (Vote: (Vote: 6•0)**

**2286, to appoint member of the County Planning Commission, John J. Nickles,** another individual who I do not believe is here. Is he? Is that Mr. Nickles? You're here? If you could please come forward. Mr. Nickles, I apologize. Nobody contacted my office to tell me you were going to in attendance today.

**MR. NICKLES:**

I apologize for ••

**CHAIRMAN LOSQUADRO:**

Is that microphone on?

**MR. NICKLES:**

Can you hear me now?

**CHAIRMAN LOSQUADRO:**

Yes.

**MR. NICKLES:**

That's quite all right. I apologize for missing the meeting due to scheduling conflicts last month.

**CHAIRMAN LOSQUADRO:**

For an appointee, do we have any questions?

**LEG. BISHOP:**

Why do you want the job?

**LEG. SCHNEIDERMAN:**

Do we have a resume? What do you do for a living, sir?

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman will be first.

**LEG. SCHNEIDERMAN:**

All right thanks. I was just looking for a resume. I was wondering do we have a resume. It would make it easier to ask you. What do you do for a living?

**MR. NICKLES:**

I'm a real estate broker in the Town of Southold.

**LEG. SCHNEIDERMAN:**

Okay.

**MR. NICKLES:**

I also manage our own family real estate. We have our own rental business.

**LEG. SCHNEIDERMAN:**

Are you also involved in •• I would have this information in a resume. Tell us why •• why are

you interested, then, in serving on the Planning Commission?

**MR. NICKLES:**

I have been involved in the planning discussions in the Town of Southold for the last five years. As you know, there have been some great efforts for the preservation of farmland and open space out in the Town of Southold. And I've been very much involved in those discussions. And I found that figuring out not only what's the way to get it done is important, it's figuring out what's the right way to get it done and what's the fair way to get it done. And I am specifically interested in planning because it is going to sort of map the future for the Town of Southold, my town and for Suffolk County, which is my County.

**LEG. SCHNEIDERMAN:**

Somebody else take a question. I want to look at the resume.

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy. Or Legislator Binder first; then Legislator Kennedy.

**LEG. BINDER:**

You said you were involved in discussions on planning. How were you involved?

**MR. NICKLES:**

As a resident of the Town of Southold, the discussions became quite heated. And I was one of the proponents against the up zoning in the Town of Southold. And I thought that it was just something that it was going to change the face of our town so drastically that it wasn't the right solution at the right time. Perhaps sometime in the future that may be what the Town of Southold needs, but I was one of the people that argued ••

**LEG. BINDER:**

What was your problem? What was your argument? Your argument against specifically?

**MR. NICKLES:**

Up zoning was going to have a very negative impact in my opinion upon the business of farming. And farming, in order to be successful, had a very specific relationship what is land value. And up zoning was going to have a negative impact upon the land value. And it was also going to undermine the Development Right Program out in the Town of Southold because

the simple math of it is in the Town of Southold •• there's two acre zoning. They were proposing five acre zoning. Now, the farmer that wants to participate in this program, say, he has twenty acres. The incentive to participate in the program is the money that's given, besides doing the good thing for the town, it's the money that's given for the development rights. So, under two acre zoning you had ten •• ten developments rights that he could sell to the town and get a benefit from. And under five acre zoning, that same farmer might have only four development rights.

**LEG. BINDER:**

Why do you think farmers get involved with development rights? Why do you think they get involved in these programs?

**MR. NICKLES:**

They get involved in the programs to create cash flow when they have some bad years.

**LEG. BINDER:**

Right. So •• I mean I don't want to debate the Southold question, but it would seem to me that farmers who need cash flow want to continue to farm the land. They may get less for it, but, you know, when you need cash flow, you need cash flow. It may not be worth as much. So, I don't know. You said that •• when you were talking about •• I was trying to think of the logic, that it doesn't make a lot of sense.

**LEG. VILORIA • FISHER:**

It's logical they want more money.

**LEG. BINDER:**

But the next question is, you were talking about preservation. And that it should be done in a •  
• one of the terms you used was fair. A fair manner. What do you mean by •• what is fair?  
How do you do preservation fairly?

**MR. NICKLES:**

I think the Town of Southold has set a good example of how that's done. It's with the voluntary purchase development right programs. And I viewed up zoning at the time as something that was going to shoulder all of the weight, all the burden of the preservation upon specifically

anybody that owned five acres or more, which in the Town of Southold was about 450 landowners. So, the entire burden of the benefit of preservation was going to be shouldered on these 450 landowners when the benefit was going to be for the entire Town of Southold. I didn't that was fair.

**LEG. BINDER:**

Okay. So, obviously your •• I mean your interest is also •• you're part of a family that owns a considerable amount of land; so you had a stake in the outcome. In other words, whether the burden would be on you •• I don't know how much land you own and how much rental •• also if your business is brokering, land value on an up zoning would considerably affect your business because land value changes. So •• so your business particularly, and your family's business, I assume. So, I have to assume or can I assume that your interest in •• your participation in that also was, you know, an interest in your family business, which by the way, there is nothing wrong with.

**MR. NICKLES:**

Let me clarify that because it's the exact opposite of what a lot of people think. Real state brokerage is my business. And if I was purely out for myself and my family's interests, I would be for five acre zoning. I would probably say let's not build anything else. We can jack the real estate prices so far up by cutting off the supply; that it would actually be in my interest to have the five acre zoning.

I didn't think that that was the interest of the town.

**LEG. BINDER:**

You think by five acre zoning, the land values would go up?

**MR. NICKLES:**

Absolutely.

**LEG. BINDER:**

Okay. Now, in getting involved on a county level with planning, do you see interest •• family interest, your business interest, because you are in real estate, specifically in the business. No, no. If your particular business is in the field that you want to do planning in in the County, in other words you're looking to do •• you know, no one asked Mr. Grecco, if we remember, you know, what was his business when he was doing real estate in the County. And everybody

afterwards was I can't believe that happened. So, instead of after the fact, we're here at the Committee, and so I'm asking the question. You have real estate •• significant. It's not like you own just your own personal house out there as people do. You have significant real estate interest in the family. Your business is in real estate. And you want to be involved in the county planning process. Do you see that there might be at minimum at least a perception if not the real perception of impropriety, if not the actual concerns and conflict?

**CHAIRMAN LOSQUADRO:**

If I may just make a suggestion, I sent a representative out earlier to see if Counsel •• Counsel told me she needed to leave by three. She hung around as long as she could, but unfortunately this meeting has lasted a bit longer than we anticipated.

Sir, would you be agreeable to just discussing with legal counsel to just allay any potential concerns? I know we did this in the past once before with the candidate. And we wound up confirming them afterwards; just after Counsel discussed any potential conflicts of interest with them. Would you be agreeable to that?

**MR. NICKLES:**

I'd be happy to answer any questions from any of you or your counsel.

**CHAIRMAN LOSQUADRO:**

Then I will make a motion to table for one cycle until Counsel can discuss those matters with you and allay any potential concerns of conflicts of interest that some of the members of the Committee may have. And we will •• my office will be in contact with you. And we can •• if it's necessary we can have you back after those questions are answered. And we can move this matter at that time.

**MR. NICKLES:**

I'd be very happy to answer the questions today.

**CHAIRMAN LOSQUADRO:**

Unfortunately our legal counsel is no longer with us. So, I'm going to have to her discuss that with you. Although we do have another •• someone else sitting next to me but. And another woman, no less.

**LEG. BINDER:**

We won't have counsel to evaluate the responses. That's the problem.

**LEG. SCHNEIDERMAN:**

You know, without even going into detail, if I might, assuming that you either own or represent multiple landowners within Southold, there may be times with the Planning Commission where requests are made to towns to change the zoning. And that's zoning could impact that particular property or the properties in and around that property creating what might appear as a conflict and causing you to recuse yourself from those decisions. If there are numerous times that you may have to recuse yourself, then, we'd be in essence putting somebody on a board or commission that would not be able to participate a significant amount of the time and, therefore, would not be able to protect the interest of that community that they represent. So, it's a legitimate concern.

**CHAIRMAN LOSQUADRO:**

That is one of the questions that was asked of another applicant that were answered satisfactorily. And based on Counsel's conversations with that applicant, we found that the number of instances of possibly them having to recuse themselves would be limited. And from, you know, from your discussions now it seems like that will most likely be the case.

**MR. NICKLES:**

Let me just affirm what my business is. I'm in real estate sales. Our market out on the east end is primarily single family residential second homeowner market. There has been a development market out there, which because of my own preferences of how I'd like to see the Town develop not at a •• at a rapid rate, I choose not to do business with people that are in the business of doing wholesale development of large tracts of land. And I keep my business •• it's a right that I have as a business person. I do business basically with end users who are going to purchase a •• purchase a single family residence.

**CHAIRMAN LOSQUADRO:**

Legislator Vilorina•Fisher.

**LEG. VILORIA • FISHER:**

Thank you for being here, Mr. Nickles. You have waited patiently. And I'm hoping, Mr. Chair,

that if Mr. Nickles does have the conversation with Counsel and she's comfortable with his responses, that he not have to appear before this Committee again because unlike other appointees where you have known that they were present and you might have put them at the beginning of the agenda, he has been waiting here all afternoon. And I would prefer not to have someone come back.

I do like the idea that you were part of a visioning process and that you have worked on a visioning process in your town. And you seem to be very concerned about having a plan for the future and moving ahead with a plan and a vision rather than some of the haphazard growth that we've seen throughout the County. And I commend you for that. I commend you for also coming forward to step into a volunteer position. And I hope that you won't have to sit through another committee meeting after you've met or spoken with Counsel. Thank you for being here.

**MR. NICKLES:**

Thank you very much.

**CHAIRMAN LOSQUADRO:**

No. And, again thank you, Mr. Nickles. And that was to what I was referring when I said I apologized when I did not know you were here. It is the usual custom of the Committee not to make applicants sit through the debate that we engage in. But unless Counsel raises a specific question, you know, regarding a potential conflict of interest, then, I would not foresee a reason for you to come back. But I can't give a 100% guarantee obviously not knowing the outcome of those •• of that conversation between you and our legal counsel. But I don't really foresee any problems here. I am assuming this will just be a formality. And you can have the conversations with Counsel and hopefully we can move this forward. So, I do thank you for your time again. But Legislator Schneiderman just wants to make one comment.

**LEG. SCHNEIDERMAN:**

Just in case we don't have an opportunity again, let me ask just one question because you are •  
• you represent yourself as being in real estate and your family in real estate and you spoke about selling single family homes, are you also involved in or your family in speculative real estate development?

**MR. NICKLES:**

No, sir.

**LEG. SCHNEIDERMAN:**

Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Okay. Thank you again. As I said, I'll make the motion to table, seconded by Legislator Binder. All those in favor? Opposed? Abstentions? **2286 is tabled. (Vote: 6•0)** Thank you again, sir. And we will take a brief break for the stenographer to change over.

**MR. NICKLES:**

Thank you very much.

**CHAIRMAN LOSQUADRO:**

Thank you. Commissioner, just before we get to the introductory resolutions for this year, I would just ask that for the next committee cycle, if you could just give a •• just a brief update on the status of the land acquisition process. Where we are in the master plan, staffing levels, how you're making out with the candidate search. And, I know I have received •• I've received periodic copies of the amounts left in all of the acquisition fund balances; but if you could just supply that to the committee as a whole in the next cycle, it would be appreciated.

**MR. ISLES:**

Okay. I'll work with Real Estate on that.

**CHAIRMAN LOSQUADRO:**

Very good. Thank you. Okay. Onto introductory resolutions.

**2295, amending resolution 1127•2204 to authorize acquisition of land under the New Suffolk County Drinking Water Protection Program • Open Space Segment.**

**LEG. SCHNEIDERMAN:**

Motion.

**CHAIRMAN LOSQUADRO:**

This is for the Schleicher property in the Town of Southampton. Motion by Legislator Schneiderman, seconded by Legislator Kennedy. All those in favor?

**LEG. BISHOP:**

Planning steps?

**CHAIRMAN LOSQUADRO:**

No, this is the acquisition.

**MR. ISLES:**

Well, actually this was previously authorized and approved. This is actually a corrected resolution. There was some changes with the final survey that came in. So, we would respectfully request your approval of this so we can close this acquisition.

**LEG. BISHOP:**

You want it; they want it. Who would I be? I guess I'd be Alan Binder if I objected.

**CHAIRMAN LOSQUADRO:**

All those in favor? Opposed? **2295 is approved. (Vote: 6•0)**

**2313, amending the 2005 Operating Budget and transferring funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Planning for a study the effects of the duck farming industry on Long Island.**

**LEG. BISHOP:**

Motion to table.

**MR. ISLES:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Commissioner Isles.

**MR. ISLES:**

One brief indulgence, If I could. I know what your position was in terms of the 477 accounts.

**CHAIRMAN LOSQUADRO:**

Yes.

**MR. ISLES:**

You made it very clear. Mr. Zwirn has spoken on behalf of the administration. And I would not argue with that certainly at this point. I would respectfully ask, however, an exception in this case, which I'm not taking lightly. This is a relatively small amount of money, \$22,000 that will be matched with \$44,000 from the Army Corps of Engineers that is under time pressure, you essentially throw away. DeWitt Davies is here today to give you a context of this if you want to. But if ever there was a project that I think is meritorious in the water quality, we own five duck farm properties that encompass six miles of waterfront, over 350 acres. This will begin the process of number one, what do we do with these old duck farms. And number two, how can the Army Corps of Engineers help us with money to remediate these projects. So ••

**LEG. BISHOP:**

You don't have \$22,000 in the Planning Department?

**MR. ISLES:**

I do not. I honestly do not.

**LEG. BISHOP:**

You have no vacancies.

**MR. ISLES:**

I don't have \$22,000 in a consulted budget for this.

**LEG. VILORIA • FISHER:**

It certainly does impact water quality.

**LEG. SCHNEIDERMAN:**

You've convinced me.

**CHAIRMAN LOSQUADRO:**

We seem to have a consensus. We have a motion by Legislator Vilorio•Fisher.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Schneiderman. All those in favor? Opposed?

**LEG. BISHOP:**

Opposed.

**CHAIRMAN LOSQUADRO:**

We have two opposition. **2313 is approved. (Vote: 4•2•0•0. Legislators Losquadro and Bishop opposed.)**

**MR. ISLES:**

Thank you very much.

**CHAIRMAN LOSQUADRO:**

**2314, amending the 2005 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Health Services Division of Environmental Quality for a study and other planning needs assessment related to the dredging of Meetinghouse Creek.**

**LEG. BINDER:**

Now, we're doing dredging. Motion to table.

**CHAIRMAN LOSQUADRO:**

We have a motion to table by Legislator Binder, second by Legislator Schneiderman. All those in favor? Opposed? **2314 is tabled. (Vote: (Vote: 6•0)**

**2329, authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program, land of South Oak Lane, East Islip.**

Give you just give a brief explanation of this?

**MR. ISLES:**

This was a resolution that was before the last Committee meeting early December. It was sponsored by the County Executive. The Committee did recommend it. It's for an acquisition in the Town of Islip adjoining a joint county town property known as the South Shore Nature Center. It did get to the full Legislature and was tabled. So, that bill is now •• still pending at the full Legislature. This is a companion bill or similar bill that's been submitted by Legislator Alden. We supported the County Executive's bill; we'll support this bill. And in terms of the facts of the matter, here again, it is wet parcel •• wetland parcel adjacent to public open space.

**CHAIRMAN LOSQUADRO:**

Very good. I'll make the motion to approve, second by Legislator Binder. All those in favor? Opposed? **2329 is approved. (Vote: 6•0)**

There being no further business before us today, this meeting stands adjourned. Thank you, Commissioner. We look forward to those updates at the next meeting.

**(THE MEETING CONCLUDED AT 3:43 PM)**

**\\_Spelled phonetically\\_**