

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 November 13, 2006.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Daniel P. Losquadro
Leg. Edward P. Romaine
Leg. Steven H. Stern

ALSO IN ATTENDANCE:

Legislator John M. Kennedy, Jr., Twelfth District
George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Kevin Duffy, Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek Gallagher, candidate for Commissioner of Department of Environment and Energy
Ginny Suhr, Aide to Chairperson Vilorio-Fisher
Lisa Keys, Aide to Leg. Romaine
Deborah Harris, Aide to Leg. Stern
Linda Bay, Aide to Minority Leader
Catherine Stark, Aide to Leg. Schneiderman
Kevin Rooney, Oil Heat Institute of Long Island
Mario Vigliotta
Heather Lanza, Town of Brookhaven, Department of Planning
John Caracciolo, Suffolk County Planning Department
Lorraine Pace
Neal Lewis
All other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 10:45 AM)

CHAIRPERSON VILORIA-FISHER:

Good morning, everyone. Welcome to today's meeting of the Environment, Planning and Agricultural Committee. Please join us in saying the Pledge.

SALUTATION

CHAIRPERSON VILORIA-FISHER:

Thank you. We have some members of the public who wish to address the committee, the first one being John Caracciolo.

MR. CARACCIOLO:

Good morning, Madam Chairwoman, members of the Board. Thank you.

CHAIRPERSON VILORIA-FISHER:

Good morning.

MR. CARACCIOLO:

It's John Caracciolo. I'm the Chairman of the Suffolk County Planning --

CHAIRPERSON VILORIA-FISHER:

I'm sorry. I didn't recognize it when I read it. Hi John. How are you? Well, your R looked like an L. I'm sorry.

MR. CARACCIOLO:

I should be a doctor with my penmanship. I'm the Chairman of the Suffolk County Planning Commission and I'm here today to support Carrie Meek Gallagher in her appointment of Commissioner for Environment and Energy.

I have had the pleasure of working with Carrie first at the Rausch Foundation, then as a member on the Planning Commission, and now as Assistant to Director Isles. While we're all very upset that we are going to lose her because the time that she spent with us on the Commission has already been -- shown so much progress, I think it would be a great move for Suffolk County.

You know, Carrie -- when this Board, along with the Legislature and the County Executive changed the makeup of the Planning Commission, you changed it and I think it was a great change where you changed the diversity and you put more people and you put, you know, a member that knows about transportation, a member that knows about the environment, a member from business, and you really made a great, well-rounded group. And Carrie came to us with that change. And she has such a working knowledge and an in-depth knowledge of the environment and environmental issues that you would think that she would -- not be negative business, but be more concerned about the environment.

I remember couple of instances -- incidents where we had applications that were very environmentally sensitive, yet they had a strong positive growth and a positive outlook for the economic engine of Suffolk County and Carrie really handles both and she really balances both very, very well. She has that knowledge from the Rausch Foundation, she has the statistical growth of how Long Island needs to grow, yet she balances it with this precious environment that we have on Long Island.

And, you know, I also have the pleasure of taking a college class at Malloy with Carrie and we go to different locations around the Island and we look at some major issues around the Island and I get her input and I see her input with that. And, you know, sometimes in government we get bogged down with politics, and I don't know why that happens but it seems to happen quite often. And

Carrie is really one and this position is one that I really don't think should be political. It really doesn't matter what letter is after her name, if it's a D, an R, a C. It doesn't matter because this is a position that really has to be a watchdog for Long Island. It has to watch us grow, yet it has to take care of the environment. And I see her in a social setting in this class and she's somebody that really does the job because she wants to do the job.

People ask me all the time, they say well why are you on the Planning Commission? You're the Chairman of the Suffolk County Planning Commission, you don't get paid, why do you do that? And I don't know sometimes because you get yelled at a lot and, you know, it's really not a very comfortable position to be in. But we do it, and I think Carrie does it, because we really have one concern. I have an 11 year old daughter and I really want my daughter to grow up on this Island. I want her to live here -- I mean, I want her to live here in convent, but I do want her to live here. But I want her to have a job here, I want her to enjoy the environment the way -- and have great, great beaches and parks yet we have to have some economic growth, and I think Carrie really has that balance.

So I really hope that this Board and the Legislature support her appointment. I think she would make a great watchdog for planet Earth and she would make a great watchdog for Suffolk County. Thank you for allowing me to speak. Have a great Thanksgiving.

CHAIRPERSON VILORIA-FISHER:

John, thank you for being here and for articulating, I think, the message of a mature suburban community, which is that we can no longer polarize our different needs and our passions. That we have to look at a way of integrating the needs of developing and continuing a robust economy while protecting our environmental issues. And so you you've really articulated that very well and it's really to our benefit that you are the Chair of the Board. Thank you.

MR. CARACCILO:

Thank you, Madam Chairman. I really appreciate your comments.

CHAIRPERSON VILORIA-FISHER:

Any other questions? Thank you, John.

MR. CARACCILO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

And John, that R, put a little curve on it, okay, so I could read it next time.

MR. CARACCILO:

Absolutely. Next time you got it.

CHAIRPERSON VILORIA-FISHER:

Okay. Kevin Rooney.

MR. ROONEY:

Madam Chair, members of the committee. For the record my name is Kevin Rooney. I'm am the Chief Executive Officer of the Oil Heat Institute of Long Island, the trade association representing the distillate petroleum industry in Nassau and Suffolk Counties. I rise today to speak in support of Introductory Resolution 2342, confirming the appointment of County Commissioner of Environment and Energy, Ms. Carrie Meek Gallagher.

From the outset two years ago the Oil Heat Institute supported the creation of this new department based on our firm belief in the following. One, that land use preservation, economic development,

environmental and energy use supply and infrastructure issues are not mutually exclusive, but rather they are inextricably intertwined and interdependent. Two, that problems in any one of these issue areas do not readily lend themselves to easy short-term solutions; and three, that the long-term interests of all Suffolk County residents would be better served by a single department of County government with broad jurisdiction to both review and act on these complex interrelated energy and environmental issues in a comprehensive and coordinated manner.

We wholeheartedly supported the nomination of Michael Deering to be the first Commissioner of this new department, and we are equally enthusiastic regarding the nomination of Ms. Gallagher to be his replacement. Both her background and her extensive experience more than assures us that she will be an independent, impartial and objective arbiter of facts and differences of opinion relating to the many complex issues which will come before her department. In our opinion, she will be an outstanding Commissioner and we strongly urge your support for her nomination. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you very much, Kevin. Lorraine Pace.

MS. PACE:

Good morning, Madam Chair and all the members of the Suffolk County Legislature. I'm very happy to be here. My name is Lorraine Pace. I am a breast cancer survivor since 1992, and founder of the Breast Cancer Mapping Project. When I was diagnosed in -- I'll just say a little bit, that's how I'm explaining myself a little bit because that's how I got to know Carrie.

When I was diagnosed in 1992 there was absolutely no breast cancer activism in Suffolk County. In Nassau County activism began in 1991. This made me angry because Suffolk County at that time had a much higher mortality rate from breast cancer. That is when I first started the mapping, since also I had 20 friends with breast cancer.

When the mapping project was completed in 1994, I started Breast Cancer Health Incorporated along with Father Tom Arnao and Dr. Allen Meek and others. It was during that time that I met Carrie, since she attended several meetings at my home with her father, Dr. Meek. From the first time that I met her, I knew that she would be a passionate advocate concerned about our environmental. By the way, the "Help" in our name stands for a "Healthy Environment for a Living Planet."

I have also encountered Carrie at Promote Long Island, where both of us are members. At our meetings, Carrie is the one who is always ready to chip in and help. She comes up with some brilliant ideas, very clever, and very clever to make Long Island a better place to live.

In conclusion, there is no doubt in my mind that because of her academic and professional credentials, that Carrie Meek Gallagher is extremely well qualified for appointment as Commissioner of the Department of Environment and Energy. I recommend her for confirmation by the Suffolk County Legislature. Thank you very much for allowing me to be here today.

CHAIRPERSON VILORIA-FISHER:

Thank you, Lorraine. Heather Lanza.

MS. LANZA:

Hi. Good morning. I'm Heather Lanza. I am the Assistant Town Planning Director for the Town of Brookhaven. And I'm just here to show support for Resolution No. 2266, you know it as the Bay Avenue property, for planning steps. It's a parcel on the east side of Terrell's River and the town would like to be a partner in this acquisition. So I'm here to let you know that.

This property contains about 17 acres of wetlands and upland. It's across the Terrell's River from the Havens Estate. While it was once a duck farm, all the buildings have recently been removed and it is now a really beautiful property. I have some photos, actually, that I could pass around.

I also want to let you know the Town of Brookhaven has been working hard in this area to preserve other properties. We're buying the property right on the corner of Montauk Highway and Bay Avenue that's just to the north of this. It's about eight acres, also of former duck farm. And the town and County are partnering on eight acres known as the {Begans} parcel in the southwest corner of the Havens Estate. And we think there are probably additional opportunities in the near future to purchase even more land along Terrell's River. Thank you.

CHAIRPERSON VILORIA-FISHER:

There's a question. Legislator D'Amaro.

LEG. D'AMARO:

Just -- I'm sorry. You're -- who are you representing here today?

MS. LANZA:

The Town of Brookhaven. I'm the Assistant Town Planning Director.

LEG. D'AMARO:

Okay. And you're speaking on bill 2266?

MS. LANZA:

Yes.

LEG. D'AMARO:

Okay. And can you just restate your position?

MS. LANZA:

The town would like to be a partner in a potential acquisition on this property.

LEG. D'AMARO:

Thank you.

MS. LANZA:

You're welcome.

CHAIRPERSON VILORIA-FISHER:

Thank you. Mario Vigliotta.

MR. VIGLIOTTA:

Madam Chair. My name is Mario Vigliotta, the owner, and I represent the other owners of the property in relation to Resolution No. 2266, known as the Bay Avenue property, East Moriches. It was a duck farm, as Ms. Lanza has explained, that was owned and operated by my family for many, many years. And as Ms. Lanza has stated, we have spoken with the town, conversations with the Town of Brookhaven. And I just also support this resolution in the co-purchasing by the County and the town of our property. Thank you much.

CHAIRPERSON VILORIA-FISHER:

Thank you. Are there any questions? Thank you. Okay. I would like to take two of the resolutions out of order. Neal -- I thought I saw a card for you. Sorry, I must have passed it. Neal Lewis. My apologies.

MR. LEWIS:

Thank you. Thank you, Madam Chairman. I did hand in a card, so I hope it's there. Neal Lewis, representing the Neighborhood Network, Executive Director. The Neighborhood Network has been around for some 22 years and we work on a number of environmental initiatives.

We're originally very supportive of the creation of the new Energy and Environment Department. We think it's a very good step forward in terms of bringing together the various initiatives in the environmental field, the issues of breast cancer outreach as we just heard from Lorraine Pace, and energy issues we heard from Kevin Rooney and many others that are interested in those issues. Let's bring them all under one department. That to me makes great sense.

We supported that initiative and we supported the appointment of Mike Deering because we thought it was very important to have a highly qualified person to lead such an important endeavor as creating that new department.

Now today we also come here to support the appointment of Carrie Meek Gallagher as the Commissioner of this new department. I've come to know Carrie through her work, particularly with the Long Island Index Project. There seemed to be a point in time where she was everywhere with that project. I would often see her at various different organizations where she was giving presentations on the various trends and developments that were impacting Long Island. And I think that that project really did help to identify her interest in striking that balance that the Chairwoman mentioned earlier, where we have to look at environmental protection in all of our efforts to promote growth so that we're striking the right balance that makes since for Long Island for Long Island's future.

The Neighborhood Network is really concerned and actively a partner in working with this new department. We have a project called the Clean Energy Leadership Task Force which has been going for a couple of years now. We're working with municipalities across the Island and Suffolk County is a leader in this effort. The goal there is to bring municipalities together to learn about the grant money and other resources that are available so we can renovate our buildings, make them more energy efficient, convert over vehicle fleets and do other things to promote energy efficiency and conservation.

I've already reached out to Carrie to plan for our next meeting to be -- we sort of move it around to different locations, so we're looking for the County of Suffolk to host our next meeting and we're looking forward to working with Carrie on initiatives like that.

We're very excited about seeing the appointment of such a highly professional and qualified and really outstanding candidate and wanted to take this moment to support that appointment. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you for being here, Neal. Okay. As I was beginning to say, there are two appointees before us today and as a courtesy I will move to take those two resolutions out of order. The first one being -- would be 2272.

Motion to take **2272 (To appoint member of County Planning Commission (Barbara Bagden Roberts)**, out of order. Seconded by Legislator Stern.

LEG. LOSQUADRO:

Is there a resume?

CHAIRMAN VILORIA-FISHER:

It should be attached to that. Would you like to have a seat? That way you are a little bit more approximate to us. Welcome. What I would like to do is remind everyone that it is Resolution No.

2272 if they would like to refer to that resolution where your resume is attached. And Ms. Roberts -- Bagden Roberts, if you could just give us a little information about yourself and why you see yourself as a member of the Planning Commission.

MS. BAGDEN ROBERTS:

Thank you, Madam Chair, and thank you, Legislators, for considering my appointment today. I am being nominated as a representative from Southampton and also as a business and real estate expert. So first I'd like to talk about my interest in this appointment as a resident of Southampton. I moved into Northaven in 1982, and before buying my house I did a tremendous amount of research on the zoning and the interest in preservation and the general quality of life issues before buying my house.

In the last 25 years I have come to find myself taking on a number of challenges and causes and privately funding many times more sensible zoning, lots of legislation to try to control the size of properties that are being built in our community. I'm trying to save the bay men, trying to save privately held farming, and I am very, very interested in having the opportunity now to be able to take all of this work that I have been doing on a private basis and hopefully go on to a government board. It's a time in my life where I very much would like to change that priority from working full-time business to giving even more back to my community.

Just on the business credentials I think if you take a peek at my resume you will see that my first career I worked on Wall Street for 15 years and I was the first woman appointed to the Board of Dean Witter. In that capacity I primarily was a security analyst and an economic writer, so I have a strong background in understanding economic issues and most things that affect the business side of the world.

Since then I've gone on to build and sell three companies which ended up in revenues of four to 120 million. And I'm extremely proud of the fact that each of those companies was awarded at one time or another as a socially responsible business. So I also feel very strongly that as one builds businesses that you have to build them in a way that they are good for your employees, they're good for the community, they are good for the world at large.

Some of my other appointments that I think are relevant to this appointment is I also have served for 15 years in New York City on the 14 Street Union Square Business Improvement Board. When I came on to that board Union Square was a drug park. It was totally a rundown, horrible community. For those who are in -- have come to New York recently, I'm sure you're very surprised to hear that, that as late as 1990 Union Square was a total disaster. And I was very much part of the group that helped change that.

I also -- I attended the Planning Commission meeting for Suffolk County last week out here and it was interesting to me to realize that many of the issues facing that Commission will be big box issues and certainly as part of the Union Square Project I am very familiar with the things that one would have to consider.

Two other things that are relevant, I think, to this position is I also Chaired the Federal Reserve Bank of New York Small Business and Agricultural Advisory Committee for six years and I also am very proud of the fact that I was selected as a David Rockefeller Fellow. And for those of you who may not know this, the New York City Chamber of Commerce has a program funded by David Rockefeller where eight businesspeople are selected to be trained in civic and government action and you basically give up about two days a month to learn about government issues, which I did in 1994.

So, with all that background to go on this Commission it would just be a joy for me to be considered for this.

CHAIRPERSON VILORIA-FISHER:

And it sounds like a great addition to the Commission. There is a question by Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Good morning.

MS. BAGDEN ROBERTS:

Good morning.

LEG. STERN:

We talk about at every level of government the need for smart growth and taking a look at things like infrastructure as we're going through the motions of approving certain projects, but -- and we talk about cooperation at different levels of government and ongoing communication, but still so many of the decisions that are made regarding land use are with the towns or their zoning powers.

I would be interested to know how you view a position on the Planning Commission at the County level in working with or sometimes having to render unfavorable decisions regarding what some of the towns are doing and how they affect not just their own residents but some of the decisions that they make at that level that affect an entire region.

MS. BAGDEN ROBERTS:

I definitely -- my personal opinion that this is an appointment at the Suffolk County level so that any decision which I would be asked to make while on this Commission I have to take the big picture of Suffolk County.

Also, reading the legislation it's clear that the issues that come in front, at least my understanding at this time of the issues that come in front of the -- this Board are relatively limited to things that are about the Pine Barrens or groundwater or properties near Suffolk County property or near the water. And I think, you know, particularly there it is very clear that one has to have the Suffolk County hat on when looking at those decisions.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

Yes. First of all, thank you for being willing to serve. I did peruse your resume. It was impressive and it's nice to have someone with a little bit of economic background.

You mentioned big box stores and that's a concern of mine. I believe at the last meeting of the Planning Commission, if you were there you saw what happened with the Walmart in Riverhead. That came up and I think there were eight members that were present, even less, or nine members --

MS. BAGDEN ROBERTS:

I actually attended in Riverhead. A member was not there, one abstained and six was -- so they didn't have enough members on the Commission.

LEG. ROMAINE:

They didn't have a quorum to deal with that, and I believe there are several vacancies on the Planning Board -- Planning Commission right now. I'm happy to see that your name is coming forward. I would desperately encourage the County Executive to bring this Planning Commission up to speed because as a result of the fact that there weren't -- there were so many vacancies currently existing on the Planning Commission, we could not get a vote and yet everyone that cast a vote that was present cast a vote against the Walmart with the one person that abstained because of a potential conflict. And the Planning Commission could not render a decision on this matter, which further weakened it's ability to control development along County Road 58 in Riverhead.

Certainly your background and your experience will be a benefit and I would encourage two things. One, that all of the vacancies that have lingered for many, many months be filled, and I'm very happy to see someone of your professional qualifications come forward and two, that we consider reimbursing Planning Board members for their travel expense, because while they do not serve -- they serve without compensation, there is no reimbursement for travel expenses. So, for example, a Shelter Island person, which is --

MS. BAGDEN ROBERTS:

Northaven is right next to Shelter Island.

LEG. ROMAINE:

Right. She has to take the ferry and it's a round trip and it's expensive and there are no travel reimbursements yet Planning staff that attends in their own vehicles, the Commission's meetings at various locations in Suffolk County, do get travel reimbursement. I think the Commission members should be treated as well. Good luck. I look forward to working with you and I wish you every success.

MS. BAGDEN ROBERTS:

Thank you very much, Legislator Romaine.

CHAIRPERSON VILORIA-FISHER:

Again, thank you for your willingness to serve. Thank you very much for appearing before us. I do have a question which is not about the Planning, it's just for my own edification. What is audio consent in a museum? What does that mean?

MS. BAGDEN ROBERTS:

Audio content. Actually --

CHAIRPERSON VILORIA-FISHER:

Oh, it was a misspelling -- okay.

MS. BAGDEN ROBERTS:

Oh, is it? Okay.

CHAIRPERSON VILORIA-FISHER:

And I had no idea what that was referring to.

MS. BAGDEN ROBERTS:

Basically, if you went into a museum or historic --

CHAIRPERSON VILORIA-FISHER:

When you the guides? Okay.

MS. BAGDEN ROBERTS:

Exactly. And we did all that content and all the equipment and --

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you.

MS. BAGDEN ROBERTS:

Thank you.

CHAIRPERSON VILORIA-FISHER:

I do look forward to having you serve on the Board. It brings the kind of depth of experience and knowledge that we need in a really effective Planning Board and we welcome you.

I would like to make motion the motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? This resolution is approved. **(Vote: 5-0-0-0)**. It will go before the full Legislature next Tuesday. You do not have to be present but your resume and this resolution will be there before the full Board.

MS. BAGDEN ROBERTS:

Thank you so much, Madam Chair and Legislators. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thank you for being here. The next resolution which we will be entertaining is Resolution No. **2342, (Confirming appointment of County Commissioner of Environment and Energy (Carrie Meek Gallagher))**. Motion to take that out of order. Seconded by Legislator D'Amaro. All in favor? Opposed? 2342 is before us. Carrie Meek Gallagher, if you can come up, please. Welcome.

MS. GALLAGHER:

Thank you.

CHAIRPERSON VILORIA-FISHER:

And we've certainly been hearing your praises sung during the first part of this meeting. It's kind of like being Tom Sawyer and Huck Finn attending their own funeral, right, hearing all those good words said about you. But can you tell us a little bit about yourself now and what you feel that you'll be bringing to this department.

MS. GALLAGHER:

Sure. And let me just start off by saying it's a real honor to be here before you to be nominated for this position and hopefully with legislative confirmation to be in a position soon to continue the strong environment and energy programs that were initiated under Mike Deering's tenure.

I have -- starting with my academic background, I have a Masters in Conservation Biology, so I have both an academic knowledge of the environmental issues and as part of that Masters I actually conducted research on the Central Pine Barrens. I wrote my Masters thesis on the Central Pine Barrens Land Use Plan -- so very intimate knowledge of one of the largest environmental concerns in Suffolk County. I also have an MBA from Hofstra University so I have knowledge of management and business and that technical knowledge as well. That is from an academic perspective.

Professionally I have been working on the Island for the past ten years on a range of environmental analysis, economic development, planning and research positions. And I feel that given that breadth and depth of my knowledge of the issues as well as having to interact with so many of the different players, environmental groups, business groups, government groups, non-profits, that I'll be able to bring that academic background, professional experience and those relationships to bear on continuing to put forward best practices in the environment and energy for Suffolk County.

CHAIRPERSON VILORIA-FISHER:

Thank you, Carrie. Questions? Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. How are you?

MS. GALLAGHER:

Good, thanks.

LEG. LOSQUADRO:

I know this isn't the volunteer position that some of our other boards are, but I still applaud you for taking this further foray into higher levels of government.

The other -- everyone tends to focus on the environment portion of this department, and obviously, as I'm sure you are aware of, a very strong interest in the energy use within Suffolk County, specifically within alternative fuels. I have an initiative that's already in place. We're pumping 25 percent of our diesel fuel with B20 biodiesel blend and I would like to see that program expand as well as delve into some of the other avenues of alternative fuel and energy saving initiatives that we can put into our fleet and other areas where we use quite a bit of consumables.

Do you have any thoughts on this? And I'm sure you'll be very willing to work with this Board on these types of initiatives, but do you have any thoughts of any initiatives you would like to see put in place?

MS. GALLAGHER:

Absolutely I would be happy to work with you on that. I'm going to be working closely with groups like Long Island Neighborhood Network, Gordian Raake's group, to investigate all the other types of alternative energy that we could bring to Suffolk County, could promote, could actively take a role in looking at best practices from other places. So, really looking at the whole range -- solar, wind, fuel cells, biodiesel, ethanol, etcetera and so forth. I haven't had a lot of time to get into that yet, but I'm looking forward to digging deeper into all that.

LEG. LOSQUADRO:

Very good. I look forward -- maybe we can set up a meeting sometime in the near future and get together to go over some of the initiatives that are already in place and that I have in mind for the future. I'd like to work with you on them.

MS. GALLAGHER:

Sure.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Any other questions? Legislator Romaine.

LEG. ROMAINE:

Good morning.

MS. GALLAGHER:

Good morning.

LEG. ROMAINE:

In reviewing your resume you are more than qualified for this position. But did I have a couple of questions and one of them goes back to the June 13th meeting where you testified in front of the Legislature, something that I think I followed-up with you on a couple of letters.

And at that meeting you got up to speak about Master List IV and at that meeting you indicated that, and I have the verbatim transcript here, that you had sent a letter to us asking for more parcels to be removed from the 435 that were in Master List IV and I'm quoting you now. "Yes, there was a letter

sent that made comments on the original list that the 400 acres we recommended removal and there were other comments as to why we recommended removal of those parcels."

And what I asked for at that time, I'd like -- I wanted to receive a copy of the letter that you had sent to me, that you claimed that you had sent, that recommended a reduction of the 435 acres. I never got that letter despite repeated follow-ups. Could you tell me a little bit about that?

MS. GALLAGHER:

I believe that I should have clarified during my testimony and that I did in subsequent letters to you that there was the initial letter from the Planning Department from Tom Isles with the initial comments of what needed to be changed and then that went -- there was nothing other than some e-mail correspondence and phone calls with your office before it went to vote. And after the vote there was then internal correspondence with the -- and communication with the County Executive's Office.

LEG. ROMAINE:

But none with mine. And the implication of your testimony is that you had sent me a letter saying that -- my colleagues took it that way that day as I recall, that you had recommended further reductions to my staff that we ignored in light of the fact that Mr. Isles, who is sitting right there, had testified at the committee meeting that everything on that list, the 435 acres that we suggested, was, in fact, valid and good to go. He testified and verbatim transcripts will show that he testified in front of the committee to that.

A week later we're voting on this at the general meeting and you indicated there were further correspondence which I wasn't aware of. I had asked for a follow-up letter. I didn't get that type of an explanation. There may have been internal correspondence between your department and the Executive, but there certainly did not appear to be any correspondence between my staff and the Planning staff at that time.

MS. GALLAGHER:

Right, and I believe that I did clarify that in a letter to you, that it should have been clear, more clear in my testimony that that correspondence was internal and not directly with your staff after the fact of the vote.

LEG. ROMAINE:

Let me move on to another subject. Earlier this week I received this list, a list of everything that apparently there's been planning steps since 2000. It's a status report, it's pretty lengthy, and I just started to look at the first page. And in the first page your -- go down and you see something from 2000 that's just now in the appraisal process six years after the fact.

My concern is with staffing and the speed in which the -- your new department that you'll head will address these issues. I am concerned with the backlog, the seeming backlog as I look at this list, of things that take forever to get through the process. I've heard from repeated land owners that they would much rather deal with the towns than the County because the County procedures take forever. That would be one thing that I'd like you to comment on.

And perhaps as you comment on that, your predecessor, Mr. Deering, provided us with a spreadsheet earlier this year that said if all the properties not on this list, but just the properties that were in negotiations are closed, we'd have a 39.3 million dollar deficit in our funding for those properties at this time.

I'd like you to talk about potential sources of revenue, if there's enough funding to acquire everything that we would like to acquire where people express an interest in dealing with the County. Because my concern would be, and I'll state this frankly because I've said this before, is because we have so

many properties circulating around we don't move as vigorously on them because if we did, we would not have sufficient funds to purchase all of them.

MS. GALLAGHER:

Well, certainly a top priority moving forward for the Department of Environment and Energy is going to make sure there are adequate resources, both financial and staffing, to ensure that we can aggressively continue our land acquisition, open space and farmland acquisition program. That is something that as soon as I am full-time in the department I am going to be focusing a lot of time and energy on, working very closely with Pat Zielenski, Director of Real Estate, and with outside environmental groups and of course with the County Executive on identifying additional funding streams and looking into any staffing shortages.

LEG. ROMAINE:

Well, it's not only staffing shortages. Can I talk about one of the things that I would like you, and I'm sure you will focus in on as our new Commissioner, is the flowchart for the process of land, starting planning steps all the way through the acquisition resolution. How long a step by step process, when you have a willing seller, that process should take, because there are properties that I have some concern about that it seems to take forever.

For example, Clarks Beach. It is owned by the Village of Greenport. That's a municipality that stated right from the get go they had an interest in dealing and they would be a willing seller with the County. Now, that was dealt with in June of 2005. We're now in November of 2006 and it just seems that even when you have willing sellers to go through the process is an inordinate amount of time that would discourage many people who would be willing to sell when they realize the time could be two years, three years, four years or as I am looking at this list, six years and the property is finally making the appraisal process. After six years after the planning steps had been adopted.

It seems like there is an inordinate amount of time that goes by. Some properties move faster than others and there may be multiple reasons for that, but my concern is having a flowchart that all properties where there are willing sellers are treated with some degree of equality and some degree of speed.

MS. GALLAGHER:

I hear your concern and I'd be happy to work with you on that if you have suggestions on how to make that process more efficient and expeditious.

LEG. ROMAINE:

We do, and as you probably know, we've met with several environmental groups. We have periodic meetings because they are looking at the process because many of them have stated some degree of frustration with different aspects of this process because it just doesn't move. Thank you.

CHAIRPERSON VILORIA-FISHER:

There's another question from Legislator Losquadro.

LEG. LOSQUADRO:

Yes. I think some of the points that Legislator Romaine raised go directly to communication. And whether it be with the Health Department, with the department you're going to be chairing, on many -- far too many occasions, unfortunately, this Legislature, individual Legislators, have requested information, have spoken directly to individuals with -- heading certain departments, and have not received responses -- after pointed requests. I know it's happened to me on several occasions and I know I can speak personally and I'm sure for my colleagues, no one likes to be ignored. No one likes to feel that someone else is acting as if they are above them, that their opinion does not matter.

I would like a commitment from you that acting in that manner will not be part of your management style and that requests for information will be met with as timely a response as is possible in your department. Do we have that commitment from you?

MS. GALLAGHER:

Absolutely. I don't like to be ignored either or feel like I'm not getting a response, so I'll be as responsive as possible and respond in as timely a fashion as possible.

LEG. LOSQUADRO:

Thank you. I mean, I'm not going to sit here and bring up specific instances, but I know I can speak for myself that sort of across the board in several departments that has happened to me on more than one occasion, and that goes to independence. I know you have been -- your name has been submitted and put forward by the Executive, but this is a very important function of government and in serving as Chair of the Environment Committee for two years, and I think if you ask the folks in Planning or in Real Estate I always believed in granting them a degree of autonomy and letting them do their jobs, that they were the professionals. But at the same time I want the same in return. I expect you to act in the best interest and act independently regardless of the fact that whether or not your name was put forward by the Executive.

I think that is very important, that that trust and respect has to be mutual and it has to be a two way street. And I expect, based on your background and your very impressive resume and credentials, that you will not compromise those beliefs that you have and you will continue to act in a very independent manner. And I hope that my beliefs there are borne out.

If I see otherwise, I'll, you know, be the first one standing up on the soapbox saying so, but I certainly have high hopes that you will act in an independent manner and continue a very open discourse with members of this body, especially when it comes to requests for information. It is something that we have been frustrated with at many turns. And you've heard a couple of examples of it here. As I said, I'm not going to belabor the point with specific examples I have, but suffice to say these are not isolated incidents. So, I look forward to working with you.

MS. GALLAGHER:

Absolutely. I look forward to working with everyone on the committee and the full Legislature to help make Suffolk County remain one of the best places to live, work and visit for generations to come.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Are there -- a question from Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. While I'm not a member of the committee, I'm here on a couple of issues but I am also pleased to be here to go ahead and to say how happy I am that a fellow Nesconset resident is, as a matter of fact, here and been selected by the Executive to head an extremely important department.

I, like many of my colleagues have, you know, a great concern and a great interest in the operations and the nuts and bolts and two of the resolutions that I'm here to advocate on today have actually -- they're land acquisition resolutions and they have gone through a variety of different mechanics, if you will, associated with the department and some of what Legislator Romaine's comments spoke to, I think, are extremely cogent and pertinent, particularly with coming a property, where the mechanics have taken the better part of about 13 or 14 months to come from the adoption of the planning steps resolution to the point where we are actually now confirming the offer and the only reason that this

property is going to come into the County inventory is because we have civic minded owners who genuinely and truly believe in preservation.

One of the things that was very important to them was that the property, the residents there, the coming of property, remain intact and that the County embrace keeping this property. It's a several hundred year old home and I'll speak more about it later on. But it goes to, I think, a policy question from where you sit concerning acquisitions of properties throughout the County and a willingness to embrace preservation of the historic properties, the structures that sit on the dirt itself, if you will.

There seems to be some thinking that the County may be becoming overwhelmed with the number of historic structures that are coming into our inventory. Nevertheless, I think from a policy perspective each one of us when we advocate, advocate for inclusion of the realty but also the improvements as well. What's your thinking?

MS. GALLAGHER:

I'm not particularly familiar with the concern over an overwhelming amount of property coming into the County's ownership through acquisitions, so I'd probably have to look into that a little bit. It sounds like it is more of a parks concern?

LEG. KENNEDY:

Well, I misspeak if I phrase it as an overwhelming acquisition of properties. I think it's the structures themselves and yes, it is something that's a matter for the Park's Commissioner, but certainly if your agency is the point to acquire and Parks is the steward once we have acquired, I think there's got to be some harmony between the two of you. And also with us embracing the policy perspective that I believe most of my colleagues as I do share that when we go ahead and we work with individuals in the community, we identify properties, most times it is usually of importance to the owners or to the community groups that the structures remain in place and viable and perhaps maybe even get some assistance with rehabilitation, possibly with community groups participating or whatever other method that we can use.

But I think it's important from your perspective that that policy is communicated to your staff as they implement so that the negotiations reflect that, and that they don't come from a perspective of either a non-interest or an unwillingness to maintain the historic structures on the dirt itself. So if you are not directly familiar with it, I'd ask you to have some dialogue with the Parks Commissioner, but also to at least be cognizant.

I speak on my own. I think I infer with my colleagues, but I believe my colleagues, most of my colleagues embrace that same philosophy. So from a policy perspective I guess, again, similar to what Legislator Losquadro said, I think that's important to us.

MS. GALLAGHER:

Okay. Thank you for bringing it to my attention.

LEG. KENNEDY:

You're welcome.

CHAIRPERSON VILORIA-FISHER:

Any other questions?

LEG. KENNEDY:

Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

I would just like to mention some items of my own and as I've listened to the public speak and my colleagues question you, I think back on my career as a Legislator since 1999, where my focus has

been on energy and the environment and the many times my career as a Legislator has intersected with your professional career because of our mutual interests in both of those arenas.

Beginning in 1999 when I was working on energy and alternative energy, and Legislator Losquadro, this was in 1999, and I attended a conference at the {NAT} Center, and you were also there. NYCERTA was represented and so certainly I know that your background, your interest and your knowledge in the area of energy and alternative energies and transportation. At that time we were discussing smart buses and smart signs if you recall, so I know that you certainly have an interest there.

Before I became a Legislator I was involved as a co-chair of the first walk raising money for breast cancer, the Walk for Beauty in Stony Brook. And of course we intersected there, not professionally, but you were there as Dr. Meek's daughter and I was there as a volunteer. But certainly your knowledge and understanding of the importance of the environment and breast cancer have been a hallmark of the work that you have been doing your adult life.

With regards to governance and the importance of responsive and professional governance, I've seen your work there with the Rausch Foundation and so I know that you come into this position with a respect for governance and the respect for the importance of a governing body and members of the Executive Branch to work well among and within the branches of government and that is the best way to provide service to the public. And so it is with great personal satisfaction that I make a motion to approve this resolution.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? Motion approved. **(Vote: 5-0-0-0)**. Thank you, Carrie. Okay. We will go to the rest of the agenda. I didn't even have to invite you up. The motion was approved. I'm sorry, I didn't call the vote.

MS. ORTIZ:

You did. We were questioning the second.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro? Oh, did I say Losquadro?

LEG. LOSQUADRO:

You said Losquadro.

MS. ORTIZ:

You said Losquadro.

LEG. LOSQUADRO:

I had seconded the first one. It didn't matter.

CHAIRPERSON VILORIA-FISHER:

I'm sorry. My apologies. It seems later in the day than it actually is. Good morning. I'm just looking at our agenda.

Tabled Resolutions

Good morning, Ms. Zielenski, Mr. Isles, Ms. Fischer. How are you? We're going to look first at tabled resolution **IR 1522 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Peter's property - Town of East**

Hampton). I understand, Mr. Isles, that there was a second look at that, that there was more information or not?

DIRECTOR ISLES:

I missed the first part of what you said. I'm sorry.

CHAIRPERSON VILORIA-FISHER:

I understand --

LEG. ROMAINE:

Motion to approve.

LEG. LOSQUADRO:

I'll second for the purposes of discussion.

CHAIRPERSON VILORIA-FISHER:

Okay. I was in the middle of a question. What I was asking was that there was an indication that there was a second look here and that there has been a reconsideration of the rating.

DIRECTOR ISLES:

Yes, that's correct. The property owner has hired two consultants to provide further information to the Legislature regarding this property. That information has been presented to the Planning Department. As a result of that we have done further review of the rating form. At this point we are awaiting additional information that was indicated that would be provided to Laretta Fischer regarding a plant species of special concern. We haven't received that yet. We thought we might be getting it today if the Peters family showed up today. So at this point we're waiting for that one last piece of information and then we'll give you a report back at that time.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro has a question.

LEG. D'AMARO:

Thank you. Good morning, Director Isles. The information that you're waiting for involves -- what did you say? Plant species on the property?

DIRECTOR ISLES:

Yes, a particular plant species. So the property owner contends that there is a species of -- protected species of special concern located on this property. Based on our rating form, that would affect the point value. We have not had that confirmed yet, however, and that's what we're waiting for.

LEG. D'AMARO:

What is the present score?

DIRECTOR ISLES:

The present score is 22 based on the information we have.

LEG. D'AMARO:

Twenty-two. And if it turns out that this protected plant species is on the property, what would -- how would that impact the score? What would it go to?

DIRECTOR ISLES:

It would add four points. It could be 26 at that point. Here again, the rating we do is a guide for you, for us as well, but it's one of the basics we do. The original score for this was I think a 14. They have hired two consultants to review additional information which I believe will be shared with you

when it's all complete. But here again, we're calling it as we see it and that's how we see it at this point in time.

LEG. D'AMARO:

In your opinion, would that -- the presence of that plant or species of plant on the property make it more worthy in your mind of preservation?

DIRECTOR ISLES:

To a slight degree it would, certainly. If the parcel were developed I certainly would think that there would be an effort to preserve that plan by sensitive development of the site. They are three acre parcels and so you can site the house to minimize disturbance on that plant.

Here again, the position of the department is at this point in time based on the information we have, is that it is a little shy of the threshold that we would typically look at. But looking beyond that we have no argument with the fact that this is in the Stony Hill Groundwater Protection Area. It certainly is important for East Hampton's groundwater supply. I think the biggest concern we have is just the, you know, on a macro level. We don't have a lot of County land here, so this would be buying two building lots where it's not connected to any other County holdings.

Certainly there are private conservation easements that exist here and we're not quarreling with that, but fundamentally is we don't argue the preservation, it's just that is the County the right entity to do this, would it better at the town level, would it be better at a private conservation level. Or, you know, maybe it should be the County. But that's the question in our mind at this point.

LEG. D'AMARO:

One final question. Do you expect to have the information by our meeting next Tuesday?

DIRECTOR ISLES:

It's beyond my control so I don't know. I thought we'd have it today. So I can't warrant that.

LEG. D'AMARO:

Okay. Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Director Isles, good morning. Do you know if there have been any efforts made to have these kinds of discussions with some other entity like a town, like a private or not-for-profit organization regarding this property?

DIRECTOR ISLES:

We certainly have been in touch with the town. We had asked the town if they would have an interest in a partnership on this acquisition. When we talked to the staff, people that we deal with, the answer was no. We did receive, however, a letter from the town indicating that they would, here again, from the land acquisition specialist with the town, that they would manage the property. So they did provide that much on it, but we haven't heard that they would partner on the acquisition.

MR. ZWIRN:

If I might, Madam Chair. The town has not sought -- originally they went to the town to try to buy this property, I think when Legislator Schneiderman was Supervisor Schneiderman in the Town of East Hampton, and the Town Board at that time did not choose to buy the property, although they

had the funds to do it. The County is in negotiation on property in the Town of East Hampton where the town has agreed to partner for millions of dollars on certain parcels. So, you know, we're curious as to why they have been reluctant from day one to preserve this property.

CHAIRPERSON VILORIA-FISHER:

Okay. From whom are you awaiting the information?

DIRECTOR ISLES:

From Mr. Peters, who is the owner of the property, who has retained the two consultants, and that's who we are awaiting the information from.

CHAIRPERSON VILORIA-FISHER:

Okay. So we don't know whether it would be within this week that it would be coming.

DIRECTOR ISLES:

Do you want to comment, Laretta?

MS. FISCHER:

It told to me by Mr. Peters that he would be here with the information that we had asked for, a photo and verification of where on the property it was identified. And I anticipated that he would be here today. He had told me that and didn't tell me otherwise, so I'm -- I don't know what to say other than the fact that we tried our best.

CHAIRPERSON VILORIA-FISHER:

So your conclusion is that he has the information and he just hasn't brought it to us, is that --

MS. FISCHER:

I don't know that.

CHAIRPERSON VILORIA-FISHER:

You don't know that.

MS. FISCHER:

I don't know that.

CHAIRPERSON VILORIA-FISHER:

Okay. See, the problem with this particular resolution is that it will -- it is up against the six month rule. So if it were to be tabled today it would have to be reintroduced by the -- by Legislator Schneiderman. If we -- but I'm reluctant to discharge it without -- it had occurred to me to discharge it without recommendation if you were telling me that the owner already was in possession of the information but hadn't brought it to us today. It would be reasonable to assume he could bring it on Tuesday, but I'm not certain if that's a reasonable assumption.

I'm also concerned about the fact that the Town of East Hampton, which is usually a pretty good partner, has been unwilling to partner on this. And it makes me feel some level of concern that it's really not the best piece of property to acquire. What is the zoning regarding these two parcels? I mean, I know that East Hampton now has some really high number of acres that one must own in order to build a house. How does that zoning affect these two parcels?

DIRECTOR ISLES:

Both of these parcels are currently subdivided so they are distinct parcels. They are zoned for approximately three acre zoning, 120,000 square feet. So they are large.

CHAIRPERSON VILORIA-FISHER:

They are eligible for building.

DIRECTOR ISLES:

They are eligible for building, they are relatively large lot size zoning. So you can't subdivide these into quarter acre lots or anything less than that 120,000.

CHAIRPERSON VILORIA-FISHER:

Each of them would sustain one dwelling.

DIRECTOR ISLES:

They can build one house on each lot, yes.

CHAIRPERSON VILORIA-FISHER:

Okay, because of the high level of zoning.

DIRECTOR ISLES:

We do have an aerial. Here again, we've held off on giving you that because they are not here today, but certainly we can share that with you, the aerial photograph, which gives you a better idea of this parcel and the surrounding area at your, you know, pleasure.

CHAIRPERSON VILORIA-FISHER:

Okay. Yeah, why don't we take a look at that and see it.

DIRECTOR ISLES:

Okay.

LEG. LOSQUADRO:

Madam Chair, if I may.

CHAIRPERSON VILORIA-FISHER:

Let's just --

LEG. LOSQUADRO:

I was just going to say while that's being distributed, through the Chair --

CHAIRPERSON VILORIA-FISHER:

Go ahead.

LEG. LOSQUADRO:

I would just make the recommendation being that it is up against the six month rule, to do a discharge without recommendation. No action has to be taken on this at the committee -- at the general meeting I should say. But if that information is forthcoming prior to Tuesday, unfortunately, as you said, this bill would have to be reintroduced and would cause a significant delay in the process.

CHAIRPERSON VILORIA-FISHER:

Tom, as I look at the aerial -- as I look at the aerial, it comes up, butts right up -- it abuts a conservation easement.

DIRECTOR ISLES:

Where that word -- those words are written, conservation easement, just to the top of the red boundary of the two parcels, that is the property and the residence of Mr. Peters. So that's where he lives. He has put a conservation in place on part of his property. He does have his house there, however.

CHAIRPERSON VILORIA-FISHER:

Okay. So there's a conservation easement there with his home. Of the three lots, the most southerly, the one that has the purple line along the eastern side of it, what -- is there a building on that property?

DIRECTOR ISLES:

There is a residence on that property. That is an out parcel. So the subject parcels consist of the two lots that are actually flag lots that access Stony Hill Road in the front of Mr. Peters' property, or part of his property.

CHAIRPERSON VILORIA-FISHER:

So that thick red line is just the access to those two lots.

DIRECTOR ISLES:

To those two lots plus to Mr. Peters house which is in the back there. So it's three strips that run back for the two lots and for the house that exists already.

CHAIRPERSON VILORIA-FISHER:

Okay. So basically what we would be doing is -- now, for public access the public would have to use Mr. Peters driveway, so to speak.

DIRECTOR ISLES:

They probably would. The County would probably seek to acquire a strip, but that's probably going to go through the woods to get to that area. But you'd have to go between the two houses that current front on Stony Hill Road to go back to the property.

CHAIRPERSON VILORIA-FISHER:

So we're extending Mr. Peters protected area here with us. I'm going to make a motion to table. Is there a second? On the motion to table do I have a second? No? Nobody wants to tabled it? Okay. The motion fails for the lack of a second. There is a question by Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Where is the plant and are there other such plants within some of the other protected areas.

DIRECTOR ISLES:

We don't know where the plant is and that's one of the things we have asked for, is an indication on the map on where the plant is located. So we had asked for a verification of the plant with a photograph as well as the location on the property and then we would confirm that. But we haven't received it yet.

LEG. STERN:

My question is whether that's been an issue for any of the other easements. Has this been an issue in the surrounding area and not just in the proposed acquisition?

DIRECTOR ISLES:

I don't believe it is. The primary issue is drinking water protection. This is a special groundwater protection area. It did recommend acquisitions, the SGPA plan, as well as large lot zoning. So on that sense it is large lot zoning.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to discharge without recommendation.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern.

LEG. D'AMARO:

Yes, just on the motion. I think if there's a possibility that we could follow-up or your department could follow-up on getting that information to the Legislature it would be helpful, with the revised prior to Tuesday. It would be helpful to me and I'm sure to the other members of the committee. Thanks.

DIRECTOR ISLES:

We'll try to do so.

CHAIRPERSON VILORIA-FISHER:

There is a motion to discharge without recommendation and a second. All in favor? Opposed? Discharged without recommendation and we will be anticipating the additional information on the protected species before Tuesday. **(Vote: 5-0-0-0).**

1527, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Oregon Avenue property) Town of Brookhaven (SCTM No. 0200-809.00-01.00-016.002).

LEG. LOSQUADRO:

Madam Chair, has this been amended in any way or any further information coming to the Planning Department?

DIRECTOR ISLES:

To our knowledge it has not been amended and there is no new information to report to you.

CHAIRPERSON VILORIA-FISHER:

Anybody care to make a motion?

LEG. D'AMARO:

I'll make a motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? 1527 is tabled. **(Vote: 5-0-0-0).**

1662, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Riverhead Meadows property) Town of Riverhead. Mr. Isles.

DIRECTOR ISLES:

Okay. This has been tabled for several meetings at this point. The parcel by itself did not rank very high. I think it was at 12 points. We did note, however, that it is one lot removed from other property that the County is pursuing for acquisition which is known as the River Club property. And our opinion, if the County does and the County and the town acquire the River Club property, then we think this would make an appropriate expansion of that property and a linkage.

If we don't acquire that or the town doesn't acquire that, then we think by itself really is not a strong acquisition to recommend to you. So the last I recall on this is that we were -- you were tabling this pending the outcome of what happens to the River Club matter.

CHAIRPERSON VILORIA-FISHER:

Okay. Is there a motion? Question, Legislator Romaine.

LEG. ROMAINE:

I'll be happy to make the motion to table, but where are we with the River Club? I guess I'd ask that key question.

MS. ZIELENSKI:

It's in negotiation.

LEG. ROMAINE:

It is in negotiations.

MS. ZIELENSKI:

The Nature Conservancy is negotiating that parcel.

LEG. ROMAINE:

And then if they close on it, they'll deal with the town and the County in terms of the acquisition?

MS. ZIELENSKI:

That's correct.

LEG. ROMAINE:

Okay. And you think that is close at hand or do you have a sense of the timing on that when acquisition might take place?

MS. ZIELENSKI:

Well, it's hard to second-guess it when someone else is doing the negotiation.

LEG. ROMAINE:

I understand. They don't keep you posted or they don't keep you updated on this?

MS. ZIELENSKI:

In a general sense. It's moving along.

LEG. ROMAINE:

Okay. Well, under that basis I will table this resolution and make a motion to table until we can find out what happens with the River Club since this property is dependent on that property. Motion to table.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll second that. There's a motion and a second. All in favor? Opposed? 1662 is tabled.

(Vote: 5-0-0-0).

1683, Adopting Local Law No. 2006, A Local Law to require the recycling of cellular phones.

That has to be tabled to continue public hearing. I'll make that motion.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1683 is tabled. **(Vote: 5-0-0-0).**

1878, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates property) Town of Huntington (SCTM No. 0400-249.00-04.00-019.000 & 0400-263.00-02.00-072.000). Legislator Stern.

LEG. STERN:

Yes, Madam Chair. We're still working with the Town of Huntington and the owners so I'll offer a motion to table.

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a tabling motion and a second. All in favor? Opposed? 1878 is tabled. **(Vote: 5-0-0-0).**

1883, Adopting Local Law No. 2006, A Local Law changing the name of the Environmental Trust Review Board to the Real Property Acquisition Review Board and increasing the membership.

I'm going to make a motion to table. I still have a problem with that legislation. Did you have a question, Legislator Stern?

LEG. STERN:

No.

CHAIRPERSON VILORIA-FISHER:

I thought I heard you say something.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Romaine. Any questions on the motion? Okay.

LEG. D'AMARO:

I think Mr. Zwirn --

CHAIRPERSON VILORIA-FISHER:

Mr. Zwirn.

MR. ZWIRN:

I thought this one had been worked out and an amended version had been submitted and had been --

CHAIRPERSON VILORIA-FISHER:

I'm sorry. Maybe I'm not aware of the amended version.

MR. ZWIRN:

We changed the make-up of this so that the Legislature had the additional person to put on it.

CHAIRPERSON VILORIA-FISHER:

One of my problems with it is also the change in the name of it. I think you were talking about changing it to the Real Property Acquisition Review Board. And this board came out of a very

contentious period in our land acquisition program. And I believe that to continue the kinds of reforms on which this Legislature worked very hard along with the Department of Real Estate and Planning -- I feel changing the name of that loses some of the continuity that we should have with that particular point in time and the reforms that we made. So I'm opposed to changing the name of that board right out of the box and I haven't seen the revisions that you are talking about.

MR. ZWIRN:

It had to do with the appointments to the board.

CHAIRPERSON VILORIA-FISHER:

Dan, did you have a question?

LEG. LOSQUADRO:

Then I think the motion to table -- I'm not in favor. I've spoken against this resolution for many of the same reasons that you did and I feel that the composition as it stands, some of the -- I don't know what the changes proposed are to the additions, to the membership. I'd certainly like an opportunity to take a look at them and speak to the Executive, who is the sponsor, because I have to agree with Legislator Viloria-Fisher.

I feel that the name of this board was of paramount importance and it was chosen for a specific reason, to convey that certain degree of trust to our constituents, to the residents of Suffolk County. And I thought Legislator Viloria-Fisher put the need for reestablishing that trust very well. So I'm not in favor of moving this forward at this time.

LEG. ROMAINE:

Call the question.

CHAIRPERSON VILORIA-FISHER:

Thank you. Are there any other items on that motion? There's a motion to table and a second. All in favor? Opposed? 1883 stands tabled. **(Vote: 5-0-0-0)**.

We'll take a look at the changes. As I said, I had not seen them before this meeting. It's tabled, we'll take a look at that, but I have to say that I'm not leaning toward the approval of this.

IR 1979, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Terrell River/Havens Estate property - Town of Brookhaven). Tom, can you just comment on this, please?

DIRECTOR ISLES:

This was a matter, there was already a planning steps resolution and I believe what we have talked about in the prior meetings of this committee is that those negotiations with the property owner were proceeding and were alive, so I think we viewed this as being unnecessary at this time for this resolution. And I think that's the latest information on it.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. There is a question by Legislator Romaine.

LEG. ROMAINE:

Thank you. Of course, the previous resolution had been listed in the status report as no interest in purchasing and that was dating from I think almost six years ago and was a different program at the time of which that program has no funding in it or not enough funding to purchase this property. And that's why this resolution came forward and interesting enough there is an interest now six years later and that gives evidence to the fact that we should always go back and check periodically with property owners to see if they have had a change of heart. That's something that we have not done

and this is a perfect example of that. I understand now it is in negotiations. Is there any rough timeframe when those negotiations might be concluded?

DIRECTOR ISLES:

I'll pass it over the Director of Real Estate.

LEG. ROMAINE:

Thank you.

MS. ZIELENSKI:

I -- frankly, I have no idea.

LEG. ROMAINE:

And why is that?

MS. ZIELENSKI:

Because I didn't look it up before I came.

LEG. ROMAINE:

Okay. Could I ask that at our next meeting you could come prepared to discuss in very general terms the status of this property?

MS. ZIELENSKI:

Certainly.

LEG. ROMAINE:

Thank you. And with that I will make a motion to table this.

CHAIRPERSON VILORIA-FISHER:

I'll second that motion. I would also like to second the comments that when we have particularly pieces of property that have been -- in which we have had an interest, that we have some kind of report as to what their status is and how close we are when we're in active negotiations.

DIRECTOR ISLES:

I mean, some of these come and go so obviously it did start a number of years ago, four to six years ago, something like that. There was an appraisal done, there was an offer made. There was a rejection, it was stay away from me. It was under the Drinking Water Program at that time too --

CHAIRPERSON VILORIA-FISHER:

Well, I know we have changed the program. It's rated higher now.

DIRECTOR ISLES:

But obviously there is renewed interest and we hope we can proceed with it. But -- just so you know that.

CHAIRPERSON VILORIA-FISHER:

But we are involved in active negotiations now.

DIRECTOR ISLES:

Yes, the Division of Real Estate is involved in active negotiations.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, that is what I was referring to, that when we are involved in active negotiations, particularly when it's something that we have looked at, had been before us years ago, there was no

interest, it's back. So this becomes more of hot button and it would be good to have a status that firms it up a little bit for us so we have some idea where we're going.

And speaking -- back to that, Legislator Romaine, the comments about looking, taking a look back, I know that in my district there was a farmland development acquisition which there had been no interest on the part of the owner, and I know that Real Estate without my having to introduce another resolution, Real Estate has gone back and reopened negotiations with that particular land owner. He mentioned it to me when I happened to be walking by his house one day. And so I know that Real Estate does go back and revisit these acquisitions. So I was glad to see that that had occurred.

And in any case, there was a motion to table and a second. All in favor? Opposed? 1979 is tabled. **(Vote: 5-0-0-0).**

1980, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Governale Property) Town of Brookhaven. I believe that this is the same kind of situation.

DIRECTOR ISLES:

It is. This is a different program where the other one was the same as the original planning steps resolution. This is actually a parcel that's in the core and it's located just east alongside County Road 111. So here again the question that the committee has considered in the past is that at least as far as a planning steps authorization to do an appraisal and so forth that does exist with the prior resolution that includes all the core parcels. And I believe that this is in negotiation, although I'll turn it over to Pat for that one, so we consider it to be on track.

CHAIRPERSON VILORIA-FISHER:

In my notes I had that it was in negotiation. So I'm assuming it -- we'll just let Ms. Zielenski get back to her seat before we ask her questions on this. Okay. Legislator Romaine.

LEG. ROMAINE:

I just would comment and reason that these resolutions were introduced because the County Executive had set the standard that a new planning steps resolution would be needed any time a program was changed and that's why these were introduced. And I also would -- were contacted by both of the owners who indicated that they were now willing to deal with Suffolk County and would welcome an appraisal.

Furthermore, the North Fork Preserve is a perfect example of that where Legislator Caracciolo, my predecessor, introduced a resolution, planning steps, in August of 2005 and it passed and the County Executive had no problem reintroducing a planning steps resolution in January or February of 2006. And that set the standard, that if you are going to change the program, obviously you need a new planning steps and that's why these were introduced.

They were also introduced because in the first case the one guy had rejected it six years ago and now he was interested and had heard nothing from Planning. In the second case, in the Governale case, even though it was on planning steps many, many years ago because it was in the core, there was no interest in pursuing him at all. He had never heard from Real Estate whatsoever. And, in fact, Real Estate identified Helen Governale as the owner of the property, and unfortunately Helen Governale had died in 1982.

So obviously there needed to be a little bit of updating there and that's why these resolutions were introduced. However, I am happy to table it but I would like to hear before we cast a vote for Ms. Zielenski, because I understand they are in active negotiations now, generally where the Governale property stands at this point.

MS. ZIELENSKI:

Where it stands right now is that they have rejected our offer.

LEG. ROMAINE:

Oh, they have. Okay.

MS. ZIELENSKI:

Yes, they have. And just to bring you up-to-date, the reference to Terrell River didn't register in my brain. That's the {Baggans} property. You passed an authorizing resolution on that last month.

LEG. ROMAINE:

Okay. We did? It's here.

CHAIRPERSON VILORIA-FISHER:

It's before us.

LEG. ROMAINE:

It's before us I believe. I believe it's before us.

MS. ZIELENSKI:

But there's an authorizing resolution.

LEG. ROMAINE:

For acquisition. I don't believe it's been introduced as of yet.

MS. ZIELENSKI:

Well, then it's on -- it should be on this calendar.

LEG. ROMAINE:

It will probably in the packet that we receive -- hopefully will be in the packet that we receive next Tuesday.

MS. ZIELENSKI:

Okay.

LEG. ROMAINE:

Thank you. I'll make a motion to table, as I already have.

CHAIRPERSON VILORIA-FISHER:

I think we have a motion and a second. Did you want to make a comment?

LEG. D'AMARO:

I just had a question.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yes, through the Chair. Legislator Romaine, are you saying that the original resolution authorizing the planning steps on both of these properties was under a different land acquisition program?

LEG. ROMAINE:

Yes, absolutely.

CHAIRPERSON VILORIA-FISHER:

Actually, I think I misspoke earlier when I said that. I don't think 1979 changed programs. It was the same -- it was Water Protection. I think I misspoke earlier when I said the program was changed. The rating was changed, not the program. Sorry to jump in, but I had misspoken.

LEG. ROMAINE:

The program certainly was changed in the Governale property. I don't have my notes here on the Terrell River property, but in the Governale property we're using Open Space SOS Program, which did not exist when originally Governale was listed to the -- on the list and he had never been contacted and they had the owner of the property as someone that had died in 1982.

DIRECTOR ISLES:

The ownership is based on last recorded deed in the County Clerk's Office. So the deed apparently wasn't changed after this person died.

MR. ZWIRN:

Who was the Clerk back then? I'm sorry.

LEG. LOSQUADRO:

Was a comment solicited from Mr. Zwirn there? I wasn't aware he was a member of this body.

MR. ZWIRN:

I apologize.

CHAIRPERSON VILORIA-FISHER:

Let's not get into that.

LEG. D'AMARO:

All right. So my question is then resolution IR 1980 is changing the acquisition to the SOS Program. Is that the program that the County is pursuing the acquisition under presently?

DIRECTOR ISLES:

I don't know. I don't think we got to that point in terms of picking the fundings.

MS. ZIELENSKI:

No, I'm not sure which funding it is, but at this point it's moot because they have rejected --

LEG. ROMAINE:

Could we have that information at the next meeting? I would appreciate that.

LEG. D'AMARO:

Just let me follow-up.

LEG. ROMAINE:

Oh, I'm sorry.

LEG. D'AMARO:

So, in other words, when we pass a planning step you don't need for us to identify the land acquisition program?

LEG. ROMAINE:

You do.

MS. ZIELENSKI:

Well, yes, we need you to identify a land acquisition program.

LEG. D'AMARO:

So my question -- so in your negotiations are you -- what was the first land acquisition program under the original planning steps resolution? What program are we pursuing that under?

DIRECTOR ISLES:

Are we talking about 1980?

LEG. D'AMARO:

Yes, sir.

DIRECTOR ISLES:

That was under a large blanket resolution that authorized acquisitions with the entire Pine Barrens Core. My recollection is that it included both old Drinking Water Program funds as well as New Drinking Water Program funds.

Let me just add one other point. In the past the new drinking program was sometimes referred to as the Pay-As-You-Go-Program. So it's the same program but sometimes if you read the resolutions they appear to be different programs, but they are one and the same in terms of the resolutions.

LEG. D'AMARO:

So -- okay. So it is a different program under the original planning steps for this parcel. Now let's say your negotiations are successful, what program will you be seeking to use to acquire the property?

DIRECTOR ISLES:

Well, we would typically, and here again it's a decision that's made based on what does the original planning steps resolution say. So in this case there's authority to purchase under both old and new drinking water. And then secondly, it would be a question of how much money do we have in those programs. And so typically we would go out of the program from the planning steps and go from there. Pat, if you want to add anything to that.

LEG. D'AMARO:

You could pursue this acquisition under either program. Is that correct?

DIRECTOR ISLES:

Yes. Under the current resolution that's approved, yes we could, yes.

LEG. D'AMARO:

And what's your preference? Or you don't know yet.

DIRECTOR ISLES:

I certainly don't know yet because I don't know what the offer amount was and if they had accepted it what that, you know, where that fits in with the available funds.

LEG. D'AMARO:

I see. Okay.

CHAIRPERSON VILORIA-FISHER:

Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Maybe this is a question for Counsel, but I would be interested to know whether or not there's any requirement that when we come to an authorizing resolution that the program has to be consistent with the original planning steps resolution in terms of the program.

MR. BARRY:

I think we have been going back and forth with that all year. But the important thing about the planning steps is each program has a different funding source, so when you do the planning steps for open space, farmland development rights, the expenses that the Planning Department incurs are paid out of that line. That's why it's important that we chose the program. The Planning Department can always come back with a different program to acquire it, but in the interim the expenses are paid from the specific line.

But, no, I don't think there's any legal requirement that when we do a planning steps for farmland development rights -- well, that's a bad example -- for open space, that the acquisition come back open space. It would be illogical if it didn't, but there is no legal requirement.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

We have a list. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I know this is something that is very confusing because, quite frankly, as Counsel has indicated, it hasn't just been this year. For the past three years we have wrestled with this question. Sometimes it is required. Sometimes it can change when we actually do the acquisition. There has been no hard, fast answer to this question. I have seen a change on some acquisitions without any objection. On others I have seen the administration stand their ground and say no, absolutely it has to be put under the right program. So I don't know the answer to this because there hasn't been a consistent answer.

So I would say based on precedent that I've seen set in the past is that if when it comes down to the time of the acquisition we need to go to a funding source that has greater revenues in it in the interest of completing the acquisition, then yes, absolutely, we can go to that revenue stream that makes the most sense. As long as it obviously complies with the type of acquisition we're looking to do, you know, for this particular parcel, if it's groundwater protection or whatever it is. We're not just going to say oh, haphazardly we're going to use farmland development rights for -- you know, obviously it still has to comply with the components of the program. But I have not seen a hard and fast answer over three years to this question that you're trying to answer. So hopefully we'll get some sort of resolution to it, but I doubt it will be today.

CHAIRPERSON VILORIA-FISHER:

Although what I'm seeing here with the planning steps, and I believe that what Counsel has just said is consistent with that, is that these planning steps are working within the funding sources that were named in the planning steps resolution.

Now, you're saying that when you get to the acquisition where it comes back to us again, by the way, there can be a funding source if the funding source that was named in the planning steps might not be sufficient to meet the financial obligations of a contractor or the closing on that piece of property. But the planning steps, as Counsel said, are run on that funding stream. The appraisals are done based on that and any expenses are covered by the planning steps resolution funding stream.

And you've also indicated that these particular resolutions that now we're seeing a second resolution on the same piece of property, you haven't changed the funding source for those planning steps. They are still the funding source that was named in the original resolution of five or six years ago. Is that so or not? Have you changed the funding sources in those planning steps? I don't know why you're shaking your head, Ms. Zielenski.

MS. ZIELENSKI:

We can't change the planning steps.

CHAIRPERSON VILORIA-FISHER:

That's exactly what I'm saying. It was said earlier that you changed the funding source under which you're working for I believe -- I'm not certain and I don't want to put words in somebody else's mouth, but I thought that Legislator Romaine said that you were working under a different funding source on 1979, 1980 and 1983. And what you're saying is no, indeed you're working under the restrictions of the original resolution that authorized you to move ahead and negotiate.

Okay. So I just wanted to make that very clear on the record. You have not changed the funding source for your planning steps.

DIRECTOR ISLES:

No, we haven't. And an important point, and maybe you'll want to add to this, but just on the criteria which Mr. Losquadro pointed to is that if there is a change from planning steps to authorizing resolution, that obviously it has to meet the criteria of that program.

So that is something key to this.

MS. ZIELENSKI:

The other point I want to make is it is a first come, first serve program, so planning steps which are irregular in the timing from the time planning steps are passed until a completed negotiation causes us to look again at the fund balances, you just -- you can't anticipate very often a new planning steps resolution will be handled prior to an old planning step resolution. So when it comes right down to actually preparing for an authorizing resolution, it's really the funding source, the revenue balances at that point in time that dictate what funding source is ultimately used, assuming first, of course, that it meets the criteria of wherever. If it needs to be relocated it would still have to meet the criteria as Mr. Losquadro and Mr. Isles said.

CHAIRPERSON VILORIA-FISHER:

I believe Legislator Kennedy had a question.

LEG. KENNEDY:

I don't know if it is a question, Madam Chair, or if it's just another point to add to the dialogue here which goes to action, I think, on a part of the department from what I would characterize as remote authorizing steps. And for my colleagues here on the committee who have come on recently, I'll talk about the process that went through -- with Goulds Pond, Madam Chair.

You'll recall that I introduced a planning steps resolution for acquisition, when in fact the department relied upon an authorizing resolution that preceded me by two other Legislators and was under a different program. The point that I tried to make and that we did converse about I think at length was the whole acquisition process was changed in 2004. You were very much involved with this as was Legislator Losquadro in that the ETRB was created at that point with that streamlining resolution.

Prior to that ETRB did not exist and the streamlining resolution made the process now dependent upon approval of ETRB. So from a technical perspective, and naturally I would ask Counsel to comment if it's pertinent or not, these remote authorizing resolutions never had the ETRB process in place or any of the other items that were there.

So while we may be talking about some broadbrush perspective that authorized the department to commence this process, technically they don't comport with the action this body took in the beginning of 2004 to streamline it. Acquisition resolutions had to go ahead and go now under the new process and the language specifically references actions taken then or going forward for the purposes of

acquiring. The only other item would be is to bifurcate and have remote authorizations go on to some process that predated ETRB.

CHAIRPERSON VILORIA-FISHER:

I don't know --

LEG. D'AMARO:

You lost me.

CHAIRPERSON VILORIA-FISHER:

Can you describe what you are referring to as remote authorizations? I don't really know that term.

LEG. KENNEDY:

Remote authorizations, authorizations that were approved five and six years ago.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. Older.

LEG. KENNEDY:

Yes. Sorry.

CHAIRPERSON VILORIA-FISHER:

Remote in time. Okay. I thought you meant remote as being removed from the Legislature.

LEG. KENNEDY:

No. Again, and specifically I'll go to Goulds Pond. This was a resolution passed by Legislator Holst for a program that was entirely different than what our acquisition process is now. I'm trying to recall the adopted resolution number.

CHAIRPERSON VILORIA-FISHER:

Yes, but those were planning steps and Goulds property was such a unique situation where the mayor had come to me because he thought I was the Legislator in that particular area. I went to Joe Caracappa because I realized -- I looked at my Legislative map that I was not the Legislator so we went to Joe Caracappa. He was ready to introduce the steps and then we found out that Joe Caracappa wasn't the Legislator either, it was kind of a point of intersection. It was very confusing.

LEG. KENNEDY:

Yes, we did shop all around with that.

CHAIRPERSON VILORIA-FISHER:

And then we went to Bill Holst with that. But I believe even if we have the planning steps prior to ETRB, that once we reach the point of acquisition we have to conform with all of the rules of -- that are now in place whether or not it was remote in time when the planning steps were approved here. Isn't that so?

DIRECTOR ISLES:

Yes.

LEG. KENNEDY:

But Counsel has some perspective on it. I don't want to belabor the discussion, but we did talk at --

CHAIRPERSON VILORIA-FISHER:

Can we not? Can we move on because --

DIRECTOR ISLES:

They are not grandfathered in there. They have to comply with the new requirement.

CHAIRPERSON VILORIA-FISHER:

Yeah. I don't believe you are grand -- I think planning steps are approved, but when you come before the Legislature with your approval to acquire the property, you have to abide with all of the existing legislation and regulations that are before us. I don't think you can be grandfathered in without going through ETRB. You have to go back and get another appraisal, don't you, then?

DIRECTOR ISLES:

It has to go through ETRB. So even if it's an old planning steps resolution it would still follow the current process and have to have fresh appraisals and all that, yeah.

CHAIRPERSON VILORIA-FISHER:

Let's move on. We were on -- I forget where I am. I think I was on 1980.

LEG. ROMAINE:

I think there was a motion to table by myself.

CHAIRPERSON VILORIA-FISHER:

On 1980?

LEG. ROMAINE:

Eighty-three.

CHAIRPERSON VILORIA-FISHER:

Eighty-three, thank you.

MS. ORTIZ:

1980.

CHAIRPERSON VILORIA-FISHER:

It was 1980. Okay. There's a motion to table by Legislator Romaine. Seconded by myself. All in favor? Opposed? 1980 stands tabled. **(Vote: 5-0-0-0)**.

1983, Amending the 2006 Capital Program and budget and appropriating funds for Suffolk County Multifaceted Land Preservation Program (CP 7177). And you are going to make a motion to table on that? I assume since you thought you did already.

LEG. ROMAINE:

No, I really wasn't. I was hoping that we could have a little dialogue and then depending on the will of the committee I'll do as the committee wishes. But clearly this money will disappear. This is money from the incinerator in the sewer district that is not going to be built. The County Executive has taken \$13 million of this money, actually more, for various programs. This is \$25 million and this is based on a report that Commissioner Deering released that said forget this list, long list of properties that we're dealing with. If only the properties in negotiations were acquired we would run a \$39.3 million deficit, which led me and other environmentalists and environmental groups to be concerned that there were sufficient funds in place for acquisition.

Now, what this would do is this would appropriate \$25 million from a project that is not going to happen and it would encumber that money and allow that money into the future to be used for acquisition. My concern is that we are slowing the pace of acquisition because if we sped it up there would not be sufficient funds on hand. That's why this resolution is here.

Legislator Stern, Legislator D'Amaro, Legislator Fisher, Legislator Losquadro, myself and other members of this Legislature have a desire to acquire property. This is a responsible way of setting money aside, not only this year but well into the future, because once this money is appropriated it is set aside, and ensuring that there is sufficient funds for us to acquire property. It is a conservative approach in terms of budgeting for land acquisition. It will allow us to acquire lands without concern that monies may evaporate or monies may not be there. This is the intelligent thing to do.

On the east end, the voters on the east end just extended the 2% transfer tax through the year 2030 because they were concerned that they were not going to have enough funds to acquire this. This harms no one. This money will disappear at the end of the year. This money, if set aside, will ensure that there will be money for the next several years that will be there and if we don't use it, we don't use it. But if we need it it's there. It's a conservative way of budgeting land acquisition.

I don't know the will of the members of this committee. I think this is a prudent measure, but if they disagree I will yield to their judgement and table this. But I wish to hear some dialogue. I mean, if they don't feel that way, if they don't share my sentiments on this, I will table.

CHAIRPERSON VILORIA-FISHER:

The characterization that real estate is somehow sabotaging purposely --

LEG. ROMAINE:

I didn't mean to give that impression.

CHAIRPERSON VILORIA-FISHER:

Well, slowing down the process because of the concern that there won't be enough money to fund it. Now, because I serve on the ETRB, because I'm seeing what's coming before us, I don't believe that that's really the case.

LEG. ROMAINE:

Good.

CHAIRPERSON VILORIA-FISHER:

I don't believe that we should be following this path of going into the sewer district money and putting it in other places. There was just a referendum before the people regarding that very issue, particularly when there's a sense in many west end areas of the County that the money is being skewed toward the east end. And you know that I have not been part of that argument, trying to pit east end against west with acquisitions. I think that we need to acquire land that is available because land, no matter where it is in Suffolk County, is of benefit to be preserved for all members of Suffolk County and so I don't believe that that kind of parochialism should come into the dialogue when speaking about protecting our environment.

However, I don't believe that this is the way to approach it and I'm going to make a motion to table. I just need a second so that we can discuss it.

LEG. D'AMARO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. Obviously the continued and even stepped up pace of preserving our open space, not just on the east end but all throughout Suffolk County, is of critical importance. And the question, I think, for purposes of this resolution is how do we best go about that and where do the

critical funds come from. And really I view this as really just taking from one to give to the other in terms of funding.

And regardless of the year we're talking about for budget purposes, the -- as the Chairwoman correctly points out, Suffolk County voters not just on the east end or the west end but throughout Suffolk County have spoken on this very issue and that is that they do not want to see but 60 percent, just about 60 percent margin, that they do not want to see funds taken from devoted areas such as sewer districts to pay for this type of funding. And so I think the results of that referendum were very clear, again, regardless of the date of enactment of that referendum. Again, I think the message to us as elected officials was very clear from the voters.

CHAIRPERSON VILORIA-FISHER:

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

LEG. ROMAINE:

It's just one last point and then I'll make it easier. I believe the County Executive just took 13 million dollars out of this same fund to transfer -- to make improvements to the County Road 39, which certainly is not in the sewer district. So, I mean, this is not unheard of but hearing my colleagues rather than have this issue come up again and again, it's clear that they don't want to go this way in terms of appropriating funds. I just hope we have enough for land preservation but with that and adhering to their wishes **I will withdraw 1983.**

CHAIRPERSON VILORIA-FISHER:

Okay. **IR 2096, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund (Froelich/Wicks Farm Preserve property) Town of Huntington.** I believe that we were awaiting some input from the town on this?

LEG. D'AMARO:

I will offer a motion to table.

DIRECTOR ISLES:

We did two things since the last consideration of this. We did do a site inspection by two members of the Planning Department. We were a little curious about the shape of the parcel, that long piece that's cut out of the parcel. So we just wanted to see it more closely. There is also some cleared area affecting I think the northernmost parcel.

And then secondly, we did speak with the land acquisition specialist in the town to see if the town had any interest in partnering with the County in this case.

So the results of those two activities is, in terms of the site inspection it did confirm that that open area is basically an overgrown vegetable garden type area. It's not development, it's not something that would per se be an impediment to the County acquiring it. We do think it is a little odd with the cutout and perhaps that is something that could be addressed.

And then secondly, as far as the town, what we heard back is that they are going to bring it to their open space committee but as of this time we haven't heard any kind of response back from them. They certainly didn't indicate that well, yeah, we would definitely be on board as a partner. It is next to Froehlich Farm County Park. It certainly on that basis would weigh as a -- certainly a consideration for an acquisition.

We did hand out at the last meeting a rating form and it came out that it is within a special groundwater protection area which gave it I think eight points. And the total point value came to 18, so at this point it's a little on the weak side. Here again, this a guide for you to use.

CHAIRPERSON VILORIA-FISHER:

We heard you, Tom. We have a motion to table and a second. Motion to table by Legislator D'Amaro, seconded by Legislator Losquadro. And I've got the names straight this time. Okay. It's those names with apostrophes and, you know, all those vowels. Okay. All in favor? Opposed? 2096 stands tabled. **(Vote: 5-0-0-0)**.

IR 2169, Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program (Manngard/Kleet Revocable Trust property) Town of Brookhaven. And this was 17.8 plus acres, right?

DIRECTOR ISLES:

Right. This is located on Hart's Cove in the Town of Brookhaven, East Moriches. We did show you a prior aerial on this from the last meeting which indicates a significant public ownership to the south including the coast guard station. However, this piece is kind of by itself. We did meet with the Town of Brookhaven's Commissioner of Planning as well as the land acquisition staff over there. We went over a number of properties, including this piece.

At this point we have no further change to recommend to you in terms of our findings of any facts relating to this property or our recommendation. So we are still at 17. We think it's a piece that really at this time does not fit into a County acquisition program and we were not convinced of any information that the town had that they would (a) either partner, or (b) that it fit into some sort of overall plan that they were working towards. So our findings remain as we originally presented them to you.

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro. Let me get the second first before we speak to the motion. Seconded by myself. Legislator Romaine.

LEG. ROMAINE:

Question, yes. Commissioner, you say you've had conversations with the Town of Brookhaven regarding this property?

DIRECTOR ISLES:

Yes.

LEG. ROMAINE:

And what -- have they expressed any interest?

DIRECTOR ISLES:

No.

LEG. ROMAINE:

They have expressed no interest.

DIRECTOR ISLES:

They did not express an interest in partnering with the County on this property. At this point they have not.

LEG. ROMAINE:

The reason I express a little bit of incredulity is because of actually this parcel was brought to me by a member of the town planning staff and I indicated well, this is not in my district and I forwarded the information to Legislator Schneiderman. So that's why I express the, you know, kind of surprise because a high ranking member of their Planning Department came to me with a list of several properties in East Moriches and I said I only represent half of East Moriches, the other half is represented by Legislator Schneiderman, let me bring those parcels to him. I'll obviously speak to the people of the Planning Department and find out what their desire was.

DIRECTOR ISLES:

Mr. Romaine, I do know I met with the Commissioner of Planning, the head of Land Management and a staff person and, you know, sometimes these things are a toss-up, but in this one they didn't give any indication of a partnership interest. And if that changes certainly we'll consider that.

LEG. ROMAINE:

Good. Thank you.

CHAIRPERSON VILORIA-FISHER:

We have a motion and a second to table. All in favor? Opposed? 2169 is tabled. **(Vote: 5-0-0-0)**.

MR. ZWIRN:

Madam Chair, can I just ask Legislator Romaine to just give us, not now, but provide a name from somebody in the Planning Department that made that request so we can see why there is a communication problem.

LEG. ROMAINE:

(Shook head yes)

CHAIRPERSON VILORIA-FISHER:

We're moving along to **IR 2170, Authorizing planning steps for the acquisition of land under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks fund, the Cuomo Ors Corporation Property, Town of Brookhaven**. I have it on my agenda, 2170, no?

DIRECTOR ISLES:

I believe it is 2172.

CHAIRPERSON VILORIA-FISHER:

I apologize. Okay. I have 2170, it is the Cuomo Ors Corporation property.

DIRECTOR ISLES:

Oh, Cuomo was withdrawn I believe, right?

MS. FISCHER:

Cuomo was withdrawn.

CHAIRPERSON VILORIA-FISHER:

Oh, that was **withdrawn**? I'm sorry. Thank you. Okay. **2172, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, (Lorenzen property - Town of Brookhaven)**.

DIRECTOR ISLES:

This is one we considered at the last meeting. At that time we did hand out an aerial photograph. This is a parcel that is about eight acres on Seatuck Cove in East Moriches in the Town of Brookhaven. It is directly adjacent to a rather significant holding of State land consisting of tidal

wetlands. It is a parcel that we reviewed in terms of the rating form that we use with this committee. It rated at 26 points. The issue we presented at the last meeting was the question that perhaps this would best be done as a State acquisition since it was next to State property.

I was informed today that the sponsor did contact the State of New York Department of Environmental Conservation. They indicated at this time they do not have funding available. With the change in the State administration it may be difficult to get a commitment at this point in time in terms of whether future funding can be made available.

So where that leaves us at least in terms of the department is concerned, we think it is a good acquisition for someone to do. We think it's best for the State. At this point in time we would support a planning steps resolution to at least get the ball rolling and when the new administration of the State of New York comes in to perhaps connect with them at that point.

LEG. ROMAINE:

And possibly partner.

DIRECTOR ISLES:

Possibly partner or possibly just hand it to them, depending on it.

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

I'm going to second that motion. All in favor? Opposed? 2172 is approved. **(Vote: 5-0-0-0)**. I would like anyone who can to try to encourage the State to partner with us because it certainly would make a lot of sense and it's been quite a while since the State has partnered in any significant manner with our acquisitions. This is going to be pretty pricey.

DIRECTOR ISLES:

No, not really.

CHAIRPERSON VILORIA-FISHER:

Not really? Which one have they --

DIRECTOR ISLES:

We have AVR that --

CHAIRPERSON VILORIA-FISHER:

AVR. Yes, but that had been in the works for a long time, though.

MR. ZWIRN:

And Amsterdam Beach.

DIRECTOR ISLES:

Amsterdam Beach.

MR. ZWIRN:

Amsterdam Beach out in Montauk.

DIRECTOR ISLES:

We'd like more, though.

MR. ZWIRN:

In Southampton Town there was one.

LEG. LOSQUADRO:

No, no, it is by --

DIRECTOR ISLES:

Carmen's River.

CHAIRPERSON VILORIA-FISHER:

Oh, the Carmen's River. Okay. We still want more.

DIRECTOR ISLES:

Yeah, we do.

CHAIRPERSON VILORIA-FISHER:

They have deeper pockets. There was a motion and a second to approve. All in favor? Opposed? 2172 is approved. **(Vote: 5-0-0-0)**.

2190, To promote land acquisitions for open space and farmland preservation in underserved communities. I still have a problem with some of the wording in that resolution.

LEG. LOSQUADRO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Okay, all jump in, I like that. There's a motion by Legislator Stern to table and I think a second by Legislator Losquadro. All in favor? Opposed? 2190 stands tabled. **(Vote: 5-0-0-0)**.

New Resolutions. **IR 2040, Authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund.** Am I wrong again?

LEG. ROMAINE:

Yes.

CHAIRPERSON VILORIA-FISHER:

Ginny, where did you get this from?

MS. ORTIZ:

I gave you a revised.

CHAIRPERSON VILORIA-FISHER:

Okay. Let me use the one you gave out here. I'm sorry. My apologies. You know what, we're going to have Jim Bagg come up and do the SEQRA -- CEQ resolutions, rather. Jim, CEQ Resolutions.

CEQ Resolutions

96-06, Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on October 17th, 2006. (Type II actions).

MR. BAGG:

The first resolution before you is CEQ resolution 9606. It's the Council recommendations for the legislative resolutions laid on the table for October 17, 2006. The recommendation is for Type II actions, fairly pro forma.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Losquadro, seconded by myself. All in favor? Opposed? 96-06 is approved. **(Vote: 5-0-0-0)**.

97-06, Proposed Construction of a Wildlife Observation Boardwalk at Cupsogue Beach County Park, CP #7009, Town of Brookhaven. (Unlisted Action; Negative Declaration).

MR. BAGG:

The next resolution is 97-06. It is proposed construction of a wildlife observation boardwalk at Cupsogue Beach County Park, Capital Program No. 7009 in the Town of Brookhaven. Project consists of the construction of approximately 2076 square foot elevated wildlife observation boardwalk at Cupsogue Beach County Park.

Council recommends an unlisted action, negative declaration. None of the SEQRA criteria will be exceeded. The boardwalk will be elevated to preserve the underlying marsh habitat. Suffolk County Parks Trustees approved the project. All necessary DEC permits will be obtained and alternate locations and design specifications will be analyzed to minimize environmental impacts and the final location in plans will be presented to the CEO.

CHAIRPERSON VILORIA-FISHER:

And, Jim, people were walking there anyway and so that really was -- building something there was more environmentally --

MR. BAGG:

That's correct. The area there for the proposed boardwalk was currently being used and the marsh was being disturbed.

CHAIRPERSON VILORIA-FISHER:

There was a motion. Same motion, same second, same vote on 97-06. **(Vote: 5-0-0-0)**.

98-06, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Patchogue River Wetlands Addition - Abel & Delarue Property in the Town of Brookhaven. (Unlisted Action; Negative Declaration).

MR. BAGG:

This is the proposed acquisition of land for open space preservation known as the Patchogue River Wetlands Addition, Abel and Delarue property in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote on 98-06. **(Vote: 5-0-0-0)**.

99-06, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Gould Pond County Park Addition - Roehrich Property in the Town of Brookhaven. (Unlisted Action; Negative Declaration).

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as the Gould Pond County Park acquisition, Roehrich in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote on 99-06. **(Vote: 5-0-0-0)**. Okay. The SEQRA.

Introductory Resolutions

2201, Making a SEQRA determination in connection with the proposed Timber Point Police Marina existing bulkhead refacing, CP# 5377, Town of Islip.

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote on 2201. **(Vote: 5-0-0-0).**

2202, Making a SEQRA determination in connection with the proposed reconstruction of spillways at Brookside County Park, CP# 7099, Sayville, Town of Islip.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 5-0-0-0).**

2203, Making a SEQRA determination in connection with the proposed improvements to CR 39, North Road from SR 27, Sunrise Highway to CR 38, North Sea Road, Town of Southampton.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 5-0-0-0).**

2204, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Forge River Watershed Addition - the Estate of Derenzis property, Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 5-0-0-0).**

2205, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the San Remo Floodplain-Kings Park Boat Club, Inc property, Town of Smithtown.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 5-0-0-0).**

2206, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Santapogue Creek Addition-New Allied Realty Corp property, Town of Babylon.

CHAIRPERSON VILORIA-FISHER:

Same motion -- oh, would you like to second that, Legislator D'Amaro? Same vote. **(Vote: 5-0-0-0).**

2207, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Fresh Pond Addition - Carich property, Town of Huntington.

CHAIRPERSON VILORIA-FISHER:

Legislator Stern makes the motion, seconded by Legislator D'Amaro. All in favor? Opposed? 2207 is approved. **(Vote: 5-0-0-0).**

2208, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation Area Addition - the Estate of Plummer property, Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by Legislator Romaine. All in favor? Opposed? 2208 is approved. **(Vote: 5-0-0-0)**.

2209, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hashamomuck Pond addition - O'Doherty property, Town of Southold.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro, second by Legislator Romaine. All in favor? Opposed? The motion carries. **(Vote: 5-0-0-0)**.

2210, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hashamomuck Pond addition - Cardinale property, Town of Southold.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine makes the motion, seconded by Legislator Losquadro. All in favor? Opposed? 2210 carries. **(Vote: 5-0-0-0)**.

2211, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hashamomuck Pond addition - O'Hara, Dalton, Estate of Friedman and Green property, Town of Southold.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 5-0-0-0)**.

2212, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Emerald Estates - Kummer property, Town of Huntington.

CHAIRPERSON VILORIA-FISHER:

Legislator Stern makes the motion, seconded by Legislator D'Amaro. All in favor? Opposed? 2212 is approved. **(Vote: 5-0-0-0)**.

2213, Making a SEQRA determination in connection with the proposed installation of sidewalks on CR 35, Park Avenue, from Lebkamp Avenue to CR 86, Broadway-Greenlawn, CP# 5497, Town of Huntington.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? 2213 is approved. **(Vote: 5-0-0-0)**.

2214, Making a SEQRA determination in connection with the proposed acquisition of land for Hamlet Park purposes known as the Lake Ronkonkoma County Park addition - Commerdinger property, Town of Smithtown.

CHAIRMAN VILORIA-FISHER:

Motion by myself. Seconded by Legislator Losquadro. All in favor? Opposed? 2214 is approved. **(Vote: 5-0-0-0)**.

2240, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Toppings Farm property) Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Oh, I'm sorry. Sorry, it wasn't a SEQRA resolution. I ran ahead of myself. Okay. 2240, I apologize.

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

I will second for the purpose of discussion until Real Estate gets set up.

LEG. ROMAINE:

While they are setting up, Madam Chairman, as the resolution clearly indicates, the Town of Brookhaven has expressed an interest in partnering with the County of Suffolk on this acquisition.

CHAIRPERSON VILORIA-FISHER:

Okay. Mr. Isles.

DIRECTOR ISLES:

We are circulating an aerial photograph of the property as well as our rating form. The parcel is located along County Road 51 along the west side. It is in a compatible growth area. It is a wooded parcel. We did review it based on an open space acquisition, a component of the SOS, and the total acreage is 8.75 acres.

Based on the information available to the department at the time of completing this form, we come up with the total point value of 13 points which is based on, here again, the CGA, compatible growth area being within the special groundwater protection area of eight points, the acreage.

And in terms of the Town of Brookhaven, we did have a discussion with them. We didn't get a clear signal from them that they would partner with us, but, you know, we had heard that today that that's a possibility. It wouldn't change our recommendation to you, however, because it is a wooded parcel, you know, which in itself has a certain value, but in terms of being next to other County land or preserved land or stream corridor or something like that, we don't see it has those extra values.

If there is, here again, other information that we're missing and that's available, we'll be happy to entertain that. But that's the information we have thus far in our aspect of this or our point of view on this.

CHAIRPERSON VILORIA-FISHER:

Somebody wanted to say -- Legislator Romaine.

LEG. ROMAINE:

I'll be very brief because I am going to probably -- I am going to withdraw my motion to approve and motion to table. But what I'm going to ask is that our Planning Commission have greater discussions with the Town of Brookhaven because they came to me about preserving this piece of property. They have, as you know, well, maybe you don't know, because some people aren't near this section of the town. The town has adopted a moratorium, Supervisor Foley and Councilwoman Bissonette has adopted a moratorium along County Road 51 because as you can see is under intense development.

For example, Legislator Losquadro just asked me what about that spot across the road on the other side of the road. That spot now is a couple of hundred condominiums, so this is old photo.

Unfortunately, County Road 51, which is in the very eastern part of the town, it's Riverhead/Moriches Road, is under intense development pressure and the town has stepped forward. And if you see right next to it there looks like horse farms right next to it. That's the Dream Come True Farm and you will have a resolution on that as well at the town's insistence.

So I'm going to table this, but I'm going to ask the Commissioner to have a greater discussion with the Town of Brookhaven and carefully take a look at this review form. Obviously we will contact Mr. Turner and Ms. Lanza so that they can have some input into your review form because there is tremendous concern about saving the few parcels of open space that exist and at one time was all farmland and is being gobbled up at a voracious rate.

So I'm going to make a motion and withdraw my approving motion and make a motion to table. But I am going to ask the Commissioner to have dialogue with the town on this specific one. They were the ones that approached me. The current administration in the town feels that this parcel and the adjacent parcel, which is a horse farm next door, should be saved before it's gobbled up by development and I'll move to table.

LEG. LOSQUADRO:

I'll second that motion.

CHAIRPERSON VILORIA-FISHER:

There is a motion to table by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? Motion is tabled. **(Vote: 5-0-0-0)**. 2240 is tabled.

2246, Authorizing the acquisition under the Suffolk County Multifaceted Land Preservation Program for Parkland purposes - for the Thomas and Sweeney property (Town of Smithtown - SCTM No.'s 0800-171.00-05.00-002.000).

CHAIRPERSON VILORIA-FISHER:

See, there's a west end acquisition. I was waiting for information.

DIRECTOR ISLES:

Sure. This is a parcel located directly adjacent to -- on two sides, actually, Lake Ronkonkoma County Park. We do have an aerial photograph we can circulate to you. I believe it was a planning steps resolution that goes back quite some time because it's been a target of County acquisition for a long time. The County has a significant County park in this location. Direct access goes adjacent to this property.

In addition, this is a property that is characterized by a high groundwater table, flooding conditions and so forth. So it's a parcel that would be considered to be a very key acquisition in terms of enhancement and protection of the County property.

CHAIRPERSON VILORIA-FISHER:

We have a motion to approve and a second. The motion to approve was Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed?

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Yes, Legislator Kennedy.

LEG. KENNEDY:

I don't want to slow the pace down, but if I can just give some brief comment to the committee. First of all, I'm going to commend the department and the County Executive's Office in moving forward with something that as you very accurately identified, something that's probably been in the works for -- in one way, shape, or form, 15 years. Efforts to acquire this go back to Legislator Blydenburgh, and probably Legislator Allgrove} prior to that. And I think it points to what happens sometimes as far as changes in the market condition, changes in where things go.

This most recent planning steps acquisition came about as a result of the property owner's listing on MLS and community representatives who advised me of it. It has been a difficult property to negotiate. It has required some assistance for occupied properties. That assistance has basically worked out. And so, again, I would be pleased if the committee would go ahead and acquire this. It's going to be an important addition. Thank you.

CHAIRPERSON VILORIA-FISHER:

Tom, I just wanted to ask about this. How much will this help with the flooding issue there? Will it be significant with regard -- I mean, I'm sure, Legislator Kennedy, this is uppermost in your mind whenever you're looking at acquisitions is the flooding issues in this area.

LEG. KENNEDY:

Well, it's a variety of matters, if I can, Madam Chair, and just for a moment, I guess, I'll jump in. First of all, I can tell you absolutely unequivocally it is going to assist because it's now going to eliminate several stand alone septic systems which are probably 50 to 60 years old that are directly impacted by the historically high water table at the lake. As you know, the lake is now at a ten to 12 year old high at 58 feet. Also, it is a preexisting use that is certainly nothing that is compatible with the park itself but housed residents from many, many years ago.

So it harmonizes with the whole overall concept of preservation and both active and passive park use in the Ronkonkoma area. It eliminates septic systems and ultimately it's going to allow for a more varied use of the park. The County Executive and the administration just invested almost a million dollars in a landmark handicapped childrens playground at that site. And in passing in this last week or so I see already the parking lot is filling up to a much greater degree, so --

CHAIRPERSON VILORIA-FISHER:

Don't make me sorry I asked you a question.

LEG. KENNEDY:

Yeah, I know. What can I tell you. All right, I yield.

CHAIRPERSON VILORIA-FISHER:

There's a motion and a second to approve. All in favor? Opposed? 2246 is approved and will help with flooding and everything else. **(Vote: 5-0-0-0)**.

LEG. KENNEDY:

Thank you.

2247, Authorizing acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the Popp property - Whispering Meadows Farm - Town of Riverhead (SCTM No. 0600-046.00-03.00-002.000 p/o).

LEG. ROMAINE:

Motion.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

That was very quick. There's motion to approve by Legislator Romaine, seconded by Legislator D'Amaro. All in favor? Opposed? Motion is approved. **(Vote: 5-0-0-0)**.

LEG. ROMAINE:

If I'm not already listed, please list me as a cosponsor on that resolution.

2248, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Hamlet Parks component for the Commerdinger property - Town of Smithtown (SCTM No. 0800-170.00-02.00-033.001).

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Seconded by myself. All in favor? Opposed? Congratulations, Jack. Not a word need be said. We're happy for you. 2248 is approved. **(Vote: 5-0-0-0)**.

LEG. KENNEDY:

Thank you.

CHAIRPERSON VILORIA-FISHER:

I don't get to say Commerdinger anymore.

2249, Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Open Space Preservation Program - for the Mauro property - Emerald Estates - Town of Huntington (SCTM No. 0400-168.00-02.00-077.000 p/o).

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro, seconded by Legislator Romaine. All in favor? Opposed? Who did I say? Stern. I said Romaine. I'm sorry. Boy do I need that -- I actually need lunch. 2249 there is a motion and a second to approve. All in favor? Opposed? It stands approved. **(Vote: 5-0-0-0)**.

2250, Authorizing acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund and a conservation easement under the Multifaceted Land Preservation Program - Land Preservation Partnership - Open Space for the Westmoreland property - Town of Shelter Island (SCTM No. 0700-022.00-01.00-001.006 p/o).

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA-FISHER:

That many words it deserves an approval. I'll second that motion. All in favor?

LEG. D'AMARO:

Just on the motion.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. D'AMARO:

I would like to know the rating if you have it.

DIRECTOR ISLES:

This was included in the original master list so it's not rated individually.

LEG. D'AMARO:

Okay. That's fine.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second. All in favor? Opposed? 2250 is approved. **(Vote: 5-0-0-0)**.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor if I'm not already listed. Thank you.

2251, Authorizing acquisition of Farmland Development Rights under the Suffolk County Community Greenways Fund, Farmland Component - for the PMM Leuthardt, LLC property - Town of Brookhaven (SCTM No. 0200-860.00-01.00-014.000 p/o).

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislators Romaine and Losquadro. Motion by Legislator Romaine, seconded by Legislator Losquadro. All in favor? Opposed? 2251 is approved. **(Vote: 5-0-0-0)**.

LEG. ROMAINE:

Would the Clerk please list me as a cosponsor if I'm not already listed. Thank you.

2266, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Bay Avenue property) Town of Brookhaven. Laretta will be distributing something.

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA-FISHER:

There's a motion by Legislator Romaine.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. There is a partnership with the Town of Brookhaven?

DIRECTOR ISLES:

Yeah. Actually, this is the parcel that Ms. Lanza spoke of earlier today at the public portion. She handed out photographs of this site. We did do the rating which is attached. It does rate at 30 points. It is across the river from the County park which is on the left-hand side of the aerial photograph before you.

CHAIRPERSON VILORIA-FISHER:

I think you've got us on this one. It looks wonderful and there is a partnership. There's a motion and a second. Did you have a question, Legislator Stern?

LEG. STERN:

Yes, thank you. I would just ask the Director if there is a written agreement, written commitment from the town.

DIRECTOR ISLES:

There is not a written agreement. There is the testimony that was before you today.

CHAIRPERSON VILORIA-FISHER:

It doesn't have to be a written agreement for the planning steps. But -- pardon?

LEG. STERN:

It does not have to be, but that has been before plenty of discussion with all the members of this committee.

DIRECTOR ISLES:

As far as when the department fills out the form, it's based on the information available to us and obviously you have a right to set the standard as you wish, but we base it upon either written or confirmation as we heard today on testimony.

CHAIRPERSON VILORIA-FISHER:

There was testimony on the record.

DIRECTOR ISLES:

We didn't even give them the points because it just came in today, so.

LEG. ROMAINE:

You didn't give them the points so actually this would rate 35 if they had the points. So the points aren't even included in the rating form.

DIRECTOR ISLES:

That's true.

CHAIRPERSON VILORIA-FISHER:

I was about to recognize Counsel who wanted to make a point regarding the issue.

MR. BARRY:

We can't have a written agreement before we even pass a planning steps.

CHAIRPERSON VILORIA-FISHER:

Then I misunderstood the question. I thought you were asking for a written agreement at this point. Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. The representation is that there was going to be some type of town commitment as we go forward in this process. I understand that this is part of the planning steps resolution, but this has been the very issue that's gone around this horseshoe so often within this committee. Do we require that kind of written commitment? Do we not? I think we all understand that there is no binding, guiding principle on that issue, but that's exactly the kind of thing that we have discussed on so many occasions. I guess my point here would be that once again a call for some type of consistency in the process.

Now I do understand and appreciate the fact that their representative was here and did go on the record before us. And for me that would go, you know, a very long way and I certainly don't want to hold up the acquisition of what appears to be a very significant piece of property which scores very well. So I'm willing to -- to go forward based on the presence here today and going on the record. But again, I would ask my colleagues to consider going forward a commitment to a process that is consistent.

LEG. ROMAINE:

I agree.

CHAIRPERSON VILORIA-FISHER:

Mr. Isles.

DIRECTOR ISLES:

Here again, as far as the department's review of this, what we do in our due diligence is independent verification, is there a municipal interest, and then we -- that's the basis on which we do this. That can be verbal with the town staff or it could be in writing. So that's what we've used historically and we believe we've been consistent on that.

Obviously if it's your pleasure to have a different, more strict method for the planning steps resolution for us to weigh that in, we're happy to do so. But in this point we have been doing it consistently based on our prior practice for a number of years in this manner.

CHAIRPERSON VILORIA-FISHER:

Okay. And Counsel has said that before our planning steps resolution is passed, that we have not received written agreements from the towns until after we have passed our planning steps resolution.

MR. BARRY:

Very rarely, if at all when we get a request to do a planning steps do we ever have a written agreement beforehand. There's nothing to agree to when we're drafting a planning steps. I mean, if we can get a written commitment from the town to do something, but a written letter from a town council member or a supervisor isn't the same as a written agreement that they will do something in the future.

CHAIRPERSON VILORIA-FISHER:

Such as a resolution from the town board would be an agreement from the town.

MR. BARRY:

Correct.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

I just want to agree with Legislator Stern. I think that maybe the standard should be that we get a letter of intent or testimony in person, verbatim testimony on the record. I think that would go a long way to setting that standard. So, for example, if Huntington came down, and the piece of property that you are working so diligently to acquire, and said on the record that they would be willing to partner or a letter of intent from their planning commissioner or a supervisor. That would go a long way. I think that would be a reasonable standard. I don't know if you would agree with me on that.

CHAIRPERSON VILORIA-FISHER:

Okay. So that's something for this committee to consider going forward, having a process that is clear so that we can be consistent in our deliberations. I think that's what you are asking for, Legislator Stern, as well as Legislator Romaine. But this being a piece that looks like a very valuable piece, and we have had on record from the Town of Brookhaven that they are on board -- yes, Ms. Zielenski.

MS. ZIELENSKI:

Our process right now after we receive planning steps when we go through the interested seller process, if we then have a verified interested seller, we then request from the town if they're interested in partnering and request a resolution at that time.

CHAIRPERSON VILORIA-FISHER:

Okay. So you get the planning steps, you approach the sellers, see if you have a willing seller. Once you reach that point you get -- you ask for a commitment on the part of the town.

MS. ZIELENSKI:

That's correct.

CHAIRPERSON VILORIA-FISHER:

Just so we understand the process so that we can be consistent when we have our deliberations here. So there is a motion to approve and a second. All in favor? Opposed? 2266 is approved. **(Vote: 5-0-0-0).**

IR 2267, Creating the Suffolk County Carbon Cap Implementation Advisory Committee.

CHAIRPERSON VILORIA-FISHER:

I'm going to make a motion to approve. I will probably want some explanation on this. Dan?

LEG. LOSQUADRO:

No, I'm not going to make a second. I have some questions.

CHAIRPERSON VILORIA-FISHER:

Okay. Are you asking of Counsel?

LEG. LOSQUADRO:

Do we have a second or no?

CHAIRPERSON VILORIA-FISHER:

Do we have a second for approval?

LEG. STERN:

I'll make the second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. Counsel, can you give us an explanation of this?

MR. BARRY:

This resolution would create a Carbon Cap Implementation Advisory Committee. They will be charged with studying the level of greenhouse gas emissions from electric generating plants in the County and also to develop strategies to achieve a 25% reduction in those emissions by the year 2020.

CHAIRPERSON VILORIA-FISHER:

This will be a good follow-up to the carbon cap legislation that I introduced back in the year 2000. And right now that's confined to the Health Department where the Health Department does have to enforce that carbon cap law.

I feel that this particular resolution would broaden our look at carbon emissions in Suffolk County and would help to bring more players into the -- more entities into play and so I strongly support it. As a matter of fact, I'd like to be put as a cosponsor on this.

LEG. D'AMARO:

Is there a motion on this?

CHAIRPERSON VILORIA-FISHER:

Yes, there is a motion and a second.

LEG. D'AMARO:

Can I speak on the motion?

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

I just wanted to -- well, the sponsor is not here. I really would like a little more information. I thought that this type of fact-finding and setting of goals and strategies was really being done at a much higher level of government or a higher level of government. I think the federal government is also looking into this. I'm not sure that we should do it or have the means to do it at the County level. And I just would -- I don't think anyone here has the answer to that question.

CHAIRPERSON VILORIA-FISHER:

Well, actually I think we do have the means to do it on the County level because since 2000 we have had a carbon cap at our power plants emissions so we certainly do have the means to do it. As a matter of fact, we have been -- because we can't regulate {knocks and socks} emissions from power plants because we're preempted due to federal regulations, the one area where we could regulate emissions from power plants is CO2 emissions and so that's why -- and the law that I introduced back in 2001, we did go after CO2 emissions because it was the only way that -- since it wasn't being done as rigorously we felt on either the State or the federal levels we have been doing it ourselves.

Now what happens with the emissions, and now you've been here the longest, Dan, of anyone else besides me here is that what you do with the carbon capping is that when you add load to your base, what your requirements are that when you're adding that load the aggregate carbon, the percentage of carbon has to be lowered. That's kind of the way {Kyoto} has been built. As you add, you have to lower the aggregate percentage of emissions.

What we're trying to do is to lower the carbon emissions themselves in real terms. And with the technology that we're seeing come before us, it should -- we should have goals set before us and the people that have been mentioned, the School of Engineering, SUNY Farmingdale, there is already a group that has been set up where Yacov Shamash, who is the Dean of the Stony Brook School of Engineering, is heading up a group of academics and people in the energy field who are helping to achieve these goals. And I think having this committee that will be assisting the Legislature in understanding how we can address carbon emissions would be very helpful. I didn't mean to make you wait so long, Dan. Go ahead.

LEG. LOSQUADRO:

I have to agree with Legislator D'Amaro, but on a slightly different take on this. When I look at the makeup of this committee, I see certain individuals on here who would be certainly very capable and have the academic and practical experience to be able to make these sort of recommendations, but

fully a third or actually better than a third of the makeup of this committee are advocacy groups. I don't know what the qualifications of those individuals, while they make excellent advocates in general for the environment from the ones I see listed here.

I don't necessarily know what the makeup of this committee is going to be looking to recommend, especially since I don't see a representative from LIPA or KeySpan or potentially from National Grid should that move forward, to talk about the very real necessity of repowering and what the potential plans for those repowering of some of the existing dirtier plants are, what their plans for new base load power is across the Island. Are we going to get the {Islander East} pipeline for an additional supply of natural gas for the east end. These are all questions that have to be answered through the body that controls these various plants through various federal agencies, through FERC and through other agencies.

I certainly think it's a laudable goal to look at this but I do not see the makeup of this committee as being able to accomplish anything substantive enough absent the input from some of these other agencies that I've mentioned. I would like to have the opportunity to speak with the sponsor and maybe offer some recommendations on how he could amend this to make it something that the power companies would be able to work with us to help achieve these goals.

CHAIRPERSON VILORIA-FISHER:

When I had put together my energy committee I had indeed included KeySpan and LIPA because it's critical to have the information coming from the people who are on the ground, who are doing the work.

I believe that Legislator Horsley is anticipating having input from the members of the industry, but I am not certain exactly the process that he would be doing that. The people I'm seeing here are advocates and academics generally and who are studying the issues with input. My understanding is that there would be input.

LEG. LOSQUADRO:

It I may, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

If you could let me just finish. I think that you bring up some important issues. Just so you know, Legislator Horsley has reached out to me and asked that we combine the Environment Committee and the Energy Committee next month in one meeting. And so I know that there's a motion to approve but I would make a motion to table and perhaps discuss it when we are in a combined committee meeting if there are so many questions.

LEG. LOSQUADRO:

I'll second that.

CHAIRPERSON VILORIA-FISHER:

It's a complex issue. Yes?

LEG. STERN:

If I may. I agree with the comments of Legislator Losquadro and would support a tabling motion and give us the opportunity to continue the dialogue.

LEG. LOSQUADRO:

Just on that motion before we vote I would just say that we've always taken great care to include all the stakeholders and processes that we develop here. I think it would be important to have those agencies that I've mentioned as part of this process to make sure it moves forward.

CHAIRPERSON VILORIA-FISHER:

You know, when I introduced my C02 legislation I spent months with people from -- engineers from KeySpan coming to my office about once a week, so.

There is a motion by myself to table. Seconded by Legislator Losquadro. All in favor? Opposed? The motion is tabled. **(Vote: 5-0-0-0)**. And it is not because we don't think that it is a very, very important issue, but because it needs some tweaking.

2272, we already took care of that.

IR 2274, Amending the Adopted 2006 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to Patchogue Bay @ CR 36, South Country Road, Town of Brookhaven (CP 8240.113).

CHAIRPERSON VILORIA-FISHER:

This transfers \$200,000 from one fund to the other.

LEG. LOSQUADRO:

Madam Chair, is this for an actual project? Are there any salaries included in this?

CHAIRPERSON VILORIA-FISHER:

You know what? Let me take a look at it again. Can you tell us, Ian? Ben, would you like to give us a description of this, please?

MR. ZWIRN:

I think this is, to answer Legislator Losquadro's question, this is planning money, so that will be going toward a consultant I expect, not bricks and mortar at this point. But it will be a capital project.

CHAIRPERSON VILORIA-FISHER:

Right. It's \$200,000, planning, design and supervision on the stormwater remediation. And will this then help to forward -- well, we have an RFP on a stormwater remediation that there was a piece of legislation by Legislator Lindsay to move that forward.

MR. ZWIRN:

That's correct.

CHAIRPERSON VILORIA-FISHER:

Now, what would this be doing specifically, this stormwater remediation consulting project. To look at other mechanisms that are being used?

MR. ZWIRN:

I think this is going to be site specific to the -- in Patchogue Bay.

CHAIRPERSON VILORIA-FISHER:

For County Road 36, okay, in Patchogue. So it would be to see which one of those systems would work best there?

MR. ZWIRN:

Right, I guess they use rocks in the box and whatever other systems they can. But this, to answer the question specifically, it will go to -- it's planning money to further the capital project that hopefully will be designed and be implemented.

CHAIRPERSON VILORIA-FISHER:

Do we have a motion on this?

LEG. D'AMARO:

Is doesn't say what it is doing.

CHAIRPERSON VILORIA-FISHER:

Is it in the backup? Because I had trouble really getting the information with this. Okay, there is backup. Look, there is the thick backup, Lou, on this.

LEG. D'AMARO:

Yeah, thanks. I see it.

CHAIRPERSON VILORIA-FISHER:

I'm going to make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern.

MR. ZWIRN:

If the committee desires, Madam Chair, we'll have somebody from DPW at the general meeting to answer any specific questions.

CHAIRPERSON VILORIA-FISHER:

Could you, please, because we're being a little bit jealous of the funds in 477 and make sure that, you know, that we get plenty of information on how they are being used.

MR. ZWIRN:

I understand. We'll just make a point to have DPW representatives here to answer any questions that the Legislature has.

CHAIRPERSON VILORIA-FISHER:

So there is a motion and a second to approve. All in favor? Opposed? 2274 is approved. **(Vote: 5-0-0-0).**

2279, Authorizing the acquisition of land pursuant to consent judgment and under the New Suffolk County Drinking Protection Program - Open Space component for the Dosiak property - Pine Barrens Core Area, Town of Brookhaven (SCTM No. 0200-460.00-02.00-005.001).

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Losquadro. Seconded by Legislator Romaine. All in favor? Opposed? On the motion.

LEG. ROMAINE:

Yes, on the motion. Just quick. What was the consent judgement about?

MR. ZWIRN:

I think it was in regard to a pretreatment waste program the County entered -- the federal government said that the County was in violation. I don't have the details of it. But as part of the

consent degree the County was required to spend \$700,000 in the name of the State in the Central Pine Barrens to purchase some property.

LEG. ROMAINE:

And this is being purchased? This property is off Wading River Road in Manorville?

MR. ZWIRN:

It's 22 point -- almost 23 acres, and the answer is yes.

LEG. ROMAINE:

Yes. Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

We were calling the vote. All in favor? Opposed? 2279 is approved. **(Vote: 5-0-0-0)**. We're almost there.

LEG. ROMAINE:

If I'm not listed as a cosponsor, would the Clerk please list me as a cosponsor.

2283, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Zimmerman property) Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

And can you list me as a cosponsor, please? Mr. Isles.

DIRECTOR ISLES:

We've circulated two aerial photographs indicating the property which fronts on Long Island Sound. The parcel consists of about nine acres in the Hamlet of Miller Place in the Town of Brookhaven. The parcel does have a dune -- pardon me, a bluff formation on the north end of the property adjacent to the Sound. It is on Harbor Beach Road.

The property, as you can see, is improved with a single family dwelling located approximately in the center of the property. It is our understanding that the acquisition is contemplated as a conservation easement. We have done the rating accordingly. The rating that we've come up with is about 18 points. It did achieve points for the, here again, the location against -- adjacent to Sound, the bluff formation as a unique geological landform, and then based on the size of the property. Also pointed out in the aerial photograph is a County park a little bit to the east which is Cordwood Landing County Park.

I guess in summary our point of view on this planning steps resolution is that we would express some concern that the property appears to be beautiful if not magnificent certainly, but we're a little bit concerned about the fact that there is a dwelling right in the middle of it. There wouldn't be access to this property if it is a conservation easement, and we would think that at this point in time further consideration maybe to what the zoning possibilities of this property would be, if they could cluster the development rights that do exist or transfer the development rights. We're a little bit below recommending this at this point based on what we see, even though we see the property as being attractive, we think it's weak for the County's typical program standards.

LEG. LOSQUADRO:

Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Go ahead.

LEG. LOSQUADRO:

If I may. I just want to let the committee know the owner of this property actually approached the County but not having a lot of knowledge of the way the County government worked they saw the Chair of this committee listed, they approached Legislator Vilorio-Fisher, spoke to her regarding this. There was a meeting set up which unfortunately I had a conflict. It was set up -- I was really only given a day or so advance notice of it so I sent one of my Aides to go look at this property. I had a conflict, I could not attend. I agreed to sponsor this obviously because it's in my district and I was interested to see what our Planning Department had to say about it.

I have actually a number of questions. I have been looking forward to seeing this and speaking to Tom about it. Well, let me start from the north and work my way south. We do have a unique geological formation, obviously, in the bluff. The bluff and the -- the adjacent properties, which are privately owned, many of those individuals received permits from the DEC to maintain those bluff faces with either top walls or bulkheading down at the bottom.

Would this pose any responsibility on the County's part for maintaining that bluff face either with a top wall or a bulkhead potentially down at the bottom if we were to acquire this parcel? Because it could undercut the adjacent property owners bulkheads and I know there comes into a question of liability since I do represent a district with a large shoreline with these bluffs. So I'm just wondering what the County's responsibility would be if we were to move ahead with acquiring this parcel.

DIRECTOR ISLES:

At this stage of the game since, you know, we were just starting the process with the consideration of a planning steps resolution, that is not something we've specifically looked at. I think it's a good point that it's something I think we would want to know what we're getting into if we do purchase the property or purchase a conservation easement.

It could be if we were to buy an easement, you know, the downside of that is if there's no public access and basically it still remains for private use. The plus side is we perhaps don't have as much responsibility. That's obviously a legal issue that I'd have to speak to the Department of Law about. But you bring to light an important point that I think we'd want to wait further and certainly if there is going to be a big cost impact or a liability exposure to the County, that could, you know, obviously be of concern.

LEG. LOSQUADRO:

I know that marine construction is extremely costly and it can be quite difficult to acquire the necessary permits, hardships can be granted, you know, if there's damage to a neighboring parcel or something like that.

But moving south, with the residents being located squarely in the middle of this parcel as it is, we heard some discussion about a conservation easement and I know in the past we have discussed the benefits, the potential benefits of acquiring these types of easements or why do we purchase property in the first place is for best management. That we can actually control how these properties are managed, especially with wetlands we tend to look at that quite a bit.

As I said, my concern goes back to really the only thing we're really, we would have an interest on this property would be the shoreline portion and that goes back to my concern about the type of investment the County would potentially have to make in maintaining that bluff.

I'm a bit uncertain only because of the location being so central within this parcel as to what type of access the public could potentially have to it. I know we're potentially looking at it as an easement, but I would very much like to see the questions of our responsibility for that bluff answered even for only an easement. I think that could be a very large economic exposure for the County were we to move forward with that, if we were going to be responsible even under an easement.

If the property owner would still be responsible for any maintenance or repairs to that bluff because of the adjacent property still being privately owned on either side, then that's a very different story, but that's certainly a legal question I think we need answered.

Do you have it? I saw Laretta sort of nodding. Did she have any other comment other than you have to look into it or do you have any knowledge of this.

MS. FISHER:

No, just that it is a good question and we should look into that, especially in light of fact that, you know, protection of the house itself is going to be an issue for the owner in the future and what he might request might be something that the County might or might not do. With regard to shoreline protection and bluff protection so there might be conflicts there but there might not. But it is certainly going to be an issue.

LEG. LOSQUADRO:

And if we could find out not only would the responsibility lie with the County, but if it did not, if the party that were to be maintaining it said we're not going to do it, would the County be held harmless or would -- could we then be forced by virtue of the fact that we hold the conservation easement, could we be forced to invest the monies in that.

Again, representing that section of the north shore with all of the bluffs I know the cost of that marine construction. So if we could just get an answer to that question, if you could bring that back to the committee at the next cycle. I'll make a motion to table for this cycle until we can get that answer.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by Legislator Romaine. All in favor? Opposed? 2283 is tabled. **(Vote: 5-0-0-0)**.

That completes the agenda. Is there any further business? Anyone have any -- oh, there is a memorializing.

Tabled Memorializing Resolution

M.071. Memorializing resolution in support of the Community Preservation Act.

LEG. LOSQUADRO:

Counsel, if you could give us an explanation again of what the Community Preservation Act was or if the Chairwoman knows.

CHAIRPERSON VILORIA-FISHER:

I'm trying to find the resolution.

LEG. D'AMARO:

I'll make a motion to table.

LEG. ROMAINE:

Second.

CHAIRPERSON VILORIA-FISHER:

I'll second that motion -- okay, seconded by Legislator Romaine. All in favor? Opposed? The memorializing resolution is tabled. **(Vote: 5-0-0-0).**

(THE MEETING CONCLUDED AT 1:45 PM)

{ } DENOTES SPELLED PHONETICALLY