

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 27, 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:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Kevin Duffy, Budget Review Office
Ginny Suhr, Aide to Leg. Vilorio-Fisher
Lisa Keys, Aide to Leg. Romaine
Deborah Harris, Aide to Leg. Stern
Jim Morgo, Commissioner of Economic Development
Dominick Ninivaggi, Vector Control
Bob DeLuca, President of Group for the South Fork
Kevin McDonald, Nature Conservancy
Gail Lolis, Deputy County Attorney
Steve Jones, Suffolk County Water Authority
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 11:00 AM)

CHAIRPERSON VILORIA-FISHER:

Welcome to today's meeting of Environment, Planning and Agriculture. Please join us in the pledge led by Legislator Stern.

SALUTATION

CHAIRPERSON VILORIA-FISHER:

Thank you. We have three cards. The first speaker is Kevin McDonald. Kevin, you know it's five minutes, right?

MR. McDONALD:

Yes. Good morning; it's still. Chairwoman and members of the Legislature. I'm here on behalf of the Nature Conservancy. I serve as Director of Public Lands for the Nature Conservancy. And I'm here in support of a resolution that would transfer \$22.5 million from a series of Capital Budget categories and transfer that into the multifaceted land protection category. And we're here in support of that resolution largely because there have been a number of recent large acquisition announcements that have been made, in -- one in Riverhead, one in Brookhaven. And we know that there's a host of others that are being actively negotiated, and have reason to believe that that transfer is necessary to make sure that the land acquisition program that the County has can still move forward in an effective and productive way.

And we have every reason to believe that that money partnering with towns of either Huntington or Brookhaven or the five east end towns with their existing funds is a very effective and productive way to protect resources that the County residents have consistently supported in the number of well passed votes on either bond resolutions or other programs where they've expressed their support.

So we're hopeful that the Legislature and this committee can report that bill out. I don't have the number offhand but I know you know it. Can report that bill out expeditiously and continue moving the land acquisition program forward effectively. In the interest of full disclosure, we understand that there are some other issues that relate to this going forward, an expanded funding sources and other things like that that need to be looked at but we --

CHAIRPERSON VILORIA-FISHER:

The bill is 2373, just so everyone knows.

MR. McDONALD:

Thank you. That, you know, are being looked at and a whole host of environmental groups are talking to different members and the County Exec's Office about this as well. So in short please report this bill out at your earliest opportunity. And thank you again for the opportunity to come before you and be your first and quickest person before you.

CHAIRPERSON VILORIA-FISHER:

Thank you Kevin. I appreciate your being here.

MR. McDONALD:

If there's any questions; otherwise I'll --

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

Yes. Good morning Kevin. How are you? As you know I had an exact same bill. The only thing that differed was the amount of -- and that was for 25 million; my bill. Originally it was for 39 million.

MR. McDONALD:

Right.

LEG. ROMAINE:

And then we reduced it to 25 because the County Executive used part of that money. And throughout this, my colleagues around this horseshoe and others repeatedly tabled the bill and said it was premature. And then at the last meeting of this committee, and we have verbatim transcripts and I can get you the transcript, my colleagues said you really should withdraw this bill, or gave me that indication.

And the reason they mentioned that to me and the reason I eventually withdrew the bill, and by way I never withdraw bills. Never withdraw bills because I figure that well, it's being tabled and at some point the composition of the Legislature will be changed and these bills will see the light of day again. But the reason I withdrew this particular bill is because prior to that meeting on Election Day the voters passed a referendum that said you should not use sewer district capital funding to fund other projects. And I said well, you know what, I did that because there was no prohibition at the time. Now that the voters have spoken, I'm going to withdraw this bill.

And here we are using the same source of money with the almost -- actually the identical resolution except for the number, that was repeatedly tabled throughout the year in which we were told, we don't need the money. And transcript after transcript of our committee said exactly that. And here we are now and one, I guess we do need the money, and what I was saying was absolutely correct. And two, we're now trying to use money that the voters have told us they don't want to use in this way. So that's what creates a problem. Maybe you want to address some of that.

MR. McDONALD:

Well I'll just address it this way. Whoever had a resolution in earlier, you know, I think collective support can be lent to the notion that, you know, you might of seen this sooner. Maybe others saw it for different reasons. My general reaction is irrespective of who put the resolution in first or how it came in, is not really the issue before us. The issue before us is what can the Legislature agree upon going forward as an appropriate level to meet the, you know, the needs that the County has before --

LEG. ROMAINE:

Don't get me wrong. I support the resolution but philosophically now I have a problem because the voters have acted on Election Day.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine if --

LEG. ROMAINE:

Sure.

CHAIRPERSON VILORIA-FISHER:

Could you yield just for a moment?

LEG. ROMAINE:

Absolutely.

CHAIRPERSON VILORIA-FISHER:

Because I have to say that I completely concur with everything you just said.

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

And that I spoke about this with Mr. Zwirn that it -- I really believe it's very important to be consistent. And that I still disagree with the offset because the voters have spoken. And so I believe that we should try to work together to achieve the goal of providing the monies that we need in order to move forward with our land acquisition program and so we're going to try to work together to do this. But, you know, you had me at hello, because we do agree with you that that had been the position that we all took, and that it's on the record. So --

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you for being here, Kevin.

MR. McDONALD:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

And we will all work together to try to achieve the goal, which is a good strong land acquisition program. Jim Morgo.

COMMISSIONER MORGO:

Good morning all.

CHAIRPERSON VILORIA-FISHER:

Good morning.

COMMISSIONER MORGO:

I hope you all had a very fine holiday. I'm here to speak on resolution IR 1883 to change the name of the Environmental Trust Review Board, the ETRB, to the Real Property Acquisition Review Board; and to add two new members, the Chairman of the Committee of -- for Labor Workforce and Affordable Housing and the Commissioner of Economic Development Workforce Housing.

Let me first say that the ETRB is working well for land acquisitions for our environmental conservation. Its analysis and scrutiny of the appraisal and the acquisition processes are needed for a whole host of reasons, I think most of which you know. When the ETRB was created it just envisioned the acquisition and appraisal of land for environmental conservation.

However, with the creation of the Workforce Housing Commission and this subsequent suggestion by 23 of our towns and villages of our appropriate sites for workforce housing, for workforce homes, it has taken on a new role. And the new role is the oversight of the appraisal and acquisition processes for property for workforce homes.

Although we had 250 parcels recommended by our local municipalities to the Workforce Housing Commission, the negotiations, acquisitions, and local municipal approval processes are never, never easy. To have to explain to a potential seller of the property and to a town or village where the homes are going to be located, and to a developer or general contractor who will build the homes, that the process has to be reviewed by an Environmental Review Board further complicates and confuses a process that's already very difficult,

Therefore, the name change would better and more accurately describe the board's duties and

responsibilities; and the addition of the Chair of the Labor Workforce and Affordable Housing Committee as well as the Commissioner of the Economic Development and Workforce Housing would add needed expertise particularly for the acquisition of sites to be used for workforce homes. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator Losquadro has a question or comment.

LEG. LOSQUADRO:

I've a couple of both. Number one, I just want to point out and unless I'm mistaken the role of the board will not change. You've heard us discuss it many times. The role of the Environmental Trust Review Board is simply to analyze and determine whether or not appraisals are fair and just; that we're paying an accurate value for land, a fair market value. It has nothing to do with the policy of the acquisition. That is the role of this body and that is the role of elected officials.

In fact, many times we have to catch ourselves during the Environmental Trust Review Board to remind ourselves we're straying too far afield. We should not be deciding policy in that board. In fact, when you begin to decide policy in the decision making process of the value of the land is when you start to muddy those waters and you can possibly be paying an incorrect value for land, either undervaluing or overvaluing the land.

I don't really see where the Commissioner of Workforce Housing or anyone else for that matter is going to be able to provide any additional oversight or expertise into the reviewing of the appraisal process. I think really on its face it looks as though we're trying to inject policy into a process that we specifically removed policy from because the public had grave concerns about the way this process was taking place and whether or not government was over paying for land.

I think myself, Legislator Viloría-Fisher, have said it many times that there's a lot to a name. The Environmental Trust Review Board. The name really says a lot. It was designed and implemented to restore people's faith in a process that had been shaken. And I think changing that name is a mistake and injecting policy into a process from which policy was specifically removed is going to further shake people's trust, for lack of a better term, since it is the Environmental Trust Review Board, in a process that we have been very successful in regaining the public's confidence in.

I have not been supportive of this bill from the outset. I understand the concerns of trying to move forward the agenda of more workforce housing in Suffolk County. But I believe that even if the perception is we're re-injecting policy into an appraisal review process, that is going to irreparably damage a system that we have put in place in which people now have hopefully a somewhat unshakeable belief that government is acting in their best interest with their tax dollars.

So for those reasons among others that have been mentioned several times, and I'm not going to belabor those points, I'm not supportive of this resolution. But as I said I do support the concept of furthering additional workforce housing in Suffolk County. But I don't believe that this is the way to accomplish it. And I really think it's only going to damage the credibility of a very good system we put in place.

COMMISSIONER MORGO:

May I respond Madam Chairwoman?

CHAIRPERSON VILORIA-FISHER:

Certainly.

COMMISSIONER MORGO:

Well Legislator, you said a lot. And I'm going to try to respond to the points you made.

First of all, I am not sure and I don't follow the conclusion that by changing the name and adding

two new members you would be injecting policy. The name change simply would be to better reflect what is actually done. I agree with you that the ETRB has been functioning well. And in fact, I have been to the meetings. The Chair of the ETRB does a superb job to keep it focused on exactly what it's supposed to be doing; arriving at a fair value. And as you know, any time those values are decided or discussed the ETRB goes into executive session. I, in fact, went to the meetings because there were land acquisition for workforce homes decided.

And appraisals for workforce homes are -- use a different formula than appraisals for open space; for example. Zoning, density, yield, all become important. Not for any policy reason. Not for any policy reason. But to determine value, which is exactly what the board is supposed to be doing. And the idea of trust -- frankly I understand the symbolic meaning of that. When I first saw -- when I first came to the County and I saw Environmental Trust Review Board, I thought it was Environmental Trust. That land was being put into it, that it was being held in trust. I find out now the meaning of the word is the idea of credibility or faith. And I understand the purpose of that. But what we face in trying to create workforce homes in Suffolk County, as I said, is never easy.

When we are dealing with the municipalities who have offered the sites are where they -- a owner of the site and the first question is well, how long will it take? It's government. It's going take forever. And we go over the process. We talk about bringing it to the Legislature and everybody realizes that's always simple and it's all good harmony here all the time. But when I say we're going to be bringing it to the Environmental Trust Review Board, the answer is well, you're not doing this to preserve open space. You're not doing this for farmland preservation. You're doing it to create workforce homes. So there's a confusion. You know, do I think this is monumental or, you know, it could still work.

But I think in government we would like to accurately reflect what a particular body does. And that's why we're talking about the name. And adding the Commissioner of Workforce Housing and Economic Development and the Chair of the Committee would lend further expertise. As it turns out, I do go when it involves -- or Marian Zucker goes, and we are there during the executive session. But we do not have the status of a voting board member. And we would, as would the Chair of the Affordable Housing Committee would understand that we're not making policy. We are not making -- the board does not make policy. It does -- it determines what a fair value is and we know why the ETRB was created. And as you were quite right, Legislator, it was necessary and it has restored faith.

LEG. LOSQUADRO:

If I may Madam Chair, sometimes especially in this business but perhaps even more so in the corporate world -- before I came here I worked, you know, for 10 years for a Fortune Top 50 Company. The term in the corporate world is managing the perception. And sometimes managing the perception is more important than managing a real situation. And I believe that the perception that this gives and, you know, I believe it's my right as an elected official. I think I can judge pretty well what my constituents feel about certain topics. And I feel that the perception raised by this resolution is that it would be re-injecting policy into this process. You and I can disagree on that. That is my take on this. Zoning as you mentioned, is always a key component of deciding the value of property.

CHAIRPERSON VILORIA-FISHER:

As is density, by the way.

LEG. LOSQUADRO:

I was going to get to that. Highest and best use or maximum allowable density. And we take in into a fact -- into account many factors when we're deciding that value in Environmental Trust Review Board. You know, sanitary flow credits. Would there be a waste water treatment plant? Any number of factors come together enough determining the value for a piece of property. And we rely very heavily obviously on the expertise of our real estate staff. And many of us have gained, you know, a pretty significant background in planning and land use and zoning. And I believe, you

know, we ask many insightful questions and in coming to the decision on whether or not this is a fair value for the land.

I don't think that this change is necessary. Again, you and I can differ on that point. But I think the process, has worked well as it exists. And if it's a matter of one department or a couple of departments having to explain a process and perhaps a misnomer for a particular type of land acquisition for this -- to go through this process, I think that's a small price to pay to maintain the public confidence. So I appreciate your comments, Mr. Morgo, but again I remain in opposition to this change.

COMMISSIONER MORGO:

I understand. I just -- one final thing. Having come from a background where perception was often battling reality, but in this case the perception was negative with affordable homes and the reality was really quite positive, I always would come down on the side of being aware of perception. But accurately, calling something what it is, coming down on the side of reality over mere perception.

LEG. LOSQUADRO:

And I agree with that statement. But as I said, I think that the way that the Environmental Trust Review Board was constructed with a broad base throughout elected and appointed positions, I don't think that adding these members would do anything other than change people's perceptions of the way the board is constructed. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Actually Jim you and I have spoken about this. And you know my feelings, which is pretty much in agreement with what Legislator Losquadro has said. Other than the fact that I need to add that the Chair of the Committee on Labor and Affordable Housing is already a member. She's representing the majority, the Legislative majority.

With regards to your own position, you know, it's up to the County Executive if he was looking for more balance. Perhaps because there's statutorily someone from the Health Department has to be on that committee. Perhaps there can be a change and have someone from your department rather than the Department of Environment. Because the health component serves the environmental component of the Health Department. So there can be that change with the existing statutory makeup of the committee.

And we do indeed explore density and zoning as part of the appraisal process. That's just part of the process. And I believe that it is working well. And the lion's share of the acquisitions are environmental preservation.

COMMISSIONER MORGO:

Yes.

CHAIRPERSON VILORIA-FISHER:

And so I don't believe that this is perception without substance. There are very few parcels unfortunately that come before us for affordable housing purposes. Hopefully in the future there will be more. But the lion's share, I would say over 99 percent is for environmental acquisition. And so I believe that it's not just perceptual. I believe that that it's real. Our mission and our task, our charge is environmental trust, which is why this was put together. But I won't repeat all the points that were made by Legislator Losquadro.

COMMISSIONER MORGO:

Would you -- I know you understand my point because we discussed that on the phone --

CHAIRPERSON VILORIA-FISHER:

I do but --

COMMISSIONER MORGO:

-- in bringing these.

CHAIRPERSON VILORIA-FISHER:

But it's also a teachable moment. It's a good time to show that we can have -- that affordable housing and environmental trust are not mutually exclusive.

COMMISSIONER MORGO:

Well we certainly agree on that, don't we?

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator Stern.

LEG. STERN:

Thank you. And those -- and I don't want to continue that part of the conversation, but a good part of that may just be perception and dealing with an issue whose time has certainly come. But, Jim, taking me into the reality of it and the substance of it, to me inside the process and how you or someone who brings your significant level of expertise in this area helps the process. What -- how you would or someone with your level of expertise in that particular issue would help the body, how might it ultimately speed the process along and make these kinds of acquisitions smoother and more ready available to us?

COMMISSIONER MORGO:

What happens, Legislator, is that as you all know we had many parcels suggested to the Workforce Housing Commission. They were all privately owned. And it really is the difficulty where Marian Zucker and I are dealing with a potential seller. And the sellers are familiar with the County acquiring property for parks, open space, other preservation. They're not familiar with the acquisition program for affordable housing. As Legislator Viloría-Fisher said, there have been few. I think six acquisitions under the program.

When we go through the process with the seller who has other folks interested in selling, and we can't as you could in the private market offer an option to buy. We have to go through the process, the planning steps resolution, and coming back for the appropriation to the Legislature. We explain that. And I was kidding before but seriously when we tell them we have to do that, their eyes start to roll and they say, how real is this? And then it's just a case of saying then we have to go to the Environmental Trust Review Board.

If, in fact, I would be able to say, or Marian would be able to say, and again, I go back to Legislator Losquadro, not making policy but that the Commissioner would be there. And the Commissioner has the history of this acquisition or this proposed acquisition, then the seller would be more likely to wait for the County's acquisition for affordable housing than he otherwise would be. I think Legislator Viloría-Fisher knows that the number one site that the Workforce Housing Commission suggested for workforce homes was acquired by someone else during the process. Was it because the ETRB was called the ETRB? No, it wasn't because of that. But it was because we told the potential seller of the entire process we had to go through. And the ETRB was part of it.

LEG. STERN:

So I'm still trying to get to the point. Is it a perception or is it more of a substantial reality? Does having Jim Morgo sit on this board mean that a private owner is more likely to stick with us and go through this process than if Jim Morgo was not on this?

COMMISSIONER MORGO:

If there were no representative of -- who understands residential zoning or understands housing, I think he'd be less likely. The potential seller would be less likely.

LEG. STERN:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Jim, I just couldn't let that go. That ETRB would have been a problem with that. I don't believe that the ETRB really adds any time to this. I believe the time it takes to do -- have two appraisals done, you know, after planning steps, ETRB is part of the process that falls into the slot during the planning steps. It really doesn't add considerable time. I think the time that you -- where it takes the most time is having the planning steps passed and then having the appraisals done.

COMMISSIONER MORGO:

It's -- what it is --

CHAIRPERSON VILORIA-FISHER:

That really is the longest lag, I think. And then the negotiations. But I would just pose this consideration again is if it's important perceptually to have the -- you know, you as the Commissioner on, perhaps then it could be a consideration to have you instead of the Commissioner of the Department of Environment.

COMMISSIONER MORGO:

I'll discuss that.

CHAIRPERSON VILORIA-FISHER:

Okay. Because that's a County Executive option. And we do have the environmental people from the Health Department who are present there. And so we have -- those of us who serve on the Legislature have experience with land -- much more experience with land acquisition regarding open space. Although our appraisers are commercial appraisers who have the experience in residential comps. I mean they're looking at comps that would be for the same use. They know zoning laws. I mean they are always educating us on the zoning laws for the different towns.

So I don't feel that the expertise is lacking in the ETRB. We take the experience and the expertise of our -- the appraisers that we use with whom we contract and the in-house appraisers who do the internal review. And we feel very comfortable with the expertise with which, you know, Fred and John approach us and the explanations that they give us and certainly our Planning and Real Estate Departments have a great deal of expertise.

So I believe it's there. And I believe it's working well. But if -- but if you feel that being on there might be a solution, I would say that that could be the County Executive's, you know, it's something that could be taken care of within the County Executive's Office.

COMMISSIONER MORGO:

Understood.

CHAIRPERSON VILORIA-FISHER:

I believe Legislator Losquadro has another question.

LEG. LOSQUADRO:

Through the Chair, well I just want to address a point that Legislator Stern made as far as addressing perception. I think there is a very -- I know there is a very real concern on my part. And it could be something that the public could perceive. Is someone more likely to stay on board if there is someone from that department they're dealing with on this panel? Well, that could be viewed as maybe them saying, well, we have a man on the inside, we have an inside track. It's not the reality. We know these people's integrity is beyond reproach. But again, this is one of the realities we have to deal with in terms of how people perceive the way government operates.

So if that's the only reason you're putting someone on there, again, it appears you're injecting policy

into the process. And it's something that I disagree with because I think the process works well on its own.

COMMISSIONER MORGO:

Well, I was just going to say that the safeguard to that is that you don't have policy and it's -- the value is what the value is.

CHAIRPERSON VILORIA-FISHER:

Well, thank you, Jim.

COMMISSIONER MORGO:

Thank you. Thank you.

CHAIRPERSON VILORIA-FISHER:

I think we've squeezed all the fun out of that topic that we possibly can. Okay. Our third speaker is Bob DeLuca. Also speaking on 2373.

MR. DeLUCA:

Thank you, Madam Chair and members of the Committee. My name is Bob DeLuca and I serve as the President of Group for the South Fork. We're a conservation organization located in Bridgehampton. And we represent the conservation and planning interests of about 2500 member households, families, businesses and individuals. I will be mercifully brief. I know that you have a lot to do today.

As you heard earlier from Kevin McDonald, I also am here to support -- and I guess I would support the concept of IR 2373. It sounds like you're all moving in the right direction here, and I don't -- you don't need a lecture from me as to why it's important. But one thing I do want to say since I have the opportunity to speak with you is many of the times when I'm dealing with these local governments down to the planning board level or the zoning board level, it may be less apparent to you folks just how valuable Suffolk County is to this process, whether it's 10 acres in East Hampton or whether it's, you know, the ABR Realty piece or Peconic River Club.

The robust approach that the County has to its acquisition program really helps guys like me when we're trying to convince local boards and local decision makers that the partnerships, which we're hoping that they will enter into are going to work for them. And I couldn't be more happy with what the County has done. The Legislature has been awesome on this. And we have a lot of need that's out there. And I think obviously in the past couple of weeks we've seen some very important parcels look like they're coming to fruition. I know that you share that concern as I do that we're able to meet those obligations and that you'll probably find your way to do it.

But I just think it's really important to understand that I feel like oftentimes the quality of the town's engagement rises to the level of the County's engagement. And, you know, and I'm sure you've all been through this. You know, you walk out -- you walk down do talk to the local town or village officials and they say, well, you know, if only the County could come and help us, you know, maybe we'd do something. And then we run back to you guys.

But it's really very important. And at this time when the east end still is getting hammered hard with development pressure, I think a lot of the speculators are flipping properties now because what they thought they were going to make, they're probably not going to make. And unfortunately that doesn't always bode well for the piece of property.

So again, I just want to say that I think the ability to have the money that you need to do the work that needs to be done is critical here. And I think collectively the Legislature will find its way forward. We want to support you in that effort however it gets done. The movement of capital funds to the way that they can be appropriated for this makes sense to us, seems like a good idea. If there's another way to do it, fine. It's less important to us as to how it actually gets done that you

have the ability to stay as strong as you've been and to help us move forward with this important program.

That's really it. I just want to thank you again for the opportunity to speak and answer any questions that you might have.

CHAIRPERSON VILORIA-FISHER:

Thank you very much, Mr. DeLuca. I'm glad you're here. We will be moving to the agenda. If all of the parties could come forward. And according to the newspapers, our congratulations in order regarding the River Club. We'll jump right into that. It's 1662.

TABLED RESOLUTIONS

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

COMMISSIONER ISLES:

Yeah, I'm not certain that that's in contract but what we had previously said on this parcel was that we were suggesting that you await the outcome of the River Club matter. And that if the River Club were acquired and protected that it would be -- make sense to include this property in a planning steps resolution for consideration.

I'm aware of the press conference. It appears that the Nature Conservancy is either in contract or is approaching contract on the property. The property will then be sold to the County and to the town separately. So it does appear to be moving forward. I'm not sure of the exact contract status but obviously there was the press event. And if there is this acquisition of the property, then the Planning Department would support this. And further we would suggest consideration for possibly a partnership on this parcel as well with the Town of Riverhead.

CHAIRPERSON VILORIA-FISHER:

Ed, motion?

LEG. ROMAINE:

I'll make a motion to approve.

CHAIRPERSON VILORIA-FISHER:

Is there a second?

LEG. ROMAINE:

Okay.

CHAIRPERSON VILORIA-FISHER:

I'll second it.

LEG. ROMAINE:

Right. And I would simply say that, you know, I stood next -- uninvited, but I stood next to the County Executive as he announced that he -- in fact the County was buying this. He left no doubt in anyone's mind. And I understand that press conferences perception does become reality, at least in the current government. And based on that, I assume that we will be moving forward. And we will certainly have the River Club in our possession before Riverhead Meadows is even acquired. The acquisition process as you know, can take anywhere from six to 12 months.

CHAIRPERSON VILORIA-FISHER:

You have a motion and a second.

LEG. ROMAINE:

That's it.

CHAIRPERSON VILORIA-FISHER:

All in favor? Opposed? 1662 is approved. (VOTE: 5-0)

1683, (Adopting Local Law No. -2006, A Local Law to require the recycling of cellular phones.) (Viloria-Fisher) (WITHDRAWN)

Madam Clerk, I'll be withdrawing this. There are too many changes that I need to make to make it work so I'm going to start from scratch. Thank you.

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

Legislator Stern.

LEG. STERN:

Yes. We're close hopefully. Next cycle. So I'll make a motion to table.

CHAIRPERSON VILORIA-FISHER:

I'll second that. All in favor? Opposed? 1878 is tabled. (VOTE: 5-0)

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.) (Co. Exec.) I'm going to make a motion to table.

LEG. LOSQUADRO:

I'll make a motion to table subject to call.

CHAIRPERSON VILORIA-FISHER:

Okay. Is there a second on this?

LEG. STERN:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Second on the subject to call?

LEG. STERN:

Yep.

CHAIRPERSON VILORIA-FISHER:

Okay. All in favor? Opposed? 1883 is tabled subject to call. (VOTE: 5-0)

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) (Romaine)

LEG. ROMAINE:

For the purposes of discussion, I'll make a motion to table.

CHAIRPERSON VILORIA-FISHER:

I'll second that.

LEG. ROMAINE:

And I just would simply ask the question where are we on this acquisition? I understand it's in negotiations. So could you give me an update on that please, Mr. Isles?

COMMISSIONER ISLES:

Real Estate is here today. But my understanding is that it is in negotiation as well. And that we are not yet in contract. So I think it's the same status as last meeting. If there's anything different I'll certainly refer to Ms. Zielenski.

LEG. ROMAINE:

Well, Ms. Zielenski, the status remains unchanged; still in negotiations?

MS. ZIELENSKI:

Actually it's been sent to Mr. Zwirn. The authorizing resolution has been sent to Mr. Zwirn to lay on the table.

LEG. ROMAINE:

For acquisition?

MS. ZIELENSKI:

For acquisition.

LEG. ROMAINE:

Great. Then we'll just move forward. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to table. And all in favor? Opposed? 1883 -- no, I'm sorry. 1979 is tabled. **(VOTE: 5-0)**

IR 1980, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Governale Property, Town of Brookhaven. (Romaine)

LEG. ROMAINE:

Again I'll make a motion to table for the purposes of discussion.

CHAIRPERSON VILORIA-FISHER:

I'll second that.

LEG. ROMAINE:

And my question to Ms. Zielenski is what is the status of this planning steps?

MS. ZIELENSKI:

It's my understanding that the offer has been rejected by the owner.

LEG. ROMAINE:

Okay.

MS. ZIELENSKI:

Our offer.

LEG. ROMAINE:

Now this is core Pine Barrens. What would be the next step if an offer -- if the offer -- because obviously I see you may not have the information here. But theoretically, if the offer was rejected, what is our next step to preserve this core Pine Barrens piece?

MS. ZIELENSKI:

Well, it's preserved Legislatively to some degree. I think we would just wait a period of time and possibly reevaluate it down the road.

LEG. ROMAINE:

Okay. Well, I'll table it based on that. And I'll look into it further. And if it has to be withdrawn, I'll withdraw it. And then what I'll probably do is wait a period of time and reintroduce it before my term expires next year. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second. All in favor? Opposed? 1980 is tabled. **(VOTE: 5-0)**

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) (Cooper)

The sponsor had asked that it be tabled.

LEG. LOSQUADRO:

I'll second that.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to table, Seconded by Legislator Losquadro. All in favor? Opposed? IR 2096 is tabled. **(VOTE: 5-0)**

IR 2169, Authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program, Manning/Kleet Revocable Trust property, Town of Brookhaven. (Schneiderman)

We had a rating of 17 points. This was tabled at the last meeting. I'm going to make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor?

LEG. ROMAINE:

A question.

CHAIRPERSON VILORIA-FISHER:

A question by Legislator Romaine.

LEG. ROMAINE:

Yes. Ms. Zielenski -- first of all let me ask Tom Isles. This received 17 points and this is waterfront property. Is this joint with the Town of Brookhaven?

COMMISSIONER ISLES:

To my knowledge it's not joint with the Town of Brookhaven.

LEG. ROMAINE:

It is not joint with the town. Okay.

COMMISSIONER ISLES:

Correct.

LEG. ROMAINE:

Okay. I ask that question and I'll state this very briefly because someone from their Planning Department brought this piece of property to me because it's in East Moriches, but it's in this section of East Moriches that is represented by Legislator Schneiderman. I sent them to Legislator Schneiderman. So the town has not expressed an interest?

COMMISSIONER ISLES:

No. We actually asked a representative of the Town Planning Department if they had an interest. And she conveyed to me that no, they didn't.

LEG. ROMAINE:

Okay.

COMMISSIONER ISLES:

So I'm not sure if there's some mixed signals because I've heard that a couple of times now on this uncertainty about being involved. So we're hoping to clarify that with the town and procedures.

LEG. ROMAINE:

Right. The town person that brought me this brought me a laundry list of properties. And almost all of them were in East Moriches; happened to be in Legislator Schneiderman's portion of East Moriches. And I said, you know what, you really have to --

COMMISSIONER ISLES:

Right.

LEG. ROMAINE:

-- refer to him. But I will check with the of Town of Brookhaven and certainly support the tabling motion.

CHAIRPERSON VILORIA-FISHER:

Okay. So there's a motion and a second.

COMMISSIONER ISLES:

Can we --

CHAIRPERSON VILORIA-FISHER:

I'm sorry.

COMMISSIONER ISLES:

Can we just ask who the contact person --

LEG. ROMAINE:

I'll speak to you later, Mr. Isles.

COMMISSIONER ISLES:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

There's a motion and a second to table 2169. All in favor? Opposed? 2169 is tabled. **(VOTE: 5-0)**

IR 2190, To promote land acquisitions for open space and farmland preservation in underserved communities. (Cooper)

I just had a conversation with Legislator Cooper. And I suggested to him that I was going to make a motion to table for further clarification of some issues on that.

LEG. LOSQUADRO:

Second that.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? Did you want discussion on that? No. Okay. 2190 is tabled. **(VOTE: 5-0)**

IR 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. (Romaine)

LEG. ROMAINE:

I'll make a motion to table for the purposes of discussion.

CHAIRPERSON VILORIA-FISHER:

I'll second that.

LEG. ROMAINE:

Okay. This property was brought to us originally by the Town of Brookhaven. And so far we haven't got the commitment from them on this property. And they have -- this property is one of several properties along County Road 51. For those who don't know where County Road 51 is, a week and a day from now you'll be traveling -- most of you will be traveling County Road 51 on your way to the Legislature in Riverhead. That's the road that runs -- if you take Sunrise Highway that runs right to the County Centers. Riverhead/Moriches Road.

The town had declared a moratorium along this road because they have multiple development parcels -- of parcels that are suited for development that are under development pressure. Toppings Farm is one. Right next door -- and you'll see that resolution come up -- is the Dream Come True Farm, which is right next door. And earlier this year, we approved the Oaks property, which is a 62 acre south of Sunrise Highway, all along the 51 corridor to prevent 51 from becoming essentially what it is now, woods and open field type of situation. And changing literally within the next three to five years where you would have condominiums and single family homes and you just have massive development in this area.

So I'm going to table this but I am going to look for the Town of Brookhaven to make an appearance at our next committee meeting, whatever committee meeting is convenient so they can speak to this issue. I'm doing this, I believe, on behalf of the town and I certainly don't want to get out in front of myself until the town comes forward.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to table IR 2240. All in favor? Opposed? IR 2240 is tabled. **(VOTE: 5-0)**

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

The sponsor has asked that this be tabled for another cycle. So I will make that motion.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 2267 stands tabled. **(VOTE: 5-0)**

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

Legislator Losquadro?

LEG. LOSQUADRO:

Well I guess for the moment, I know it's only been of a couple of weeks, I'll make a motion to table for the purposes of discussion. See if any information has been gathered since we last spoke.

CHAIRPERSON VILORIA-FISHER:

I'll second that motion.

COMMISSIONER ISLES:

We do. We do have additional information if you're ready for it at this point. The committee had raised a question regarding the liability exposure of the County regarding this bluff front parcel.

LEG. LOSQUADRO:

Yes.

COMMISSIONER ISLES:

We have consulted with the County Attorney on that. And if you'd like we can provide a brief report on that.

LEG. LOSQUADRO:

Would it be easier to do after the meeting? Is it something --

CHAIRPERSON VILORIA-FISHER:

Actually I would prefer to have it on the record.

COMMISSIONER ISLES:

It'll take 30 seconds.

LEG. LOSQUADRO:

Okay.

CHAIRPERSON VILORIA-FISHER:

If you could give us that information.

LEG. LOSQUADRO:

That's fine.

MS. LOLIS:

Okay. Gail Lolis, Deputy County Attorney. Legislator Losquadro's concerns about liability, especially because this property is located on a bluff, are well founded. If you purchase the property, if you acquire fee title, we would -- the County would have the same liability that it would have as far as any property that it acquires the fee on. Because this is located on a bluff, however, the County will have the obligation to maintain that property to avoid taking any action that would increase coastal erosion in that area. And if they do take actions, they certainly would be responsible to neighboring properties. Similarly failure to take mitigating steps to avoid erosion if that results in neighboring damage to property, then again the County would face liability.

CHAIRPERSON VILORIA-FISHER:

But what we're looking at here is not fee title. We're looking at a conservation easement.

MS. LOLIS:

Well actually we were asked to look at both.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. My apologies.

MS. LOLIS:

So the next step would be with the conservation easement. Now with the conservation easement we can lessen the liability of the County by incorporating various restrictions in the deed for the conservation easement. However, the County could still face exposure. And again I'll limit it to the bluff at this point because if you have a conservation easement, you would not be permitting public access. You don't have to worry about unsafe conditions to the public on the land. However, with the conservation easement you can require the owner to maintain the property to avoid costal erosion. However, anything that the owner does to that property, which is subject to the conservation easement, would be subject to County approval.

So if actions need to be taken, they would require County approval to do so. And if those actions are now taken and perhaps the County was in error in giving that approval and the mitigating actions now again create a condition which causes increased erosion to your neighboring properties, you're still facing -- we still could face liability. Same thing if the County refuses to consent to certain mitigating actions. And the County was in error in making that decision, again, we could face responsibility. Also with a conservation easement even if you obtain hold harmless from the owner, that's only as good as the financial condition of the owner.

LEG. STERN.

Okay.

LEG. LOSQUADRO:

Madam Chair, if I may.

CHAIRPERSON VILORIA-FISHER:

Sure.

LEG. LOSQUADRO:

These are unfortunately some of the concerns, that they seem to be founded that I had regarding this parcel. And I know you on many occasions have spoken, and in fact I think it was just at the last meeting regarding a piece of property in Legislator Schneiderman's district. That it would appear from a public standpoint that we're just sort of adding to someone's backyard and using public funds to preserve someone's state.

While this is an area I certainly would not like to see additional development in, that of course is under development pressure without -- I'd like to speak at greater length with the County Attorney's Office regarding this, but I see far too many loose ends here and potential areas of liability for the County to move forward with this at this time. So I'm going to stay with my tabling motion.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to table 2283. Those in favor? Opposed? 2283 is tabled.
(VOTE: 5-0)

I do have a question, Gail. Come back. Because we have had some acquisitions on the east end particularly where there are bluffs with -- they're, you know, they're on the water. They're on bluffs. We haven't really explored this area of liability before with those full fee title acquisitions. I -- wasn't the Duke property on a bluff?

MS. LOLIS:

No.

CHAIRPERSON VILORIA-FISHER:

I may be confusing it with one of those other huge east end acquisitions.

COMMISSIONER ISLES:

Shadmore.

CHAIRPERSON VILORIA-FISHER:

Oh, Shadmore. Okay. That was the big one out there. And what happens, we have fee title to that property. What happens with that?

COMMISSIONER ISLES:

You know, I'm not the Department of Law. But in terms of the planning side of this, certainly I don't think what we're saying today is that we should never buy a waterfront or bluff front piece. I think the proposal before us that was discussed last time was a conservation easement --

CHAIRPERSON VILORIA-FISHER:

Right.

COMMISSIONER ISLES:

-- on a property where the house is sitting in the middle of the property. Is this -- doesn't make sense for the County of Suffolk to proceed in this.

CHAIRPERSON VILORIA-FISHER:

I agree with the tabling motion. Not a problem.

COMMISSIONER ISLES:

This is one consideration.

CHAIRPERSON VILORIA-FISHER:

Right.

COMMISSIONER ISLES:

And I think when you were looking at the question should we move forward or not move forward, looking at the whole picture, in the case of Shadmore which was a pristine piece in the sense that somebody wasn't living on it, it was extensive frontage. It, you know, in terms of being this piece of a larger bluff area, we didn't have that same situation with Shadmore.

So here again in the totality of the considerations, certainly this piece is a beautiful piece and so forth. But in terms of does it make sense for the County to move forward? We have questions from a planning standpoint on a conservation easement with the house sitting in the middle of the property. And then I guess at the discussion at your last meeting, are there also potentially these liability issues. Apparently there are. Not that that necessarily is the only reason you're going to base this on, but we think as you consider all the factors --

CHAIRPERSON VILORIA-FISHER:

Okay. What's important in my broader question, though, is that we make it very clear that what we're looking at are the other concerns regarding this particular piece with the house being in the middle of the property, having conservation easement, the lack of access to the citizens of Suffolk County and this kind of expenditure of money.

And that we have on the record that the liability piece is not what might be constraining us regarding moving forward with the planning steps. Because there have been a number of pieces that I recall having bluffs. Having -- you know, in fact we prize that. Shoreline properties are properties that get higher points.

COMMISSIONER ISLES:

Right. It is one thing too about having a property with the house sitting on the edge of the bluff. Is there an obligation then to maintain the bluff?

CHAIRPERSON VILORIA-FISHER:

Okay. But I want to take this away from this particular property.

COMMISSIONER ISLES:

I know. I know.

CHAIRPERSON VILORIA-FISHER:

I want to -- what I'm talking about is the larger picture of the Department of Law's opinion regarding liability for full fee title when you're buying a piece of property on a bluff. And the liability. Because when Gail began it was with the full fee title. You did say there was greater liability. And I don't want that to become an impediment to future acquisitions when we're looking at buying outright acquisitions of land that's on the water.

COMMISSIONER ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

So, Gail, can you speak to that? Because I'm looking at the broader view here.

MS. LOLIS:

The -- when you buy on a bluff, when you -- the liability for any property that you acquire fee title is the same. When you acquire property on a bluff, and we were limiting generally looking at the circumstances of this particular acquisition because that's what we were asked to do.

CHAIRPERSON VILORIA-FISHER:

Right.

MS. LOLIS:

The exposure can be greater when you're dealing with coastal erosion and you're purchasing property in a residential area where you have neighboring properties and this property is developed.

So those are the additional factors that we looked at in rendering an opinion. But again the exposure to the County will be greater if you acquire fee title simply because with the conservation easement you are able to within the deed push off much of the liability to the owner.

CHAIRPERSON VILORIA-FISHER:

Right. I understand that. But what -- are you understanding my question? That we have had a number of land acquisitions that are full fee title and that -- that's what's concerning me when you're talking about exposure and what level of exposure. Is it just in maintaining the bluff. Or is it exposure to, you know, liability if people are using the property and exposure to personal injury. I suppose that kind of exposure is always there when we have land acquisitions.

MS. LOLIS:

Absolutely.

CHAIRPERSON VILORIA-FISHER:

Okay. So this is not unique in other words. We would have that exposure no matter what kind of bluff property we were to acquire.

MS. LOLIS:

Yes.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Let me just finish my point. But what we're looking at here is a conservation easement. I wanted to

be clear that it wasn't the exposure or the liability that is -- I believe that the sponsor had concerns regarding this piece of property other than the exposure piece, that we do have a house in the middle of the property. That as I had stated myself on the record that we're not just doing estate building when we're doing land acquisition and using taxpayer money. So we have to look at all of those different. I don't want to throw out a red herring there that could later on come up when we're looking at a piece of land, when we want to acquire land and use exposure as a reason for not supporting a piece of acquisition. An important acquisition on the water. Legislator Losquadro.

LEG. LOSQUADRO:

Madam Chair, but since I have raised the point I wanted to say that it is a legitimate concern of mine. And I don't believe it's a red herring. And I just want to point to what Mr. Isles said was that ordinarily these acquisitions, these waterfront acquisitions along the north shore where they have bluffs tend to be larger frontage. And areas where perhaps erosion or damage of neighboring properties is not as much of a concern or maybe only at the fringe edges of a larger acquisition where you may or may not have a neighboring property with shore hardening structures; be they bulkhead, armoring stones, gabions, whatever it is.

So I do think this is a concern. And I think that it's something that the County and other municipalities as a whole should look at when deciding to acquire waterfront properties. I don't think it should be an automatic impediment but it is something, you know, when we look -- when we're going to acquire historic structure. We know that there's an additional cost associated with maintaining a historic structure. While with this we should be cognizant of the fact that there very likely could be an additional cost incurred with maintaining shore hardening structures especially on a very small frontage acquisition like this --

CHAIRPERSON VILORIA-FISHER:

This is why the clarification was very important, to look at that.

LEG. LOSQUADRO:

-- where there are neighboring residential structures who are very likely going to want to maintain their setback from that bluff.

CHAIRPERSON VILORIA-FISHER:

Right. That's clear. And that's why the clarification was very important because we have to look at the bigger picture when we're talking about exposure. And we are always looking at acquisitions here in this Committee. We're going to move to the CEQ resolutions. Did we vote -- we voted on that. We voted on that.

LEG. ROMAINE:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Before we start the resolutions, I'd like to refer to an earlier resolution in which I had some dialogue with Mr. Bagg. And I'm glad to see Mr. Jones is in the -- from the Suffolk County Water Authority is in the audience. Earlier this year we asked to look at a CEQ resolution regarding a salt storage facility on the north fork in Southold. And I specifically asked multiple times, and I believe the verbatim record will bail me out, does this salt storage facility pose a danger to the groundwater in that area? And multiple times Mr. Bagg said no and I think DPW staff had said the same thing.

And I had an opportunity to meet Mr. Jones out at a new facility the Water Authority was opening up in Southold, not too far away from where this is. And in fact I received a different opinion in the fact that the Water Authority did feel that their well field, not only there but also on Nicols Road where the County maintains a salt and sand storage facility just north of County Road 16, that in both

cases they felt that the salt was in fact contaminating their well fields.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, is Mr. Jones here? I thought I saw him.

LEG. ROMAINE:

Yes.

CHAIRPERSON VILORIA-FISHER:

I thought I saw him come in earlier. Can you just come up also, Steve, just in case there --

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

-- are any other questions. Mr. Bagg --

LEG. ROMAINE:

I thought I would raise that because I was --

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

-- given different information.

CHAIRPERSON VILORIA-FISHER:

Well, thank you because I was at the CEQ meeting where this was approved. And, Mr. Bagg, if I recall Legislator's concern -- Legislator Romaine's concerns were brought before CEQ. And correct me if I'm wrong, you may have a clearer recollection. I didn't anticipate this during this meeting so I don't have my notes. But wasn't there a platform that was supposed to protect the area surrounding this facility so that the sand and the salt wouldn't be leaching into the ground?

MR. BAGG:

Well, yes that's correct. I mean basically these facilities were required by the state to put -- they used to have open salt and sand piles, which used to leach directly into the groundwater. The state required that they construct salt storage buildings and actually store the sand and salt and so on underneath the buildings so they would not have the associated leaching problem. And the Southold facility was a replacement of an existing building that apparently they felt would have had some structural problems. And they were going to build a new salt storage facility and building on the same pad, on the same site, as a replacement in order to avoid future complications.

CHAIRPERSON VILORIA-FISHER:

Okay. If I recall in the front of the building there was also a platform in front.

MR. BAGG:

That's correct.

CHAIRPERSON VILORIA-FISHER:

I thought I remembered that drawing. There was a pad. That was the term used.

MR. BAGG:

They're storing dirt pads. And there are asphalt pads and so on, which they, you know, take the salt out, I mean, and they put in the trucks and then they can put it back in the buildings. Sweep it back in the building and so on. But that was -- pads are designed to be impervious to prevent any

leaching from in and around water.

CHAIRPERSON VILORIA-FISHER:

Mr Jones, the readings that this letter refers to, how deep would the wells be? And from how long ago would the salt have leached into the ground in order to appear in these -- in the well testing? Could it have been from the period before the storage buildings were built and the pads put in place?

MR. JONES:

The facility, Ackerly Pond Road, that we have on the north fork is adjacent to a County recharge basin not adjacent to the salt and sand storage area. Of course, recharge basins do collect the salt and sand that's put out onto the roads. So at the Ackerly Pond facility on the north fork the -- our problems are associated with the adjacent recharge basin that collects the material. The material is --

CHAIRPERSON VILORIA-FISHER:

So it's not due to the salt storage.

MR. JONES:

I don't know. It may be. But the source water assessment maps show the zone of contribution is including the County recharge basin, which is adjacent to our facility there. And the point -- what we've done is we have communicated with DPW, given the new group over there, all the information that the old group had and in the hopes that they can review it all and make a determination that they should switch to a calcium based road salt instead of a sodium based road salt.

CHAIRPERSON VILORIA-FISHER:

But in your third paragraph it says that you're concerned not only with this location on the north fork but our College Road Farmingville pump station adjacent to the storage facilities. So this letter would indicate that it's the storage facility that you have a problem with.

MR. JONES:

There's also a few recharge basins adjacent to that or nearby that facility as well that handles recharge for --

CHAIRPERSON VILORIA-FISHER:

Well, but if the suspect is the recharge basin, then why would you have a problem with the salt storage facility? That's what I'm trying to understand here.

MR. JONES:

The letter is principally about the Ackerly Pond facility. We would want to do more investigation on the Nichols Road facility. We have not done the extensive scientific research on the Nichols Road facility as we have on the Ackerly Pond facility.

CHAIRPERSON VILORIA-FISHER:

But I -- okay. So, the Ackerly Pond facility. I go back to my question. You've just indicated that the recharge basin is where the salt -- the runoff from the road is leaching into the ground. Okay. And that the secondary suspect would be the storage; the salt storage facility. That's not your prime suspect in this. Am I misunderstanding what you're saying, Steve?

MR. JONES:

The -- at Ackerly Pond Road the salt storage facility for CR 48 up there on the North Road is not near this -- is not in the zone of contribution. This letter, it covers two locations.

Second location, which is Nicols Road we are concerned about the proximity but we -- of Nicols Road salt -- sand and salt storage facility to our College Road pump station. But we have not done complete research on that to indicate a direct connection between the salt and sand storage facility there on the edge of Nichols Road and our facility. Again, the source water assessment maps show

that salt and sand storage facility and also recharge basins in the area to be within the zone of contribution for our facility there. We basically are bringing up the point in the hopes that the County will do the right thing and simply switch to a less deleterious type of salt --

CHAIRPERSON VILORIA-FISHER:

So it's not the facility. It's the kind of salt we're using?

MR. JONES:

Well, it could relate to the way the salt is managed on the mixing facility as to whether it's all enclosed and inside or whether there are outside -- whether any of it is out in the elements or whether there is loading and unloading takes place out of doors as well. We have not --

CHAIRPERSON VILORIA-FISHER:

Did we have that answer?

MR. JONES:

-- been asked to review or seen --

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. JONES:

-- the plans for either salt and sand storage facilities. So I can't really comment on how those are laid out.

CHAIRPERSON VILORIA-FISHER:

Do you remember that Jim?

MR. BAGG:

In terms of what?

CHAIRPERSON VILORIA-FISHER:

In terms of the CEQ presentation?

MR. BAGG:

No. What Steve does raise, though, I mean, all of our runoff is handled through recharge basins.

CHAIRPERSON VILORIA-FISHER:

Right.

MR. BAGG:

And Suffolk County we like the -- have the clean road type of philosophy when you are supposed to go 95 miles an hour in a blizzard so therefore they go out and they sand and they salt. And that salt does end up in your charge basins and leaches into the ground once it's put on the highways. And I assume it concentrates it. And if you're in a zone of contribution for a well field, the Suffolk County Water Authority, it may have a bearing on it.

LEG. ROMAINE:

Just -- and I'll --

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine.

LEG. ROMAINE:

-- let this question die because I'm also on Public Works and I'll be introducing a resolution in terms of DPW changing the type of road salt that they use to a calcium based which is recommended by

the Water Authority. But at that -- when we raised this question of the salt storage shed at Southold, if we go back and look at the verbatim transcript, it wasn't the new facility that I asked questions about. I asked questions about the old facility and whether there was salt seepage into the water table. And I specifically asked if there were any wells that were driven or test wells to determine if there was salt seepage.

So I just will leave it off with that. And this is more appropriate at the DPW Committee. But clearly I -- if the County hasn't done -- and by the way, the DPW facility's about a quarter of a mile away from the Ackley Pond facility on County Road 48. I would ask if we haven't tested the water table there from the old storage facility, that we consider doing so. It wasn't the new facility that I was questioning. I was concerned about salt seepage from the old facility. I would ask that we do that. And I would also ask, and perhaps the Chair Lady can facilitate this with the Chairperson of DPW, that we coordinate all of our salt storage in such a way as to not to impact groundwater in the vicinity and certainly not to impact the Suffolk County Water Authority well fields. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator D'Amaro has a question.

LEG. D'AMARO:

Thank you. Good morning. Mr. Jones, good morning. And I just had a couple of quick questions based on your letter that Legislator Romaine passed out dated November 13th, 2006. Is your conclusion that the new storage facility going up on the north fork, as you refer to it in this letter, would be harmful to groundwater?

MR. JONES:

I haven't reviewed the plan so I can't answer that. I can't come to a conclusion.

LEG. D'AMARO:

Well you say the sand and salt storage facility on the north fork would not be harmful to groundwater. That's what DPW is saying. And you say, which would be contrary to the attached research and conclusions, which when I first read this letter was saying to me that that facility would somehow be harmful to groundwater. And if it is, I would like to know that or at least know the basis for that.

MR. JONES:

Yeah. I'm referring in the letter to -- which I say the road salt in the adjacent County sump. Not in the storage facility.

LEG. D'AMARO:

Well, the sentence says, Legislator Romaine indicated that he was recently assured by DPW staff that the sand and salt storage facility, not the recharge basin, but the sand and salt storage facility on the north fork would not be harmful to groundwater, which would be contrary to the attached research and conclusions. So there was some attached research and conclusions relating to the storage of sand and salt.

MR. JONES:

No. The -- everything that was attached related to scientific research that was done --

LEG. D'AMARO:

Oh, I see.

MR. JONES:

-- in and around the Ackley Pond facility and the presence of salt there.

LEG. D'AMARO:

Okay. All right. I just want to make sure then in your mind the facility that was recently passed

upon by CEQ, or you have no opinion whether or not that facility would somehow permeate or harm the groundwater.

MR. JONES:

That's correct. Well, I haven't reviewed the plan so I wouldn't --

LEG. D'AMARO:

Okay. I just want to be clear. Thank you very much.

MR. JONES:

Sure.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Mr. Bagg, perhaps you can answer this. The construction plan for the storage facilities, the pad underneath it, is that similar to the -- being of a member of the Board of Directors for the Soil and Water Conservation District, I know we were aiding in the construction of agricultural pesticide mixing pads. Same premise? Impermeable pad --

MR. BAGG:

Yes. Impermeable pad, yes.

LEG. LOSQUADRO:

-- on the underside to prevent --

MR. BAGG:

-- exactly.

LEG. LOSQUADRO:

-- leaching into the ground.

MR. BAGG:

Yes.

LEG. LOSQUADRO:

Very good. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Mr. Jones.

MR. JONES:

You're welcome.

CHAIRPERSON VILORIA-FISHER:

Moving to CEQ resolutions. Jim?

CEQ RESOLUTIONS

MR. BAGG:

CEQ resolution 101-06; this is the Proposed Construction of a Memorial for the Victims of the September 11 Terrorist Attack, H. Lee Dennison Building, Town of Islip.

Council recommends an unlisted action with a negative declaration for the following reasons. The

proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code. The parcel does not appear to suffer from any severe environmental developmental constraints, no poor soil properties, no high groundwater and no unmanageable slopes. And three existing vegetation will be incorporated into the design wherever possible.

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Okay. Second.

LEG. LOSQUADRO:

But I just have a quick question.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. LOSQUADRO:

For the representative from the executive, Mr. Zwirn. Since this is before us, what's the updated time frame for construction of this memorial?

MR. ZWIRN:

I don't know offhand, but I'll get back to you.

LEG. LOSQUADRO:

If you could please. Thank you.

MR. ZWIRN:

Absolutely.

CHAIRPERSON VILORIA-FISHER:

Okay. All in favor? Opposed? CEQ Resolution 101 is approved. **(VOTE: 5-0)** And it's on the pro forma calendar. It's approved.

MR. BAGG:

CEQ Resolution 102-06, this is the Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area Addition, Schaeffler Property in the Town of Brookhaven.

Council recommends an unlisted action negative declaration. None of the criteria will be exceeded. And the property will be dedicated to the Suffolk County Department of Parks Recreation and Conservation for passive recreational purposes.

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA-FISHER:

Motion same, same second, same vote.

MR. BAGG:

All of the remaining resolutions that deal with the property acquisition have the same reasons in them. So I will want to note that in order to expedite matters possibly.

CHAIRPERSON VILORIA-FISHER:

You know what, I'm just going to read the numbers and we're going to do the vote on them. You don't have to go through the explanations on all of them. **CEQ Resolution 103.** Same motion, same -- yes?

LEG. D'AMARO:

Could I just ask a quick question before you go through that?

CHAIRPERSON VILORIA-FISHER:

Sure. Let me read the title of that before you go on.

It's (Proposed Acquisition of) Land (for) Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area Addition, Furniss Property in the Town of Brookhaven.

Okay. And it was the same motion, same second. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah. Actually I'll wait for the last two.

CHAIRPERSON VILORIA-FISHER:

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

CEQ 104, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area Addition, Schneider Property in the Town of Brookhaven. Same motion, same second, same vote. **(VOTE: 5-0)**

CEQ Resolution 105-06, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area Addition, Downey Property in the Town of Brookhaven.

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

CEQ Resolution 106-06, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area Addition, Angelo Accardo, Donato Accardo, L'Hommedeieu & Lagrega Property in the Town of Brookhaven. Same motion, same second, same vote. **(VOTE: 5-0)**

CEQ Resolution 107-06, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Terrells River County Park Addition, Beggins Property in the Town of Brookhaven. Same motion, same second, same vote. **(VOTE: 5-0)**

CEQ Resolution 108-06, Proposed Donation of Property to Suffolk County Parks for SCDHS TDR Requirement - (File #S02-05-0111 in the Town of Brookhaven.) Legislator Losquadro.

LEG. LOSQUADRO:

I thought --

CHAIRPERSON VILORIA-FISHER:

There's a motion by Legislator -- not Losquadro, D'Amaro. Sorry. It's those hyphenated names -- those apostrophe names.

LEG. D'AMARO:

There's no -- yeah.

CHAIRPERSON VILORIA-FISHER:

But I think of it, Losquadro.

LEG. D'AMARO:

It's okay. I just had a question on 108 and 109 involving the transfer of density rights, I believe.

This is the donating parcel or the parcel to be donated to the County, which would be sanitized or sterilized in the process. Is that correct?

MR. BAGG:

That is correct.

LEG. D'AMARO:

All right. Now the CEQ reviewed both of these parcels, and I just want to clarify that the recommendations made by the CEQ only go to the donated parcel and not any other part of the TDR transaction or the receiving parcel.

MR. BAGG:

No. That is correct. This is simply the action to have property donated by the County to remain in its natural state for passive park purposes. So the action under SEQRA says there is no impact to that. The other actions are reviewed by the Board of Health, I believe.

LEG. D'AMARO:

So the action of -- that's taking place on the receiving parcel is not reviewed by the CEQ?

MR. BAGG:

No, it's not. We have no jurisdiction. The County has no jurisdiction. That's up to the Board of Health to review it under variances and they have certain recommendations that said you do not have enough property to accommodate an expansion. So therefore you have to buy additional lands in order to do that. And we simply are dealing with a donation here.

LEG. D'AMARO:

So under SEQRA, we're talking about the State Environmental Law here.

MR. BAGG:

That's correct.

LEG. D'AMARO:

Even though there's a receiving parcel that is tied directly to the donated parcel, that is not part of the SEQRA review?

MR. BAGG:

I believe the Board of Health reviews all of those --

LEG. D'AMARO:

That's not my question.

MR. BAGG:

-- parcels under SEQRA. They do and they issue --

LEG. D'AMARO:

No, No, that's not my question. Okay. Go ahead, I'm sorry.

MR. BAGG:

They issue a negative declaration before it even gets this far.

LEG. D'AMARO:

Okay. All right. So what you're telling me is that it is part of the SEQRA process but will be reviewed by the Board of Health in that process.

MR. BAGG:

That's correct.

LEG. D'AMARO:

And then that determination under SEQRA would come to this Legislature?

MR. BAGG:

That's correct.

LEG. D'AMARO:

All right. Thank you. I appreciate it.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro to approve. Right name. Seconded by myself. All in favor? Opposed? CEQ Resolution is approved. **(VOTE: 5-0)**

CEQ Resolution 109, Proposed Donation of Property to Suffolk County Parks for Suffolk County Department of Health Services TDR requirement - (File #S02-03-0128) in the Town of Brookhaven.

Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? CEQ Resolution 109 is approved. **(VOTE: 5-0)**

CEQ Resolution 110, the Proposed Vector Control 2007 Annual Work Plan.

I would like you to speak to that one. Jim.

MR. BAGG:

Basically this is the Council's recommendation concerning the classification and determination pursuant to SEQRA for the 2007 Plan of Work. That was distributed to you formally by the department. The Council's recommendation is that is a Type I Action because it will physically alter more 2.5 acres of parks. Spraying of insecticide is considered an action or a physical alteration. Therefore that is criteria -- criteria is exceeded.

Council also recommends that the project will not have a significant adverse impacts on the environment for the following reasons. The proposed action will not exceed any of the criteria in Title VI NYCRR Sections 617, which sets forth thresholds for determining significant effects on the environment as demonstrated in the environmental assessment form. There's a general rule in terms of significance. It says here the declaration of environmental significance must be rational and supported by substantial evidence. Conclusory generalized allegations with no scientific basis or expert opinions to support them are insufficient to support a positive declaration.

Council also had one other thing that they -- was said, when the vector control activity machine ditching requires a permit from the New York State Department of Environmental Conservation, a copy of the permit will also be submitted to the CEQ and the Department of Environment and Energy for review and comment except in emergency situations.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to approve. May I have a second?

LEG. LOSQUADRO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed?

LEG. ROMAINE:

Discussion?

CHAIRPERSON VILORIA-FISHER:

Oh, I didn't see a hand raised on this. Okay. On the motion, Legislator Romaine.

LEG. ROMAINE:

Yes. On this proposed Vector Control Annual Plan of Work, does this simply involve spraying for mosquitoes?

MR. BAGG:

No, it doesn't. It involves maintenance of the mosquito ditches.

LEG. ROMAINE:

Okay.

MR. BAGG:

And possibly replacement of culverts where they collapsed.

LEG. ROMAINE:

Does it involve any ponding?

MR. BAGG:

No. It's maintenance of existing ditches as they exist. If they're obstructed or collapsed in any way.

LEG. ROMAINE:

And what type of machinery would do the ditching work? I see Dominick is with us if you don't have that information.

MR. BAGG:

It is supposed to be all done my hand except in certain situations where they have to replace a culvert. They may actually need a machine to come in.

LEG. ROMAINE:

We don't use like a {bomadier}, a tractor or something of that nature?

MR. BAGG:

I will let Dominick address that?

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

Mr. Ninivaggi, can you come up, please? And just so that the committee knows, this is the CEO resolution and that the actual approval of the plan is in the Health Committee.

LEG. ROMAINE:

Right. Which I'm also on.

CHAIRPERSON VILORIA-FISHER:

Okay. So you'll have an opportunity there to go into further depth.

LEG. ROMAINE:

Right. I'm not going to ask a lot of -- I'll keep it very brief.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. NINIVAGGI:

Okay. For maintaining an existing, we would use machines if there was a culvert or other structure that provided tidal flow that needed maintenance to maintain tidal action. Primary piece of equipment you use for that is an excavator, basically a type of backhoe type machine. If it's necessary for the machine to work in the soft areas, we would use a low ground pressure or amphibious machine. It's unlikely we would need to use any kind of rotary ditcher for the small amount of work that would needed to be done here. But if equipment has to enter wetlands, they would be using the appropriate type of tract to not damage the vegetation.

LEG. ROMAINE:

So it's ditching. It's culvert repair. It's spraying. And I assume it's also spraying for larvae where you go out with the back pack toxin and spray there as well as the aerial spraying.

MR. NINIVAGGI:

Yeah. Basically it's the application of larvicides or adulticides, hand maintenance of small ditches primarily in upland areas and some very limited replacement of culverts and associated ditches just to maintain tidal action.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, I just want to go a little further and tell you that in the CEQ Committee there was quite a bit of discussion of this as you could well imagine.

LEG. ROMAINE:

Yes.

CHAIRPERSON VILORIA-FISHER:

And the machine ditching was that last piece that was read by Mr. Bagg, where there were concerns on the part of many members of the CEQ Committee that we should take a hard look at what was going on with regards to machine ditching. And that's why before any machine ditching is done, unless it's a case of an emergency that Vector Control would have to provide for CEQ the same permitting process that they would provide for the DEC so that we can take a second look at it before they go into any kind of extensive machine ditching.

LEG. ROMAINE:

Thank you. That was very helpful. I hope the same will hold true for any ponding that is -- might be planned in the future.

MR. NINIVAGGI:

The 2007 Plan at Work, there isn't any new work --

LEG. ROMAINE:

Right.

MR. NINIVAGGI:

-- like that. If there's any other types of wetlands work, that would depend upon the fate of the long-term plan --

LEG. ROMAINE:

Right.

MR. NINIVAGGI:

-- in EIS and all the associated mechanisms that go along with that.

LEG. ROMAINE:

Thank you so much for your information.

CHAIRPERSON VILORIA-FISHER:

There is a motion and a second on CEQ Resolution 110. All in favor? Opposed? CEQ Resolution 110 is approved. **(VOTE: 5-0)**

INTRODUCTORY RESOLUTIONS

CHAIRPERSON VILORIA-FISHER:

IR 2297, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Robbins property, Town of Brookhaven. (Lindsay)

LEG. D'AMARO:

Motion to table.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amato, seconded by Legislator Stern. All in favor? Opposed?

LEG. ROMAINE:

Can we see the sheet first?

CHAIRPERSON VILORIA-FISHER:

Sure. Oh, sorry. There is a motion and a second to table.

LEG. LOSQUADRO:

Madam Chair, if I may. Is there a --

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

I was wondering if there was a request from the sponsor?

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

To table. That's fine.

LEG. D'AMARO:

That was the basis of the motion.

LEG. LOSQUADRO:

Usually that's just -- don't want to nitpick but usually if you just put that on the record and there's no questions.

CHAIRPERSON VILORIA-FISHER:

So there's a motion and a second to table. All in favor? Opposed? IR 2297 is tabled. **(VOTE: 5-0)**. Can you read the next one for me, please?

LEG. D'AMARO:

All right. The next motion before the Committee or the next resolution is **2300, Making a SEQRA determination in connection with the proposed construction of a Wildlife Observation boardwalk at Cupsogue Beach County Park, (CP #7009, Town of Brookhaven.) (Lindsay)**

LEG. ROMAINE:

Motion.

LEG. D'AMARO:

Motion by Legislator Romaine. I'll second.

CHAIRPERSON VILORIA-FISHER:

And that's to put on the consent calendar.

LEG. D'AMARO:

To put on the consent calendar. All in favor? Opposed? Abstentions? And the motion passes. The resolution is approved. **(VOTE: 5-0)**

CHAIRPERSON VILORIA-FISHER:

Thank you Legislator D'Amaro.

IR 2301, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Patchogue River Wetlands addition, Abel and Delaure property, Town of Brookhaven. (Lindsay)

I'll make a motion to approve and place on the consent calendar.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? 2301 is approved and placed on the consent calendar. **(VOTE: 5-0)**

IR 2302, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Gould Pond County Park addition Roehrich property, Town of Brookhaven. (Lindsay)

Motion to approve and place on the consent calendar, seconded by Legislator D'Amaro. All in favor? Opposed? Resolution 2302 is approved and placed on the consent calendar. **(VOTE: 5-0)** You know, I have this meeting coming right after us and we're behind so you start getting a little -- tripping over your tongue.

IR 2303, Approving the acquisition of the assets of the Ocean Bay Park Water Corporation by the Suffolk County Water Authority. (Lindsay)

I'll make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Stern. On the motion. Any questions? Okay. All in favor? Opposed? IR 2303 is approved. **(VOTE: 5-0)**

IR 2353, Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands for the Giambanco property in the Town of

Brookhaven. (Romaine)

LEG. ROMAINE:

Motion. Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Romaine.

LEG. LOSQUADRO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. Mr. Isles?

COMMISSIONER ISLES:

Okay. We are circulating for you a copy of an aerial photograph and a rating sheet for this property. This is along County Road 51, which we spoke of earlier regarding the Topping property. The property's outlined in red. It is a parcel that is currently improved with a horse farm. And we have included some photographs just to give you a context because I think in this case it's a little bit note worthy given the extent of improvements. The resolution that we've reviewed indicates a proposed acquisition under Greenways. We'll just point out to you that Greenways is coming to an end at the end of December. And we're not sure if it would be appropriate to continue under that program under that circumstance.

Secondly, and just here again our initial review of the resolution indicates an intent to partner with the community -- an organization called IRIE. And I'm somewhat familiar with them and they certainly are a beneficial organization. I'm just not sure if it's a community organization, which is what's defining the legislation. I'm not sure what a community organization actually is. But that's just a question we would raise in terms of this going forward at least under Greenways. Certainly if it's different, then that may not apply.

And I guess the fundamental point we would have is the -- if the intent is for the County to buy this property for this organization to run a horse program for, I believe, disabled children and so forth, you know, beyond just the technical questions we raised is, is this really an appropriate decision for the County to take? And I guess twofold. Number one is, could we accommodate this on County property like a County park property? A County -- for example Southaven County Park has a horse stable area, could it go there? On property we already own. And then -- Sears Bellows, okay.

And secondly if we are going to buy it, if we are going to do it under a County acquisition program, as you can see with the photographs, this property is improved to a high degree. And I'm not sure what their needs are, how big their program is and so forth.

And just finally I'll just point out that the -- this did come to the Farmland Committee interestingly at the last meeting. So the parcel is on the market. And the Farmland Committee has recommended it for PDR, for purchases of development rights excluding the house. And that's actually in one of the resolutions coming up before you later on today.

So those are the concerns we would have is that this would obviously be a highly expensive acquisition if it were full fee. The property has extensive improvements. I don't know enough at this point to say whether IRIE could go on another location on County property. What their actual needs are, if they need such a large facility. And so at this point we would express those reservations to you.

LEG. ROMAINE:

Madam Chairman, based on those reservations and based on the fact that the County Executive has also determined that this property is valuable and is part of one of his forthcoming resolutions, I'll

move to table this. And what I'll do is I'll cosponsor with the -- I think it's 2377 because every parcel --

CHAIRPERSON VILORIA-FISHER:

That farmland list.

LEG. ROMAINE:

-- actually 2355, one of a --

CHAIRPERSON VILORIA-FISHER:

I knew which one.

LEG. ROMAINE:

-- which is the next one. One of the -- there's a series of farmland, everyone of which is in the First Legislative District. It was nice that the County Executive spent the time and consulted with me and made me aware of that. Because I would not have introduced this resolution if I was aware of the County Executive had similar interests in the same parcel. But I guess that's a matter of communication. And I certainly would encourage greater communication between the Executive and Legislative branch. So I'll table my motion and when we get to the next resolution I'll move to cosponsor.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, just as a point of information. Those farmland --

LEG. ROMAINE:

Right. That's more appropriate.

CHAIRPERSON VILORIA-FISHER:

-- lists are -- I've never been consulted whether it was this Executive or the one before. When we get those lists --

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

-- from the Farmland --

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

-- Committee, they don't consult the Legislator who lives in that -- who represents --

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

-- that particular district. We simply get the list. And if we choose to -- I was never consulted by -- on those lists.

LEG. ROMAINE:

Well, I will tell you that when Mr. Deering was the Commissioner, I was consulted and I was called. So -- and I think by the way, that's a courtesy that is due all Legislators regardless of their political affiliation.

CHAIRPERSON VILORIA-FISHER:

I was just pointing out historically that we weren't --

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

-- you know, when I would see listings from my --

LEG. ROMAINE:

I'm a great believer that it takes two to tango in government. That's why we have a separation of powers. And certainly I think every Legislator is deserving of that courtesy. In any event I've made a motion to table.

CHAIRPERSON VILORIA-FISHER:

I'll second that. All in favor? Opposed? 2353 stands tabled. **(VOTE: 5-0)**

And we move to **2355, (Approving planning steps for the acquisition of Farmland Development Rights December 2006.) (Co. Exec.)**

LEG. ROMAINE:

A motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Romaine, seconded by myself. And any comment on this? Okay. Any further comments on this? Okay. All in favor? Opposed? 2355 is approved. **(VOTE: 5-0)**

LEG. ROMAINE:

Will the Clerk please list me as a cosponsor on 2355?

LEG. LOSQUADRO:

Madam Clerk, myself as well.

CHAIRPERSON VILORIA-FISHER:

Okay. So noted. **2373, Amending the 2006 Capital Budget and Program, and appropriating an additional \$22.5 million in connection with the Suffolk County Multifaceted Land Preservation Program. (Co. Exec.)**

I'm going to make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? IR 2373 is tabled. **(VOTE: 5-0)**

IR 2377, Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the Benner Farm (SCTM No. 0200-133.00-01.00-007.000 p/o, 0200-133.00-01.00-008.000 p/o 0200-133.00-01.00-020.000 p/o 0200-133.00-03.00-027.002, 0200-133.00-03.00-028.000, 0200-133.00-03.00-029.000, 0200-133.00-03.00-030.000) Town of Brookhaven. (Co. Exec.)

And please list me as a cosponsor on that. I'll make a motion to approve.

LEG. LOSQUADRO:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? Approved. **(VOTE: 5-0)**

IR 2378, Authorizing the acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund for the Apostel-Stevenson Farm (SCTM No. 1000-018.00-06.00-005.000 p/o) Town of Southold. (Co. Exec.)

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Romaine, seconded by Legislator Losquadro. And you want to be listed as a cosponsor on that?

LEG. ROMAINE:

Yes. So, if the Clerk would be so kind.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second. All in favor? Opposed? IR 2378 is approved. **(VOTE: 5-0)**

IR 2379, Authorizing the acquisition of land under the Suffolk County Save Open Space Preservation program - Abel and Delarue property Patchogue River wetlands addition Town of Brookhaven (SCTM No. 0200-865.00-03.00-061.000). (Co. Exec.)

I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? IR 2379 is approved. **(VOTE: 5-0)** We are spending the money.

IR 2380, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space component for the Roehrich property, Gould pond addition, Town of Brookhaven (SCTM No. 0208-020.00-03.00-046.000 p/o). (Co. Exec.)

I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator D'Amaro. All in favor? Opposed? 2380 is approved. **(VOTE: 5-0)**

IR 2396, (To appoint member of County Planning Commission (David L. Calone). (Co. Exec.)

We are going to make a motion - we are going to table this at the request of the County Executive. I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? 2396 is tabled. **(VOTE: 5-0)**

IR 2427, Authorizing planning steps for acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program (Approved 1987, Amended 1996) Town of Smithtown, The Caldria Property, Legislator Kennedy. (SCTM No. 0800-171.00-04.00-043.000). (Kennedy)

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

There's a motion by Legislator Romaine, seconded by -- I haven't taken a look at it yet.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. Okay. Did you want to tell us anything about this?

COMMISSIONER ISLES:

No. I think it speaks for itself --

CHAIRPERSON VILORIA-FISHER:

Pretty self evident.

COMMISSIONER ISLES:

-- in the aerial photograph. It's adjacent to County property. It's an area where we have done significant acquisitions and it rated 32 points.

CHAIRPERSON VILORIA-FISHER:

Okay.

COMMISSIONER ISLES:

So we recommend it to you.

CHAIRPERSON VILORIA-FISHER:

There is a motion to approve and a second. All in favor? Opposed? IR 2427 is approved. **(VOTE: 5-0)**

Okay. **IR 2433, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, St. James Protestant Episcopal Church property, Town of Smithtown. (Nowick)**

COMMISSIONER ISLES:

If I could, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Certainly Mr. Isles. Go right ahead.

COMMISSIONER ISLES:

We ever have circulated the aerial photograph and a rating. As you'll see the rating wasn't bad. It was 26. Let me just point out that at this point we're a little bit -- well, number one we're puzzled as to what the intent is of the acquisition. There is a house or dwelling on one -- the smaller property. It appears like there's an old farm field in the back there. It got extra points because it's adjacent to or across the street from County property, Deepwells. But, you know, it's really not connected in any sort of functional way. It certainly would be kind of difficult to use it for parkland purposes associated with Deepwells.

So I think we're a little hesitant on this one at this point in time. We did have a brief conversation with the sponsor. But I don't think enough at this point to really get to the, you know, good handle on what the intent is if the County were to buy this. With all due respect, what I'd like to ask is you could reserve decision or table this and give me a chance to speak to the sponsor further and get more information to you.

CHAIRPERSON VILORIA-FISHER:

Okay. How large is the house?

COMMISSIONER ISLES:

I'm not certain what size the house is. It's apparently -- according to the sponsor when we spoke to her, it's not historic or in itself noteworthy; 1950's house is what I'm hearing. Whether the intent is to demolish the house, Whether the intent is to rebuild it or use it in some manner.

CHAIRPERSON VILORIA-FISHER:

This is a very short cycle. I would like to table this.

COMMISSIONER ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

For the two weeks.

COMMISSIONER ISLES:

Great.

CHAIRPERSON VILORIA-FISHER:

And have an opportunity to speak with --

COMMISSIONER ISLES:

And we'll speak to the sponsor.

CHAIRPERSON VILORIA-FISHER:

Because it looks like it would be good idea being contiguous to Deepwells Farm. I'm concerned about the house and about the use. It's -- I just would like an opportunity to speak with the sponsor.

COMMISSIONER ISLES:

Well we would appreciate the opportunity as well to get more information.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Okay. And it's a short cycle.

COMMISSIONER ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

It's just couple of weeks.

LEG. LOSQUADRO:

I can support that for this short cycle. If the intent is to raise the structure and do this as an addition to existing County holdings then I think it's a good acquisition.

COMMISSIONER ISLES:

Okay.

LEG. LOSQUADRO:

But I think it's a good idea to get the question answered on the existing structure.

COMMISSIONER ISLES:

Okay. We'll get more information. Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Yeah. Okay. There's a motion to table by myself, seconded by Legislator Losquadro. All in favor? Opposed? IR 2433 is tabled.

(VOTE: 5-0)

And as per the County Executive's Office there will be a motion to table **2434** at his request. **(To appoint member of County Planning Commission (Valarie S. Manzo) (Co. Exec)** Motion by myself, seconded by Legislator Stern. All in favor? Opposed? IR 2434 is tabled. **(VOTE: 5-0)**

And Legislator Horsley sits here saying to go me, here's your hat, what's your hurry? Do we have -- we do have a tabled memorializing resolution.

TABLED MEMORIALIZING RESOLUTIONS

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

CHAIRPERSON VILORIA-FISHER:

Is there a motion?

LEG. LOSQUADRO:

I just need to get an explanation please.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

I just don't recall.

CHAIRPERSON VILORIA-FISHER:

He is here. We can get it from --

LEG. LOSQUADRO:

Sure.

CHAIRPERSON VILORIA-FISHER:

-- Legislator Horsley. Your memorializing resolution in support of the Community Preservation Act. Let me just go to that to remind you. Or Counsel could perhaps.

LEG. HORSLEY:

Maybe that's a good idea. You're catching me totally off guard.

CHAIRPERSON VILORIA-FISHER:

Sorry. Here it is. I just don't know -- I don't remember what --

MR. NOLAN:

The Memorializing resolution --

CHAIRPERSON VILORIA-FISHER:

Oh, It's an Assembly Bill.

MR. NOLAN:

Right. And what it would do is like on the east end where there's community preservation funding, it would give other communities in the County the opportunity to establish same type of fund for land conservation and historic preservation. The bill itself is lengthy. So I can't speak for the details.

LEG. LOSQUADRO:

Don't -- Counsel if I may, don't municipalities already have that ability to put it up for referendum? And have the voters --

MR. NOLAN:

It would probably be --

LEG. LOSQUADRO:

What would this do differently other than the current ability to put it up for referendum?

MR. NOLAN:

I think it would give other communities the opportunity to put it on the ballot to create such a fund. But I think does it need state authorizing legislation before local communities can do that.

LEG. LOSQUADRO:

I'm not certain because I know the Town of Brookhaven put it up and I wasn't aware of any state enabling legislation.

MR. NOLAN:

No. Here it is.

LEG. STERN:

No.

MR. NOLAN:

I don't know.

LEG. LOSQUADRO:

No. But I don't know if this is necessary for them to do it. I just want to know what it does differently from the current law.

LEG. HORSLEY:

Why don't we move to table it?

LEG. STERN:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to table, seconded by Legislator Losquadro. All in favor? Opposed? Memorializing Resolution number 71 is tabled.

(VOTE: 5-0)

For the information of the people who are here, the alternative energy symposium or summit will begin now. It's beginning at 1:00 or at 12:30?

LEG. STERN:

Well why don't we go to 1:00.

**(THE MEETING CONCLUDED AT 12:46 PM)
{ } DENOTES SPELLED PHONETICALLY**