

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 December 15, 2005.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Ian Barry, Assistant Counsel to the Legislature
Alexandra Sullivan, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielinski, Department of Real Estate
Lauretta Fischer, Department of Planning
Kevin LaValle, Aide to Leg. Losquadro
Maria Ammirati, Aide to Leg. O'Leary

Thomas Hronich, Parks Department

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 2:18 PM)

VICE•CHAIRMAN SCHNEIDERMAN:

Legislators for the Environment, Planning and Agriculture Committee please report to the horseshoe.

(OFF THE RECORD)

VICE•CHAIRMAN SCHNEIDERMAN:

All right. I'd like to call the meeting to order if you all will rise and join us for the Pledge of Allegiance led by Legislator Bishop.

(SALUTATION)

VICE•CHAIRMAN SCHNEIDERMAN:

I believe our esteemed Chair, Legislator Losquadro, will be here shortly. As Vice•Chair I will begin today's meetings. Do we have any •• we have no yellow cards. We have no presentations.

LEG. BISHOP:

Allen Kovesdy is here regarding the 477 accounts. So, why don't we ••

VICE•CHAIRMAN SCHNEIDERMAN:

Who is?

LEG. BISHOP:

Allen Kovesdy.

VICE•CHAIRMAN SCHNEIDERMAN:

Okay. Dan will be here in a minute. Okay.

Allen, if you'll start us off.

MR. KOVESDY:

Good afternoon. I'm here on resolution 2374 which is a housekeeping bill moving money into 477 for the Suffolk County Cornell Cooperative Extension. It's a transfer of available funds in the amount of \$581,000 into Cornell.

What has happened is we have run out of appropriations for Cornell this year. This is based on the fact that last year they presented bills that came in late. And the majority of the funding is for the sea scallops program. The scallops program was originally funded in 2004. However, the bills came in without justification to pay for things such as the net and so forth. So, we didn't •• the County refused to pay any bills until it was justified. So, the 2004 funds stayed and we started paying those bills in 2005.

And on the basis of that, we need the money to pay the bills now as they become justified. We've paid through August for their five programs. The pest programs and the agriculture programs and the sea scallop programs. But we have no more funds left this year. And as the bills come due, we'd like to be able to pay them once the justification is there.

So, the majority of the money is for the sea scallops program. The netting we refuse to pay until the nets were delivered and the balance of fund •• it's a one time thing. We'll catch up. The Co•op extension has been instructed to get their bills in on time. And they know if they don't get their bills in on time and with the proper justification, they risk losing the funding.

VICE•CHAIRMAN SCHNEIDERMAN:

Thank you. Legislator Kennedy, you have a question?

LEG. KENNEDY:

Yes, thank you, Mr. Chair. The sea scallop program is what; if you can just refresh my recollection? This is an actual seeding program? What's involved?

MR. KOVESDY:

Yes, it is. I think there was some gentleman here who gave you a little more graphic than I, but they put nets in and they put the scallops in and they save the area so they could mate without any predators destroying them.

So, we had to get the nets. The nets came from Japan. And the nets, I think, ran \$331,000. And we refused to pay for the nets until we saw •• until they were delivered. We weren't going to pay that kind of •• no one was going to sign a voucher for that kind of money until it was delivered and we had some proof that it was done.

They actually are seeding. There was an article in Newsday two or three weeks ago which told about it. And now we have to wait for the success. They also bought a boat. And we had to pay for a boat. It's a little flat boat that they bought that they go out to use. But this is a kind of program

which we didn't want •• we didn't want to pay any bills until we actually saw that the money was being spent correctly.

LEG. KENNEDY:

Which is •• obviously I mean, you know, that makes sense all the way around. We want fiscal prudence, of course. What is our expectation then concerning this program? Where we are looking at •• I'm sorry, again, I don't have that in front of me. How much is it that we're moving?

MR. KOVESDY:

We're moving \$581,000 from 2003 and 2004 unspent money into 2005.

LEG. KENNEDY:

Well, it's being moved out of 477.

MR. KOVESDY:

Right. But it was unspent.

LEG. KENNEDY.

477 ••

MR. KOVESDY:

It was unspent last year. So if you will go and look, you see that the money was there in 2004. It just wasn't spent. So we're paying for bills when the bills come due. We're just not paying for things in advance any more.

LEG. KENNEDY:

Which I can appreciate. My •• I guess my questions or concerns go to something that has been a theme. We've heard, I guess, throughout the year regarding 477, both concerns here and desires on the part of the Legislature as well as concerns that came forth from the administration as far back I guess as May when we were told that we were in essence 100% committed. I guess I would ask BRO to speak to us as far as what is •• what does this do to the remainder in 477 and how close to broke in that account are we at this point?

MS. VIZZINI:

This money is coming from the fund balance in this account, which is up to about \$4.6 million. So, it reduces the fund balance by the \$518,000.

LEG. KENNEDY:

Leaving us with, in essence, you know, three eighths or whatever it is.

MS. VIZZINI:

Four million.

LEG. KENNEDY:

Okay. However, we've also been advised that as a result of some of the commitments that we've made regarding funding of staff and other types of functions in 477 as we project into '06, we are exceeding our expenditure by what the fund is being restored by? Are we perpetuating a negative position that's just going to continue to erode the fund balance?

MR. KOVESDY:

From our standpoint we knew about this in February. So we put this money aside and we didn't have any programs against this money. So this is something that we knew about. We advised Budget Review when we did the budget that we were going to have this problem. We were going to do a housekeeping resolution at that time to provide the funds to make them whole. So, we've known about this for almost eight months. And we put that money aside in our office. This amount of money.

LEG. KENNEDY:

Which is admirable. As a matter of I appreciate that. Thank you for sharing that with me. However, notwithstanding over the course of the year, we've as a body, I guess, adopted a budget that now funds maybe 60 or 70 personnel out of this 477. We've approved a variety of storm water remediation projects and things such as that which my understanding is, is truest and most akin to the authorizing language for the fund. And so I guess I'll restate my question again. I'm just asking BRO to give me some kind of an estimation as far as our commitments that we've already made; what in fact does that do for us as we look at this funding for '06?

MS. VIZZINI:

We receive approximately \$7 million result related to the Water Quality Program in revenue. And we have commitments of about 6.8 million. So you have about \$200,000 difference between anticipated expenditures and new monies coming in.

LEG. KENNEDY:

So it's reasonable all things being equal if we were to go ahead and just continue kind of where we're at, then, we would have a fund balance of approximately four million that would carry through for us through '06?

MS. VIZZINI:

You have that fund balance now. You have a \$4.6 million fund balance from existing monies. The only way you can do this is by taking the money from the fund balance. As Allen indicated these are old expenditures from 2003 and 2004. Normally the 2003 and 2004 operating monies would be gone. But since 477 is a bona fide reserve fund established by, you know, according to the state legislation requirements for a reserve fund, you can have a fund balance. And this is the source of the money for this \$581,984.

LEG. KENNEDY:

Okay. Thank you.

LEG. VILORIA • FISHER:

If I may, Mr. Chair?

LEG. KENNEDY:

Can I just go back to one other question on it then I'll be happy to yield?

LEG. VILORIA • FISHER:

I just wanted to answer your question a little bit in a different way.

CHAIRMAN LOSQUADRO:

Legislator Kennedy, if you will?

LEG. KENNEDY:

Sure.

CHAIRMAN LOSQUADRO:

Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

This is of •• we appropriated this money in 2003, 2004. They just hadn't spent it in time. And we can •• you know, very often if the money isn't spent by the end of year, it's lost. But because the 477 account allows for a fund balance, we're just reaching into what was already really by rights appropriated to them and that they're spending in the manner in which they should be spending it. It was just that it wasn't done in a timely manner.

LEG. BISHOP:

Is that true? It was previously appropriated?

LEG. VILORIA•FISHER:

Yeah. 2003/2004.

MR. KOVESDY:

Yes. It's contracted. It's contracted for. But they have a lot of contracts.

LEG. VILORIA•FISHER:

Well, it says here in the resolution that it was appropriated in 2003/2004.

MR. KOVESDY:

It was; and contracted for, right.

LEG. VILORIA•FISHER:

Okay.

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

Thanks I appreciate that. Just one more question, I guess, as far as the nature of this program in particular. Is this the balance of the costs

associated with this program? Is it pilot or can we expect that we're going to have additional bills or charges that are being submitted from Cornell for the operation of this program?

MR. KOVESDY:

I really can't answer that. I have a voucher for \$98,000 on my desk right now which was from August and September. I don't know what else has come in. They've been instructed to get their bills in so they can be paid on time. Gail has informed me that she would not like to see this resolution any time in the future. And she doesn't want to do this again. So, I related this to the Cooperative Extension that they have to get the house in order if they want to be continued funding. And that's why •• where it came from. She told me that she wants this done correctly. This would be almost a one time exception. And I relayed that in the exact same language to the vendor.

LEG. KENNEDY:

My recollection is that we've had presentations here from Cornell previously as to a couple of the other programs that they may have been involved with on our behalf. And they are supposed to be doing some things, I guess, that better identifies how the expenditures are being made? I mean is this something that's endemic to the organization?

MR. KOVESDY:

You're going to be getting a resolution in January which is going to take each one of the 477 programs and put a specific pseudo code for it so each program will be identified now by specific pseudo code, have a specific budget for •• Budget Review has asked that they modify their presentation in the future to be more specific to the programs, not lump them all together and generalize. So we have also told them that that's going to happen.

LEG. KENNEDY:

So then we'll be able to see how much we're looking at as far as personnel as opposed to material supplies?

MR. KOVESDY:

You'll be able to identify the pest control programs, the agricultural programs, the farming programs and the seed programs in all specifics. That's what they asked for and we agreed with them.

LEG. KENNEDY:

Okay. Thank you. Thank you, Mr. Chair.

CHAIRMAN LOSQUADRO:

Any further discussion? Legislator Bishop?

LEG. BISHOP:

Mr. Zwirn, you'll recall at our last meeting, Budget Review presented that number. I think it's 6.8 million or the 7 million is spoken for. And I think you felt intuitively that that was overstating it. And we were going to go back and you were going to see if it was, you know, speak to your budget people and see if it was accurate or not. Did that process in fact happen as you promised it would?

CHAIRMAN LOSQUADRO:

The exact numbers, if I can remind you from Budget Review, were \$7.4 million in recurring funds and 6.8 accounted for which only left approximately \$600,000 in money that was free from this fund that was not already accounted for.

MR. ZWIRN:

I'll get that. Excuse me for a second. I'll go get that number.

CHAIRMAN LOSQUADRO:

So the answer to that is no, then; you don't have it?

MR. ZWIRN:

I don't have it but I'll get it. I should be able to get it just by making a quick phone call.

CHAIRMAN LOSQUADRO:

You should know politicians like those yes, no questions. So the answer is no, but you'll get it.

LEG. BISHOP:

So you didn't do what you said you were going to do; is that correct?

LEG. KENNEDY:

And if I could add to that ••

MR. ZWIRN:

I have an alibi for that. I was in ••

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

If I could add to the request just based on our prior soliloquy here, what have you, there's a fund balance that's associated with this as well. We're looking at input and outgoing in a calendar year. But then if you can address what we're carrying forward as well because theoretically there should be something that we have the opportunity to go ahead and commit towards various projects. So if you could ••

MR. ZWIRN:

I'll find out what the ••

LEG. KENNEDY:

Agree on that, too, that'll be great.

MR. ZWIRN:

I'm sure •• I'm sure our numbers are pretty similar to BRO's numbers. They usually are.

CHAIRMAN LOSQUADRO:

All right. Very good. Anything else on this? No? All right. Thank you.

MS. VIZZINI:

Mr. Chairman?

CHAIRMAN LOSQUADRO:

Yes.

MS. VIZZINI:

Although I do appreciate Mr. Kovesdy speaking for me, I just wanted to ••

MR. KOVESDY:

Tried.

MS. VIZZINI:

•• underscore that this is •• other than the fact that you have the fund balance to take the monies from, this is a departure. We would have hoped that these expenditures would have been encumbered in 2003 and 2004 when they were made. And we would also have hoped that there would have been some documentation for you or some correspondence other than just the one line and the resolution so that you would have some basis for your determinations. I'm happy that Mr. Kovesdy was able to provide the oral explanation of the events and what has transpired.

In our Operating Budget review we often raise the issue that as well intentioned and as well received some of Cornell's programs are, their budget requests and the presentation for Cornell as a contract agency in the Operating Budget is very clouded which allows a certain amount of co •mingling. We are preparing a draft of the resolution that Mr. Kovesdy mentioned. We'll either collaborate or look for sponsors to kind of clean up the budget presentation which will make the Executive Budget Office's work a little bit easier because they'll have a frame of reference in terms of how much money is going to this particular program and whether this particular voucher can be approved and how much is left. It'll also make Audit and Controls job a little bit easier when they approve things.

I would also like to require from Cornell a more explicit budget request so that we would have more information to review in terms of what they are doing with the monies.

CHAIRMAN LOSQUADRO:

Okay. Anything else? No. All right. Thank you.

We do not have any cards. We're going to be asking the Commissioner to come up for the introductory resolutions. But before he comes up, I guess we can go through the tabled resolutions instead of making him sit there through it.

I have no cards. Does anyone wish to be heard before this Committee? Seeing none, we will move onto the agenda.

TABLED RESOLUTIONS

CHAIRMAN LOSQUADRO:

Tabled resolutions. **1728, Charter Law professionalize the qualifications of the County Planning Commission.** I'll make a motion to table, seconded by Legislator Bishop. All those in favor? Opposed? **1728 is tabled. (Vote: 6•0)**

1821, Charter Law adopting the extension of Smart Government Plan for environmental protection, for County taxpayer protection and for sewer tax stabilization. I'll make a motion to table. **Same motion, same second, same vote. (Vote: 6•0) Motion is tabled.**

1864, to appoint member of the County Planning Commission Edward James Pruitt. We had this discussion last time.

MR. ZWIRN:

Mr. Chair, if I might.

CHAIRMAN LOSQUADRO:

I have received no correspondence from the Town or no correspondence from the County Executive's Office.

MR. ZWIRN:

I've had correspondence with Supervisor elect Brian Foley who's a member

of the Legislature at the present time. And he's in full support of this recommendation. He'd be proud to have him on from the Town of Brookhaven. So the County Executive again renews its application and would ask that this get to the floor.

LEG. BISHOP:

Motion to approve.

LEG. VILORIA • FISHER:

Second.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Bishop, seconded by myself. All those in favor? Opposed? 1864 will go before the whole body. And I only make the suggestion that the Supervisor elect •• that I hear from him directly to voice that support for this candidate being that it is from the town. **(Vote: 6•0)**

MR. ZWIRN:

Thank you, Mr. Chair.

CHAIRMAN LOSQUADRO:

1940, Charter Law to amend the Suffolk County Charter to add representatives to CEQ. Same motion to table by Legislator Vilorina •Fisher, seconded by Legislator Schneiderman. All those in favor? Opposed? **1940 is tabled. (Vote: 6•0)**

1941 (a Charter Law to amend the Suffolk County Charter to ensure representation of environmental interests on the Council on Environmental Quality) Same motion, same second, same vote. **(Vote: 6•0)**

1942 (adopting local law number 2005, a Charter Law to ensure the representation of an environmental on the Suffolk County Council on Environmental Quality) Same motion, same second, same vote. **(Vote: 6•0)**

1943 (adopting local law number 2005, a Charter Law to add

representatives of environmental protection on the Council on Environmental Quality) Same motion, same second, same vote. **(Vote: 6•0)**

2009 authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund for the Ellgreen Company property. This still does not have a complete contract. I'll make a motion to table, second by Legislator Schneiderman. All those in favor? Opposed? **2009 is tabled.** **(Vote: 5•0)**

2022, making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport Redevelopment of Long Island Jet Center East. Legislator Schneiderman, do you have a preference?

LEG. SCHNEIDERMAN:

I was wondering if there's anyone here with details on this project. Ben, are you aware of it?

MR. ZWIRN:

No, I just know it was approved for SEQRA so that •• I wasn't sure •• I don't remember why it was tabled.

LEG. SCHNEIDERMAN:

I do recall, I had a conversation with Carolyn Fahey at one point about this. I think •• it's not an expansion. It's just some interior renovations to their facility. Can we just discharge it without recommendation? We'll move it out of committee. I'll try to get details by the time we vote on it.

CHAIRMAN LOSQUADRO:

Motion to discharge without recommendation by Legislator Schneiderman, second by Legislator Vloria•Fisher. All those in favor? Opposed? **2022 is discharged without recommendation. (Vote: (Vote: 6•0)•0)**

2237, authorizing acquisition of land under SOS the Pines property,

Town of Islip. I apologize. I will have to ask Planning and Real Estate to come forward.

LEG. BISHOP:

Why did we table it?

LEG. VILORIA • FISHER:

They didn't recommend it.

LEG. BISHOP:

This was not recommended?

CHAIRMAN LOSQUADRO:

Yeah, I just would like a brief update. We always like to just run through it again for the record.

LEG. SCHNEIDERMAN:

I think the problem was, this was that 12•5•E. It was that program? It might not have qualified under that program.

CHAIRMAN LOSQUADRO:

Commissioner? We'll get an answer instead of speculating.

DIRECTOR ISLES:

I'm not a commissioner but that's okay.

CHAIRMAN LOSQUADRO:

I'm sorry.

DIRECTOR ISLES:

Same thing. This had been filed previously under a 12•5•E. It went to the County Parks Trustees who did not recommend it. And then it terminated at that point. The present bill is under a different program which does not require trustees' approval. I believe it's multifaceted.

MS. FISCHER:

It's SOS.

DIRECTOR ISLES:

SOS, I'm sorry. So, there was some discussion at the last meeting regarding the disapproval by Parks Trustees. They found it to be somewhat small and not related to county parkland. But here again this is under a different program at this time. It's about a third of an acre. I think we had circulated an aerial at that point last time. But it's your call.

LEG. SCHNEIDERMAN:

There was a question, too, and maybe it doesn't apply anymore. But when it was 12•5•E I think I had raised the question whether that program can be used for a park; an active park which I think this was going to be used for. The SOS •• this is the Multifaceted or is it Quarter Penny?

DIRECTOR ISLES:

Well, this is SOS Open Space.

LEG. SCHNEIDERMAN:

Can that be used for a hamlet park?

DIRECTOR ISLES:

No, there is, of course, a separate component in SOS that could be for hamlet park but I believe, and I'll double check that. This is under the open space component.

MS. FISCHER:

There's a misunderstanding •• misrepresentation in the title of the resolution where it says authorizing acquisition of farmland development rights. That's not what this •• the text of this resolution is requesting. It's to be administered under the Open Space component so ••

CHAIRMAN LOSQUADRO:

Do you have an amended copy do? We have an amended copy as of 11/22.

MS. FISCHER:

Then I don't have that one.

CHAIRMAN LOSQUADRO:

What's the date on that one?

MS. FISCHER:

This was 11/22/05.

CHAIRMAN LOSQUADRO:

Yeah, that's the one. Okay.

DIRECTOR ISLES:

I mean, the Resolve Clause is fine. It's just the title happens to use the word farmland but the Resolve Clause ••

CHAIRMAN LOSQUADRO:

Yeah, the title has been amended.

LEG. BISHOP:

It's not form. It's the substance. Do you want to buy the land?

LEG. SCHNEIDERMAN:

It is going to be used for a hamlet park; is that right?

DIRECTOR ISLES:

It is not.

MS. FISCHER:

No.

DIRECTOR ISLES:

It is proposed to be used for open space. It really wouldn't be appropriate for a hamlet park because it's on the end of a little dead end residential street. So, it doesn't have access for residential park purposes. The issue here, I believe that the Legislator's responding to, is it's a high ground water location. And the impact of building a house on this property is I think the concern to the Legislator and the community.

CHAIRMAN LOSQUADRO:

Legislator Bishop, please.

DIRECTOR ISLES:

I'm sorry.

LEG. BISHOP:

As Planning Director when that situation occurs, what's the proper government response? Is it to buy the property or what ideally should occur now? If it's been identified as a potential problem if it's built upon?

DIRECTOR ISLES:

From my perspective it's not a parcel that would be a strong candidate for a County acquisition because typically we would seek to buy larger parcels. And as a smaller parcel it would typically be a local town or village acquisition. If it's not acquired then from the town planning perspective, I think they would seek to minimize the impact of drainage overflow based on the high groundwater. And there are a couple of ways of doing that by raising the elevation of the property. I think the town's looking at using a nearby paper street for run-off and things like that.

LEG. BISHOP:

So, the proper level of government to deal with the identified issue is the town; not the County?

DIRECTOR ISLES:

In my opinion, yes.

LEG. BISHOP:

That's your opinion.

CHAIRMAN LOSQUADRO:

Motion to table, Legislator Bishop? Motion to table by Legislator Bishop, seconded by myself. All those in favor? Opposed.

LEG. SCHNEIDERMAN:

I'll abstain from tabling.

CHAIRMAN LOSQUADRO:

One abstention, Legislator Schneiderman. **2237 is tabled. (Vote: 6•0)**

2297, to appoint a member of the County Planning Commission Constantine Kontokosta. I see Mr. Zwirn sitting down. Has there been ••

LEG. BISHOP:

This is the guy who's so qualified that he had to be stopped.

CHAIRMAN LOSQUADRO:

Have we heard any input from Southold, I believe, that it was?

MR. ZWIRN:

On the recommendation of the planning ••

CHAIRMAN LOSQUADRO:

Yes. I know again that it's not something that is mandatory, but we like to get the input from the towns. And that was the reason we had withheld on Mr. Pruitt as well until we heard from the incoming Supervisor. Have we heard anything from the incoming supervisor on this?

MR. ZWIRN:

I don't believe we have. But I have to tell you in all honesty I have never seen a resume like this gentleman. I'm just saying for a man that age to have accomplished that much is just •• it was impressive.

CHAIRMAN LOSQUADRO:

Very impressive. I would just like to hear again from the incoming supervisor •• the County Executive does not have to take anything into account when it comes to that, but I would like to give him the opportunity to be heard even if it is just a voice of support for such a qualified candidate. So, we'll just continue it for another couple of weeks into the first meeting of the new year. And hopefully at that time we will have heard from the new supervisor and this gentleman can begin his volunteer service

which he may •• well, no, I'm sure he'll enjoy.

MR. ZWIRN:

Just one more time, the County Executive is under no obligation to take recommendations from the Town Supervisors.

CHAIRMAN LOSQUADRO:

Absolutely.

MR. ZWIRN:

And I think his position from here on end will be that if they have a suggestion, he'll look at it. But it's no way binding on him or he will even •• if he finds a qualified candidate like this, he's going to go with the best qualified candidate.

LEG. BISHOP:

I'll make a motion to approve.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN LOSQUADRO:

Motion to approve and a second by •• well, motion by Legislator Bishop, second by Legislator Viloría•Fisher. I'll make a motion to table which takes precedence, seconded by ••

LEG. KENNEDY:

Second.

CHAIRMAN LOSQUADRO:

Legislator Kennedy. All those in favor? Opposed?

LEG. VILORIA•FISHER:

Opposed.

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

Legislator Vilorio•Fisher and Bishop are opposed.

LEG. SCHNEIDERMAN:

If it gets tabled, it has to be resubmitted, doesn't it?

LEG. BISHOP:

Yes. You've killed it.

LEG. VILORIA•FISHER:

You killed it one way or the other.

CHAIRMAN LOSQUADRO:

I'm sure this will be •• I'm sure this will be taken up at the first meeting the year once the supervisor elect has a chance to •• they may not even listen to what he has to say but I would like to give him the opportunity to review his resume. And as I said even if it is only to offer his support for such •• what we feel is such a qualified candidate, I would like to give him that opportunity.

MR. ZWIRN:

I understand. But just having said that the current ••

CHAIRMAN LOSQUADRO:

But, Mr. Zwirn, please, continue.

MR. ZWIRN:

I'm just saying the current supervisor wasn't asked about this gentleman's appointment either. So I mean the supervisor who's there currently and has been in there currently, the outgoing supervisor was not •• I don't believe was consulted on this. They're just looking for the most qualified candidates and they have come up with some outstanding recommendations.

CHAIRMAN LOSQUADRO:

Yes somehow Legislator Foley had the opportunity to voice his support for that candidate.

MR. ZWIRN:

The only reason we did that was because you kept asking if ••

CHAIRMAN LOSQUADRO:

And I have asked on this one as well. And I will continue to ask so ••

MR. ZWIRN:

But if the supervisor says no and the person is still qualified like this then we can't count on a ••

CHAIRMAN LOSQUADRO:

The County Executive is more than •• absolutely •• is more than willing but I would just like to give him the opportunity to •• to just voice his opinion on this candidate. Whether or not •• that may matter to the Legislator whose district this is in; it may not. But I would just like to give him the opportunity •• the incoming supervisor the courtesy of that doing that.

We had a motion and a second. We had all those in favor? Opposed? We had Legislator Viloría•Fisher and Legislator Bishop opposed. **2297 is tabled. (Vote: 4•2•0•0. Legislators Viloría•Fisher and Bishop opposed)**

INTRODUCTORY RESOLUTIONS

CHAIRMAN LOSQUADRO:

2336, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Wildwood Lane Wetlands, Sacco property, Town of Smithtown.

LEG. KENNEDY:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approve by Legislator Kennedy, second by Legislator Vioria •Fisher. All those in favor? Opposed? **2236 is approved. (Vote: 6•0)**

2337, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes, Mud Creek, Same motion, same second, same vote. (Approved. Vote: 6•0)

2338, making a SEQRA determination in connection with the proposed acquisition of land. This is also Mud Creek parcel. Same motion, same second, same vote. (Approved. Vote: 6•0)

2339, making a SEQRA determination in connection with the proposed upgrade of air control units in computer room at Police Headquarters. Same motion, same second, same vote. It's approved. (Approved. Vote: 6•0)

2340, making a SEQRA determination in connection with the proposed improvements to the Board of Elections. Same motion, same second, same vote. (Approved. Vote: 6•0)

2341, making a SEQRA determination in connection with the proposed license agreement with Montauk Observatory Inc and accepting the donation of a telescope, Theodore Roosevelt County Park. Motion by Legislator Schneiderman, seconded by Legislator Vioria •Fisher. All those in favor? Opposed? **2341 is approved. (Vote: 6•0)**

2342, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley Conservation area, Wetsel property. Same motion, same second, same vote. (Approved. 6•0)

2343, making a SEQRA determination in connection with the proposed acquisition of land open space preservation purposes Mastic•Shirley conservation area, Fabrizio property. Same motion, same second, same vote. (Approved. 6•0)

2344, making a SEQRA determination in connection with the proposed acquisition of land Mastic•Shirley conservation area, Castellano property. Same motion, same second, same vote. **(Approved. 6•0)**

2345, making a SEQRA determination in connection with the proposed improvements to the Suffolk County farm, capital project 1796, Yaphank, Town of Brookhaven. Motion by myself, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **2345 is approved. (Vote: 6•0)**

2346, making a SEQRA determination in connection with the proposed construction of a parking area at Gardiner County Park, Bay Shore. Motion by Legislator Bishop, seconded by myself. All those in favor? Opposed? **2346 is approved. (Vote: 6•0)**

2347, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic•Shirley conservation area, Lydel Holding Company property. Motion by myself, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **2347 is approved. (Vote: 6•0)**

2351, appropriating funds in connection with greenways infrastructure matching funds. Explanation.

DIRECTOR ISLES:

This resolution is to seek an appropriation of \$500,000 in capital funds to be provided for the greenways improvement fund. And essentially what this does is that the County obviously has the Greenways Program to acquire land for active park purposes. This is a program that started several years ago that also offers the option upon Legislature approval to actually assist communities in developing those parks. This then would provide the actual appropriation which has to be done by the end of the year. And then subsequently if you want to access that, you can do so on an individual basis.

LEG. BISHOP:

You know, I filed ••

CHAIRMAN LOSQUADRO:

Legislator Bishop; then Legislator Vioria•Fisher.

LEG. BISHOP:

I filed this bill, the same exact bill and for a year and a half you've been telling me it's illegal. Where does this come from? I agree with it 100%. I'll co•sponsor it.

CHAIRMAN LOSQUADRO:

The County Executive. The County Executive is sponsor, Legislator Bishop.

LEG. BISHOP:

You got it through the gauntlet of the County Attorney's Office what I couldn't •• I did the same exact bill.

DIRECTOR ISLES:

There's a memo in here from the Parks Commissioner specifically making the request for the appropriation as part of your package.

LEG. BISHOP:

It's remarkable. The reason I'm told that we couldn't do this is that you cannot appropriate capital funds to a pool. You have to identify the specific project that it's going to be invested into.

DIRECTOR ISLES:

That's not my expertise.

LEG. BISHOP:

And that's the ruling I got from your bond counsel on the bill that does the very thing. But I'll •• but if you got it through, I'm for it.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN LOSQUADRO:

Hold on one moment. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I'll wait for somebody from Parks. Were you coming up to answer Legislator Bishop's question?

CHAIRMAN LOSQUADRO:

Are you going to address Legislator Bishop's question or statement, if you will.

LEG. VILORIA•FISHER:

Yeah, I'll yield to Tom.

CHAIRMAN LOSQUADRO:

Please.

MR. HRONICH:

Tom Hronich from the Parks departments. I don't think that this is the same, Legislator Bishop. This is a capital project that is actually in the adopted 2005 capital project.

CHAIRMAN LOSQUADRO:

Please continue.

MR. HRONICH:

I'll continue with what I said. So, to answer Legislator •• my name is Tom Hronich from the Parks Department.

To answer Legislator Bishop's question, this money in the 7151 was a capital project in the 2005 adopted capital budget which was passed and approved by the Legislature in June of 2004. Since this is a different way of doing it, it wasn't clear to us in the Parks Department that it was our capital budget to appropriate. So, we're appropriating it before losing it before the end of this year.

LEG. BISHOP:

Okay.

CHAIRMAN LOSQUADRO:

Legislator Bishop. I believe Legislator Vioria•Fisher was next unless •• you had a different question? Do you want to ••

LEG. VILORIA•FISHER:

My question actually was to Mr. Isles regarding the infrastructure account. Is there any balance in that account at this point?

DIRECTOR ISLES:

I do not know. We could try to find out.

LEG. VILORIA•FISHER:

Tom, would you know if there's a balance in that account?

MR. HRONICH:

In the old account?

LEG. VILORIA•FISHER:

Yes. You have to come up and answer.

CHAIRMAN LOSQUADRO:

It needs to be on the record.

MR. HRONICH:

I'm probably not the most equipped to answer this but since I know that there's at least \$100,000 that we owe for The Wedge •• I certainly hope that there's at least \$100,000 left but ••

CHAIRMAN LOSQUADRO:

I'm sorry, but I need to interrupt. That we owe? I thought that that money was released better than three or four months ago.

MR. HRONICH:

They were two \$100,000 appropriations.

LEG. BISHOP:

Right. Thank you.

MR. HRONICH:

One was for the Town of Brookhaven.

CHAIRMAN LOSQUADRO:

Yes.

MR. HRONICH:

And that was given to the Town of Brookhaven in January of this year.

CHAIRMAN LOSQUADRO:

Correct.

MR. HRONICH:

There's an additional \$100,000 that was originally slated for the Mt. Sinai Heritage Trust.

CHAIRMAN LOSQUADRO:

(Indicating yes)

MR. HRONICH:

Which is now going to be going to the Town of Brookhaven. And we'll be presenting that resolution probably in January.

LEG. BISHOP:

Let me tell you everything I know about this. And it should be very brief. Maybe five years ago Legislator Haley and I established this program. And there was a \$2 million appropriation that existed at that time. I don't think other than The Wedge •• I can't recall anything that was drawn down from it. Maybe there was a project or two. In any case •• in any case, I went •• last Year 2004, I had a project in my district and I wanted to draw down from the fund; that I was told that the fund had expired.

So I sought to renew the fund. And I had a bill. And the bill this year made it all the way to the floor, but I continually tabled on the floor to renew the program because I was told that bond counsel had ruled that you couldn't have this broad appropriation. You could only do it specifically to a project, like, for example, The Wedge. But you couldn't just say we're going to have a pool, a capital fund that is a pool for matching funds. But the Parks Department apparently got a different ruling from the County Attorney and it's here. I like it. It's fine with me but it is confusing to say the least.

CHAIRMAN LOSQUADRO:

I had worked with Legislator Bishop.

LEG. BINDER:

But it's not fair.

LEG. BISHOP:

Not fair. Not fair, Tom.

LEG. VILORIA • FISHER:

Thank you, Tom.

CHAIRMAN LOSQUADRO:

Legislator Kennedy.

LEG. KENNEDY:

Yeah. I was going to ask maybe before you leave, Tom, just •• I heard Mr. Isles' explanation. Can you just go ahead and kind of flush out for me at this point, this is to populate a fund to make acquisitions of an undefined nature going forward? Or do we know we're buying specific parcels?

LEG. BISHOP:

May I?

CHAIRMAN LOSQUADRO:

No. This would be •• Legislator Bishop.

LEG. BISHOP:

This is a fund that is supposed to be a matching fund with usually a town or a village. After the County buys a greenways parcel, there's going to be a partner that operates the parcel. Let's say it's an active recreation park. Let's say it's the Town of Smithtown. So, the Town of Smithtown says we're going to operate it but we need some money to build a football field. This fund would be a matching fund with the Town of Smithtown. They'd put up a 100 thousand, the County would put up a 100 thousand from this fund.

CHAIRMAN LOSQUADRO:

If I can interject?

LEG. BISHOP:

Sure.

CHAIRMAN LOSQUADRO:

Legislator Bishop and I co-sponsored a resolution to up that matching to 250.

LEG. BISHOP:

Right.

LEG. KENNEDY:

But, again, so the monies associated with this is not associated with acquiring the dirt?

LEG. BISHOP:

No.

LEG. KENNEDY:

It's to fund the improvements on the dirt?

LEG. BISHOP:

Right.

LEG. KENNEDY:

Okay.

LEG. BISHOP:

And we had a fund for many years that was just a generic fund that you could draw down from. It expired. Couldn't renew it because the new bond counsel with the new administration said you can't just have a generic fund. You have to •• when you appropriate a capital expense, you got to say it's going to this or that or another thing.

LEG. VILORIA • FISHER:

But the old fund was a generic fund.

LEG. BISHOP:

But the old fund existed with a different bond counsel.

LEG. VILORIA • FISHER:

But the old fund was a generic fund.

LEG. KENNEDY:

How about through the Chair does BRO have anything to add to this because my experience with bonding always was that the bonds were let for very specific purposes.

MS. VIZZINI:

Particularly these bonding resolutions will catch up with us on Tuesday. And they're usually distributed at the meeting. And I think that is really •• the truth and the telling is whether bond counsel will be consistent in their original interpretation.

LEG. BINDER:

Who's bond counsel now?

CHAIRMAN LOSQUADRO:

Legislator Kennedy, any ••

LEG. KENNEDY:

Again, so in essence absent the accompanying bonding resolution for this, we can act on this but it will be a nullity without the accompanying bonding

resolution?

MS. VIZZINI:

Right. Yes. I remember Legislative Bishop's situation. We would get to the general meeting and then there would be no bond •• companion bonding resolution because of bond counsel's then position.

LEG. BISHOP:

So maybe it changed. We'll find out.

CHAIRMAN LOSQUADRO:

Legislator Bishop?

LEG. BISHOP:

I guess you got to go find if you can get a bond on it?

MR. HRONICH:

Well, the other question would be how much more money is left in the Greenways Active Parkland.

LEG. BISHOP:

In this fund?

MR. HRONICH:

I think that it's •• no, in the acquisition fund. So, I think that that might be zero or close to zero.

MS. ZIELENSKI:

It is.

DIRECTOR ISLES:

Ms. Zielenski probably can answer that better than I can, but the program ends in 2006. And so we have about a year to finish the spending. The last I heard it was somewhere around \$2 million that was left. But here again I think that's actually heading towards another acquisition that Real Estate has targeted. So, it'll be finished up next year. That's the end result.

LEG. BISHOP:

But there are •• I can think of projects in my own district that will be moving forward next year, that would seek to use this fund if it existed.

CHAIRMAN LOSQUADRO:

And mine as well.

LEG. BISHOP:

Right, and yours as well.

CHAIRMAN LOSQUADRO:

All right. Motion to •• we'll see if we can get a bond on it. It's something that we have sought to do for sometime. Motion to approve by Legislator Bishop, seconded by myself. All those in favor? Oppose? **2351 is approved. (Vote: 6•0)**

2352. I am so happy. I really thought today's meeting would be a little boring. I'm glad you put this resolution in. **Approving Master List III and authorizing planning steps for acquisition of these lands under Suffolk County Multifaceted Land Preservation Program for parkland purposes.** Before you •• before we go into this in too much depth, I need to inquire about the third parcel which is the North Fork Preserve, which to my recollection, we passed.

DIRECTOR ISLES:

Yes, you did as a farmland acquisition in September.

CHAIRMAN LOSQUADRO:

Yes.

DIRECTOR ISLES:

Yes.

CHAIRMAN LOSQUADRO:

Has it not been the position of Planning and Real Estate that funding sources could change once planning steps were approved? That there would be

something you could •• you could determine what our usage would be, but the most important thing was to get the planning steps moving? And then we could determine how we would actually go about acquiring it once those planning steps were in place? As I recall for the past two years, that's what •• that's what we've been doing.

DIRECTOR ISLES:

Right. I think the question here would be as open space. Farmland is for the purchase of development rights. This would be a full fee purchase typically. Both our planning steps •• you're right. The planning steps are preliminary. They're an investigation of information. But here again it's •• it's a different program so we understand that.

CHAIRMAN LOSQUADRO:

Mr. Zwirn, could you •• I mean, just •• I have to be honest. It's a little disappointing at this last date after •• after, you know, twenty months or so of me chairing this committee and asking repeatedly for the County Executive to reach out to try to make this process a little smoother, to now have a resolution come across with the County Executive's name on it for a bill that a legislator sponsored, passed, was vetoed, was overridden; and to now have it come through in a different program with no consultation with the Legislator who initially put the bill forward, could you offer any explanation as to why or how that occurred?

MR. ZWIRN:

I can't. Because I know our policy has changed and we're trying to reach out to the Legislators in whose whose district these properties are. So, I'll have to go back. I certainly •• I can't explain it. It should not have happened. If that's the way it is •• we're trying •• I know Mike Deering is making a point of trying to reach out personally.

CHAIRMAN LOSQUADRO:

It would be one thing if it was just a piece of property in someone's district that no one had said anything about. You know, it's still a nice courtesy to reach out to the Legislator in that district. But this is a parcel that has been the subject of extensive debate within this body, was passed, was vetoed, was overridden. And now shows up in a new Master List. I find it

unfortunate because I really don't even •• I don't even want to entertain the first two parcels because to me the third parcel makes this whole •• this whole resolution null and void.

So I suggest we have •• we have planning steps that were duly enacted by law by this body. And I suggest they be taken it up. And if we want to do it through a different program, then we do that. But to reintroduce an exact same parcel, I for one am not in favor of this resolution simply for that reason.

LEG. SCHNEIDERMAN:

I could add to that a little bit. Tom it just doesn't strike me as a master list. There's three parcels here. But one of them •• I'm quite familiar with actually the first two. But the one that adjoins the Duke property, which recently has come up for sale, and I was told that the Town wanted to do that all by themselves so I didn't put in an acquisition for that. Now I would have been happy to put in a planning steps resolution myself for that. But all indications were that the Town didn't want county involvement. So, that's the only reason why I hesitated.

MR. ZWIRN:

And I think that's the truth. The Town, I think, is trying to acquire that on its own for its own purposes. I think we're just there as a backstop in the event that ••

LEG. SCHNEIDERMAN:

I would have liked that to have been my resolution. Or somebody to contact me to co•sponsor that. Well, it's next to the Duke property. It's actually happens to be owned by the Duke family as well. It's the second property.

LEG. BISHOP:

That's the one we acquired for like eight trillion dollars?

MR. ZWIRN:

It was about \$12 million. The County put up six and the Town put up six.

DIRECTOR ISLES:

It's a good acquisition.

MR. ZWIRN:

It's a great •• I drive by that every day so I thank you very much. I appreciate it.

LEG. VILORIA • FISHER:

We're so happy that you're happy, Ben.

LEG. SCHNEIDERMAN:

And this is actually a property that has parking and access. And that's probably why the Town doesn't want the County involved.

MR. ZWIRN:

Well, I think some of the neighbors, they like to keep it open space or keep it as a camp. Any time the County comes in sometimes people especially when they're neighbors that back up to the property, they're a little concerned about, you know, what the County ••

LEG. SCHNEIDERMAN:

The level of usage.

MR. ZWIRN:

Exactly.

LEG. BISHOP:

They're not running that camp anymore?

MR. ZWIRN:

But their plans which was a big surprise to everybody. Boy's Harbor is there. Boys and Girls Harbor. It's a camp for under•privileged kids. It's been there for, I don't know, 20 some odd years. It's a wonderful facility. But Mr. Duke is •• who owns the property is thinking about selling the property and creating a fund and buying land Upstate or in New England somewhere where you get more land for less money. And keep some of the other money to have an endowment for campers in the future; just try to

take advantage of the real estate market out in the east end.

LEG. BISHOP:

But it was good for the community to have the kids brought in.

MR. ZWIRN:

It was a wonderful program for the kids and for people who work there.

CHAIRMAN LOSQUADRO:

Well, let's stay on point with this resolution. Mr. Isles, do you have something to add?

DIRECTOR ISLES:

If I could just make two points to the Committee. Number one, in terms of the North Fork Preserve, the only point I would like to make is that an owner may react differently if you go to them and say we're interested in buying the developments rights to your property versus •• they may react differently if we're interested in a full fee acquisition. Here again whether that could be done within the existing confines of the planning steps resolution, I'm not so sure. But the owners may react differently if they hear a different program and a different form of ownership and so forth. So for whatever use that may be to you ••

But the only other one I do want to do, the one we haven't talked about very much is the first one in your package which is a small piece in Montauk that's surrounded by county property. This is the parcel of point 36 of an acre. One•third of an acre. And in the aerial photograph it's quite clear that this is a parcel that actually is •• the owners have approached the Division of Real Estate with an interest in a sale. And to us it's an opportunity at a logical time.

CHAIRMAN LOSQUADRO:

How did •• hold on. How did we make this acquisition with this pin hole in the middle?

LEG. BISHOP:

This is the test case for that taking.

MS. ZIELENSKI:

Yes, it is.

DIRECTOR ISLES:

Apparently at the time when we bought this property, this was not part of the package. I asked how they get to the property and I assume they must have an easement to the property. But there •• apparently the owner of the property, and I'll turn this over to Pat, is elderly and there is an interest in a sale. And if there's anything you want to add to that ••

LEG. BISHOP:

They're locked in there. They'll never leave. Food is dropped.

LEG. SCHNEIDERMAN:

My guess is it's a pretty wet piece of property.

CHAIRMAN LOSQUADRO:

Ms. Zielinski, do you have ••

MS. ZIELENSKI:

No. Just that they're very anxious now to sell.

LEG. BISHOP:

Do they live there?

MS. ZIELENSKI:

No. It's a vacant parcel.

CHAIRMAN LOSQUADRO:

Is there access to this parcel through the County property or no?

MS. ZIELENSKI:

I'm assuming ••

CHAIRMAN LOSQUADRO:

Or it's yet to be determined?

MS. ZIELENSKI:

I'm assuming that we would have left an easement because we couldn't have cutoff their ••• we couldn't have cutoff their right entirely.

CHAIRMAN LOSQUADRO:

Well, we'll have to •• that will bear some research but this •• either it can be taken up in a separate resolution or along with some other parcels. But as I said, I do agree that that one is certainly worthwhile but ••

LEG. BISHOP:

It's quite a title report coming on this. It'll be very interesting to see that happen.

CHAIRMAN LOSQUADRO:

That will be very interesting. But I do not •• I'm not in favor of 2352 as a whole because of the reasons previously stated. So I will •• well, I mean I guess it doesn't really matter what we do with it at this point for the end of the year. But I'll be making a motion to table subject to call, seconded by Legislator Schneiderman. All those in favor? Opposed?

LEG. BISHOP:

Opposed.

CHAIRMAN LOSQUADRO:

2352 is tabled subject to call with Legislator Bishop opposed. And Legislator Vilorio•Fisher. **(Vote: 4•2•0•0. Legislators Bishop and Vilorio•Fisher opposed)**

2354, authorizing acquisition of land under the first Quarter percent Suffolk County Drinking Water Protection Program Rose Breslin Associates.

DIRECTOR ISLES:

You may recall about a year ago the county purchased what was known as

the Fox Lair properties. These are properties located in Yaphank in the Carmen's River corridor where there have been extensive county acquisitions as well as state and town acquisitions.

The Fox Lair acquisition from AVR Realty Incorporated upwards of 400 acres of land. It was in three separate components and parcels. And actually this is the fourth and last component of that. So what you're looking at then is a proposed county acquisition of about 80 acres of land. Real Estate has done the appraisal process. It is a parcel where the County would be buying for development rights, I believe, it is and the underlying fee for the balance of the property. But here again if you have any questions regarding the actual purchase, I think it's just around \$500,000 for 80 acres of land. It's in the core of the Pine Barrens by the way. And here again that pretty much explains it, I think.

CHAIRMAN LOSQUADRO:

No, good parcel as I recall. I'll make a motion to approve.

LEG. VILORIA•FISHER:

I have a question. I'll second the motion.

CHAIRMAN LOSQUADRO:

Second by Legislator Viloría•Fisher. On the motion Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Tom, isn't this the type of parcel where they would usually use as a transfer development rights?

DIRECTOR ISLES:

They are doing that in part. So they are taking some of the credits off and that's been deducted from the value of the property. Typically you couldn't buy eighty acres for that much money. And I can have Pat just describe that further.

MS. ZIELENSKI:

Yes. It's 75.9 acres, which is just the residual fee where the development rights are •• have been dealt with, have already been taken. And four acres of the entirety will be acquired in full fee. Just four acres in full fee.

LEG. VILORIA • FISHER:

All right. Thank you.

CHAIRMAN LOSQUADRO:

Satisfied with •• all right? So we had a motion and a second. All those in favor? Opposed. **2354 is approved. (Approved 6•0)**

2372, re • authorizing the building for Aquaculture Development Project, capital project 1766. Do we have an explanation on this?

DIRECTOR ISLES:

It's Cornell.

MR. ZWIRN:

This is another Cornell project. They had •• there was a capital project to build, I think, a 10,000 square foot building to house this project. They haven't constructed it yet. So it would sunset. So we're just giving them ••

CHAIRMAN LOSQUADRO:

Is this part of the problem that we had? I know there were delays with getting the clam seeding and other things done. Were there also problems with getting some of the permitting done? That's why we were a little pushed off on this.

MR. ZWIRN:

I'm not sure but if I know that if we don't act, it'll •• the money will expire. And this is just giving them additional time to start construction on this. That's all it is.

CHAIRMAN LOSQUADRO:

Motion to approve by myself, seconded by Legislator Schneiderman. All those in favor? Opposed? **2372 is approved. (Vote: 6•0)**

2374, amending the 2005 adopted operating budget and appropriating funds from the Water Quality Protection Fund balance to cover the cost of services provided by Cornell Cooperative Extension.

MR. ZWIRN:

Yeah. Our numbers were pretty close to BRO's numbers. There's a •• the Water Quality fund balance is \$4.7 million.

LEG. BISHOP:

It wasn't the fund balance that ••

CHAIRMAN LOSQUADRO:

If I could just interrupt •• if I could just interrupt for just a moment, I see my Planning and Real Estate folks packing up in the back there. And being that this is the last meeting of the year and the last meeting before some organizational changes may take place so to speak next year, I would just like the opportunity to say thank you to Planning and to Real Estate especially from me personally coming in to Chair this committee, offering me exceptional guidance and exceptional support and doing a wonderful job getting Suffolk County's Open Space Acquisition program back on track. You deserve a lot of support and recognition for what you do. And I wish you continued success next year and in the coming years, keeping our programs strong. So thank you for myself and from the whole Committee.

(APPLAUSE)

CHAIRMAN LOSQUADRO:

Mr. Zwirn.

MR. ZWIRN:

Our numbers are pretty consistent with Budget Review's numbers.

LEG. BISHOP:

So, their point is that the entire fund is almost •• almost the entire fund is

spoken for with operating expenses now.

MR. ZWIRN:

And other projects.

LEG. BISHOP:

But ongoing commitments.

MR. ZWIRN:

Right.

LEG. BISHOP:

Okay. All right. And you're proud of that.

MR. ZWIRN:

Well, the County Exec's position is they're being used for the purposes for which they were intended. So, therefore, it's a good thing. That's what the money was there for and they're spending it for the projects and the personnel to carry on projects for water quality. So that's in his opinion and the administration's opinion this is instead of the money just sitting there, let's use it for the right purposes.

LEG. BISHOP:

I won't be here next year but I hope •• I think the Levy administration does a good job in many areas. But in this one aspect, they have a blind spot. And it's unfortunate because the opportunity is there to make a significant change to the damage that has been done by decades of water pollution. You know, the technology is now there. And this fund was the opportunity to use that •• to acquire that technology and reverse the damage. And instead it's, from my perspective, you know, padding the operating budget. So I hope that's reversed.

CHAIRMAN LOSQUADRO:

Legislator Bishop will not be here next year. I will. No, I will. And I am going to •• I've been a strong advocate with him. And I will continue to be in the coming years. So Legislator Vilorio•Fisher.

LEG. VILORIA • FISHER:

I just wanted to make a motion to approve 2374.

CHAIRMAN LOSQUADRO:

Motion to approve 2374. Do we have a second?

LEG. SCHNEIDERMAN:

Second.

LEG. VILORIA • FISHER:

That money has been appropriated and we have contracts that have to be paid.

CHAIRMAN LOSQUADRO:

We have a second by Legislator Schneiderman. All those in favor?
Opposed?

LEG. BISHOP:

Abstain. I don't know enough about it.

CHAIRMAN LOSQUADRO:

2374 is approved. All right. (5 • 0 • 1 • 0. Leg. Bishop abstained)

All right. Onto CEQ resolutions

LEG. VILORIA • FISHER:

Mr. Chair, before we go to CEQ resolutions.

CHAIRMAN LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

I have information regarding the County Planning Commission person Constantine Kontokosta. This is not a town appointment. It's a village appointment.

MR. ZWIRN:

It's for the villages under 5,000 population. He's not the representative from the Town of Southold.

CHAIRMAN LOSQUADRO:

It's not the representative from Southold?

LEG. VILORIA•FISHER:

It's not from the town. It's the village.

MR. ZWIRN:

It's for representing villages across Suffolk County.

CHAIRMAN LOSQUADRO:

Right. So technically it is an at•large.

MR. ZWIRN:

That's correct.

CHAIRMAN LOSQUADRO:

But for in place of filling for villages under 5,000.

MR. ZWIRN:

And it was my error for not pointing that out to the Chair earlier. Sorry.

LEG. VILORIA•FISHER:

Yeah. I read that in the resolution. With that mind I'd like to make a motion to reconsider.

CHAIRMAN LOSQUADRO:

Motion to reconsider 2297 by Legislator Viloría•Fisher, seconded by Legislator Bishop.

LEG. BISHOP:

Yeah. Were we on the prevailing side?

LEG. VILORIA • FISHER:

No.

CHAIRMAN LOSQUADRO:

Well, I'll make a motion to reconsider this.

LEG. SCHNEIDERMAN:

I'll second it.

CHAIRMAN LOSQUADRO:

Seconded by Legislator Schneiderman. All those in favor? Opposed? 2297 is before us. **2297 to appoint a member of the County Planning Commission Constantine Kontokosta.**

LEG. VILORIA • FISHER:

Motion to approve.

CHAIRMAN LOSQUADRO:

Motion to approved by Legislator Vilorina•Fisher, seconded by myself. All those in favor? Opposed? **2297 is approved. (Vote: 6•0)**

MR. ZWIRN:

Thank you, Mr. Chair. And I appreciate it. And I know if I would have given you this information earlier, we wouldn't have had to go through this exercise. And I apologize. It's my fault.

CHAIRMAN LOSQUADRO:

Absolutely. As I stated earlier, this was nothing against the individual. I just wanted to give the incoming supervisor an opportunity to voice his opinion on this and have it be heard by the Legislators, specifically the Legislator from that district who is an incoming Legislator as well. But this obviously does not pertain to that situation so he has been approved.

MR. ZWIRN:

Thank you.

CEQ RESOLUTIONS

CHAIRMAN LOSQUADRO:

100•05, SEQRA classifications of legislative resolutions laid on the table of November 22. Motion to approved by Legislator Schneiderman, seconded by Legislator Viloría•Fisher. All those in favor? Opposed? **100•05 is approved. (Vote: 6•0)**

101•05, proposed modifications to the warehouse at the Board of Elections. Same motion, same second, same vote. **(Approved. Vote: 6•0)**

102•05, proposed renovations to the Old Sixth Precinct. Motion by myself, second by Legislator Viloría•Fisher. All those in favor? Opposed? **102•05 is approved. (Vote: 6•0)**

103•05, proposed construction of fire vehicle storage and pump tester facility, Yaphank, Town of Brookhaven. Same motion, same second, same vote. **103•05 is approved. (Vote: 6•0)**

That concludes the business before this Committee. We stand adjourned.

LEG. VILORIA•FISHER:

What about the tabled CEQ resolution?

CHAIRMAN LOSQUADRO:

Oh, I'm sorry, it's on my last page.

LEG. SCHNEIDERMAN:

We had already done one. We did one earlier.

CHAIRMAN LOSQUADRO:

This is the corresponding CEQ. Counsel?

MR. BARRY:

This is just the CEQ resolution. The other one was a SEQRA.

LEG. SCHNEIDERMAN:

So, it is SEQRA. That's what CEQ does. It makes SEQRA recommendations. It sounds redundant to me.

LEG. KENNEDY:

The previous resolution had a SEQRA determination in it. But for that SEQRA determination, there would be a necessity to do this. However, it's kind of a belt and suspenders by acting on the other CEQ recommendation as well.

CHAIRMAN LOSQUADRO:

I would rather cover all of our bases.

LEG. SCHNEIDERMAN:

Just discharge without recommendation.

CHAIRMAN LOSQUADRO:

And do a discharge on this as we did with the other.

LEG. SCHNEIDERMAN:

Motion to discharge.

CHAIRMAN LOSQUADRO:

Motion to discharge without recommendation by Legislator Schneiderman, seconded by myself. All those in favor? Opposed? **66•05 is discharged without recommendation. (Vote: 6•0)**

Now the business is completed before this committee. Final committee of the year. I thank the members of this Committee for their service. Again, thank you to the staff. And we stand adjourn. Merry Christmas, Happy New Year, Happy Hanukkah to Legislator ••

LEG. SCHNEIDERMAN:

Two of us.

CHAIRMAN LOSQUADRO:

- Binder and Legislator Schneiderman.

(THE MEETING CONCLUDED AT 3:21 PM)

Denotes spelled phonetically