

**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, **February 10, 2005**.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

Mea Knapp, Counsel to the Legislature  
Alexandra Sullivan, Chief Deputy Clerk  
Ben Zwirn, Assistant Deputy County Executive  
Jeanine Dillon, County Executive Office  
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  
Kevin LaValle, Aide to Leg. Losquadro  
Jim Morgo, Commissioner of Economic Development/Workforce Housing  
Michael Deering, Director of Environmental Affairs  
Kevin Duffy, Budget Review Office  
John Turner  
Chris O'Connor  
Alexander Peters  
Kara Hahn, Aide to Leg. Viloría•Fisher

Eric Brown, Aide to Leg. Schneiderman

Charles Binder, PO's Office

Maria Ammirati

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

**(THE MEETING CONVENED AT 2:17 PM)**

**CHAIRMAN LOSQUADRO:**

Legislators, please, take their seats. I call the meeting of Environment, Planning and Agriculture to order. We'll begin with the Pledge of Allegiance led by Legislator Kennedy.

**(SALUTATION)**

**CHAIRMAN LOSQUADRO:**

Thank you. We do have several cards. We'll go straight to the public portion. First card, Mr. John Turner from Town of Brookhaven. Good to see you. Please have a seat at the table if you're more comfortable.

Good afternoon.

**MR. TURNER:**

Good afternoon, Chairman Losquadro and members of the Committee. For the record, my name is John Turner. And I have the privilege of serving as Assistant Town Planning Director for the Town of Brookhaven. And in this capacity I have administrative oversight Town's Open Space Acquisition and Management Program. And I'm here today to express the Town's strong support for the adoption of introductory resolution 1082.

If enacted this resolution would authorize the Suffolk County Division of Real Estate to initiate planning steps to acquire the property including obtaining an appraisal for the 19 acre property known as the Bluffs at Shoreham.

It is important to note that on December 7th, 2004 the Town of Brookhaven adopted a resolution, resolution number 28 of 2004, committing the Town of Brookhaven to provide 50% of the acquisition costs for the property and requesting that Suffolk County partner with the Town as you so often do in other acquisitions in providing the other 50%. I have attached a copy of this resolution for your review.

The Bluffs at Shoreham property is basically a rectangular shaped parcel with the north south axis •• the long axis being approximately 1,400 feet long. The property has about 350 feet of frontage on Long Island Sound. And I have attached an aerial photograph in the packet, I think, towards the back that you can see a view of the properties if you were in a plane or a bird. It is bracketed to the west and east by medium density residential development. Commanding panoramic views of Long Island Sound are provided from the top of the 95 foot high bluff face, which adjoins the beach. The property is extensively wooded dominated by black cherry, various species of oak and hickory, again, I refer you to the photos that append the packet to get a little sense about what the property looks like.

Where the bluff faces vegetated is covered with shad bush, which is a wonderful plant that I'll talk about some future time. But it's got a whole folk lore about it. And a variety of herbaceous species. The property provides also habitat to a variety of wildlife species including small mammals, many species of birds and whitetail deer. And when I was actually out at the property back in October, I, in fact, saw deer throughout the property and their signs. Actually saw a buck and a doe hopping around the property towards the sound.

Perhaps the most salient aspect of the property is its location adjacent to Long Island Sound thereby possessing the potential of providing visual access to this critically valuable water body. And thus protecting this property would further this important public purpose of providing access to Long Island Sound. I stress this importance because according to several studies, and in fact, I just happened to see in the federally introduced Long Island Sound Stewardship Act less than 20% of the Sound's shore front acreage •• that's from Rhode Island through Connecticut, all through New York, is publically accessible. And its one of the lowest

numbers of any estuary in the United States.

So, in conclusion, I appreciate the opportunity to express the Town of Brookhaven's strong support for the adoption of this resolution and would be happy to entertain any questions or comments that you might have.

**CHAIRMAN LOSQUADRO:**

Thank you, Mr. Turner. Well, first I would just like to say I happen to be very familiar with this property. My district starts just off the left side of this map. And my house is just a little bit further off the left side of this map. I can speak directly to how wonderful this parcel is. I have walked this parcel myself. The frontage on the Sound is quite spectacular. And for those reasons among others obviously would face significant and has faced significant development pressure. So, even though it's not in my district, I have expressed my support for a resolution and I'm glad to see that Legislator Caracciolo has filed.

**MR. TURNER:**

As we are, too.

**CHAIRMAN LOSQUADRO:**

And, for one, will be very supportive of it and will be speaking with the Division of Real Estate shortly about what they can do to expedite this process in terms of using the Town appraisals and what have you to move this along quickly. As, you know, the Town has already approved this. And I know we would like to see it moved along so we do not lose the opportunity to preserve this and get something built on it which we would not like to see. So, thank you again for your time. Is there any further questions? Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

We really have spoken of two things, John. We talked about preservation. We've also talked about Sound access here. And I see the resolution is using the Multi-faceted funds and not the Water Quality funds. So, I'm wondering what •• how will the public be able to access this property? Is there a road that goes into it? Is there going to be a parking area? Do you have anything in mind to provide public access here?

**MR. TURNER:**

Yeah. Jay, that's a good point. Right now the property is not •• surprisingly as you can by the

trail, it runs basically north south splitting the property almost in half. The local residents in the area, they gain access typically either from the south or from the east. You could see from the east there's a dead end road that comes in just slightly less than halfway up the eastern boundary of the property. What we would envision if we were to be successful in partnering with the County and the property comes into the public domain would be at the cul•de•sac here from the south; seems to be the best place. There's enough room to put in a small parking lot or actually just parking spaces on the northern end of the cul•de•sac. Three, four, five cars there. And provide access directly north on the main trail to the bluff.

**LEG. SCHNEIDERMAN:**

Okay. There'd be no access road, no launch ramps.

**MR. TURNER:**

No.

**LEG. SCHNEIDERMAN:**

A small parking lot is what you intend?

**MR. TURNER:**

Yeah. No, it would just be ••

**LEG. SCHNEIDERMAN:**

Oh, it's a high bluff here?

**MR. TURNER:**

Oh, there wouldn't be a parking area at the high bluff. No, no. I'm talking about the southern area where the cul•de•sac is. You see it?

**LEG. SCHNEIDERMAN:**

No, I see where you're talking about.

**MR. TURNER:**

No, it would just be a trail and then •• a nice loop trail, I think you can just make out at the top. You can walk to the bluff face and then kind of walk around and just see something

slightly different that you saw than on your way back. We do not envision, although it could be subject to discussion, but we do not envision having a •• any type of access down the bluff face. It's very steep. It's very high. It's not 90 to a 100 feet. And so what we would envision is really more visual access than physical access to the beach below.

**LEG. SCHNEIDERMAN:**

It's basically you hike out to an observation point.

**MR. TURNER:**

Yeah. And that observation point is actually reflected right •• with the series of photos I gave you, at the lower left•hand photo. That's taken from that point. They truly are million dollar views from that vantage point.

**LEG. SCHNEIDERMAN:**

Okay. Thank you, John.

**MR. TURNER:**

Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Foley, thank you for joining us.

**LEG. FOLEY:**

Thank you, Mr. Chairman, thank you for recognizing a non•member present for this particular Committee.

John, I just wanted to mention that and the record should reflect the fact that the Town and the County is also working closely, the parts of the township, parts of the Town, in particular the Overton Preserve area that we want to work closely with you and the Town, local councilmen as well as local civic organizations. And I believe you would concur that it's our hope and expectation and that within the first half •• first half year •• within the next six months that we should have some good news on working together, partnering, if you will, to acquire some of those historically and ecologically important parcels in that particular area of the Town and of the County.

**MR. TURNER:**

That's correct.

**LEG. FOLEY:**

So, I look forward to coming back, Mr. Chairman, to this committee for other initiatives. Thank you.

**CHAIRMAN LOSQUADRO:**

No further questions. Thank you, Mr. Turner. Next speaker Chris O'Connor. Good afternoon.

**MR. O'CONNOR:**

Good afternoon. Thank you once again. It's always a pleasure to appear before this Committee. Today I'm here in support of introductory resolution 1085, which is the planning steps for acquisition for the Warner Leroy property, and which is sponsored by Legislator Schneiderman and Legislator Foley.

This is a unique property in Amagansett. I've had the pleasure of seeing several tours of the property in which I've seen the old growth forest. I've seen the property itself. It is a beautiful piece of land but it is also one of the more important areas for the groundwater here in eastern Long Island. It has a unique history. If you seem familiar with the name Leroy, Warner Leroy's father was Melvin Leroy, the director of Wizard of Oz. And at one time when I was touring the property, I actually got to touch the Ruby Slippers, which was a high point of my visit there. However, in all seriousness, you're going to be hearing from others about the unique quality of this land and how it reflects to the topography and the environment. My organization, the Neighborhood Network, strongly supports the initial steps to move this forward. In speaking to the Supervisor, there, he also is in support of beginning this initial phase. They've already been in negotiation trying to purchase some properties. And with the help of the County, it's hoped that we can purchase and see a lot more. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. Next speaker Alexander Peters .

**MR. PETERS:**

Hello. I'm Alexander Peters. I'm President of Amagansett Springs Aquifer Protection. And I

just wanted to say I'm really appreciative of being able to speak here today. And thank you so much for considering the planning steps resolution for the purchase of the parcels at the Warner Leroy estate.

This is a completely unique woodland in that a lot of people aren't aware that there is a tremendous portion of old growth forest in this area, but it is a place of towering beaches and oaks that were never logged; unlike most of East Hampton which is logged ten times over, as we all know. This is a place that's absolutely vital for our water. It is a state special groundwater protection area. It has all five different protections, levels of protections that the Town of East Hampton gives and the Town •• the updated comprehensive plan recommends its immediate purchase because it is completely threatened by development. Developers now own this land. And the bulldozers are about to roll.

It is also an incredible area for •• it is all an incredible area for wildlife. Herds of deer inhabit the Warner Leroy estate. Red tail hawks, sharp shin hawks, great horned owls and fox and osprey live there as well. So, it's just an amazing natural area. It also is home to some very rare salamander ponds. I have personally seen them pull salamanders almost the size of my arm out of these ponds. Your good friend Andy \\_Saban\\_ was at the net for that one. And it's just one of those unique natural areas.

But the most precious thing there is the water underneath. It's a deep water recharge area. And the source of the water for our largely well dependent community. Most of Springs, Amagansett, northern East Hampton is •• are people live entirely on wells. It is also the source of the brand new Suffolk County Water Authority well for possible needs in the future. And the Suffolk County Water Authority already takes from this aquifer, which is known the Stony Hill Aquifer for •• 85% of the public water from Montauk. So, virtually all of eastern East Hampton is dependent upon this area for its water. The Town of East Hampton is trying to move as aggressively as it can but being a small town, we could we could really use the County's help. That's why I'm here today and so appreciative of your time and ears.

I just wanted to say thank you so much for listening to our words. And I want to add that there is a concerted effort here from the Town to move forward, as you've heard already from Chris O'Connor, the Supervisor's very supportive of this. They have already purchased some land in that area and there is more that they're attempting to work on. With the County's help we can hopefully make a real dent in this. This is an already a sub•divided parcel. So, although it is

some 35 to 40 acres of wild land, it unfortunately was sub•divided a longtime. Werner Leroy simply bought up the subdivision and put his house there.

But there is a concerted effort for help from •• in •• from foundations, in addition, to, you know, local homeowners in that area as well. I think we can put together a great package if the County was able to join us and to help.

**CHAIRMAN LOSQUADRO:**

Thank you.

**MR. PETERS:**

**Thank you, sir.**

**CHAIRMAN LOSQUADRO:**

I appreciate it. Next speaker Charles Capp, is it? Is that correct?

**MR. CAPP:**

Yes.

**CHAIRMAN LOSQUADRO:**

Thank you good afternoon.

**MR. PETERS:**

Hi.

**CHAIRMAN LOSQUADRO:**

It looks like you're going to be speaking on the same resolution.

**MR. CAPP:**

Yes.

**CHAIRMAN LOSQUADRO:**

Please.

**MR. CAPP:**

Is this all right? Can you hear me?

**CHAIRMAN LOSQUADRO:**

Yes. Just make sure you keep close to the microphone.

**MR. CAPP:**

Good afternoon. My name is Charlie Capp. I'm an environmental planner at the Group For The South Fork. The Group For The South Fork is a non•profit organization of over 2500 members comprised of year•round residents, second homeowners, local businesses and private foundations on the east end of Long Island. We fully support and encourage the Suffolk County Legislature Environmental Committee at adopt resolution number 1085•05. These are the planning steps for the acquisition of the Werner Leroy properties in the Town of East Hampton using the new Suffolk County Drinking Water Protection Program.

It is the group's position that this land is vital to the protection of the Stony Hill aquifer that supplies much of Suffolk County's east end residents with a clean and safe water supply. We also feel that the Suffolk County Legislature has a responsibility to use its land acquisition programs in an instance such as this when the health of Suffolk County residents and the environment are at stake. Thank you for time and consideration.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Bishop, before we move on did you have a ••

**LEG. BISHOP:**

On this issue I have a question.

**CHAIRMAN LOSQUADRO:**

Well, do you want to wait until the resolution is before us?

**LEG. BISHOP:**

Sure.

**CHAIRMAN LOSQUADRO:**

Okay.

**LEG. BISHOP:**

I don't know if you want to ask •• I'll wait for the solution.

**CHAIRMAN LOSQUADRO:**

Very good. We have no further cards. Anyone else wishing to be heard? Seeing no one, we'll close the public portion. We do have a couple of department heads who wish to speak. Before bringing anyone else up, Mr. Morgo, I know you said you would like to address this committee.

**LEG. SCHNEIDERMAN:**

Take that resolution out of order?

**CHAIRMAN LOSQUADRO:**

Mr. Morgo, if you would indulge us for a moment, we have a motion by Legislator Schneiderman to take **1085 out of order, authorizing planning steps for acquisition under of land under the New Suffolk County Drinking water Protection Program**, second by Legislator Kennedy. All those in favor?

**LEG. SCHNEIDERMAN:**

I'll make a motion to approve.

**CHAIRMAN LOSQUADRO:**

Approved. Hold on. Motion is before us. Then we have a motion to approve 1085 by Legislator Schneiderman, seconded by Legislator Kennedy. On the motion.

**LEG. SCHNEIDERMAN:**

Okay, Dave, now it's your ••

**CHAIRMAN LOSQUADRO:**

On the motion.

**LEG. BISHOP:**

We're on 1085?

**LEG. SCHNEIDERMAN:**

1085 is before us. We took it out of order.

**CHAIRMAN LOSQUADRO:**

On the motion, Legislator Bishop.

**LEG. SCHNEIDERMAN:**

This is the one we just talked about.

**LEG. BISHOP:**

Why is Mr. Morgo ••

**MR. MORGO:**

I got no place else to go.

**LEG. SCHNEIDERMAN:**

I made a motion to take 1085 •• Jim was about to make a presentation.

**CHAIRMAN LOSQUADRO:**

Don't worry about Mr. Morgo.

**LEG. SCHNEIDERMAN:**

I made a motion 1085 out of order.

**CHAIRMAN LOSQUADRO:**

Since we're on the Wizard of Oz, pay no attention to the man behind the curtain.

**LEG. SCHNEIDERMAN:**

Or just click your heels together three times.

**LEG. BISHOP:**

I just want to know what does an acre of land go for out in East Hampton these days?

**LEG. SCHNEIDERMAN:**

A lot.

**CHAIRMAN LOSQUADRO:**

That is why we need planning steps so we can determine this.

**LEG. BISHOP:**

Right. Okay.

**LEG. SCHNEIDERMAN:**

We don't know the price. This will give us the opportunity to ••

**LEG. BISHOP:**

It's planning steps and it's a partnership; right? It's got the two P's.

**LEG. SCHNEIDERMAN:**

And I think you heard one of the speakers, the presenters today talked a little bit about the potential for some private monies involved here, too, from either various conservation interests or potentially from neighbors who'd like to see this acquired. So, this would give us the ability to get the appraisal and move forward.

**LEG. BISHOP:**

Very good.

**CHAIRMAN LOSQUADRO:**

We have a motion and a second. All those in favor? Opposed? **1085 is approved. (Vote: 6 •0)**

Oh, great and powerful Oz, Mr. Morgo.

**MR. MORGO:**

I'm not so sure I like the analogy, Legislator. Thank you. Thank you, Chairman Losquadro and thank you Legislators for this opportunity. I think •• well, I know, as a matter of fact, this is my maiden appearance before this very important and serious and august committee.

**LEG. BINDER:**

We have been waiting for you.

**MR. MORGO:**

I would like to have the opportunity to give you my perspective on introductory resolution 1002, which would transfer a million dollars for a comprehensive shellfish •• for the Comprehensive Shellfish Restoration Program from the Department of Economic Development and Workforce Housing to the Department of the Environment and Energy.

**LEG. BINDER:**

What department?

**MR. MORGO:**

Department of •• you could read it, Legislator Binder, in the resolution 1002. It's listed. The Departments of Environment and Energy.

**CHAIRMAN LOSQUADRO:**

We'll be addressing that later.

**MR. MORGO:**

In 2004, the former department •• the former Department of Economic Development administered over 285 contracts. These contracts total more than \$4.4 million. In 2005, we anticipate this number for the new department •• the new Department of Economic Development and Workforce Housing to be nearly 350 contracts with a value of almost six•and •a•half million dollars.

One of the things that you probably know that we have new this year is oversight of the Long Island Convention and Visitors Bureau. Now, it was totally appropriate that my department administer LICVB. Tourism is an incredible economic generator on Long Island. It's almost •• it is •• it's \$4.2 billion for Nassau/Suffolk. The Department of Economic Development and Workforce housing administering it will provide the oversight that the Legislature demands for LICVB and indeed for the entire tourism industry. In fact, all of the contracts reflect the purpose and mission of the Department of Economic Development and Workforce Housing. While the purpose of the Comprehensive Shellfish Restoration Program is indeed commendable,

I spent many days clamming on the Great South Bay, I see the value. And while I can see the potential for economic development, my department is not the most appropriate department to oversee the program. The driving force behind the project is the restoration of species, clear water quality, eco•system balance, all environmentally directed. They are reflected, in fact, in the funding source for the million dollars, the Water Quality Improvement and Restoration Program fund 477.

The 2005 adopted budget assigns the Department of Economic Development and Workforce Housing the day by day oversight of this program including the administrative responsibility for the request for proposal. Frankly, the Department of Economic Development and Workforce Housing does not have the internal expertise to perform the functions that this very laudable RFP would be asking for. Thank you.

**LEG. BINDER:**

But you have a department?

**MR. MORGO:**

Do I have a department? I'm sorry.

**CHAIRMAN LOSQUADRO:**

Thank you.

**LEG. BINDER:**

But you have a department.

**MR. MORGO:**

Yes, I do.

**CHAIRMAN LOSQUADRO:**

Thank you, Mr. Morgo. We'll be taking that up when we get to the introductory resolutions, I assure you.

We'll move to the agenda. Excuse me. Before we move to the agenda, I would just like to add to the record and I'll be giving to the Clerk, there is a letter from the East End Marine Farmer

Association. It's quite lengthy, but, in essence, it is in support of resolution 2226•04. And I'll be submitting that to be added into the record today.

If I could ask Mr. Isles and the representatives from Real Estate to please come forward. Ms. Zielinski I see over there. Thank you. You certainly have paper work there. We're all set. Okay.

Tabled resolutions. **IR 1729•04, authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at Smoke Run Farm in Stony Brook.**

**LEG. VILORIA•FISHER:**

Motion to table.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Vilorina•Fisher.

**LEG. SCHNEIDERMAN:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Schneiderman. All those in favor? Opposed? **1729 is tabled. (Vote: 6•0)**

**1793 (to appoint member of County Planning Commission Vincent Taldone)**

**LEG. BINDER:**

Motion to table.

**LEG. BISHOP:**

This is the gentleman who came ••

**CHAIRMAN LOSQUADRO:**

No. This is a previous •• an alternate from the Town of Riverhead, a Mr. Vincent Taldone. Mr.

Taldone, I do not believe is present. Motion to table by Legislator Binder.

**LEG. KENNEDY:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Kennedy.

**LEG. BISHOP:**

Opposed.

**CHAIRMAN LOSQUADRO:**

All those in favor? Opposed? List legislator Bishop as opposed. **1793 is tabled. (Vote: 5 • 1. Leg. Bishop opposed.)**

**1954, reorganizing and strengthening the Nassau•Suffolk Regional Planning Board and renaming the Board "The Long Island Regional Planning Council."** I have been in discussions not only with the County Executive's Office, but I have just had another meeting with representatives from Nassau County. And it is a little bit tricky because we have to pass identical versions in Nassau and Suffolk Counties. They have been receptive to the changes that we have put forward. We're awaiting some of the changes from their legal counsel. And I'm confident that we can get this squared away in short order. But I am going to make a motion to table, second by Legislator Schneiderman.

**LEG. VILORIA•FISHER:**

On the motion.

**CHAIRMAN LOSQUADRO:**

On the motion, Legislator Vilorina•Fisher.

**LEG. VILORIA•FISHER:**

Mr. Chair, how close is this to expiring? Will you have to introduce a new bill?

**CHAIRMAN LOSQUADRO:**

I believe they will have to reintroduce this bill, but we do not have a version that can be passed either by us or that would be agreeable to Nassau County at this point either. So, it will just be a formality. I don't believe the language will change all that much other than hammering out the differences that Nassau County would like to see included, of course, subject to our approval.

**LEG. VILORIA • FISHER:**

So, the expiration of this particular version would be a moot issue because you would be reintroducing a new bill with language that would ••

**CHAIRMAN LOSQUADRO:**

Of course.

**LEG. VILORIA • FISHER:**

•• correspond to the Nassau County language. Okay.

**CHAIRMAN LOSQUADRO:**

But I don't want anyone to think that it's being neglected in any way. We've been working on this quite diligently. So. We have a motion and a second. All those in favor? Opposed? I apologize. Legislator Bishop. Now I'm the one who's not paying attention.

**LEG. BISHOP:**

I just wanted to know what the substantive change is? Not from the last meeting to now. I mean, overall what's the difference between The Long Island Regional Planning Board and The Long Island Planning Council?

**CHAIRMAN LOSQUADRO:**

The original bill put forward by the County Executive addressed upping the membership from six to ten; and three from each county up to five from each county, having set public meetings, having an annual budget that had to be submitted. Myself and others going through these •• the various joint meetings that we held. There have been several suggestions put forward, one including minimum requirements for the individuals who would hold the positions of director and Deputy Director, much as they are for civil service in terms of qualifications as certified planners and the like, as well as putting in criteria for listing not only budget, but expenditures as well in light of the fact that we obviously need more oversight on many of these bodies that

we do business with.

Nassau County had their •• there are a number of other suggestions in terms of bringing stakeholders to the table that Nassau County would like to see included as far as adding exofficio members from representatives of the towns. We're not quite there yet, but we are working towards a final version. And suffice to say the County Executive's Office has been kept updated on this.

**LEG. BISHOP:**

All right. Thank you for your patient. Not that exciting if you ask me.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

Just one thing to add to that, although I think you really alluded to it by saying that the civil service requirements and the Director and the assistant, in the past there has •• although there's been a Director, it's been a non•paid position. Now it will be a paid •• significantly paid, I think, 90 plus thousand dollar position. So, there is a head position. It was Koppelman. It will be a planning Czar for Long Island.

**CHAIRMAN LOSQUADRO:**

We have a motion and a second. All those in favor? Opposed? **1954 is tabled. (Vote: 6•0)**

**2102, local law to promote the Health of Suffolk County residents by limiting non •essential use of toxic chemical pesticides in Suffolk County.** This public hearing is still recessed? Is that correct?

**LEG. SCHNEIDERMAN:**

Yes.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Schneiderman for a public hearing, seconded by myself. All those in favor? Opposed? **2102 is tabled. (Vote: 6•0)**

**2226, amending the adopted 2004 Operating Budget to transfer funds from fund 477**

**Water Quality Protection, amending the 2004 Capital Budget and Program and appropriating funds in connection with the Aquaculture Leasing Program.** I understand that •• well, we have a motion to table by Legislator Binder, seconded by myself. But I do have an indication that Mr. Isles and DeWitt Davies would like to comment on this.

**MR. ISLES:**

Yes. Thank you. We'll keep it brief, too. Just two things I'd like to say. First off is to, there was a bill that was before you at the last meeting that you discharged to the full Legislature regarding a \$22,000 expenditure under the 477 account. That would actually go towards an \$88,000 program with the Army Corp of Engineers to study duck farming issues and opportunities for that and hopefully lead to additional funding for actually remediating duck farm impact in Suffolk County. That bill was tabled at the Legislature.

I would just like to update you that the Army Corp of Engineers has indicated they are under pressure to spend that money. There is a waiting list for other municipalities or places that can use it. I would like to request at the full meeting come Wednesday that that could perhaps be considered. And I'll be there to do that. We have a letter, we believe, coming in from the Army Corp to represent that. So, I know that you're looking at the larger question of the 477 account. Here, again, I appreciate the action of the Committee last time to discharge that one item, which is a \$22,000 appropriation; and would ask for your consideration and endorsement of it next week at the full meeting of the Legislature.

More specifically to this bill •• the 22••

**LEG. BINDER:**

Mr. Chairman, do you mind ••

**MR. ISLES:**

Yes.

**LEG. BINDER:**

•• if I just comment before ••

**CHAIRMAN LOSQUADRO:**

Legislator Binder.

**LEG. BINDER:**

I don't know that before Tuesday's meeting we're going to have a resolution on how we want to do the 477 accounts. I've asked Counsel to write a bill now to, let's say, tweak, the program in how we're going to do it and put caps on certain things; and just kind of outline what our expectation is, whether it's our initiative or your initiative the executive's side. My suggestion, though, this is not a lot of money. And my suggestion would be if it's that important and you want to get the money so it's not spent in other places, my suggestion is have ready at the ready if we can't get that support on 477 for Tuesday, have another source for the funds. There's no way that all of Suffolk County in two and half billion dollars worth of budget, this is the only place where we can get this money to do this. So, it would seem to me if you have another offset, another place where you can get the money and ready to go with a CN, this way by the end of the night we could be looking at another way to get that same study done through another fund while we're still working out how we're going to do the 477. My guess is that you might need to have that. So, that's my suggestion. I put it out there today.

**LEG. SCHNEIDERMAN:**

Although I appreciate the suggestion, we haven't •• can I comment on this, too?

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

I appreciate my colleague's comment. And perhaps and maybe this is best done at the next meeting. The Legislature or the Committee will need an explanation of •• the connection between this duck farming and 477 funds. And some people have said to me well, is there really duck farming any more? And I believe this is remediating old duck farms; is that correct?

**MR. ISLES:**

Yes.

**LEG. SCHNEIDERMAN:**

So, I think that our knowledge base needs to come up on what this is actually doing and why it

would qualify. And do you also have the prerequisite recommendations from Peconic Estuary or the other committee that pre-qualifies this for that 477 fund? Has that been done?

**MR. ISLES:**

I guess a couple of things. This certainly does involve a number of duck farms that are in the south shore estuary, the Peconic estuary; actually in the Pine Barrens including the core. It involves properties probably in excess of 2000 acres, 18 miles of shore front that's either degraded through land form modifications that are impacting on wetlands. We feel from the County Planning Department's perspective that there's a direct connection between surface water quality and wetlands improvement and so forth.

And the only other point with Legislator Binder's comment, and I appreciate the suggestion to look for other sources, we're also looking at this, quite frankly, as being an access to federal money for that kind of remediation, which is in the seven figure level; that if we can start with this and get federal involvement at this point with this program, we hope it leads to other involvement. But let just pass it over to DeWitt in terms of ••

**LEG. SCHNEIDERMAN:**

This time it's a nitrogen loading issue or phosphates? This is guano we're talking about; right? That's the problem? It's from the ••

**MR. ISLES:**

Plenty of nitrogen. Do you want to add anything to that just in terms of the PDP?

**MR. DAVIES:**

I think you got most of it. There are about 20 miles of shore line that were subject to rather dramatic environmental alteration associated with old duck farm use. The County owns five duck farms as we speak. It could own several more, if, in fact, acquisitions are made. A couple of thousand acres were involved with this activity. And hundreds and hundreds of acres of bay bottom were impacted by the disposal of sludge material before extensive regulations controlled the industry. These areas involved degraded wetlands. They involved areas that impose a rather severe sediment oxygen demand on the overlying water column. These areas have been degraded physically, chemically and biologically. And they are extensive. They are all in Moriches Bay, Peconic, Flanders areas. And then there's tributaries to those areas. So,

it's a regional issue. It involves at least towns. It involves the pine barrens and two estuary programs.

There can be various types of shoreline as well as upland, rehabilitation of some of these sites. And we're also talking about the bay bottoms that have been impacted. So, there's lots of nuances to this problem. It's habitat. It's water quality as well as looking at sites that are publically owned that can be put to more beneficial use.

**CHAIRMAN LOSQUADRO:**

Thank you. And I assure you that the issue of the 477 accounts is something that has occupied not only this Committee, but this body as a whole. To my understanding •• I was not present at the committee, but this issue was discussed at length in Public Works? Was it not? I believe Legislator Bishop who is not a member was present. Legislator Binder. Several members of this Committee were there. And we have a number of problems. The Water Quality Review Committee being one. There are many others. And while an emotional reaction to the plight of an individual project obviously was taken by several members of Committee, as you recall, Legislator Bishop and I would not •• did not choose to make an exception for this one project. And I maintain a steadfast commitment to that until this 477 question is answered and we start getting the proper backup and the proper steps are taken to make sure that this money is being utilized in the proper fashion across the board. So, I appreciate your input on that.

Anyone else wishing to be heard on this? We do have a motion and a seconds to table.

**MR. ISLES:**

Right. Mr. Chairman, not to interrupt but ••

**CHAIRMAN LOSQUADRO:**

I'm sorry.

**MR. ISLES:**

Just more specifically on the aquaculture program, obviously you've made the comments about the 477 program. I understand that. If you would like, we can just give you a little more backup on what the leasing program is.

**CHAIRMAN LOSQUADRO:**

Please.

**MR. ISLES:**

I'll turn it over to DeWitt in just one second. But essentially this ties into a program that's been in the works now for a couple of years. The County of Suffolk was given the authority many years ago to lease underwater land in the Peconic Bay system, Gardiner's Bay, Peconic Bay, for aquaculture purposes. In 1969, actually. Nothing happened for 35 years. It was just a program that failed due to initiative of the Legislature to form an aquacultural committee and ultimately the changes to the state legislation. There's fresh state legislation that went into effect last year that now makes it much more practical program to implement aquaculture in the Peconic Bay system. In order to do that, we need to conduct surveys, to do environmental impact analysis and so forth. And the program cannot get going until we get that money to do that. So, here again there are a lot of details to this; but certainly we're prepared to go forward on that if you would like more information. I'm just not sure •• if you're pretty much set on the 477, how much you want to go the details at this time. But we're happy to explain it further if you'd like.

**LEG. BISHOP:**

I have a question.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop.

**LEG. BISHOP:**

Is this \$600,000? Is that right?

**MR. DAVIES:**

Yes.

**LEG. BISHOP:**

That's a lot of money even for the County.

**MR. ISLES:**

But it's a 110 thousand acre bay system. Not all that, of course, would be available for leasing. But in order to do this in terms of the State requirements, in terms of SEQRA requirements and so forth, it's much less than vector control.

**LEG. BISHOP:**

And the way I understand this, if we •• if we don't take up this opportunity, then, it will revert back to the state control over the bay bottom?

**MR. ISLES:**

Well, it will in 2010. So, we've basically taken this property, this idea off the market now until 2010 because Suffolk County has said to the State of New York that we will do an aquaculture program here. They've given us now five years to do that. They now can't do it themselves at this point because of the state legislation. And here, again, there's a lot of background to this in terms of the economic benefits, the environment benefits, to this •• to what we believe this program could do.

**LEG. BISHOP:**

Right.

**MR. ISLES:**

But in order to do it right because we are talking about property and leases and so forth, it does require accurate information and accounting.

**LEG. BISHOP:**

I just think it will be appropriate for a bond. It's a large investment. It's a one time investment. And I don't know why it has to be funded of the 477 account. It's kind of indirect to the purpose of that account.

**MR. ISLES:**

But •• you know, in terms of the water quality connection in terms of water quality through the filter fish factor, the shellfishing through ••

**LEG. BISHOP:**

It's attenuated. I mean, it's not direct.

**MR. ISLES:**

Yeah, but we've already done it in a couple of other projects. And it just seem consistent with that.

**LEG. BISHOP:**

It is. It's consistent with policy that, I think, we're calling attention to that that we're squeamish about. You know, it's not just the administration. It's good that we're focussing on this because I think we should come up with a set of guidelines that push policy on the 477 account towards what we hopefully will agree is its intended purpose, which is to, you know, fund direction clean ups or direct actions that will reduce pollution as opposed to studies or promoting industries that could have the effect of reducing pollution •• water pollution. But, I also think that this program, this aquaculture program is a good one. And we should invest in it. I just don't think that this is the proper way to do it.

**CHAIRMAN LOSQUADRO:**

I agree with Legislator Bishop. Legislator Kennedy, you want to comment?

**LEG. KENNEDY:**

Just, I guess, a couple of point I'm going to ask to refresh my recollection. The last time that you were here or perhaps the time prior to that, this is a \$600 thousand program. The lion's share of this expenditure is going to be committed towards the actual physical mapping of the bay bottom? Is that it? To establish a grid, if you will, a GPS grid that defines the quadrants associate with the leases; is that correct?

**MR. ISLES:**

That's essentially correct. If you want to add to that, DeWitt. But we're required to identify the land just from a real property standpoint that would be eligible for leasing to identify those lands. So, we can't do leasing on productive lands, natural shellfish beds. So, it has be a process to rule those out and so forth. And eventually winnow down to what portions of the Peconic system could be used based on state law and legislation for this purpose. And the County could then lease for aquaculture purpose. I'll turn it over to DeWitt because he's handling the project in terms of the details of what that 600 would go for. But essentially that's

what the purposes of it is. Is to map it, to identify the resources that need to be protected; and then to identify and actually create a draft program for legislative approval, ultimately to actually begin the program. And then do the SEQRA review, the environmental review along with that.

**LEG. KENNEDY:**

Just before we go over to DeWitt, the reverter in this is 20/10. So we have a 60-month window to accomplish this description of leasable bay bottom; and but for that it reverts back to the state for them to do?

**MR. ISLES:**

The authority would then cancel out. We have to have a lease and a place by then.

**LEG. KENNEDY:**

Is that correct? Is this land mapped at all? Has there ever been any description, title search or any other mapping of this bay bottom at all?

**MR. DAVIES:**

There have been historic grants issued since the 1880's •• late 1880's. And a number of grants were issued under an old system of management; but that system is out the window.

**LEG. KENNEDY:**

So, there's no defined description. In other words, no way to actually enter into a lease, physical description but for doing this work that you suggest?

**MR. DAVIES:**

The County would have to adopt a leasing program as well as the map which would show where this activity could occur. It has to do it by local law. There is no program that could be implemented tomorrow if we had a way to do it.

**LEG. KENNEDY:**

No. I guess I'm not asking in proper form. What I'm saying, DeWitt, is as we sit here right now, there's nothing that defines •• there's no metes and bounds that would allow for a lease; for me to lease from the County of Suffolk ••

**MR. DAVIES:**

That's correct.

**LEG. KENNEDY:**

•• two acres of bay bottom defined by whatever?

**MR. DAVIS:**

That's correct.

**LEG. KENNEDY:**

The historical stuff, none of its there? There's no old maps, no oyster lot maps, no anything?

**MR. DAVIES:**

There are grant parcels which are private property, which are on the tax map. But they are private property. They cannot about leased. If you want to lease a new parcel, you'd have to go through the requirements as to state law. Let me put it this way. We have 110 thousand acres. Approximately three or so thousand acres are held in private grants. The rest is public land own by the State of New York seated to the County for the purposes of oyster cultivation under a lease program. If these leases •• if a lease is not issued by the sunset date, the County loses that property.

Number two: The program is tantamount to establishing what in essence is a zoning ordinance for an entire bay system. These has never been done before in this area. And a lot of work goes into the process of designated areas •• designating areas where you can do and could not do certain things this. In this case it's shellfish.

**LEG. KENNEDY:**

Sure, no doubt.

**MR. DAVIS:**

I'm sure like Legislator Schneiderman knows about the process of local master plans and the work that goes into that sort of thing. This is analogous to that. Only it's applied to a water surface. We have to go out there and find out which areas by their intrinsic nature, by their

existing uses, etcetera, could be used in a leasing format. That's why it's complicated. That's why a lot of work would have to be done to do it, but you should do it right.

**LEG. KENNEDY:**

No question it should be done right. But I guess I'm just •• I'm trying •• and I think I understand what you're saying to me, but I'm going to take one more shot at it. The State of New York is giving us 107,000 acres of undefined land for us to lease after we spend 600 thousand. Is that it?

**MR. DAVIES:**

That's correct.

**LEG. KENNEDY:**

Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

Thank you. As I said earlier, we had a motion and a second to table. All those in favor? Opposed? **2226 is tabled. (Vote: 6•0)**

**2286, to appoint member of County Planning Commission John J. Nickles.**

**LEG. BINDER:**

Motion to table.

**LEG. BISHOP:**

Is this the Southold man?

**CHAIRMAN LOSQUADRO:**

I believe so, yes. We had a motion to table by Legislator Binder. I will second that motion. And I will on the motion myself, I would just say having dealt with the frustration over the course of the past year or so of getting people appointed to this board. It is my understanding from Legislator Caracciolo that he is filing a bill that will look to redo the makeup of the Planning Commission and attempt to limit the number of those who can represent real estate interests as well as several other criteria. So, I for one am very supportive of a measure to try to alleviate some of these problems that we've been having. So, in the interest of that I will

second that motion to table this appointment for the time being until such time as we can review Legislator Caracciolo's resolution and hopefully get it approved if it's something that we can all agree on. So, Legislator Bishop.

**LEG. BISHOP:**

In the meantime you have a body that's having great difficulty raising a quorum. You have qualified applicants who are being denied without even discussion of why they're being denied other than a notion that there's some bill coming down the pipe that's going to address a problem that's perceived on the makeup of the board. I think that you owe it to the people that come down to tell them why they're being rejected. What on the merits of this applicant is wrong? I thought he was very impressive when he was here last time. And I thought that the Committee agreed •• and they certainly didn't lead him to believe that he was going to be rejected. I guess there are more decisions made in •• you know, the real discussions are made behind closed doors because they're not made with regard to these planning appointments in public. It's always motion to table without any discussion. And that's the end of the story and we're going to address it at a later date. Well, you haven't addressed it. The calendar keeps turning and nothing's going on on the Planning Board.

**LEG. BINDER:**

Mr. Chairman?

**CHAIRMAN LOSQUADRO:**

Unfortunately we do have a number of holdovers. To my understanding we have not had a problem meeting a quorum as of late. This was a young enthusiastic gentleman who hopefully after this process moves forward, Legislator Caracciolo's bill would still be interested in serving. But I would like to give that •• its day in the sun and hopefully find a mechanism by which we can have •• we can alleviate these problems. So, Legislator Binder.

**LEG. BINDER:**

I thought that concerns were raised and they were raised to the applicant. So, I mean, it's not as if nothing was said to him and he was just •• you know, we said don't worry, be happy. You know, that's not what we said. There were a lot of concerns and they were raised. And they were raised while he was sitting here. So, I don't think this comes as any shock and it shouldn't. So, the closed door comment is basically for no particular purpose but to raise some

kind of nefarious specter.

**LEG. BISHOP:**

What the problem with Mr. Taldone?

**CHAIRMAN LOSQUADRO:**

We had a motion and a second to table on the bill that's in front of us. All those in favor?  
Opposed?

**LEG. BISHOP:**

Opposed.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop is opposed.

**LEG. VILORIA • FISHER:**

Me, too.

**CHAIRMAN LOSQUADRO:**

Legislator Viloría•Fisher is opposed. **2286 is tabled. (Vote: 4•2. Legislators Bishop and Viloría • Fisher opposed.)**

**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.** I know I have Mr. Isles and Mr. Deering who would like to comment on this. I believe we've sort of beaten this horse. I will make the motion to table.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

Seconded by Legislator Binder. All those in favor? Opposed? **2314 is tabled. (Vote: 6•0)**

Onto introductory resolutions. **1001, amending the 2005 Operating Budget to transfer funds from Cornell Cooperative Extension to the Department of Environment and Energy**, as the •• this bill calls a department that has not been created by this Legislature. I have two key concerns with this bill. The first of which I already enumerated which was that department does not exist. The second of which, is this money, as I understand it, will be used to improve •• a study on how to improve nitrogen levels in the Peconic Estuary by Cornell Cooperative Extension. So, to hold that money up by putting that in the middle of an argument between two branches of government as to whether or not a department even exists, which by law it does not, I disapprove of. I think this money should be used for its original intention. And when we work this out between the Executive and Legislative branches, so be it. But this money should not be tied up in this. I think it should be kept in Cornell Cooperative Extension. So, I'll be making a motion to table this.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

Second by Legislator Binder.

**LEG. BINDER:**

Can I ask Counsel a question?

**CHAIRMAN LOSQUADRO:**

Legislator Binder.

**LEG. BINDER:**

If Counsel could elucidate on the law and •• so we have on the record as to why it is not legally justified to have a department that isn't created by a Charter Law passed by the Suffolk County Legislature.

**MS. KNAPP:**

Earlier today the question came up. And I think I probably should start by saying regardless of what a resolution says, the only way you can create a department under the Suffolk County Charter is by Charter Law. So, to the extent that, you know, that a resolution says something

and this Legislature may wish to pass something that has an inaccuracy, it does not create the department, though, is the only comment that I made. The only way you can create a department is by Charter Law.

**LEG. BINDER:**

And why is that? In other words, it says in municipal law, our Charter •• where •• where does it say and what's the cite for this so we can be specific as to why this is so clear that the budget resolution does not create a department.

**MS. KNAPP:**

The Suffolk County Charter makes it quite clear that the only way that you can create a department is by Charter Law. And recently in looking for something directly on point, I actually did come across a law review article that was very specific. And specifically said that the only way you could create a department was by Charter Law. So, I was happy to find some authority on that. Although it doesn't really •• it's one of those things that is so black letter Horn book, that you really •• I mean you don't really need authority for it quite honestly.

**LEG. BINDER:**

The County Executive and the Department claims that they have formed in the past and there's been no problem with forming departments or agencies or divisions or whatever they said they've formed, have they formed them and are those also without merit and illegal? The other ones that they claim to have formed? I don't have them in front of me.

**LEG. BISHOP:**

Let me point to the airport, Gabreski Airport. So, if you could •• if you recall, I think that we did budget changes in the airport. And there was a long period of time that appropriations flowed following the budget without the actual Charter Law creating the Department of Aviation. I think ultimately we did create that department?

**LEG. SCHNEIDERMAN:**

No, we didn't. We never did.

**LEG. BISHOP:**

So, we did a whole year, then ••

**LEG. SCHNEIDERMAN:**

No a whole year. It was a few months.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

And we had to correct the budget because these positions were listed as Department of Aviation, which didn't exist. And that was a bookkeeping problem. And we then formally passed a budget amendment moving those back from the Department of Aviation, which didn't exist, to a Department of Economic Development, which did exist.

**LEG. BINDER:**

If I could reclaim my time.

**CHAIRMAN LOSQUADRO:**

Legislator Binder.

**LEG. BINDER:**

•• my time and questions. They would also claim that because they don't have a "Commissioner", they never created a Commissioner position. They call him a Director or they call him something else. Because they didn't create the Commissioner, that would give them the right to make this department because it doesn't have that. Does that make a difference under the Charter?

**MS. KNAPP:**

Again, the it's very clear the department does not exist. Now, I know that I was asked in one case to speak with a member of the media who asked me very specific questions about what the County Executive could do and what the County Executive couldn't do. And those are sometimes closer questions and •• and tougher questions to answer. County Executive's clearly the administrative head of government. But the question, I think, that's most important for this Legislature and for me as Legislative counsel is whether or not there is a Department of Environment and Energy and there is not a Department of Environment and Energy. No matter how many times you say it or no matter how many times you write it, it doesn't exist until the

Charter Law that creates it is passed.

**LEG. BINDER:**

So, was I the one that made the motion to table? I would like to withdraw that motion.

**CHAIRMAN LOSQUADRO:**

Hold on.

**LEG. BINDER:**

Either there will be no motion, to let it die. Or if a motion is there to approve, I'm going to vote no. So, I would hope that it's defeated; this way we just take it off the agenda. And I think any resolution that bears the monikor of this department should just be defeated outright, not even tabled for some future date. And if a department is created at some future date, then, legislation can come in and we can consider it. But there's no reason to even consider legislation, it seems to me, if it refers a to a department that doesn't exist at all.

**CHAIRMAN LOSQUADRO:**

Thank you. And we have a short list. I'm just going to make a statement and just say that it's been a great honor for me to serve as Chairman of this Committee. And everyone agrees how important this Committee is. And it is very troubling that we have the executive branch of government who choses to put very important environmental programs in jeopardy simply for the purpose of promoting their own agenda. I find this very troubling. This administration held itself out to be the moral rock around which government would be built during their last campaign. And they now chose to ignore law and ignore a co•equal branch of government. And as Chairman of this Committee, I am extremely disappointed. And it's truly a sad day for the environment of Suffolk County to see very important initiatives, such as these, put in the middle of this political fight. So, I believe Legislator Bishop was first.

**LEG. BISHOP:**

I think what's becoming sadder is that we're putting form over substance. Counsel's answer told you that it doesn't matter. They can continue to write Department of Energy and Environment or whatever they want to write. Department of Santa Clause. It's not going to have any legal impact. And all you're doing by tabling and killing, is you're preventing the substance of the resolution, which is not about the Department of Energy and Environment, from moving forward. Then you want •• then they're going to blame you, you're going to

blame them. It's going to go back and forth. And the victims are going to be whoever is relying upon these resolutions to move the environment question behind it forward.

Moreover, I will say this. Many of us •• some of us were in the room when the budget negotiations were held. And there was a feeling that this bill creating the Department of Energy and Environment was going to be addressed at the beginning of the year. We're now into the middle of February; and not only is it not getting addressed, you can see that acrimony is rising. And we're moving further away from a resolution. If I were in the majority and I had a list of things that were important to me, I would put that list together and compare it with the list that the County Executive has and start to move government forward. Because this is going to be very tedious to listen to this for three more meetings, you know, into the summer.

**CHAIRMAN LOSQUADRO:**

Legislator Schneiderman; then Binder; then Vioria•Fisher.

**LEG. SCHNEIDERMAN:**

First a bit of response on the last item. One, I appreciate the admission that during the budget cycle when we're preparing the budget, that although Department of Energy and Environment was put in it, there was a very clear understanding that that did not create the department; that we couldn't go back and redo the budget if the department were to be created; then it would be properly budgeted. And there have been some constructive, I think, dialogue toward a Department of Energy and Environment. But that doesn't mean that it exists. It hasn't obviously gone through the proper channels •• legal channels. Therefore, it doesn't exist. And although, you know, there was a reference made to "these are just words on a page", they don't necessarily mean anything, they have no force of law. I have some real concerns that the County Executive is acting as if this department exists and directing personnel who are supposed to report to certain individuals to report to other individuals. And what problems •• and maybe this is a question toward Counsel •• that will create for us. You know, I called an administrator recently to ask a question. And was told that, you know, the person who handled that was no longer responsible to him. And when I look at the County Charter, they are. And I'm not sure what to do in a situation like that. Yes, that's a question. I mean what do you do •• I mean, I guess, I'm asking a legal question because I don't understand how when statutorily you have a particular chain of command; and then you're told that, no, that's not the case. Yet there's nothing to back that up. What do I as a Legislator do about that?

**MS. KNAPP:**

Well, I will tell you that administrative problems can arise out of these kinds of actions. It's clear that as the administrative head of government, the County Executive can make certain directions particularly to exempt employees; although everyone has job descriptions and those job descriptions have to be followed. My greatest concern is there are some documents, literally documents, that have to be signed by certain people. And, you know, we all know that documents, when they're government documents, have a certain legal force and effect. And my concern is that somewhere in this, you know, this vacuum, this black hole that's being created and seems to be getting deeper, that a document that legally needs to be signed by a particular person in a particular capacity may either be signed incorrectly or may not have the force and effect of law. And I think that is a sort of •• that's a concern that I think you need to be aware of; even moreover where does somebody sit. You know, that's, I think, less of a legal question than are they operating within their job descriptions and are they, in fact, signing a document that's a proper document to be signed.

**LEG. SCHNEIDERMAN:**

I think that's part of it. But who does the Civil Service employee •• who do they report to? Who is accountable when under the •• basically the float diagram that's outlined within, you know, the County Charter, are they being told, no, that's not the person you report to. You report to this person now.

**LEG. BISHOP:**

So they report to the new person?

**LEG. SCHNEIDERMAN:**

No, I would say if I were that employee, I would say, you know what, the current County Charter says you're not my boss; this person's my boss.

**LEG. BISHOP:**

That's why you'd be a terrible employee.

**MS. KNAPP:**

Again, you know, it's less clear with exempt employees. Certainly the Civil Service employees who are somehow in a particular job description and assigned to a particular department, it

creates tremendous problems. And the problems, some of them are easy, like the question of whether the department exists. That's a very easy question. As you start to drill down and get more into the minutia of the administration of government, the questions do become more difficult. Certainly there are questions that may be answered by the head of Civil Service. Even better than from me as a lawyer.

**LEG. KENNEDY:**

Mr. Chair?

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

And this to Counsel. Just to take that one step further not only with capacity personnel to go ahead and follow proper chain report and do things such as that, I'll go to the program we spoke about just before, the aquaculture. \$600 thousand conveyance, if you will, or appropriation from the state, I presume that there must be some departmental individual who's charged with capacity to accept or capacity to make representations or capacity to go ahead and demonstrate compliance or capacity to sign grant acceptances or capacity to engage in contract. All those things are usually things we find laid out within the Charter created department charging individuals with some capacity; correct?

**MS. KNAPP:**

Yes, there is no question that something like a grant agreement is entirely •• defines the concerns that could arise. Although in this particular case, this \$600 thousand, is county funds. And you do have the control over them. But a grant agreement or compliance that is required somewhere by law is exactly the kind of document that would be, in fact, a crime if it were a particular type of document to be signed improperly.

**CHAIRMAN LOSQUADRO:**

Thank you. And I apologize. I know there was a list. I accidentally inserted Legislator Kennedy in before Legislator Binder, who is then to be followed by Legislator Vilorina•Fisher.

**LEG. BINDER:**

Thank you.

**CHAIRMAN LOSQUADRO:**

We'll take a brief pause for the stenographer.

**LEG. BINDER:**

For this commercial interruption.

**CHAIRMAN LOSQUADRO:**

Everyone can catch their breath. All set? Okay. We're back. Legislator Binder.

**LEG. BINDER:**

Mr. Chairman, Counsel made reference to this just being on paper because the truth is no force of law. And I think it's sad that we would have members of the Legislature who are longtime members of the Legislature not really caring about following Charter law, enforcing Charter law, enforcing the prerogatives of the Legislative branch of government basically ready to just walk away from that. And, in fact, in fact, say it's tedious to actually try to defend the institution of the Legislature. It would be tedious for us to do that week after week. It's not tedious. It's part of the job of government to enforce separation of powers and enforce the prerogatives of co-equal branch of government.

For us to pass this today, maybe to a lesser extent, to table it, for us to pass this today would basically be putting the premature of the Legislature and the acquiescence of the Legislature on something that doesn't exist. We would at some level be saying, and I think the legislator who made those comments knows this, we would be saying publically, well, at some level it must exist because we passed some legislation that says it exists. It passed legislation that refers to a department. We passed legislation that transfers funds to a department that doesn't exist. And so instead what he would have us do is look at the program. Everybody, look at the program. And we are the bad guys. It's like saying 9/11 happened because we're the bad guys. We do this to ourselves and look at this, it's a terrible thing. So, what we're saying here that these programs are going to suffer because the Legislature is terrible in trying to enforce its responsibility to go •• to back up the Charter, to follow the law, to protect its institution.

Now, I see •• when I hear Legislators talking about back room, alluding to partisanship, all I can hear here is partisanship. And I think we shouldn't allow partisanship to raise its head over

the institution that we need to protect. I would hope •• I would really hope that there would be 18 Legislators, when we're talking about protecting the institution of the Legislature, which will be here long after we're gone, whether we're turn out or not, I would hope there would be 18 Legislators who would protect those prerogatives in this institution.

I can say that when the past County Executive was here, a republican, republicans at many, many, many turns, and I think our Counsel knows this because she was on the other side of the table, enforced our prerogatives, and rightfully so, against the republican County Executive, who would try to take those prerogatives. And you know what? That's a natural thing; knowing full well that branches of government would do whatever they can to glom as much power as they can. Legislators do it. Executives do. The judiciary does it. It is the responsibility in every level of government in this system of government to make it work for those branches of government to zealously hold onto those powers. That's how it ends up working in the end. And unfortunately there are some who would put other interests over that. And I think that is unfortunate. I think what we need to do here is kill any legislation that makes mention of this to send a clear message •• see if we table it, we're not sending a message. We need to kill them because we need to send an absolute clear message that anything that refers to a department that doesn't exist under the law, we will not accept. We will not condone. We will not acquiesce to. And that's the message we should send today. And I'm hoping that we'll defeat this resolution.

**CHAIRMAN LOSQUADRO:**

Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

Thank you, Mr. Chair. I have a question for Counsel. This was a budget item that I introduced as a stand alone. And it was a result of two years work that was undertaken by farmers and members of the environmental community and quite a number of other people to work within some of the models provided by the State Aim Program. And so it's a very, very important initiative. And it's critical to know what this resolution will do to that program. Will the money if this resolution is held up, tabled, defeated •• I would like to know what the ramifications of this resolution are upon that program.

**MS. KNAPP:**

Now, we are talking about 1001? The Cornell resolution?

**CHAIRMAN LOSQUADRO:**

Yes.

**LEG. VILORIA • FISHER:**

Well •• the money. I'm talking about the reality of the program moving forward.

**MS. KNAPP:**

Well, no, I think actually these are •• these are interestingly enough, I think, okay. And the reason I say that is that ••

**LEG. VILORIA • FISHER:**

"These" referring to what? What's your antecedent to that pronoun?

**MS. KNAPP:**

Resolution 1001 and 1002. What they do is take money that is already in the 2005 Operating Budget, and I'm sure Kevin Duffy will correct me if I mis•speak on this •• this money is already in ••

**LEG. VILORIA • FISHER:**

It was a stand alone that was approved?

**MS. KNAPP:**

Yes. So that if this resolution is •• and by this resolution I mean 1001, IR 1001, the funding will stay exactly where it is right at the moment, which, I believe, is in Cornell Cooperative.

**MR. DUFFY:**

That's correct.

**LEG. VILORIA • FISHER:**

Okay. So, if we don't do anything here, that money cannot stop •• if 1001 were to be tabled, would it stall the program because it is now conflicted with a pending resolution as to how the money is going to be spent?

**CHAIRMAN LOSQUADRO:**

Counsel, if I may, I apologize. I know this has been a bit •• more than a bit protracted. But if you recall from when I first read the title of this bill, I said that the money was in for a study to improve nitrogen levels to be conducted by Cornell Cooperative Extension.

**LEG. VILORIA • FISHER:**

Right.

**CHAIRMAN LOSQUADRO:**

That's what it will be used for. By Cornell Cooperative Extension.

**LEG. VILORIA • FISHER:**

But does •• what I'm asking Counsel is very important because what this resolution is saying is that it wants the money to be shifted out of Cornell Cooperative to the department of Environment and Energy. And what I'm asking is if this has any impact on •• will it stall the release of that money?

**MS. KNAPP:**

The only way that it would be stalled ••

**LEG. VILORIA • FISHER:**

Or the movement of the program?

**MS. KNAPP:**

The only way that I can see that it would be stalled is if for one reason or another the administration refused to sign a contract with Cornell with the money where it is right now. The money is where it can be spent right now. As a matter of fact, this is actually another example of •• we were to actually make this budget transfer, who would sign the contract?

**LEG. VILORIA • FISHER:**

Who would sign the contract now? Mr. Duffy?

**MS. KNAPP:**

Well, it is in Cornell.

**LEG. VILORIA • FISHER:**

It's there already?

**MS. KNAPP:**

Yeah.

**LEG. VILORIA • FISHER:**

But I thought you just said if •• that somebody could refuse to sign it.

**MS. KNAPP:**

If it goes to the Department of Environment and Energy •• all contracts are signed ••

**LEG. VILORIA • FISHER:**

No, no, I'm not talking about if it goes. Right now in order for Cornell to go ahead with the project, does anyone have to sign off on it from the administration?

**MS. KNAPP:**

I would imagine that the County Executive would have to sign off.

**LEG. VILORIA • FISHER:**

So, that has not been •• this is something I've been working on for a few years. So, I want to make sure that this resolution isn't holding up the work.

**CHAIRMAN LOSQUADRO:**

Well, this begs another question. And if perhaps if a representative from the County Executive's Office will come up, why suddenly do we want to take this money away and this study away from Cornell Cooperative Extension? Have they not performed satisfactorily for us?

**LEG. VILORIA • FISHER:**

Well, justify to be fair, Mr. Chair, just to be fair ••

**LEG. BINDER:**

Do we have money to pay for this?

**LEG. VILORIA • FISHER:**

Wait a minute. Let's go back to the budget process. When I went to Jim Spero to prepare the stand alone at that time, and as was said earlier, we were talking about the Department of Energy and Environment as one of the possible places that this would •• I've discussed this with Jim Spero. I asked him how can we put this in the budget? And we talked about the various streams or channels that we would be able to use. And so we did talk about Department of Energy and Environment as a way for the money to go into the budget. But then when there was no Department of Energy and Environment, the next best choice was to do it through Cornell because that is a, you know, a programatic •• because that was the other way that we could channel that money. And so it's not •• I don't think that this is putting any question on Cornell. I think it's just that when we had originally talked about this, there was some thought of there being a Department of E and E.

**CHAIRMAN LOSQUADRO:**

Based on that explanation, you do not have to comment if you do not wish and obviously you do not wish ••

**LEG. VILORIA • FISHER:**

I don't think the County Executive's is trying to caste any aspersions against Cornell Cooperative. I just don't want the program to be held up because of ••

**CHAIRMAN LOSQUADRO:**

None of us do.

**LEG. VILORIA • FISHER:**

•• this kind of fighting.

**MS. KNAPP:**

Right now it's an agency called CEX. What is CEX?

**MR. DUFFY:**

That's a code where the funding is kept. But I would agree with •• I believe you were saying is that the contract would have to be signed by the Executive Office with Cornell Cooperative in order for them to fulfill the contract.

**LEG. VILORIA • FISHER:**

I'm sorry, I couldn't hear you.

**MR. DUFFY:**

What I said is I believe where Counsel was going is she was saying that there would have to be a contract executed between the County Executive's Office or the administration of the County and Cornell Cooperative Extension to perform this contract.

**LEG. VILORIA • FISHER:**

And you're corroborating that?

**MR. DUFFY:**

That's what I believe Counsel was saying. And she is shaking her head yes.

**LEG. VILORIA • FISHER:**

So, the County Executive would have to sign off on the contract?

**MS. KNAPP:**

If resolution 101 is not passed, then, Cornell Cooperative will enter into a contract with the County of Suffolk, which the County Executive will sign. And there should be no problem as long as •• that is a very interesting legal question. If this legislation were to pass?

**CHAIRMAN LOSQUADRO:**

I apologize. I'll put that on the record. Hypothetically if this bill were to pass, I know Legislator Vilorina•Fisher's concern is, how can this program move forward? Hypothetically if it were to pass. Legally, who would sign this? And could this move forward legally or would someone be criminally liable if they signed this from a department that did not exist understand Charter law. Counsel?

**MS. KNAPP:**

I think that's a very good question. I don't know. It has always been under all our local laws that the Commissioners, just as the Commissioners appoint, the County Executive does not appoint, the Commissioners appoint under our Charter and codes. The Commissioners are the one who sign contracts. And if we have a department with no Commissioner, that raises, quite

honestly, a legal question that I have never encountered. I assume that the Department of Aviation never tried to enter into a contract; that only the Department of Economic Development would enter into contracts. Its a black hole that's getting deeper.

**CHAIRMAN LOSQUADRO:**

Legislator Binder withdrew his motion, but we're still •• we'll say on the motion Legislator Bishop.

**LEG. BISHOP:**

Thank you. I appreciate that. This has been quite a debate. We have invoked Law Review articles, 9/11 analogies, Madisonian lectures on separation of powers, but you keep moving further and further away from what needs to occur, which is that Legislator Schneiderman, who I understand was at the center of blocking this Energy and Environment Department last year. Things should be put on the record and we should be moving forward with what the substantive objections are to that department and dealing with that issue. Because that's what's coloring everything. When we do the budget negotiations, which was what, four months ago now, it was imminent. It was about to pass. We just had to, you know, there was one more thing that had to be ironed out. And so what happened since then?

**LEG. BINDER:**

The budget became a joke.

**LEG. BISHOP:**

Whatever. Whatever happened, you guys are the ones who were, you know, stalled. They're getting frustrating and acting out. And everything is going to be put through this prism. And it will be tedious. And it will be counterproductive. So, I think, you know, rather than take all these little spiteful things into back rooms, and then have your caucuses and say we're not going to do anything that says that or, you know, why not deal with the substance of the issue? What is the problem with the Department of Energy and Environment?

**CHAIRMAN LOSQUADRO:**

Are you finished? Please. Legislator Schneiderman and then binder.

**LEG. SCHNEIDERMAN:**

I'll outline some of my concerns for you. I actually have to go to another meeting. So, I'll do this as quickly as I possibly can. There are several issues that I have. And I think some other people may share with the Department of Energy and Environment. On its face, it sounds like a great idea. We can further our goals of preserving the environment. There are several things that this structure that was outlined in the original resolution that I have some trouble with. One is it moves all of the real estate functions including those that have nothing to do with the environment into the Department of the Environment. It moves the affordable housing functions, the road condemnations, if we wanted to expand the college and buy land, everything now has to go through the Department of Environment. These functions to me from a managerial perspective ought to be in planning where you can look at environmental impacts, transportation impacts, economic impacts, social impacts. I think it's very important. I have no problem if there was a Department of Energy and the Environment if they had a division of open space acquisition and property management. But to take all these non-related functions and move them over, to me it's gutting our Planning Department. And Planning is really central to what this County does. That's one issue.

Another thing, in the County Executive's efforts to try to do this without it costing the taxpayers any more money, he shifted staff from •• from various places including the Office of Ecology. And there are several very important positions there that deal with water quality monitoring, that deal with assessing public health risks from contamination events. They've shifted over to a department that •• they can't, one, by law, by public health law, cannot be in because they need to be under direction of a physician. And they also need to be within the Department of Health. So, I'm assuming that he has shifted the funds •• and now he can't •• since he can't shift the responsibilities to the new department, he has now left the division •• the Office of Ecology without the staff people to conduct what I consider really important functions like wetlands monitoring. There are several other things. The other things, I think, are more minor in nature. But I think those are major issues that really do need to be resolved.

**LEG. BISHOP:**

Now, Affordable Housing, isn't that going to be under the Department of Economic Development?

**LEG. SCHNEIDERMAN:**

Not the real estate parts of it.

**LEG. BISHOP:**

But you're never going to be able to get it ••

**LEG. SCHNEIDERMAN:**

So, let's •• like the ••

**CHAIRMAN LOSQUADRO:**

Hold on. One at a time.

**LEG. SCHNEIDERMAN:**

•• seventy •• 72H, is that the name of the program? That is now •• it's not currently, but based on the resolution that the County Executive put forth, that would end up under the Department of Environment.

**LEG. BISHOP:**

Which of these objections •• so in six months there's been no movement between you and them?

**LEG. SCHNEIDERMAN:**

Oh, I have brought these issues up repetitively.

**LEG. BISHOP:**

Because I've been told by them they've acquiesced on several things that you've ••

**LEG. SCHNEIDERMAN:**

The only thing, and it's not in the resolution, but in the budget, I guess, process or some where he said that the road condemnation issues would go to DPW. The other issues there's been no movement on. And I raise these ••

**LEG. BISHOP:**

Right. And what have you moved on?

**LEG. SCHNEIDERMAN:**

Mr. Chairman? I have said that I don't have a problem with the Department of Energy and the Environment. But I don't think that those real estate functions •• this is my main concern •• ought to •• all the ones that don't pertain to the environment should move there. And if you want to •• you know, rather than taking these important positions out of the Department of Ecology, I'd rather see them funded in the new Department of the Environment. It doesn't have to be neutral in terms of budgeting.

**LEG. BINDER:**

Mr. Chairman.

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Bishop, would you care to respond?

**LEG. SCHNEIDERMAN:**

I think it's reasonable.

**CHAIRMAN LOSQUADRO:**

Yeah. Enough back and forth. Legislator Binder.

**LEG. BINDER:**

We're obviously not going to create a department today in the Committee. But it's •• it's kind of amazing that a Legislator would say, well, out of frustration they're breaking the law and that's okay. See, I can understand it. And it's okay that they take the powers of the Legislature because they're frustrating. They're frustrated that we're not getting closure on something we believe there would be closure on. Well, you know what? Too bad. The bottom line is too bad. If in the end we don't create this department, then, we don't create it. But the real bottom is that it has to be created by law. Charter law. Charter law passed by this Legislature. And if we don't pass it, we have a responsibility to project the prerogatives and powers of this Legislature. And out of frustration, he doesn't have the right to break the law. And we shouldn't vote for anything •• anything that would even show in any way that we're acquiescing to the breaking of the law. It's absolutely ridiculous. We have here professional •• as Legislator Schneiderman said •• professional people are proposed to be moved into a non

•existent department who are needed in the Department of Health for cancer awareness. We have people in Real Estate, DPW. They're being moved to a non•existent place where they're needed in the department they're in. It's absolutely amazing. And for anyone to partisanly back that and instead of respecting and protecting this institution is really unfortunate.

**CHAIRMAN LOSQUADRO:**

Thank you Legislator Binder. Before Legislator Bishop goes, I would just like to put something on the record from the Journal of the Suffolk Academy of Law published in conjunction with Touro College. "The Charter Law is required to determine how government should be organized, how officials should be elected to office, how many and what types of departments county government should have, and at what duties, responsibilities and authorities various county departments and agencies should possess requires enactment of a Charter Law."

Now I will give you three guesses, and the first two don't count, who authored this.

**LEG. BISHOP:**

Who cares?

**CHAIRMAN LOSQUADRO:**

No, no, no. Excuse me, Legislator Bishop, I will not yield my time.

**LEG. BISHOP:**

I don't think anybody's going to argue that you don't need a Charter law.

**CHAIRMAN LOSQUADRO:**

Excuse me. I'm not finished.

**LEG. BISHOP:**

What counsel pointed out was that this had no force of law.

**CHAIRMAN LOSQUADRO:**

Legislator Bishop, I am not finished. This was authored by the Chief Deputy County Exec •• this was authored by the Chief Deputy County Attorney Paul Sabatino. County Executive. Paul Sabatino. And I think you knew that and that's why you chose to talk over me. So, please,

finish your comment.

**LEG. BISHOP:**

Thank you. I was going based •• and I still go back to what Counsel said, which is that these resolutions, they write about a Department of Energy and Environment, but they carry no force of law with regard to that issue. And, so, to repeat my point which is that instead of all this harrumphing, why don't you move forward what you committed to do back in the fall, which is to negotiate with the executive branch and come out with something that the majority and the executive branch can live with and we can move on? This is not going to •• nobody's going to, you know, there's no great political gain by doing this. There's certainly governmental detriment by doing this. It's not moving anybody's agenda forward.

**CHAIRMAN LOSQUADRO:**

Hold on one second. You choose to look at it from one side. You can please choose to look at it from the other side. As I said, this is a sad day for the environmental because had •• if the executive branch did not choose to put these in the middle, if they chose to keep government moving forward until such time as we could come to this agreement, then, all of this would be moot and we wouldn't be having this discussion. And all of these very worthwhile and important programs will be moving forward. So, you choose to look at it from one side. If you look at it from the other, none of this would be happening. Legislator Schneiderman.

**LEG. SCHNEIDERMAN:**

In all this discussion about the Department of the Environmental, I don't want to see this Legislature lose sight of what, I think, it needs to pay attention •• and that is the Department of Planning. Planning is so central to what the County does. And you cannot take one of most vital functions of planning out. You are basically •• you're taking the power away from Planning. And I think that's going to have terrible long-term impacts on the County.

**LEG. BISHOP:**

Mr. Isles, when you were given the Real Estate Department, what was your public testimony about that?

**MR. ISLES:**

That occurred before I got to the County. That was done in 1999. I started in 2001.

**CHAIRMAN LOSQUADRO:**

Just lastly ••

**LEG. BISHOP:**

I thought you were •• it must have been your predecessor, then ••

**LEG. SCHNEIDERMAN:**

I wasn't done, Dave, so ••

**LEG. BISHOP:**

•• the Planning Director who said I don't want the Real Estate function. We're a planning agency. We don't want to be implemented.

**LEG. SCHNEIDERMAN:**

Look, I'm not sure that it's really fair to put Mr. Isles on the spot here.

**LEG. BISHOP:**

I apologize.

**LEG. SCHNEIDERMAN:**

I just want to say I am absolutely open to a dialogue on this discussion on this topic. So, I think it's important we have the dialogue. And I'm certainly, you know, extending an invitation to Mr. Deering and the County Executive to have this discussion. But what I'm seeing here is basically somebody trying to force the hand here. And that really isn't conducive to good discussion.

**CHAIRMAN LOSQUADRO:**

Well, do I hear a motion on 1001?

**LEG. BISHOP:**

I'll make a motion to approve.

**CHAIRMAN LOSQUADRO:**

There is a motion to approve by Legislator Bishop. Is there a second to that motion? Hearing none, motion fails for lack of a second. Hey, one down, several pages to go. **(Motion on 1001•05 fails for lack of a second)**

**IR 1002 (amending the 2005 Operating Budget to transfer funds from the Department of Economic Development and Workforce Housing to the Department of Environment and Energy)** We had a brief discussion on this before. And I would just like to add one item to the record on this. Doing some research on this, it appears that in 1999 when the federal government agreed to assisting local bay men over the lobster die•off, it was the Department of Commerce, and not the EPA, who allocated the funds. Clearly there is an economic development job related impact and creating revenue issue in supporting this industry. So, I just wanted to put that on the record. Do we have a motion on IR 1002? **Hearing none, IR 1002 fails for lack of a motion.**

**IR 1006, establishing automobile and credit card policy for the Board of Suffolk County Water Authority,** I believe there was a request by the sponsor to table this motion.

**LEG. BINDER:**

Second.

**CHAIRMAN LOSQUADRO:**

I will make that motion to table, second by Legislator Binder. All those in favor? Opposed? **1006 is tabled. (Vote: 6•0)**

**1019, amending resolution 1308•2004, authorizing acquisition under Suffolk County Multifaceted Land Preservation Program for the Tedford parcel.** I believe Jeanine wanted to comment on this? Thank you, Ms. Dillon.

**MS. DILLON:**

The County Executive's Office just wanted to let you know that we believe the resolution is flawed in that it states or references that we would purchase 14 acres when the property size is really seven and a quarter from Peconic Land Trust.

**CHAIRMAN LOSQUADRO:**

Commissioner Isles? Is this •• is this accurate? I believe we were ready to move forward on

this.

**MR. ISLES:**

It is accurate. What happened in this case is that the Legislature approved this acquisition for the latter part of last year. It was a joint acquisition with the Town of Shelter Island 50/50. It was 14 acres and change. There was a need by the seller to close by the end of the year. So, Peconic Land Trust came in and purchased what the County was going to purchase. And the Town purchased their half. So, the deal is now changed. So we require a resolution. There is a requirement for that. And Legislator Caracciolo's resolution would start that change but substituting the name of the owner to Peconic Land Trust, which is correct. But as Ms. Dillon indicates the acreage would now be seven acres and change and would not be a partnership with the Town. It would just be a straight County acquisition at this point.

**CHAIRMAN LOSQUADRO:**

So, we need an amended copy?

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

Okay. So, I assume we have to table this, Counsel, then?

**MS. KNAPP:**

Yes. I believe that the sponsor is very willing to table so that he can correct it.

**CHAIRMAN LOSQUADRO:**

Okay. Very good. I'll make the motion to table, second by Legislator Kennedy. All those in favor? Opposed? **1019 is tabled. (Vote: 6•0)**

**1057, amending the 2005 Capital Budget and Program and appropriating funds in connection with improvements to active parkland/recreation area at Nautical Park.**

Mr. Isles, I believe you wanted to comment on this?

**MR. ISLES:**

Yes. This did approve by CEQ. It was a prior Greenways active recreation purchased by the County. The only issue we saw that may be out there is the Parks Trustees would typically have an advisory role on this. I'm not sure that •• it doesn't appear that it's been there. It was talked about as going there in January, but that's the only question I would have. That's all. And I'm not sure the role of that.

**LEG. BINDER:**

Motion to table.

**MS. KNAPP:**

You know, I've been working so closely with Legislator Mystal's office. And I thought we had everything, but I'm not certain about Park Trustees. I can find out between now and Tuesday. Either we could discharge without recommendation •• I know Legislator Mystal has been working on this very hard. And then maybe table on the full floor if we don't have Park Trustees? Or a motion to discharge.

**MR. ISLES:**

I mean, we could, you know, confirm that. And Ms. Zielinski's indicating to me that it may been to Parks Trustees at one meeting.

**MS. FISCHER:**

It was not at the last one.

**MR. ISLES:**

Okay.

**MS. FISCHER:**

And that was what they had anticipated, but it did not show up in December. Nor is it on their agenda for the January meeting at this point. We were hoping it would be on the January meeting.

**MR. ISLES:**

February.

**MS. FISCHER:**

February. I'm sorry.

**MR. ISLES:**

Right.

**LEG. BISHOP:**

I have a step back question. This was purchased when I was the Legislator representing Amityville. And it went to Parks Trustees at that time. So, under Greenways, do we envision where the •• County purchases, it goes to Parks Trustees, it goes to CEQ and all •• it goes through all those steps. The County acquires. And now this is just the Village of Amityville going forward with their •• they're creating the park there, right? It's under their •• it's under their jurisdiction now.

**MR. ISLES:**

Right. The only difference in your scenario, is that it doesn't •• we don't see that it went to Parks Trustees originally. If we see something different, we'll have to make that correction.

**LEG. BISHOP:**

But they only have an advisory role.

**MR. ISLES:**

Yeah.

**LEG. BISHOP:**

The cat's out of the •• we've already acquired it.

**MR. ISLES:**

I know we have. It's a mandatory advisory role.

**MS. FISCHER:**

We try to make amends and go backwards on those that they did not see a site plan or have any kind of recommendation for you. So, that's the extent of it.

**LEG. BISHOP:**

I mean, if you go by the site know, the construction is well underway. So, I don't know ••

**MR. ISLES:**

I wasn't aware of that.

**MS. KNAPP:**

The only other comment I would make, I know that the contract was executed back in 2000. I've been working closely with the Law Department in trying to get this one •• kind of dot every "i" and cross every "t". I know the contract was executed back in 2000 for the joint improvements. This resolution is basically •• it's just strictly money.

**LEG. BISHOP:**

Money.

**MS. KNAPP:**

It is.

**LEG. BISHOP:**

They're applying for their grant after the fact.

**LEG. VILORIA • FISHER:**

Motion to discharge without recommendation.

**CHAIRMAN LOSQUADRO:**

Motion to discharge without recommendation by Legislator Vilorina•Fisher, second by Legislator Schneiderman. All those in favor? Opposed?

**LEG. BINDER:**

Opposed.

**CHAIRMAN LOSQUADRO:**

Legislator Binder. Motion is discharged without recommendation.

**(Vote: 5 • 1. Leg. Binder opposed)**

**IR 1075, authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program, the Southampton parcels.**

**MR. ISLES:**

Lauretta is handing out packages for all of the acquisitions that are on today.

**LEG. SCHNEIDERMAN:**

Can I just say on this one because I'm going to have to •• I think I'm going to have to scoot in a minute. You guys, I think, are fairly familiar with this one because it originally started out with a thousand acres. It's been whittled down to a little •• a mere 141 acres. These are largely going •• you know, those that are acquired will largely be done in partnership with the Town of Southampton. Maybe with the state. So, it opens the door for us to join with them when it's appropriate to do so. And I thank everybody for their patience, particularly Commissioner Isles for working on this with the Town of Southampton to come up with a priority list.

**MR. ISLES:**

Right. It was very effective process. These did rate 47 points in the County's rating system.

**CHAIRMAN LOSQUADRO:**

Thank you. And I just •• I know this is its own mini•master list. But I just did want to add that Janet Longo had informed me that the master list had been updated and that each committee member will be given a copy of that. We have that. Ms. Zielinski. It didn't have to come out right now, but at least we have it. So, just to say that I know the department is moving forward. They are making progress and making headway on the many planning steps acquisitions that we have approved through this Committee. We have a motion to approve by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? 1075 is approved. **(Vote: 6•0)** Thank you, Legislator Schneiderman.

**1078, authorizing planning steps for acquisition of the Robbins property under Multifaceted Land Preservation.** Mr. Isles, I believe that's the next one in the packet; is that correct?

**MR. ISLES:**

Yes, it is. You do have before you the aerial photograph as well as a summary sheet of information. We began doing a rating on this parcel; however, this is proposed as an active recreation type of use. And we really don't have enough information to give it a full evaluation. This is only a planning steps but it is about a five acre parcel located in the Lake Ronkonkoma hamlet at the intersection of Portion Road and Holbrook Road. It is undeveloped with the exception of what appears to be a house on the corner of the property. So, if it's anticipated and we have reached out to the sponsor, but at this point there's very little information •• if it's anticipated as a Park Development with the Town of Brookhaven, where Brookhaven will then manage the property, I think that's certainly feasible; if it's anticipated as a County open space or park acquisition, that could be problematic because it's so small. But that's about all the information we can give at this point. We can't give you a firm rating. And a lot of it would depend on further information that the sponsor can provide. I do realize it's a planning steps, though.

**CHAIRMAN LOSQUADRO:**

Yes, Legislator Bishop.

**LEG. BISHOP:**

This comes from Legislator Caracappa, I assume? Who has this area? Lindsay. All right. He's not asked to identify what the purpose is when you do Multifaceted?

**MR. ISLES:**

Yeah, he has it under the resolution as being for parklands purposes. I should correct that, which is just a general park use. It could be active. It could be passive.

**LEG. BISHOP:**

I guess we should come up with some sort of better system than that. That's not telling you what the point is. Obviously, there's no money in Greenways?

**MR. ISLES:**

There's •• in terms of active recreation?

**LEG. BISHOP:**

Active.

**MR. ISLES:**

There's not much, I don't think. Now, there would be •• Multifaceted has a Greenways •• an active recreation component.

**LEG. BISHOP:**

Right. So, when you do Multifaceted, I guess we should ask sponsors •• Counsel should ask sponsors, there should be a "whereas" at the very least if not a "resolved" that says what the point of this is. What we want to do with this.

**MS. KNAPP:**

To the extent this is just planning steps, I'm not sure that he wanted to commit. But my recollection from talking to the sponsor was that this is •• and probably Mr. Isles knows this better than anyone having been in Islip •• is this something that is like an entrance way into a particular community? And I think the community is interested in improving it in some way so that it can make a more attractive entrance into their hamlet area?

**MR. ISLES:**

It's actually in the Town of Brookhaven. So, it wasn't in Islip. But, none the less, when Laretta spoke to Legislator aide to Legislator Lindsay, they were indicating the possibility of trails. They are in conversation with Civics is what they indicated to her. So, we have very limited information at this point.

**CHAIRMAN LOSQUADRO:**

Mr. Isles, what is the structure directly to the east; that large structure?

**MR. ISLES:**

A church.

**CHAIRMAN LOSQUADRO:**

Okay. Very good.

**LEG. BISHOP:**

Motion to table.

**CHAIRMAN LOSQUADRO:**

Motion to table by Legislator Bishop. I will second that motion for purposes of clarification from the sponsor. On the motion, Legislator Vilorina•Fisher.

**LEG. BISHOP:**

Make the sponsor say what it is.

**LEG. VILORIA • FISHER:**

Considering the location of this property, Tom, would this be a good candidate for hamlet parks?

**MR. ISLES:**

It could be depending on what's intended. Certainly it's not environmentally sensitive so it could support a more active use.

**LEG. VILORIA • FISHER:**

Yeah, because I thought that that was really •• well, that's what I had envisioned when I had •• the SOS included hamlet parks, was precisely this type of, you know, this type of parcel, which is the gateway into a community or a focal point of the community, a downtown so to speak. So, it's right next to a church. It's Portion Road and Holbrook Road. Is that right around the corner from Mamma Lombardi's? Is that around that area? Am I completely off? Oh, no, I'm thinking of Furrows Road. Okay.

**MR. ISLES:**

Right, it's not Furrows Road, no.

**LEG. VILORIA • FISHER:**

Right. Okay. But it does seem to be almost in a downtown area?

**MR. ISLES:**

Well, it's certainly along the commercial strip of Portion Road.

**LEG. VILORIA • FISHER:**

As downtown as you get.

**MR. ISLES:**

Yeah, their version of downtown. A hamlet Center. Here, again, in terms of your idea that perhaps this could be a hamlet park with improvements and a public meeting place and so forth, that's a possibility. I just don't know what the sponsor has in mind. Specifically I think it's an idea that's in evolution at this point. He's in conversation with Civics. That's about all I can tell you at this point. I don't know.

**LEG. VILORIA • FISHER:**

Okay. I'll support the motion to table in that case so that •• Counsel, maybe that could be something that could be discussed with Legislator Lindsay or Planning could •• a hamlet park, I think, that way the Multifaceted money could be used for more sensitive acquisitions.

**CHAIRMAN LOSQUADRO:**

We have a motion and a second to table. All those in favor? Opposed? **1078 is tabled.**  
**(Vote: 6•0)**

**1079, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Sposato property, Town of Shelter Island.** Mr. Isles.

**MR. ISLES:**

Okay. This is a six•acre parcel approximately that is proposed as a partnership purchase with the Town of Shelter Island. It is adjoining fresh pond as you can see on the aerial photograph. It also flows down to Dickerson Creek. It did rate 41 points in the County's Open Space Rating system. So, Planning Department would not have an objection to this planning steps resolution.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Bishop, seconded by myself. All those in favor? Opposed?  
**1079 is approved. (Vote: 6•0)**

**1080, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the North Fork Preserve Property in the Town of Riverhead.**

**LEG. VILORIA • FISHER:**

What adjoins it? What's between it and the Sound?

**MR. ISLES:**

Those are houses.

**LEG. VILORIA • FISHER:**

It looks like a wooded area.

**MR. ISLES:**

Yeah, we have two •• there's two aerial photographs on this.

**CHAIRMAN LOSQUADRO:**

This abuts properties we have development rights on; is that correct?

**MR. ISLES:**

It does. Okay, so there are two aerial photographs you have before you. The resolution currently pending is 1080. And it includes a green outlined parcel along Sound Shore Road. There's a second resolution 1081, which incorporates the southern portion of the North Fork Preserve. So, on 1080 this is a proposed acquisition or at least planning steps to consider acquisition as an open space acquisition. The property itself, although we haven't been on it, the Planning Department, our understanding is that it does consist of natural vegetation as you see from the aerial photograph, some wetlands. It does also consist on the western side of the property of basically a tree farm on parts of the property. We did a rating under, here again, the County's Open Space system. It came up at 30 points. So, at this point at least in terms of the information we have, it was somewhat limited even though it's a good size parcel due to the fact that there's lot of man•made intrusions into it. The rating could increase as we got on site and got more information in terms of what's going on there. But right now it's a 30.

**LEG. VILORIA • FISHER:**

Tom, I was looking at 1081 when I asked the question.

**MR. ISLES:**

Okay. Okay.

**LEG. VILORIA • FISHER:**

And now it's clear. 300 acres. Between 1080 and 1081.

**MR. ISLES:**

Total. Right.

**CHAIRMAN LOSQUADRO:**

305, 306.

**LEG. BISHOP:**

And this isn't just planning steps, is it, or ••

**MR. ISLES:**

Yes, it is planning steps.

**LEG. BISHOP:**

Oh, it's just planning steps. Is it a partnership?

**MR. ISLES:**

At this point ••

**LEG. BISHOP:**

It's going to have to be; right?

**MR. ISLES:**

It's indicates Multifaceted Land Preservation Program. I'm not sure if it's a partnership. Riverhead Town doesn't have an Open Space Program so potentially it could be with them. I will point out that according to media articles, there are disputes on ownership of this property. So, we don't know, of course, at this time if it's even a willing seller, but ••

**CHAIRMAN LOSQUADRO:**

Thank you. Legislator Vilorina•Fisher.

**LEG. VILORIA • FISHER:**

Tom, I see that it hasn't been approved by the Farmland Committee. Is it because it hasn't gone before the Committee or is there a reason why •• another reason why it hasn't been approved?

**MR. ISLES:**

1081 is the portion of the property that is a suggested resolution to purchase development rights under the County's Farmland Protection Program. That did go to the Farmland Committee •• I don't know •• about a year or so ago. And at this point they have not recommended it. The Farmland Committee's concern was that the property's being used as a private hunting club. And I think part of it's used as the tree farm. And they just felt that it really wasn't a substantial enough farm use.

**LEG. VILORIA • FISHER:**

No crop farming going on?

**MR. ISLES:**

I'm not sure. My understanding was a tree farm and then the hunting preserve. I haven't been on the site myself. Here, again, it was weighted by the Farm Committee about a year ago and they did not recommend it.

**LEG. VILORIA • FISHER:**

I'm sorry, Mr. Chair. I am jumping back and forth between 1080 and 1081. But they're contiguous parcels.

**CHAIRMAN LOSQUADRO:**

That's okay. They are inextricably tied, obviously.

**MR. ISLES:**

Yes.

**CHAIRMAN LOSQUADRO:**

We have a motion to approve by Legislator Bishop, seconded by Legislator Kennedy. All those in favor? Opposed. **1080 is approved.**

**(Vote: 6•0)**

**1081, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, North Fork Preserve Property.** This is the farmland component. Obviously the area just to the south of the one we just discussed. Were there any additional questions on 1081?

**LEG. VILORIA•FISHER:**

I'd like to make a motion to table, particularly because it didn't get the approval of the Farmland Committee and I'd like to look at that a little bit more and have more conversation about it.

**CHAIRMAN LOSQUADRO:**

We have a motion to table by Legislator Vilorina•Fisher. Do I hear a second? Second by Legislator Bishop. All those in favor? Opposed? **1081 is tabled. (Vote: 6•0)**

**1082, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program.** This is the Bluffs at Shoreham property that was discussed earlier by a representative from the Town of Brookhaven. Mr. Isles.

**MR. ISLES:**

I do have an aerial on this as well. This is property located in the Town of Brookhaven. As indicated it •• pardon me. Town of Riverhead. It does ••

**CHAIRMAN LOSQUADRO:**

No, that's Town of Brookhaven.

**MR. ISLES:**

That's incorrect, yeah. It's definitely Brookhaven. It's on the agenda as Riverhead. We did do a rating of this in the County's rating system. And it came up with 33 points. It's about 20 acres. It is surrounding by homes. The Town of Brookhaven has testified by John Turner earlier today did indicate an interest in a partnership with this which would obviously make it a

little bit better. A particular concern would be the management of the property since it's not adjacent to other county holdings. If we could work out with the Town of Brookhaven local management by the Town rather than the County. If you have any questions, I'll try to answer those questions.

**CHAIRMAN LOSQUADRO:**

Certainly. My only question would be in the interest of time being that the Town has expressed an interest for sometime in partnering with us and acquiring this and the development pressure that it is under, when we pass a planning steps resolution like this, I know we have a very capable appraiser review staff sitting on the ETRB has been a great learning experience for me. Would we take the Town's appraisals and review them or do we absolutely have to go out and order our own appraisal?

**MS. ZIELENSKI:**

We can use one of the Town's appraisals but we need to get one of our own.

**CHAIRMAN LOSQUADRO:**

We do need to get one of our own. In what time frame •• minimum time frame do you think that could be accomplished?

**MS. ZIELENSKI:**

With RFP, probably three months.

**CHAIRMAN LOSQUADRO:**

I would ask that it be completed in the most expeditious manner possible provided we are going to approve it. I know I will be in support of it. Legislator Viloría•Fisher.

**LEG. VILORIA • FISHER:**

Regarding access, I notice that on the southern end there seems to be a cul•de•sac. Would that provide access to the property?

**MR. ISLES:**

Yes, it could.

**CHAIRMAN LOSQUADRO:**

And there's also an access point about two thirds of the way done on the eastern side; a road dead ends into the property as well.

**LEG. VILORIA • FISHER:**

Oh, I see. Okay. Thank you.

**CHAIRMAN LOSQUADRO:**

I'll make a motion to approve, seconded by Legislator Vilorina•Fisher. All those in favor? Opposed? **1082 is approved. (Vote: 6•0)**

**1083, authorizing planning steps for acquisition under Suffolk County Save Open Space, SOS, Farmland Preservation and Hamlet Parks Fund for the property of Lin in Port Jefferson Station.** Mr. Isles?

**MR. ISLES:**

Okay. This is, I guess is the first SOS hamlet program planning steps resolution. This is a property, as indicated, also in the Town of Brookhaven in the hamlet of Port Jefferson Station. It is, as you can see on the aerial photograph, an improved parcel. I believe it was formerly a fast food restaurant or is a fast food restaurant site. The parcel's about a quarter of an acre. Kentucky Fried Chicken. Okay.

**CHAIRMAN LOSQUADRO:**

Legislator Vilorina•Fisher, what would be •• what would the purpose of the acquisition of this property be?

**LEG. VILORIA • FISHER:**

The Civics Association is very interested in having some kind of green space hamlet park in the center of their town. This is right on the Main Street of the town. It's a gateway to a portion of Port Jefferson if you •• Hallock Avenue there is what connects 25A and 112.

**CHAIRMAN LOSQUADRO:**

I'm very familiar with the parcel. The only reason I was asking was right up at the corner of 347 and 112 ••

**LEG. VILORIA • FISHER:**

You have the railroad.

**CHAIRMAN LOSQUADRO:**

And at 112 you do have the visitors center there.

**LEG. VILORIA • FISHER:**

But because it's on 347, many of the people who live in Port Jeff Station don't really consider that the heart of their town because of the access being 347. This being more of a Main Street feeling because there are a lot of stores right along the route. And if you notice on the western side of 112, the proposed state right-of-way, that's the terminus of the proposed state right-of-way. And there has been on •• on the books New York State DOT has been looking at a bike path that would connect Port Jefferson all the way through to Setauket. And that's the terminal point of that bicycle path.

**CHAIRMAN LOSQUADRO:**

And then obviously we're working on rails to trails which would then connect said path all the way out to Wading River.

**LEG. VILORIA • FISHER:**

Right, exactly. So, we're hoping that this could be a gateway to the continuation of it out to Mt. Sinai and points east. And the community is very much in favor of having this be a hamlet park and we're working with the civics to try to develop this parcel. Undevelop this parcel. It's been an eye sore. The KFC hasn't been in existence for a number of years. So, we would want to raise the building and have it be a green spot for the people there in Port Jeff Station.

**CHAIRMAN LOSQUADRO:**

Does the community have an alternate usage in mind for the 347 property?

**LEG. VILORIA • FISHER:**

No, not at this time. They are discussing it. We're trying to work with them with planning on this.

**CHAIRMAN LOSQUADRO:**

All right.

**MR. ISLES:**

If I could just add to the comments I made before, this is the first hamlet center. It may be an opportunity to begin to think about how you want to implement this and the County Executive in terms of •• the legislation put the program into effect. In terms of starting to create some standards for how this program should be used with the active recreation, we do have, again, a local manager, a local person to come up and pick up the trash and things like that versus the County Parks Department. So, I would just suggest or maybe request that we be given the opportunity or somehow we work with the Parks Department to suggest standards.

With this site, the only other point I'd make is that using the hamlet park program to do blight removal is something a little bit different, I think, than we usually do. So, I think that's another big step for us and is perhaps an expensive way of preserving open space.

**CHAIRMAN LOSQUADRO:**

I agree. And I would urge caution as well. I know it has generally been considered a great success, but the Wedge property in Mt. Sinai has encountered significant problems raising funds to meet the •• what they've put forward that the community would be able to add into that three•way collaboration between the County, the Town and a local entity. And they have met significant shortfalls in the fundraising that they thought that they would be able to achieve. So, I urge caution in partnering with a local group who, you know, may make claims to be able to, as you said, not have it fall under the burden of a Parks Department, be the County or the Town. And they may not be able to fulfill that in the future.

**LEG. VILORIA • FISHER:**

I agree, Mr. Chair. This is certainly not at the level of the Wedge. That was a very ambitious project and a very large piece of property. This is very small. If you look at the size of this, we're talking about a quarter of an acre on the corner of, you know, 112 and the extension to 25A. And the Civics have not made any representation that they would be developing it. We are, however, speaking with the Town of Brookhaven to help us with the management piece of it. So, we are speaking with them about it. And it would not be at all on the level of what we're seeing at the wedge. We're talking just a passive piece ••

**CHAIRMAN LOSQUADRO:**

Again, I take this is a microcosm of what I've seen else where.

**LEG. VILORIA • FISHER:**

Yes.

**CHAIRMAN LOSQUADRO:**

And I would just urge that caution.

**LEG. VILORIA • FISHER:**

Yes.

**CHAIRMAN LOSQUADRO:**

I know that groups have the best of intentions when they enter into these type of agreements. But whether or not they're able to fulfill that ••

**LEG. VILORIA • FISHER:**

We are entering this with no such delusion.

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

Just a quick question. Mr. Isles.

**MR. ISLES:**

Yes.

**LEG. KENNEDY:**

In part of the planning steps resolution, when we look at a property like this or any other property, to what extent does the County go ahead and do any kind of investigatory work to see whether or not we've got a property that may have latent pollutants or things like that on it, if it's been an abandoned restaurant that's been abandoned for however long? What's going on with the septic system, fat receptacles, grease receptacles, solvents, cleaning, things like that? Do we do any of that?

**MR. ISLES:**

Well, we certainly don't do that at this stage of a draft resolution that's not yet been approved by you. So, we definitely don't do it now. We do a ••

**CHAIRMAN LOSQUADRO:**

But that would be part of planning steps?

**MR. ISLES:**

Well, in planning steps we'll do appraisals, we'll do, if anything significant comes up in terms of the building. We've done this with the building in Bayport, a supermarket. Real Estate had an inspection of the building. That was a key factor. We eventually pulled back from that project. But normally in answer to your question, Legislator Kennedy, it typically comes towards the back in any of the deals we do or the purchases we do are subject then to a clean bill of health, so to speak, from an environmental standpoint. And phase I, phase II, whatever would be done at that point.

**LEG. KENNEDY:**

So, we do the appraisal and investigatory work under planning steps.

**MR. ISLES:**

Yeah.

**LEG. KENNEDY:**

Make a determination whether or not we can have a general meeting of the minds, negotiate the contract and make the contract subject to subsequent inspection?

**MR. ISLES:**

Pretty much so. The only point I'll make on that is we don't buy too many buildings. Most of what we're buying is vacant land.

**CHAIRMAN LOSQUADRO:**

I will support a planning steps resolution with the caveat of needing a lot of additional

information on this and working •• the sponsor to work very closely with Planning to answer not only the standard questions, but many of the unique circumstances that have been raised not the least of which that Legislator Kennedy just brought up. Because I wouldn't want to see this process get too far along even from a community standpoint to have them be anticipating getting something only to have us find out at very late in the game that it would not be practical for us to purchase this parcel, which was either heavily polluted or somehow deficient in another manner. Legislator Kennedy, you had another comment?

**LEG. KENNEDY:**

I was just going to say that, you know, in this case certainly •• you know, I've not seen the whole gamut of range of properties. And I don't know whether or not we can add additional items on. But I would think that there ought to be some kind of preliminary representations or disclosure or something before we move into any of the mechanics to contract for appraisals, do inventories, expend time. Let's get them to at least do some representation whether or not it's founded.

**CHAIRMAN LOSQUADRO:**

Legislator Viloría•Fisher.

**LEG. VILORIA•FISHER:**

We went into planning steps. You're points were very taken. There are things that we have considered, that we are considering, that we're looking at very closely. There are no false expectations on the part of the community. They know that this is going to be something where we have hurdles before us. And, so, the points that you made, Mr. Chair, are very well taken. And they are issues that we have addressed with the Civics •• groups there and with the community. We know that it's a restaurant that has been abandoned; a fast food chain that has been abandoned for a number of years. We do know that we're doing •• we're facing a •• what was it you called it, Mr. Isles? A blight restoration or remediation?

**MR. ISLES:**

Blight removal.

**LEG. VILORIA•FISHER:**

A blight removal. It's important to the community. And we are going into this with our eyes wide open. So, the point's well taken and we will proceed with caution. And, again, as Mr.

Isles said, this is the first time we're using this program. We want to make sure that it's a good prototype, a good beginning; and that we're not setting any dangerous precedents.

**CHAIRMAN LOSQUADRO:**

As well. Speaking of precedent setting, I know it is only a quarter acre, but being that it was a fast food establishment, there are obviously some sanitary flow credits involved here. Could this also possibly be the first instance of the TDR component as well?

**LEG. VILORIA • FISHER:**

We'll look at all of these issues.

**CHAIRMAN LOSQUADRO:**

During the planning steps. So, we have a motion by Legislator Viloría • Fisher, second by Legislator Bishop. All those in favor? Opposed? **1083 is approved. (Vote: 6•0)**

1085 was taken out of order. That finishes the introductory resolutions. Thank you to Planning and to Real Estate for your patience. And we will move onto CEQ. Just giving them a chance to pack up their staff. If Mr. Bagg would come forward.

Excuse me, Legislator Viloría • Fisher or Legislator Binder •• oh, okay. I was going to say one of you will have to stay.

CEQ resolutions. **01•05, proposed SEQRA classifications of legislative resolutions laid on the table on December 7th and December 21st, 2004.**

**MR. BAGG:**

This is the Council's recommendations for those resolutions laid on the table for those two dates. Type II actions, basically.

**CHAIRMAN LOSQUADRO:**

Motion to approve by Legislator Kennedy, seconded by Legislator Binder. All those in favor? Opposed? **01•05 is approved. (Vote: 6•0)**

**02•05, proposed planning and construction of alterations to the Labor Department**

**Building.**

**MR. BAGG:**

This project includes the replacement of 58 windows in building 1608. Council recommends a Type II action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**03•05, proposed planning and construction phases for the expansion of the Sheriff's Enforcement Division at the Criminal Court Building.**

**MR. BAGG:**

This project involves the planning and construction of a two•story 3,740 square foot expansion of the Sheriff's headquarters and office space. It will also include space for additional administrative office and expanded squad room and a locker area. There will be dedicated parking provided as well. Council recommends that it's a Type II Action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same •• Legislator, on the motion.

**LEG. BISHOP:**

On the motion. Why is it a Type II Action?

**MR. BAGG:**

The SEQRA rules and regulations say that if you're going to do an addition to an existing facility less than 4,000 square feet, it can be considered a Type II Action.

**LEG. BISHOP:**

This is how many?

**MR. BAGG:**

3,740 square feet.

**LEG. BISHOP:**

Okay.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **03•05 is approved. (Vote: 6•0)**

**04•05, proposed planning and installation of Fire, Security and Emergency Systems at various County facilities.** Sounds innocuous.

**MR. BAGG:**

Yeah, it's simply installation of equipment, Type II action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Vote: 6•0)**

**05•05, proposed replacement of major building operations equipment at various County facilities.** What facilities are those?

**MR. BAGG:**

They did not say.

**CHAIRMAN LOSQUADRO:**

Throughout the County?

**MR. BAGG:**

They did not say. Just major equipment replacement.

**CHAIRMAN LOSQUADRO:**

It's a Type II Action; correct?

**MR. BAGG:**

Yes.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Vote: 6•0)**

**06•05, proposed investigation and removal of toxic and hazardous building materials and components at various County facilities.**

Again, just throughout the County?

**MR. BAGG:**

Yes.

**CHAIRMAN LOSQUADRO:**

Type II Action?

**MR. BAGG:**

This is removal of toxic and hazardous substances pursuant to federal law, Type II Action.

**CHAIRMAN LOSQUADRO:**

Legislator Kennedy.

**LEG. KENNEDY:**

Hi, Jim, how are you?

**MR. BAGG:**

Good.

**LEG. KENNEDY:**

Good. What kind of toxics? What are we talking about?

**MR. BAGG:**

We're talking about asbestos removal, leaking tank removal around the County. In other words, pursuant to EPA standards.

**LEG. KENNEDY:**

So, it's going to be licensed contractors and everything?

**MR. BAGG:**

Yes. The County has all kinds of protocols that are already in place for that removal.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Vote: 6•0)**

**07•05, proposed planning phase for the improvements to the Normandy Manor.**

**MR. BAGG:**

This project involves planning phases only because it's a historic structure and, therefore, it's a Type II action.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Vote: 6•0)**

**08•05, proposed planning and construction of the Riverhead County Center Power Plant Upgrade.**

**MR. BAGG:**

This is the planning and construction to replace the cooling towers and associated water cooling system and to extend the building automated system to the Criminal Courts Building out there. Council recommends it's a Type II Action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**09•05, proposed planning of modifications for compliance with the American Disabilities Act.** Is there a specific location or, again, throughout the ••

**MR. BAGG:**

This is County buildings; however, many of our buildings are historic so this the planning phase only, Type II action.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. 6•0)**

**10•05, proposed planning and construction of weather proofing County buildings.**

Type II Action again.

**MR. BAGG:**

Yes.

**CHAIRMAN LOSQUADRO:**

Sounds very self•explanatory. Same motion, same second, same vote.

**(Approved. Vote: 6•0)**

**11•05, proposed planning only of improvements to the water supply sytem.**

**MR. BAGG:**

Basically they want to plan to reduce pressure zone valves at various areas; but it may require installation in new wells; therefore, it's a planning phase only.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**12•05, proposed planning and installation of uninterruptible power supply replacement.** Again, at various facilities or this at a specific location?

**MR. BAGG:**

This is at Building 50, the servers at building 50, you know, for the computer system and the GIS. And it's simply equipment we purchased and replaced.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**13•05, proposed planning and construction of the Police Headquarters Operations Center Renovations.**

**MR. BAGG:**

This project involves renovation and equipment purchases to centralize a computer operations at the Police Precinct area. Council recommends it's a Type II Action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**14•05, proposed planning phase of the Firearms Training Section Drainage Projects.**

**MR. BAGG:**

And this is for planning phase purposes only because they don't really know what they want to do out there yet.

**CHAIRMAN LOSQUADRO:**

This is at the Westhampton facility?

**MR. BAGG:**

Yes.

**CHAIRMAN LOSQUADRO:**

Very good. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**15•05, proposed planning and construction at Sewer District #7.**

**MR. BAGG:**

This is for information collection, planning and construction of infrastructure improvements at the existing sewage treatment plant. Council recommends that it's a Type II Action because it involves studies as well as equipment purchases.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**16•05, proposed planning and construction of Sewer District #14.**

This is parkland; is that correct? The name of the complex or ••

**MR. BAGG:**

This is ••

**CHAIRMAN LOSQUADRO:**

•• Town of Islip.

**MR. BAGG:**

Number fifteen or ••

**CHAIRMAN LOSQUADRO:**

Sixteen.

**MR. BAGG:**

We're on 16. This is sewer district.

**CHAIRMAN LOSQUADRO:**

Number 14, yes.

**MR. BAGG:**

This involves the information collection, planning, construction of infrastructure improvements to the treatment plant process and improvements to the sewer system respectively. So, Council recommends it's a Type II Action.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. (Approved. Vote: 6•0)

**17•05, proposed planning for improvements to Sewer District #3.**

**MR. BAGG:**

This involves information collection and planning only for a UV Disinfectionate at Bergen Point.

**CHAIRMAN LOSQUADRO:**

Southwest Sewer District; correct?

**MR. BAGG:**

Yes. So, it's for planning, funds and studies.

**CHAIRMAN LOSQUADRO:**

Same motion, same second, same vote. **(Approved. Vote: 6•0)**

**And 18•05, proposed stormwater remediation to Carll's River at Phelps Lane.**

**MR. BAGG:**

This involves a positive drainage system to redirect road run•off from 1899 feet along Deer Park Avenue, which is CR 34, and 1470 feet along Phelps Lane which go directly in the Carll's River. They want to divert it into a base saver storm water treatment unit and then into a proposed storm water retention pond with an overflow structure before it would go into the Carll's River.

**LEG. BISHOP:**

Great. We're doing a lot of work.

**CHAIRMAN LOSQUADRO:**

Very good. Motion by Legislator Bishop, seconded by Legislator Binder. All those in favor? Opposed? **18•05 is approved. (Vote: 6•0)**

No further business before us, this meeting stands adjourned. Thank you.

**(THE MEETING CONCLUDED AT 4:34 PM)**

**\\_Denotes spelled phonetically\\_**