

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 June 6, 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
Renee Ortiz, Chief Deputy Clerk
Kevin Duffy, Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Brian Bielanski, County Executive's Office
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst•Department of Planning
Lauretta Fischer, Department of Planning
Vito Minei, Director of Environmental Quality
Janet Longo, Division of Real Estate
Patricia Zielenski, Division of Real Estate
Ginny Suhr, Aide to Chairperson Vilorio•Fisher
Bill Falk, Aide to Legislator Romaine
Deborah Harris, Aide to Legislator Stern

Linda Bay, Aide to Majority Leader
Linda Burkhardt, Presiding Officer's Office
Sandy Sullivan, Legislative Director of AME
William Colavito, Director Highway Design • DPW
Jeff Dawson, Civil Engineer • DPW
James Meyers, Principal Public Health Engineer • Health Department
Megan DiMiceli, Intern • County Attorney
Annemane DiNicola, Intern • County Attorney
Enrico Nardone
Janel Carbone
John Carbone
Eileen Taborsky
Robert Taborsky
Eileen Cook
Other Interested Parties

MINUTES TAKEN BY:

Lucia Braaten, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(The meeting was called to order at 10:45 AM)

CHAIRWOMAN VILORIA • FISHER:

Good morning, everyone. Welcome to the Environment, Planning and Agricultural Committee. Please stand and join us for the Pledge, which will be led by Legislator Losquadro.

(Salutation)

We have one card. Eileen Cook. Please come forward. And do you have something to handout?

MS. COOK:

I don't.

CHAIRWOMAN VILORIA • FISHER:

Okay. You can take a seat or go to the podium. Ginny, can you just make sure her mike is on?

MS. COOK:

I'll just stand over here.

CHAIRWOMAN VILORIA • FISHER:

Ginny, can you just make sure her mike is on?

MS. COOK:

Hi. My name is Eileen Cook and I live on Tower Place here in Smithtown. And I heard that there was a bill being put through to get some funding for the flooding problem that we have in our area, so I wanted to just stand in front of you today as part of the public to explain how severe this problem has actually become.

In my street, which is Tower Place, I am right behind Branchbrook Elementary School and there is a wooded area on the back of the school that just floods like you've never seen before. I mean, I have •• I do have some pictures to show you just how severe it has become where it's become a lake. We get ducks, actually, in my yard because the water has gotten so deep, and it was funny when it first happened until I realized these ducks are leaving things in the water. I have a small child, there's mosquito problems. I have had the Department of Health come and test the water in the back to make sure that the mosquitoes aren't breeding and creating a health hazard.

These are all things that we need to deal with just because of that water, not to mention the water that enters all of our basements every time the water level rises, which when I first moved in was bad and I had an entire drainage system put in. Spent a lot of money on the drainage system for the basement as have so many of my neighbors that I've learned after the fact, that this problem has evidently been going on for years and years and years. I just recently moved into the neighborhood about three years ago, so I'm kind of fairly new to this except for the fact that evidently everybody knows about it, just nobody has done anything to correct the problem.

So out of sheer frustration I come before you to beg you to please have somebody come down and just look, just look at the area every time it rains. You will see streams where the streets are along all of the curb. If you come down Steven Place it actually has become like a river down the street along the side and it's now an orange river, from the iron deposits I'm being told, have left an orange stream down the river of Steven Place, down Tower Place. And I don't know what else is in this water because we're also in the area that was affected by the Exxon spill back in 1998. So I don't know •• you know, that water is also being tested for whatever other issues are.

But I also have pictures that you can see of the basement, the water just

coming in, seepage through the basement, having pressure relief systems put in. The amount of money that the individuals in the area are having to put into our homes to correct a problem that, I mean, I think that somebody should put in a drainage system that would at least protect the residents from the water that's rising.

From what I'm told the area that I live in originally was a protected swampland, part of the greenbelt area, which is now protected land right across the street. And that area should have never been built on, from everybody that lives there saying that that shouldn't have been built on. There's no drainage system put in that has taken the water as it rises and removed it to another area so that we can sit in our basements when it rains and walk along the streets when it rains.

As an example, last summer the girl next door was actually in a kayak down at the end of the street in the cul•de•sac because the water was high enough for her to take the kayak and go around kayaking. I mean, that's how severe this problem has become.

CHAIRWOMAN VILORIA • FISHER:

Thank you very much for your presentation. There is a resolution by Legislator Kennedy. I'm not sure if it is responding to your issue. Are you near Miller's Pond?

MS. COOK:

Right. I am north of Townline and south of 347.

CHAIRWOMAN VILORIA • FISHER:

For the members of the committee, this is resolution number 1593. Now, we are going to have to table this today, just so that you understand how the process works.

MS. COOK:

Okay.

CHAIRWOMAN VILORIA • FISHER:

When we have any resolution that's seeking to use our •• what's called the 477 Account, the storm water remediation monies, it has to go through a committee that approves the project and we don't vote on it here until it has gone through that committee first for approval. It hasn't been presented yet at that committee, so we will have to table it today until we have the approval from that committee that that money can be used for this project.

MS. COOK:

And do we have the opportunity to speak in front of that committee that makes the decision?

CHAIRWOMAN VILORIA • FISHER:

Let me ask Counsel. Let me ask Counsel. Excuse me. There was a question as to whether the public can attend the Storm Water Committee meetings. I

don't know.

MR. NOLAN.

They should be open to the public.

CHAIRWOMAN VILORIA • FISHER:

Do you know when it is going to be held?

MS. COOK:

Okay. And do you know when that meeting is?

MR. NOLAN:

I don't know. I don't know. If you'd like we'll try to find out while you're here.

MS. COOK:

That would be wonderful. We have quite a few people that would like to •• if we can't attend at least have a list of all the people that are affected so you know •• so they know the severity of the situation.

CHAIRWOMAN VILORIA • FISHER:

Okay. Thank you, and we'll try to get that information for you. There's someone going out now to get that information for you.

MS. COOK:

Thank you very much.

CHAIRWOMAN VILORIA • FISHER:

Thank you for being here.

MS. COOK:

Thank you for your time.

CHAIRWOMAN VILORIA • FISHER:

And your photo. My Aide will give it to you. We're going to do the CEQ resolutions first. Mr. Bagg. And as we approve these resolutions, I've been told by Counsel that these resolutions •• I have said erroneously in the past that they would go on to the consent calendar. They indeed go on the pro forma calendar. And so, Mr. Bagg.

Jim has got to know how this works by now.

MR. BAGG:

I had the wrong button. First resolution is CEQ resolution number 39 of '06. **39•06 (Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on May 16th, 2006 (Type II action))**. It's the proposed SEQRA classification of Legislative resolutions laid on the table of May 16, 2006. This is fairly pro forma and it highlights all those type two actions that are before the Legislature.

CHAIRWOMAN VILORIA•FISHER:

Okay. Motion to approve by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **39•06 is approved. (Vote: 5/0/0/0)**

MR. BAGG:

Resolution number **40•06 (Proposed Safety and Security Improvements to the Suffolk County Sewer District, CP #8103, Suffolk County (Type II actions))**. Council recommends that this is installation of equipment and basically type two actions.

LEG. LOSQUADRO:

Same motion.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. And •• I just •• before we take the vote on that, was this the one that had been broken out, there had been one

project but it was divided into the several projects so that it wasn't •• there wasn't segmentation of •• I'm trying to remember at the meeting how this was dealt with.

MR. BAGG:

Well, actually there were a number of resolutions concerning the sewer districts and one was 15, another was 11, where they included these types of actions into those, but they also had some construction. But there are other sewer districts that are noted in the resolution that only require the installation of fire alarms, video surveillance and general infrastructure improvements at the 21 sewer districts, which is really type two actions. They weren't covered under those other resolutions because they dealt specifically with individual sewer districts.

CHAIRWOMAN VILORIA • FISHER:

Right. Okay. I just wanted to refresh my memory on that. There's a motion and a second. All in favor? Opposed? **40•06 is approved. (Vote: 5/0/0/0).**

41•06 (Proposed Sewer District #5 • Strathmore Huntington, Forcemain Replacement, Town of Huntington. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed District No. 5, Strathmore Huntington. It's a forcemain replacement in the Town of Huntington. Council feels that the above activity

is an unlisted action which will not have an impact on the environment because none of the criteria in SEQRA are exceeded.

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 and the parcel does not appear to suffer from any severe environmental developmental constraints. No poor soils, high water table or unmanageable slopes.

CHAIRWOMAN VILORIA • FISHER:

Same motion, same second, same vote. **41 • 06 is approved. (Vote: 5/0/0/0).**

42 • 06 (Proposed donation of Property File #S05 • 04 • 0019, Miller Place, Town of Brookhaven. (Unlisted action, Negative Declaration).

MR. BAGG:

This is the proposed donation of property, file number S05 • 04 • 0019 in Miller Place, Town of Brookhaven. Council recommends that this is an unlisted action that requires a negative declaration and will not have a significant impact. No criteria exceeded. The property asks that a County park property in the area and the property will be dedicated as Suffolk County Parks for passive recreational purposes.

LEG. LOSQUADRO:

Same motion.

CHAIRWOMAN VILORIA • FISHER:

Thank you. Same motion, same second, same vote. 43•06 is approved. Oh, wait a minute, 42•06. Sorry. **(Vote: 5/0/0/0)**.

43•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates • Houde Property in the Town of Huntington. (Unlisted action; Negative Declaration).

MR. BAGG:

43•06 is the proposed acquisition of land for open space preservation purposes known as Emerald Estates, the Houde Property in the Town of Huntington. Council recommends an unlisted action with a negative declaration because none of the criteria will be exceeded.

CHAIRWOMAN VILORIA • FISHER:

Same motion, same second, same vote. **43•06 is approved. (Vote: 5/0/0/0).**

44•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates • Cooper Property in the Town of Huntington. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as the Emerald Estates Cooper Property in the Town of Huntington. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA • FISHER:

And if you notice it's 43, 44, and 45 are all Emerald Estates but it's three different second names. We have Houde, Cooper and Barelli. Same motion, same second, same vote. **44•06 is approved. (Vote: 5/0/0/0).**

45•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates • Borelli Property in the Town of Huntington. (Unlisted action; Negative Declaration). Jim?

MR. BAGG:

This is the proposed acquisition of land for preservation purposes, Emerald Estates, the Mauro Property in the Town of Huntington. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA • FISHER:

Wait a minute. That was Borelli.

LEG. LOSQUADRO:

Forty•five is Borelli.

CHAIRWOMAN VILORIA•FISHER:

Forty•five is Borelli.

MR. BAGG:

Oh, okay. We're on 45?

CHAIRWOMAN VILORIA•FISHER:

Yes. I mentioned all three. I should have mentioned all four, the fourth being Mauro.

MR. BAGG:

Okay. All right. 45•06 is the purchase of open space for preservation purposes known as Emerald Estates, the Borelli Property in the Town of Huntington. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA•FISHER:

Okay. Same motion, same second, same vote. **Motion approved. (Vote: 5/0/0/0).**

46•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates•Mauro Property in the Town of Huntington. (Unlisted action; Negative Declaration).

MR. BAGG:

46•06 is the proposed acquisition of land for open space preservation purposes known as the Emerald Estates, the Mauro Property in the Town of Huntington. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. **46 is approved. (Vote: 5/0/0/0).**

47•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Fresh Pond Addition•Montagna Property in the Town of Huntington. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as the Fresh Pond Addition•Montagna Property in the Town of Huntington. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. **47•06 is approved. (Vote: 5/0/0/0).**

48•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Fresh Pond Addition•Bylott Property in the Town of Huntington. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as the Fresh Pond Addition, the Bylott Property in the Town of Huntington. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. **48 is approved. (Vote: 5/0/0/0).**

49•06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River Watershed Addition •Gilbert/Blydenburgh Property in the Town of Brookhaven. (Unlisted action; Negative Declaration). And look •• notice that this is the Forge River again and so we keep trying to protect that area. Go ahead, Jim.

MR. BAGG:

Right. This is the proposed acquisition of land for open space preservation purposes known as the Forge River Watershed Addition, the Gilbert/Blydenburgh Property in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA • FISHER:

Same motion, same second, same vote. **49 is approved. (Vote: 5/0/0/0).**

50 • 06 (Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Santapogue Creek Addition • Mastic Homes LTD Property in the Village of Lindenhurst. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed acquisition of land for open space preservation purposes known as the Santapogue Creek Addition • Mastic Homes Limited Property in the Village of Lindenhurst. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA • FISHER:

Same motion, same second, same vote. **50 is approved. (Vote: 5/0/0/0).**

51 • 06 (Proposed Donation of Property to SC Parks to satisfy a SCDHS

transfer of development right requirement (P. Cicorelli • S02•99 •049), Town of Brookhaven. (Unlisted action; Negative Declaration).

MR. BAGG:

This is proposed donation of property to the Suffolk County Parks to satisfy the Suffolk County Department of Health Services transfer of development rights requirement. P. Cicorelli, Project No. S02 ••

CHAIRWOMAN VILORIA • FISHER:

Cicorelli.

MR. BAGG:

Cicorelli.

CHAIRWOMAN VILORIA • FISHER:

Cicorelli.

MR. BAGG:

Okay. 99•049 in the Town of Brookhaven. The Council recommends it is an unlisted action, negative declaration.

CHAIRWOMAN VILORIA • FISHER:

Same motion, same second, same vote. **(Vote: 5/0/0/0)**. And the motion and the second are both by people with Italian surnames so we needed to pronounce that correctly.

52•06 (Proposed Donation of Property to SC Parks to satisfy a SCDHS transfer of development right requirement (File #R02•05•0677), Town of Brookhaven. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed donation of property to Suffolk County Parks to satisfy the Suffolk County Department of Health Services transfer of development rights requirement. It's file R02•05•0677 in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA • FISHER:

Same motion, same second, same vote. **52•06 is approved. (Vote: 5/0/0/0)**.

53•06 (Proposed Donation of Property to SC Parks to satisfy a SCDHS transfer of development right requirement (File #S02•99•0182), Town of Brookhaven. (Unlisted action; Negative Declaration).

MR. BAGG:

This is the proposed donation of property to Suffolk County Parks to satisfy Suffolk County Department of Health Services transfer of development rights requirement. It's file number S02•99•0182 within the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. **53•06 is approved. (Vote: 5/0/0/0).**

54•06 (Proposed Donation of Property to SC Parks to satisfy a SCDHS transfer of development right requirement (S02•04•0059), Town of Brookhaven. (Unlisted action; Negative Declaration).

MR. BAGG:

This is proposed donation of property to the Suffolk County Parks to satisfy Suffolk County Department of Health Services transfer of development rights, file number S02•04•0059 within the Town of Brookhaven. Council recommends an unlisted action, negative decoration.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. **54•06 is approved. (Vote: 5/0/0/0).**

55•06 (Proposed Donation of Property to SC Parks to satisfy a SCDHS

**transfer of development right requirement (File #S02•05•0027),
Town of Brookhaven. (Unlisted action; Negative Declaration).**

MR. BAGG:

This is the proposed donation of property to Suffolk County Parks to satisfy Suffolk County Department of Health Services transfer of development rights requirement, file number S02•05•0027 in the Town of Brookhaven. Council recommends an unlisted action, negative decoration.

CHAIRWOMAN VILORIA•FISHER:

Same motion, same second, same vote. **55•06 is approved. (Vote: 5/0/0).**

56•06 (Proposed Installing/Constructing a full Public Safety 800 MHz radio communications site, Rocky Point, Town of Brookhaven. (Unlisted action; Negative Declaration). 56•06 I'd like everyone to take special note. We've been looking at this. This is the towers in Rocky Point and it was a slam dunk at CEQ. It was a good presentation and the Water Authority is bearing some of the additional burden. I'm sure Legislator Losquadro knows about this. So we're happy to see this final CEQ resolution here. Jim.

MR. BAGG:

This was reintroduced back into CEQ. It is a proposed installation/construction of a full public service safety 800 megahertz radio communication site in Rocky Point, Town of Brookhaven. The project

involves the installation and construction of an 800 megahertz radio •• radio •• radio communication site including construction of a retaining wall with associated fill and building an equipment shelter within existing fenced area as well as placing antennas on an existing Suffolk County Water Authority tank.

Council recommends that it's an unlisted action that will not have an impact on the environment for the following reasons. None of the criteria in 617.7 of SEQRA are exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental 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 soils and no high groundwater. The area adjacent to the tank has previously been cleared and fenced and the antennas are unobtrusive next to the existing tank and other antennas already exist on the tank.

CHAIRWOMAN VILORIA • FISHER:

Thank you very much, Jim.

LEG. LOSQUADRO:

Motion to approve.

CHAIRWOMAN VILORIA • FISHER:

And there is certainly a motion to approve by Legislator Losquadro.

LEG. ROMAINE:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator Romaine. All in favor? Opposed? **56 • 06 is happily approved. (Vote: 5/0/0/0).** Thank you very much, Jim.

We're going to •• I'm going to make a motion to take a resolution out of order because we do have Mr. Nardone here. What's that number George, for Mr. Nardone.

MR. ZWIRN:

1532.

CHAIRWOMAN VILORIA • FISHER:

If you could forward, Mr. Nardone, while I get that resolution out.

MR. NOLAN:

1532.

CHAIRWOMAN VILORIA • FISHER:

Thank you very much. This is appointing member to the Council on Environmental Quality, Enrico Nardone. Good morning.

MR. NARDONE:

Good morning.

CHAIRWOMAN VILORIA • FISHER:

Good morning, Mr. Nardone. How are you?

MR. NARDONE:

Good, thanks.

CHAIRWOMAN VILORIA • FISHER:

Good to see you. I'll give everyone a chance to have the resolution before them. I'm making a motion to take 1532 out of order.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1532 is before us. **1532 (Appointing member to the Council on Environmental Quality (Enrico G. Nardone)).** There is an attached resume.

Many of us are familiar with Mr. Nardone because when we were looking at a certain property he came before us and I think articulated the case for Seatuck very clearly. I think •• Dan, were you on Environment at that time?

LEG. LOSQUADRO:

I'm not sure.

CHAIRWOMAN VILORIA • FISHER:

Okay. That was the Scully property.

LEG. LOSQUADRO:

No.

CHAIRWOMAN VILORIA • FISHER:

It had been owned by the Audubon Society. Okay. Mr. Nardone, can you just tell us a little bit about yourself and why you'd like to serve on CEQ? You heard the kind of agenda that they •• on which they deliberate and maybe you could reference that a little bit.

MR. NARDONE:

Yeah. I've been involved in environmental law since graduating law school. I went to law school to be an environmental attorney. I spent a couple of years after law school at the National Audubon Society in Washington involved in sort of national level environmental policy issues. I was involved in litigation regarding the National Environmental Policy Act, which is the federal law that SEQRA was modeled after.

I then spent some time in Pennsylvania at a general litigation law firm doing some litigation and some land use. And then I found my way to Long Island and have been with the Seatuck Environmental Association for the past five years. I took that job with the understanding that there was going to be a nature center opened at the Seatuck National Wildlife Refuge in partnership with the Fish and Wildlife Service and that the organization had aspirations to be involved in education, research and wanted get involved in some policy work, which is sort of why my background worked.

Shortly after taking the job, the Fish and Wildlife Service let me know that the nature center wasn't going forward and we were sort of thrown into disarray and the search for a new home. We ended up losing our office space at the National Wildlife Refuge and I have spent the past couple of years sort

of trying to relocate the organization and find a location for us to base our environmental education work. That's why I've been before this Legislature with regard to the Scully property, because that's the place we identified as a perfect location for us.

It's a long way of saying that I've been out of the environmental law and environmental policy game for a while because I've been so focused on the Scully property and our organizations efforts to sort of establish a nature center. So when this was presented to me it was interesting because it would give me an opportunity to get back to doing work that I had been doing and be involved in issues that I wanted to be involved in and I have some background with.

Certainly I'm familiar with SEQRA. I haven't been directly involved in SEQRA work, but as I mentioned, I have been involved in lots of issues related to NEPA on the national level.

CHAIRWOMAN VILORIA • FISHER:

And they're similar enough that you would feel comfortable making the kind of SEQRA determinations that need to be made in CEQ, in the deliberations of CEQ?

MR. NARDONE:

They are, yeah, and I would, certainly.

CHAIRWOMAN VILORIA • FISHER:

Are there questions from other members of the committee? Okay. Well, I think your resume certainly speaks for itself. We're very pleased to have someone with your background who's interested in serving on CEQ, because we need that kind of specialized knowledge and technical knowledge of how SEQRA works. So if •• since there seems to be no questions I'm very pleased to make a motion to approve.

LEG. LOSQUADRO:

Second.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Okay.

LEG. LOSQUADRO:

Whoever.

CHAIRWOMAN VILORIA • FISHER:

Okay, seconded by the Vice Chair. And if the Clerk could put on the record that Mr. Horsley, who's •• who is the representative of Mr. Nardone, would like to be listed as a cosponsor. Okay. All in favor? Opposed? **(Vote: 5/0/0/0)**. Congratulations, Mr. Nardone.

MR. NARDONE:

Thank you.

CHAIRWOMAN VILORIA • FISHER:

I'll be seeing you at the CEQ meetings.

MR. NARDONE:

Okay. Thanks.

CHAIRWOMAN VILORIA • FISHER:

And by the way, we have a packet that perhaps we can, after your approval on Tuesday hopefully and the signature of the County Executive, Mr. Bagg will forward a packet that's about this high on our Vector Control DEIS. And so we'll get you busy right away. I think the public hearings have been set for that and •• Mr. Bagg could you just briefly tell us when the public hearings are set for that because •• if you have that information. I thought members of the committee might want to know that information.

As members of the committee know, especially if you have served on the Environment Committee last year or the year before, well, there would only be two of us here who have, we have been looking at the EIS that has been •
• the ongoing work of both the Health and the Department of Public Works on the Vector Control Program and we finally have a tome to read on that and there are public hearings that have been set. Mr. Bagg, can you tell us the dates?

MR. BAGG:

I believe, from what I recollect, they will be held •• there would be two public hearings held, one in Riverhead, one in Hauppauge, on June 29th and July 6th.

CHAIRWOMAN VILORIA • FISHER:

Are those in the evening?

MR. BAGG:

The one in Hauppauge will be from ten in the morning until one in the afternoon. The one in Riverhead will be six to nine.

CHAIRWOMAN VILORIA • FISHER:

Which one is which? I'm sorry.

MR. BAGG:

The one in Hauppauge will be during the day.

CHAIRWOMAN VILORIA • FISHER:

On June 29th?

MR. BAGG:

Yes, June 29th, I believe.

CHAIRWOMAN FISHER:

Is Hauppauge.

MR. BAGG:

Yes. And the one in Riverhead will be from six to nine in the evening.

LEG. D'AMARO:

And what day is that?

MR. BAGG:

I believe they are both Thursdays.

CHAIRWOMAN VILORIA • FISHER:

So July 6th is Riverhead and that's in the evening.

MR. BAGG:

I believe so.

LEG. ROMAINE:

And this is on the DIS?

MR. BAGG:

Yes.

LEG. ROMAINE:

DEIS.

CHAIRWOMAN VILORIA • FISHER:

DEIS, right.

MR. BAGG:

The DGEIS. It's a generic.

LEG. LOSQUADRO:

Any other acronyms for us?

CHAIRWOMAN VILORIA • FISHER:

Oh, could he throw them out for us. Okay. Thank you very much, Jim.

MR. BAGG:

Sure.

CHAIRWOMAN VILORIA • FISHER:

Always a wealth of information. All right. We will move to the agenda on tabled resolutions.

Tabled Resolutions

We'll begin with tabled resolution **1172 (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))**. Was this one that had been addressed earlier? Refresh my memory, please, Mr. Isles, with this one. 1172. I believe we had tabled it.

DIRECTOR ISLES:

Right. This is a tabled resolution. There is an existing planning steps resolution on this property under the Drinking Water Protection Program.

CHAIRWOMAN VILORIA • FISHER:

Okay. Motion to table.

MR. ROMAINE:

Excuse me.

CHAIRWOMAN VILORIA • FISHER:

I just need a second on that motion.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Legislator D'Amaro seconds that motion. Legislator Romaine, on the motion.

LEG. ROMAINE:

Yes, on the motion. This resolution has been amended to include participation by the Town of Brookhaven. It's a 70/30 split and the resolution has been amended to reflect that fact. The town has sent correspondence and adopted a resolution to participate in the acquisition of this property.

LEG. LOSQUADRO:

Motion to approve.

LEG. ROMAINE:

And the resolution has been amended as Counsel will tell you.

CHAIRWOMAN VILORIA • FISHER:

Okay. Mr. Isles.

DIRECTOR ISLES:

Well, I think, you know, that certainly is helpful to the acquisition. We would normally include that in the •• you know, at this point in time this is already in approved planning steps •• include that in the authorizing resolution so it still appears to be unnecessary, but that's for your judgment at this point.

CHAIRWOMAN VILORIA • FISHER:

Okay. So we can put it in the authorizing resolution at the time when we are acquiring the property, that Brookhaven Town will be partnering with us so we don't really need to go through the steps of having another planning steps resolution. So the motion to table takes precedence.

LEG. ROMAINE:

Can I raise a question? Point of information.

CHAIRWOMAN VILORIA • FISHER:

Yes.

LEG. ROMAINE:

Could I ask Counsel ••

CHAIRWOMAN VILORIA • FISHER:

If you wouldn't mind, when we're making a motion can you just hold your comments until you're recognized. It just leads to a more orderly meeting. All right. We do have a motion to table and a second. Was there a motion to approve and a second just so we have the record straight.

LEG. ROMAINE:

No.

CHAIRWOMAN VILORIA • FISHER:

Do you have a comment on the motion to table?

LEG. ROMAINE:

I'm asking a point of information.

CHAIRWOMAN VILORIA • FISHER:

Go ahead.

LEG. ROMAINE:

My point of information is to the Counsel. If the town is participating and the resolution has been amended, in fact, do you need or should it be or would it be desirable to have a new planning steps resolution adopted at this point?

MR. NOLAN:

I think the fact that the Town of Brookhaven is expressing interest in sharing the cost would not require a new planning steps resolution. I believe that if there is an outstanding planning steps resolution the County could proceed under that and bring the town in to share the cost.

LEG. ROMAINE:

One other question. I ask that in light of the North Fork Preserve, where I believe Legislator Caracciolo was successful in adopting a resolution, a planning steps resolution in August of 2000 •• August or September of 2005, and yet the County Executive in January of 2006 brought forward a resolution for the same property, but claiming that it was a different program, or something of that nature. And at that time the ruling was even though it was the same property and even though there was a resolution, my understanding was that there was a, I guess an opinion expressed that it should •• that it was fine to submit a second duplicative resolution.

MR. NOLAN:

You'll recall that was not my opinion at the time.

LEG. ROMAINE:

No.

MR. NOLAN:

Okay.

CHAIRWOMAN VILORIA • FISHER:

Okay. There's a motion to approve and a second. All in favor? I mean to table, to table. There's a motion to table and a second. All in favor? Opposed?

LEG. ROMAINE:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRWOMAN VILORIA • FISHER:

Okay. Please note the opposition. There are three votes in the affirmative. **1172 is tabled. (Vote: 3/2/0/0 Opposed: Legislators Romaine and Losquadro).**

MR. ZWIRN:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Yes.

MR. ZWIRN:

Just for the record. The instance that Legislator Romaine was talking about was where Legislator Caracciolo had put this under the Farmland Acquisition

Program and the Farmland Committee had voted against it.

CHAIRWOMAN VILORIA • FISHER:

Yes, I do recall that, but because it's not really germane to this I didn't want to belabor the issue and reopen a debate that we spent quite a deal of time on several months ago. Okay.

1220 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Governale Property), Town of Brookhaven).

LEG. ROMAINE:

Motion to table. But, as part of the discussion, once we get a second.

LEG. LOSQUADRO:

I'll second.

CHAIRWOMAN VILORIA • FISHER:

Okay. Seconded by Legislator Losquadro. Well, I don't think anybody has any opposition, so we'll vote on it, but we'll go to your comments. All in favor? Opposed? **1220 is tabled. (Vote: 5/0/0/0).** We do have a long agenda so we do want to keep our comments succinct.

Mr. Romaine.

LEG. ROMAINE:

A very quick question. I just want to know how the status of those negotiations are going because I'm told that there are negotiations going on. I would like to know if the appraisals have been done on the property if, in fact, they are in negotiations with this property.

CHAIRWOMAN VILORIA • FISHER:

Mr. Isles.

MS. LONGO:

The appraisals •• I don't believe they're in yet. They've been ordered and as soon as the appraisals come in we'll go through the whole ETRB process, and as soon as we have an approved number we'll make an offer.

LEG. ROMAINE:

How long does it take usually to get the appraisals? And do you know when they were ordered?

MS. LONGO:

I don't know offhand.

LEG. ROMAINE:

Could you get my office that information, please.

MS. LONGO:

Sure.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Mr. Losquadro.

LEG. LOSQUADRO:

There is a specific time frame in which the appraisals must be returned, is that correct, if you could just inform Legislator Romaine what that time frame is.

MS. LONGO:

Sixty days after they've been ordered.

LEG. ROMAINE:

Right. And you're going to get me the date that they were ordered.

MS. LONGO:

We do the RFP's, we have •• you know, we RFP to four different appraisers, choose two, and from the time we choose them they have 60 days to get their appraisal back. If there •• sometimes there's extenuating circumstances and they may run into issues that they need to resolve or deal with, so sometimes they get an extension. But typically it's 60 days, and then when they come back to the office they're reviewed by the appraisal review staff, then they're reviewed by the internal review staff, then it goes to the ETRB.

CHAIRWOMAN VILORIA • FISHER:

And your representation is that the appraisals have been ordered.

MS. LONGO:

They've been ordered. They haven't come in yet.

CHAIRWOMAN VILORIA • FISHER:

They have been ordered. Okay. And you'll inform Legislator Romaine as to what the time frame is when you anticipate those appraisals to be in.

MS. LONGO:

I'll speak with the Appraisal Review Unit and find out when they're anticipating the appraisals.

CHAIRWOMAN VILORIA • FISHER:

Thank you very much, Ms. Longo.

MS. LONGO:

Sure.

1225 • 06 (Approving Master List IV and planning steps for environmentally sensitive land, farmland and recreationally important land acquisitions). Mr. Isles, you were moving your microphone.

DIRECTOR ISLES:

Okay. Well, if you would like, the Planning Department, of course, has reviewed these at a prior meeting. We had presented to you and to the sponsor a list of our comments. There have been two, as I understand it, amendments to this resolution; the most recent one is that we did present this to the County Farmland Committee at their meeting last week to isolate

out what we identified as the farm acquisitions. The Farmland Committee recommended approval of seven of the 11 farms that were on the list and recommended that one of the ones that was disapproved for farmland be considered for open space.

I've conveyed that information to the sponsor and as I understand it, there's been a corrected resolution put in to delete the three farms that were not recommended by the Farmland Committee. So with that, at this point the department does not oppose this resolution.

The only other comment I'd like to make is that the •• this was a large scale resolution with many parcels on it. Some of these parcels •• all of the parcels have been reviewed by us and tentatively recommended for approval. As we get further into it, if the planning steps resolution is approved, some of these may be candidates for partnerships with towns, some may be •• you know, in the end may not be recommended for County, but at this point in time we're comfortable with the list as presented and modified.

CHAIRPERSON VILORIA • FISHER:

Okay. I'm flipping papers here because we did receive something from Counsel which is a change in the items, if everyone has this before them. There's correspondence; Steve, do you have this?

LEG. STERN:

Yeah.

CHAIRWOMAN VILORIA • FISHER:

Okay. Counsel, can you please explain the correspondence vis•a•vis the resolution that's before us?

MR. NOLAN:

The only change •• it's a change to the exhibit which is a listing of the properties. I'd have to defer to Legislator Romaine to see if, in fact, it reflects the recommendations of the Planning Department.

LEG. ROMAINE:

I believe it does, yes.

CHAIRPERSON VILORIA • FISHER:

Okay. So everyone is on board with the changes and this doesn't represent a duplication of something that has been •• this is separate and distinct from items that are already being dealt with, Laurretta?

MS. FISHER:

Yes.

CHAIRPERSON VILORIA • FISHER:

So •• okay, yes?

LEG. ROMAINE:

Motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA • FISHER:

All right. There is a motion and a second to approve, and there is a representation from Mr. Isles that there is no problem or ••

DIRECTOR ISLES:

Right, subject to the planning steps process on whether some should be partnerships and so forth.

CHAIRPERSON VILORIA • FISHER:

Right, okay. There's a motion and a second. All in favor? Opposed?

1225 is approved. (Vote: 5/0/0/0).

1288 (Creating a Homestead A•Syst Task Force to minimize the use of pesticides and fertilizers through a County•Wide Education Program).

I will make a motion to approve. Seconded by Legislator D'Amaro.

LEG. LOSQUADRO:

Explanation, please.

CHAIRWOMAN VILORIA•FISHER:

Yes. Counsel, I don't have my book open. Can you just go through all of the members of that board?

MR. NOLAN:

Okay. This resolution we create a task force to •• the goal is to minimize use of pesticides and fertilizers through an education program. The Task Force is directed to create and develop an information program that will educate the citizens of the County as to the environmental and health risks associated with fertilizers and pesticides and describe steps that may be taken to minimize those risks and provide instruction on the proper use of pesticides and fertilizers.

CHAIRWOMAN VILORIA•FISHER:

And I just wanted to point out that Legislator Schneiderman is a cosponsor

with me on this because it's achieving many of the goals that we have been working on, which is the education of the public as to the use of fertilizers and pesticides in residential use. And the success of the agricultural program that I had where we included the professionals who are doing the application of the fertilizers and pesticides made that a very successful program.

LEG. LOSQUADRO:

I'm not going to disagree with that, Madam Chair, but is it usually not customary, if not almost mandatory, to include representation on a committee such as this from the Minority Caucus of the Legislature? And I'm just wondering as to why that's not included. As Minority Leader this year I've made appointments to many boards and usually in these committees to insure diverse representation. We have a committee Chair, we have the Presiding Officer, but I do not see an appointment from the minority.

CHAIRWOMAN VILORIA • FISHER:

Well, actually when I set up the Agricultural Task Force there was no •• there was no member appointed by the Minority Leader, and, in fact, I think that that's a fairly new tradition that has come. Many of the task forces had appointees by members of the public and by the Legislature where we had pertinent committee chairs to that particular task force's mission that would be appointed.

So if you look at all of these chairs, they're very specific in their •• certainly you could make a recommendation to the Presiding Officer if you have someone in mind in the environmental community, but this certainly is not in any way a political type of mission that is served by this group.

LEG. LOSQUADRO:

Nor do I believe it should be. And being that Legislator Schneiderman took part in it, I just wish to •• I beg to differ that those appointments are not a new development, they've been ongoing for some time. But Legislator Schneiderman took part in this and had a hand in crafting the bill and that certainly satisfies any concerns that I may have as to the representation from my caucus. So, that's fine.

CHAIRWOMAN VILORIA • FISHER:

Okay. And if you have, as I said, any kind of recommendation, you know, we would be very happy to entertain them. Okay. There's a motion to approve and a second. All in favor? Opposed? **1288 is approved. (Vote: 5/0/0).** When you have such a voluminous agenda sometimes it's difficult flipping the book back and forth.

1352 (Appointing member to the Suffolk County Water Authority (James T.B. Tripp)).

LEG. LOSQUADRO:

Motion to table.

CHAIRWOMAN VILORIA • FISHER:

Would you mind tabling it subject to call so that ••

LEG. LOSQUADRO:

Motion to table subject to call.

CHAIRWOMAN VILORIA • FISHER:

Thank you.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1352 is tabled subject to call. (Vote: 5/0/0/0).**

1390 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Treemont Avenue property) Town of Brookhaven). I believe that the sponsor asked to have that tabled. It's not ready to move. Mr. Isles, is that correct?

DIRECTOR ISLES:

That's my understanding as well, yeah.

CHAIRWOMAN VILORIA • FISHER:

Okay. Motion to table by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **1390 is tabled. (Vote: 5/0/0/0).**

1465 (Authorizing planning steps for acquisition under Suffolk Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (U.A. Theater and surrounding property) Town of Brookhaven). I still had a couple of questions about that. I believe there were changes and that's ready to go, or there was more information available. Mr. Isles.

DIRECTOR ISLES:

Here again from the information we have available in the County Planning Department we indicate this as being approximately 40 acres of a larger site that is occupied as a multiplex theater. The resolution indicates an attachment of a report and that report sites the proposed acquisition as being the undeveloped portion of the site logically. The site does contain wetlands. We did do a rating under the County's rating system. It came out to 24 points.

We do understand that there is an application pending on this property for a rezoning and there may have been some back and forth in terms of the ultimate disposition of this property, whether some of this land would be dedicated at no charge to the County. So I'm not sure what the status is of that and I certainly don't speak for the sponsor.

CHAIRWOMAN VILORIA • FISHER:

I thought the sponsor mentioned there is some land that is being dedicated to the County at no charge. He has represented that.

DIRECTOR ISLES:

Okay.

CHAIRWOMAN VILORIA • FISHER:

And do we have a partnership as well?

DIRECTOR ISLES:

I'm not aware of a partnership per se. There may be, but I'm not aware of it.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Yes.

LEG. LOSQUADRO:

If I may. If I recall, this parcel was somewhat fractured in appearance, that

the ••

CHAIRWOMAN VILORIA • FISHER:

Because of the way the theater came out.

LEG. LOSQUADRO:

Exactly. I thought we had said last time that we would look to see if there was a way to do either an entire acquisition or possibly look at an alternative usage such as workforce housing or something of that nature, that the parcel perhaps did not lend itself to the intended use of the resolution. That was my recollection of the discussions from the last meeting.

CHAIRWOMAN VILORIA • FISHER:

And •• but has some of it been broken out since then.

DIRECTOR ISLES:

Nothing to my knowledge has changed since then. The original resolution did break out the open space as part of that attached report, so to my knowledge nothing new has been added in.

By the way, the application that is pending is for rezoning for residential. Whether that includes workforce housing I'm not sure of. I think it does, but the change of zone would go to residential.

CHAIRWOMAN VILORIA • FISHER:

Tom Isles is saying that there is •• can we look at the map again so that you could tell us where the donated property is and exactly how we're going to •• and do you have copies of that?

DIRECTOR ISLES:

The map does not show donated land. What it shows is what was referenced in the report attached to the resolution.

CHAIRWOMAN VILORIA • FISHER:

Thank you, Laretta. Okay. We're getting information that the theater has been demolished recently and let's take a •• Linda Burkhardt just gave me her information. So can we look at this again and see because there were questions from this committee from all of us on this committee regarding this piece of property. We're looking at •• the proposed acquisition is the dark green, but then we have the dotted green line indicating what, Tom?

MS. FISCHER:

That's the area that we have presumed that the sponsor was interested in acquiring. We took that information from the resolution and made some generalizations as to what we felt his intention •• his intention was.

So, in other words, giving access from Sunrise Highway to the north, bringing •• going down into the undeveloped area with the wetland to the south of the

property. I am not sure what would be donated if •• the donation, I think, was based on the owner getting his change of zone, I believe, and we don't know if that would also be a donation in addition to these acquisitions if that occurs. So I'm confused as to whether the donation is part of this acquisition presentation or not.

CHAIRWOMAN FISHER:

I believe Mr. Isles indicated earlier that there's strong development pressure here?

DIRECTOR ISLES:

There's an application for a change of zone that I am aware of. It is something that was filed with the Town of Brookhaven.

CHAIRWOMAN VILORIA • FISHER:

For what use, Tom?

DIRECTOR ISLES:

My recollection is it is a change of zone from the current commercial zoning, which allows a multiplex theater, to a residential zoning to allow either townhouses or apartments on the property. I believe it's townhouses.

CHAIRWOMAN VILORIA • FISHER:

For townhouses. Okay. And that would be for the whole property or just where the theater is or?

DIRECTOR ISLES:

It would take in the whole property with the exception of obviously the wetlands, but it would involve what's currently the theater and the parking lot and I believe it also extends to the north where some of that wooded area is coming off of Sunrise Highway.

CHAIRWOMAN VILORIA • FISHER:

Now, when I spoke with Legislator Horsley he •• not Horsley, with Legislator Eddington, he seemed to think that all of these questions had been answered, that there was property that was being donated and I thought that there had been conversation.

DIRECTOR ISLES:

Not with me, maybe with someone else. But I can certainly call Mr. Eddington and see if there's more information to provide to you.

CHAIRWOMAN VILORIA • FISHER:

I hate to tie this up if there is this kind of pressure for development, but I don't ••

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

If I may finish my statement. But I don't feel comfortable approving something where I still have questions. We might consider a discharge without recommendation and see if we could get answers before our meeting on Tuesday, because this is an important piece of property. It does have wetlands and it does have the ability to be used perhaps in other ways. If we could look at the whole piece of property and the donated property wouldn't •

- would that have to be within the restrictions of park passive use or the donated property would be for passive use?

DIRECTOR ISLES:

Yeah, usually. Most of the times as part of a change of zone it would be donated as a condition of the town's approval of the change of zone and the town would typically stipulate where that would go, whether it be town parkland or whatever. So usually we're not involved in those town rezoning donations, but certainly the intent would be for preservation purposes and in some way that would be ensured through a deed covenant and, you know, some manner of controlling future use.

CHAIRWOMAN VILORIA • FISHER:

Okay. I'm looking at 1465 and it would be for preservation purposes, not any kind of active use.

DIRECTOR ISLES:

Right.

CHAIRWOMAN VILORIA • FISHER:

Or the suggestion by Legislator Losquadro, which is a welcome suggestion when we're looking at the use of our monies to look at some affordable housing use and that would certainly be appropriate where the theater now is. However, the theater is not included in this resolution.

DIRECTOR ISLES:

No.

CHAIRWOMAN VILORIA • FISHER:

It is cut out of it.

DIRECTOR ISLES:

There is an attached report. Here again we've had to make some interpretation of that based on the report that was attached and our understanding of the resolution. But certainly it does not include the developed part of the site from what we can gather. And then, well, what this would be then is that when •• if this were approved, Real Estate would then order an appraisal based on a partial acquisition of the property and then we would fine tune the exact boundaries of that.

CHAIRWOMAN VILORIA • FISHER:

Okay. Legislator Losquadro has a question.

LEG. LOSQUADRO:

That was really •• I'm not opposed to any acquisition here. I just really sort of want a clear answer of actually what we're looking to acquire and I'm sure as everyone knows, when the town •• if the town did grant any sort of change of zone there is a finite density that they would allow, and especially if it's something in a town home or something of that nature, they would seek to cluster that development on to a portion of the site, thus perhaps creating the buffer of the open space around it. That's something that might be able to be done through the planning tools that the towns have at their disposal being that they control land use.

I'm just still sort of like Laretta, I'm not really clear as to what's exactly being proposed to be purchased here, but if the sponsor could confer with Mr. Isles perhaps before Tuesday. I know everyone is always afraid of waking up and finding a bulldozer in their backyard, but I think that's something in days gone by with townships and towns actually have a much more open, transparent process that the community is made aware of, and I don't think any change of zone will be granted without, you know, a full vetting out process within the community. So, whatever the pleasure of the Chair is.

CHAIRWOMAN VILORIA • FISHER:

Well, actually, those are very good points and I think in order to look at preservation, and look at it in a fiscally responsible manner, we could look at some of the property being acquired and some of the property being carefully looked at for affordable housing, but working with the private entity. There

are many ways which to approach ••

LEG. LOSQUADRO:

Do you want to discharge it?

CHAIRWOMAN VILORIA • FISHER:

Yes, I want to discharge it without recommendation because I do have questions. That is what I had indicated earlier. But I want to look at it from very many different vantage points. Laretta, you had a question?

MS. FISCHER:

I just have one more comment. On the tax map numbers there are some errors and I believe we should also identify those lots that we're only going to be acquiring part of the lot, be identified as such.

CHAIRWOMAN VILORIA • FISHER:

Okay. So you're saying there are errors in the resolution that have to be changed.

MS. FISCHER:

Yes, they should be changed. It's not •• it's minor, but I think it's important that we identify those properly.

CHAIRWOMAN VILORIA • FISHER:

Okay. Those would have to be amended today, the deadline is today.

MR NOLAN:

Right.

DIRECTOR ISLES:

We'll speak with Mr. Nolan.

CHAIRWOMAN VILORIA • FISHER:

Okay. Thank you. So I'm going to make a motion to discharge without recommendation. I will give Legislator Eddington a call. Ginny, if you could just make a note to remind me of that. There's a second by Legislator Stern. All in favor? Opposed? **1465 is discharged without addition. (Vote: 5/0/0/0).**

Okay. 1513, it's a new resolution authorizing •• did I miss one?

MR. NOLAN:

You missed the last tabled resolution.

CHAIRWOMAN VILORIA • FISHER:

I have two sets of notes here. **1490 (Creating a Regional Solid Waste Management Commission to reduce pollution, traffic congestion and financial impact of current solid waste disposal practices in Suffolk County)**. Okay. Mr. Zwirn.

MR. ZWIRN:

Yes. Commissioner Deering has spoken with the sponsor and they've agreed, the sponsor agreed to table it one more cycle so that they can make some changes to it.

CHAIRWOMAN VILORIA • FISHER:

Yes, and I understand it's becoming a •• it's a pretty complex piece of legislation.

MR. ZWIRN:

It's getting a wider scope, I think, between now and next week.

LEG. VILORIA • FISHER:

I see. Motion to table.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1490 is tabled. (Vote: 5/0/0/0).** And we have addressed the CEQ resolutions. We move to Introductory Resolutions.

Introductory Resolutions

1513 •• did I read the caption on that? I'll read it again. **1513 (Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands • Suffolk County Tax Map No. 0600•075.00•03.00•004.000 (Zoumas property • Town of Riverhead).**

LEG. ROMAINE:

Motion.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Okay. Motion by Legislator Romaine. Not having seen it yet I can't vote one way or the other. There is a motion and a second. On the motion. This is a perfect rectangle here, isn't it. Mr. Isles?

MR. ZWIRN:

Madam Chair, if I might. The Parks Commissioner, Ron Foley, couldn't be here today but he asked me to relay some of his comments, and one of the things •• he doesn't know anything about this group, Northeast Youth Sports Association.

LEG. LOSQUADRO:

Mr. Zwirn, if I may.

MR. ZWIRN:

Let me ••

CHAIRWOMAN VILORIA • FISHER:

Let him finish his ••

LEG. LOSQUADRO:

I'll just •• before you go any further. Perhaps he does not recall, but I

actually had dealings with them, with members of this group, when we were looking at possibly converting some fields in Cathedral Pines to soccer fields. So he actually has had dealings with this group.

MR. ZWIRN:

His comments to me that I have here, that he's not familiar with this particular group, what kind of organization they are, can the Parks Department actually contract them for field development, will there be town partnership in this.

One of the things they're concerned about is that when, you know, is it going to be access to all members of the County. There were some questions that the Parks Department had that he would like to have answered so it doesn't become problematic. Expectations are raised and then they have problems down the road.

CHAIRWOMAN VILORIA • FISHER:

Okay. When we look at Greenways, that's always part of the planning steps that we look at, you know, when we've done these, is to make sure that they're •• that the entity with which we're dealing has the fiscal stability. And I think I recall in other Greenways active parkland acquisitions that that's •• Mr. Isles, is that part of the process that we look at or?

DIRECTOR ISLES:

It is part of the process. I think what the Commissioner's statements are perhaps pointing to is that the County does enter into a contract with this

third party, that becomes obviously meeting the obligations of the citizens of Suffolk County that it's developed in accordance to what the County intends, that it is open to all County residents and that it's managed. That's not an easy process. And so this site is, as you can see in the review and the rating, is a very good site for active recreation from a planning standpoint.

The comments from Commissioner Foley are, I think, sobering in the sense that the organization needs to know that this is very specific and requires the organization to perform to County standards. So that's not a simple process. So this is the planning steps, the planning sites make sense, but the organization needs to know early on that it's a heavy lift on their part.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

And is there any outreach to the Town of Riverhead that would be done during the planning steps?

DIRECTOR ISLES:

There could be, sure.

CHAIRWOMAN VILORIA • FISHER:

That would be the Parks Department would do that or would it be the Planning Department?

DIRECTOR ISLES:

Well, probably through the Supervisor's Office most likely. I mean, you're saying from here, from the County's perspective?

CHAIRWOMAN VILORIA • FISHER:

Yes.

DIRECTOR ISLES:

Parks Department definitely has to be involved in Greenways active recreation because they ultimately have to take care of the agreement, be responsible for the property.

CHAIRWOMAN VILORIA • FISHER:

But they would be working with the Town of Riverhead? Because generally in Brookhaven when we've done Greenways the Town of Brookhaven has also been involved because they're really the people who are the managing partners of this. Mr. Romaine, have you worked with the •• I guess, Legislator Losquadro, have you worked with the Town of Riverhead with this?

LEG. LOSQUADRO:

I'll have to defer to Legislator Romaine on that because his district encompasses the Town of Riverhead. As you know, mine is entirely in the Town of Brookhaven.

CHAIRWOMAN VILORIA • FISHER:

Right.

LEG. LOSQUADRO:

But just for the committee and for Planning and Real Estate, I'll give a little background on Northeast Youth Sports Association. This is a group that I have been looking to do work with within my district and when this parcel, Legislator Romaine brought to my attention, was a group that I was happy to get him in touch with to work within his district, because the catchment area is so large.

This is a consortium of nine different sports •• individual sports organizations that represent over 8,000 families within the area. It is •• the title itself may not be familiar to people because it is this consortium, but it includes things such as St. Louis DeMonfort Soccer, North Shore Little League, Sound Beach Soccer Club. There are many, many different organizations involved in this and the individuals certainly have the wherewithal and the desire to enter into an agreement to develop and to maintain these properties being as •• seeing as they already maintain many of the properties that are made available to them, even school properties, because they are so desperate for field space at the moment that they actually do much of the maintenance on the fields that they currently use.

So they absolutely have the ability to enter into an agreement, as would be necessary with the Greenways Program, to make them eligible for the matching funds.

CHAIRWOMAN VILORIA • FISHER:

Okay. But my question goes to Mr. Romaine really about the Town of Riverhead because ••

LEG. LOSQUADRO:

Well ••

CHAIRWOMAN VILORIA • FISHER:

Thank you for that information ••

LEG. LOSQUADRO:

Yes.

CHAIRWOMAN VILORIA • FISHER:

•• because it's important to have a responsible entity.

LEG. ROMAINE:

I just want to point out that the Northeast Youth Sports Association has committed in writing, which is part of the backup, that once the County acquires this property they are certainly prepared to maintain it and begin process of construction of fields in conformance with whatever the Parks Department would lay out.

CHAIRWOMAN VILORIA • FISHER:

You may have missed my question which was about the Town of Riverhead.

LEG. ROMAINE:

I'm getting there, because I want to raise a lot of other questions. One of the other questions I think that this committee should insist on is that if someone in the administration, like the Parks Commissioner, has questions that he would address them to the sponsor of the bill as well as to the Executive's Office, so that we can be aware of that before the meeting. It's a little •• we're coming to a meeting, I don't hear from the Parks Commissioner, he's totally aware that this is kicking around and he's aware of this organization ••

CHAIRWOMAN FISHER:

Mr. Romaine, before we, you know, castigate members of other departments ••

LEG. ROMAINE:

I'm not castigating anyone, I'm just suggesting a ••

CHAIRWOMAN VILORIA • FISHER:

The committee process, part of the committee process is for whoever it is who has a question to bring the question to the committee so it's not something that we really need to berate people about.

MR. ZWIRN:

And if the Commissioner hasn't responded ••

CHAIRWOMAN VILORIA • FISHER:

Excuse me, Mr. Zwirn.

MR. ZWIRN:

•• to Mr. Romaine's request, were there any queries made to the Parks Department.

CHAIRWOMAN VILORIA • FISHER:

Mr. Zwirn.

MR. ZWIRN:

I'm sorry, Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Please, thank you. I really ask everyone to wait until you have been recognized before you speak. It really keeps us under control here. In any case, let's just stay •• address the facts. The question I'm asking of you is have you spoken with anyone from the Town of Riverhead and do they have any interest in the management of this sports field? I have just found from my experience, and I have had experience with active parkland, that it's an easier lift when we include the town.

LEG. ROMAINE:

Yes, I have spoken to the Town of Riverhead. No, they do not have the funds to do that. In fact, they have run out of funds to even acquire farmland and they've been waiting for a meeting with the County to discuss a number of initiatives which we hope that meeting will take place shortly.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

So the Town of Riverhead, even in the management of it with •• or helping

the •• this athletic group to ••

LEG. ROMAINE:

I spoke to them specifically about participating in terms of financial acquisition. Again, this is a planning steps resolution, so there's plenty of time once the appraisals have been done and the acquisition resolution comes in to make sure that the Northeast Youth Sports organization has the financial wherewithal to carry out the commitment.

CHAIRWOMAN VILORIA • FISHER:

That's part of our Greenways process, is to make sure that they have the financial ability.

LEG. ROMAINE:

Right. Yes. So this is just a planning steps resolution. There's plenty of time in the process to bring them in to ensure that they have the financial backing and the financial wherewithal and the ability to operate •• to construct and operate and maintain these fields.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Legislator D'Amato was waiting first.

LEG. D'AMARO:

All right. Thank you. I just question the •• I appreciate Legislator Losquadro filling me in on the Northeast Youth Sports Association, but Mr. Zwirn, were you saying that there's a threshold issue here whether or not this organization would even have the capacity to enter into this agreement with the County?

MR. ZWIRN:

That's always a question, but the other problematic •• is the Northeast Youth Association or the name of the group. Are they aware of the restrictions that are going to be in the contract. The Parks Commissioner is pointing out that a lot of times the organizations that they have anticipated they're going to contract with, they're not aware of how restrictive the contract is going to be and the fact that they have to make these sports fields available to County residents across Suffolk County. Sometimes that hasn't worked out very well. And all I would say is that in response to Legislator Romaine's remarks, the phones work two ways.

CHAIRWOMAN VILORIA • FISHER:

Okay. We really don't want to get into that dialogue. We don't want to get into that dialogue.

LEG. D'AMARO:

Well, just let me finish up. I'm not necessarily opposed to this. I think it's a

•• I don't think it's a bad idea, but I have to tell you, I don't know anything about the Northeast Youth Sports Association and I would appreciate a little more backup than just a letterhead that's made on a computer five minutes before it's faxed. You know, so it's a little problematic for me to say yeah, let's even go ahead and start the planning steps to acquire 18 acres at a considerable cost and incurring more debt service to do that without knowing anything at all about the organization.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

I just want to respond to Legislator D'Amaro's comments because I understand his concern and I have the same concern, but having worked with the Parks Department and the County Attorney and the contracts and the contract deliberations and the demands that they make on these organizations, and knowing the need that we have for active parklands, there really is no place for kids to play, I would like to move this forward and have the Parks Commissioner in tandem with the Department of Planning, work on whether or not the feasibility of entering into a contract with this group is possible.

If we •• because it is planning steps, if the Parks Commissioner and the County Attorney find that there is not an ability to work with this group because the group doesn't have the financial stability to enter into a contract, then we don't move to the acquisition level. I just see such a need in my own district and I know how the east end is growing and there is such a need for athletic fields.

I don't •• I would really rather not hold this up in this committee unless we have •• I know that the Parks Commissioner has, you know, expressed concerns, but there are certainly tools and processes that address those concerns. But we have to •• I would like to begin the process. That's one voter's opinion here on this committee. Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. I don't share the concerns my colleagues do, at this point anyway, because it is planning steps. I would defer to my colleagues who are more familiar with the organization and have had discussions with them on the type of activities that they would like to hold and, yes, we're at the planning steps point. My question for the administration is at this point in the process are you aware of any reasons why this organization couldn't enter into this type of a contract.

MR. ZWIRN:

No, and the other issue that was raised here today that we weren't aware of is that the Town of Riverhead, usually you have town participation here, and if we don't have town participation under Greenways, I think that becomes another problem.

LEG. LOSQUADRO:

Well, I would just like to address that, Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

I just want to make sure that Mr. Stern's questioning is finished.

LEGISLATOR STERN:

But that's the sole issue right now and that's a question we just don't have an answer to.

MR. ZWIRN:

Correct.

LEG. STERN:

Thank you.

CHAIRWOMAN VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just before we vote I just want to make the quick point that these public/private partnerships seem to be the model that Parks Departments or Legislative bodies want to move towards because let's face it, our Parks Department, Town Parks Departments, are already overburdened. And to enter into these type of agreements, as we have with the Police Athletic League, to enter into these agreements with private organizations, not•for•profit organizations, that will maintain these fields remove the burden from the Parks Department.

I think in this case the fact that Riverhead may not have the wherewithal to join us on this should not be a stumbling block to moving this forward if we have a very large organization that represents so many families and so many children that is willing to take part in that process as the PAL has with us in the past. That's all.

CHAIRWOMAN VILORIA • FISHER:

Well, I'm expressing my confidence in the County Attorney's Office to do the vetting that's required before we move forward and I think that that should be considered an important part of the planning process in active parkland.

So there's a motion to approve and a second. All in favor? Opposed? Motion carries. **(Vote: 5/0/0/0)**

MR. ZWIRN:

Madam Chair, if I might.

CHAIRWOMAN VILORIA • FISHER:

Yes.

MR. ZWIRN:

There are some technical corrections that will have to be made to this resolution, from what I understand from the County Attorney's Office, in order for it to be eligible because you have to do it by Monday, by tonight.

CHAIRWOMAN VILORIA • FISHER:

Okay. All right. We'll have to certainly make Counsel and the sponsor aware of what the technical corrections are. Is there someone here from the County Attorney's Office? Can you please come ••

MR. ZWIRN:

We don't have to do it right now. But I just would say if they want to move it there should be some changes made.

CHAIRWOMAN VILORIA • FISHER:

Well, I would like to know what we need to do and so would Counsel.

LEG. ROMAINE:

We would like to hear those changes.

MR. NOLAN:

Well, I spoke to the County Attorney's Office this morning and there were minor technical corrections that were proposed to me. I think perhaps the County Attorney's Office has not seen the updated version which addresses the questions you raised. But I will talk to you before you leave, okay?

LEG. ROMAINE:

So they have been addressed or you feel that in your opinion they've been addressed?

MR. NOLAN:

Yes.

CHAIRWOMAN VILORIA • FISHER:

Okay. All right. Thank you. All right. Moving on to **1517 (Appointing member to the Council on Environmental Quality to represent historic preservation interests (Mary Ann Spencer))**. Miss Spencer happens to be away this week, but I keep saying that former members of this committee have interviewed her, but there are only two of us, Mr. Losquadro and I. We found her to be very qualified at that time. I'm going to make a motion to approve and I hope I'll have your second.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Legislator Losquadro. Oh, we just need to make sure that that position has already been certified on the State level. I believe that it has.

LEG. LOSQUADRO:

Could she be here on Tuesday?

CHAIRWOMAN VILORIA • FISHER:

She has been previously interviewed.

LEG. LOSQUADRO:

But not by all members.

CHAIRWOMAN VILORIA • FISHER:

This committee last year, it was a different group.

LEG. LOSQUADRO:

Yeah. Can she be here on Tuesday or not?

CHAIRWOMAN VILORIA • FISHER:

We'll call her. CEQ, such as it is right now, needs ••

LEG. LOSQUADRO:

Madam Chair, I'm agreeable to move it forward today. I certainly cannot make any representations of how any of my colleagues would feel not having the opportunity to interview this individual, but I would make the recommendation that this individual make herself available for any questions any of my colleagues may have on Tuesday at the General Meeting.

CHAIRWOMAN VILORIA • FISHER:

And my office will certainly extend that invitation to Miss Spencer. There's a motion to approve and a second. Ginny, please remind me to get that invitation out. All in favor? Opposed? **1517 is approved. (Vote: 5/0/0/0).**

1520 (Donation and dedication of certain lands to County Parks • A SCDHS Board of Review Transfer of Development Rights (File No. S05•04•0019)). This had run into some obstacles. Were you going to give something out on this?

DIRECTOR ISLES:

If you have any questions we'll try to answer those.

CHAIRWOMAN VILORIA • FISHER:

I think we've asked the questions and answered.

LEG. LOSQUADRO:

Per the Chair's request I've refiled this bill. Mr. Kramer is no longer a member and therefore it should no longer be a conflict. So I refiled the bill, it went back through CEQ and any potential question should now be answered.

MS. FISCHER:

It was approved by CEQ.

CHAIRWOMAN VILORIA • FISHER:

Yes, it was approved by CEQ.

LEG. LOSQUADRO:

Yup.

CHAIRWOMAN VILORIA • FISHER:

I would like to be listed as a cosponsor on this. So, there is a motion.

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA • FISHER:

Motion by Legislator Losquadro to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1520 is approved finally. (Vote: 5/0/0/0).**

1522 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Peter's Property, Town of East Hampton). Six acres? Only six acres in East Hampton, huh?

LEG. LOSQUADRO:

It was the guest house.

CHAIRPERSON VILORIA • FISHER:

We're very curious about this piece of property.

DIRECTOR ISLES:

Okay. This is the matter involving I.R. 1522, known as the Peter's Property. What we have circulated to you is an aerial photograph that indicates many colors on that map, but in the green in particular indicates there's two parcels that are subject parcels. Other parcels are indicated. The red is land that is either owned or has an easement by Peconic Land Trust, and the rest are privately owned parcels, some of which have been the subject of prior planning steps resolutions.

But the parcel itself consists of two lots that are subdivided building lots. To the north and south are existing single-family homes. The lots total a little less than six acres. And this is known as the Stony Hill area. It's in the South Fork Special Groundwater Protection area. It's certainly an area where the protection of groundwater has been a •• is a public policy objective. However, as you'll see with the orange colored parcels, those are known as the Warner•LeRoy properties. That was the subject of a prior planning steps approval and negotiation by the •• by Real Estate.

Our concern with this particular proposal is that it's very fragmented. So, where we could have had the possibility of maybe linking open space and trails and access and so forth, based on where we are right now with the negotiations on the Warner•LeRoy properties, which is basically not active at the moment, the fact that these are two parcels that are in between two existing houses, and actually to the east and west as well, the parcel scored a 14, and it is not a parcel that we would recommend to you today at this point.

CHAIRPERSON VILORIA • FISHER:

So what you're saying is that what's outlined in the orange there's no longer a willing seller?

DIRECTOR ISLES:

Right. Real Estate has worked extensively. Apparently, here again, you can see this is subdivided land. These parcels have been sold off to subsequent owners, so it's scattered ownership at the present time. As I said, Real Estate has been negotiating in that. It did go up before the ETRB. But what we have now is •• what we've tried to avoid is just going in and buying miscellaneous pieces without any rhyme or reason to them.

Where this could have fit into some sort of link or puzzle in some way of connecting open space or enlarging existing open space, that might have been one thing, but here again, it's •• these are two building lots and they would have to be built in accordance with Article 6 standards, so they would meet groundwater standards. And if they had been connected, that might have been better, but, at this point, they are fragmented.

CHAIRPERSON VILORIA • FISHER:

You had us at hello. We're going to make a motion to table by the Chair, seconded by Legislator D'Amaro. All in favor? Opposed? **1522 is tabled.**
(Vote: 5/0/0/0).

1526 (Authorizing planning steps for the acquisition of land under the first 1/4% Suffolk County Drinking Water Protection Program (approved 1987, amended 1996) • Town of Smithtown • Kappler Court property (SCTM No. 0800•171.00•04.00•031.000). And it's

called the Kappler property in the Town of Smithtown. What is the size of this?

LEG. LOSQUADRO:

Quarter acre.

CHAIRWOMAN VILORIA • FISHER:

Quarter acre property. Can't even find it on the map among all that green.

DIRECTOR ISLES:

Right. It's to the bottom right.

CHAIRWOMAN VILORIA • FISHER:

I see it. I found it, I found it. It's kind of a Where's Waldo of open space.

DIRECTOR ISLES:

And by the way, there's a planning steps resolution on the out parcel that's on the top end of the map that's proceeding as well.

So what's outlined in green is currently owned by Suffolk County, so

obviously we own extensive land in this location. It's known as Lake Ronkonkoma County Park. The subject parcel as indicated is about a quarter of an acre, relatively small, but given the fact that it is at the end of an existing road, whether there's development rights or not we don't know, but the County has endeavored to preserve this area to preserve a buffer around this area. The site itself appears to retain wetlands at the present time, if not surface waters. It did rate 24 on the County's rating system.

MS. FISCHER:

Twenty•seven.

DIRECTOR ISLES:

Pardon me, 27.

CHAIRWOMAN VILORIA • FISHER:

And it's part of a larger program.

DIRECTOR ISLES:

Right.

CHAIRWOMAN VILORIA • FISHER:

Okay.

DIRECTOR ISLES:

We would recommend it.

CHAIRWOMAN VILORIA • FISHER:

Is there a motion?

LEG. LOSQUADRO:

I'll make a motion.

CHAIRWOMAN VILORIA • FISHER:

Motion by Legislator Losquadro.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1526 is approved. (Vote: 5/0/0/0).**

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

DIRECTOR ISLES:

There will be an aerial photograph provided to you along with a rating form. The parcel as indicated is outlined in the green ink. The parcel totals about one acre in area. Proposed acquisition is under the New Drinking Water •• pardon me, the Multifaceted Land Preservation Program.

I did try to reach the sponsor on this to get more information about it because I'm a little puzzled by it. It does not appear to meet our program objectives for open space preservation, but there might be more to it than what I'm seeing. But based on the information we have ••

CHAIRWOMAN VILORIA•FISHER:

And it's between two homes.

DIRECTOR ISLES:

Pardon me?

CHAIRMAN VILORIA•FISHER:

It's between two ••

DIRECTOR ISLES:

Right, it is surrounded by homes, yeah, essentially.

MS. FISCHER:

We don't have anything in this area anywhere near here so ••

DIRECTOR ISLES:

Right.

CHAIRWOMAN VILORIA • FISHER:

Okay. I'm going to make a motion to table until we have more information.
Second?

LEG. D'AMARO:

Well, before ••

CHAIRWOMAN VILORIA • FISHER:

Well, can you just make the motion? Can somebody second for ••

LEG. D'AMARO:

I'll second.

CHAIRWOMAN VILORIA • FISHER:

•• the purposes of discussion. There's a motion and a second to table.
Legislator D'Amaro.

LEG. D'AMARO:

Just very quickly I wanted to ask Commissioner Isles, the groundwater resources ratings, Section B on the rating chart, says that the site is located within a hydrogeologic zone one or zone three. So how critical is that to the department?

MS. FISCHER:

Well, obviously we do try to acquire properties within those deep aquifer recharge areas, but we have been targeting areas that, you know, large open space areas. Obviously, there are many areas within these zones that are already fully or nearly fully developed and the size of this property is quite appropriate for any further residential development if that's what it's zoned •
•

LEG. D'AMARO:

Is it fair to say that hydrogeologic zone one or three are already being

recharged by other larger open space tracks? Is that what we're saying?

MS. FISCHER:

Well, yes, and we try to, you know, encourage, you know, proper development within the Health Department's requirements for zones one and three. We also have our core area of the Pine Barrens, which is zone three, and we have many other areas, SGPA areas that are also in these deep aquifer recharge zones that we've been targeting for many years. This is not one of our target areas even though it is within that hydrogeologic zone.

Obviously development continues within those zones, but this was not an area that we had targeted for acquisition per se. And that the property does meet the Health Department minimum lot size requirements. It certainly isn't in jeopardy in that respect either.

LEG. D'AMARO:

Thank you.

CHAIRWOMAN VILORIA • FISHER:

Okay. There's a motion and a second to table. All in favor? Opposed? **(Vote: 5/0/0/0)**. Laretta, how many homes could go on that piece of property, then, one home?

DIRECTOR ISLES:

One home, yeah.

MS. FISCHER:

One. It's about one acre.

DIRECTOR ISLES:

Yup. Absent a variance.

CHAIRWOMAN VILORIA • FISHER:

Right. 1534 •• okay 1534 through 1542 are the SEQRA determinations.
Okay.

1534 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as Mud Creek County Park • Jerome Norton property, Town of Brookhaven). Motion by Legislator D'Amaro, seconded by Legislator Stern. All in •• I'm sorry. It's a motion to approve and place on the consent calendar. All in favor? Opposed? **1534 is approved and placed on the consent calendar. (Vote: 5/0/0/0).**

1535 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as

Mud Creek County Park • Howard Norton property, Town of Brookhaven).

Same motion, same second, same vote. **(Vote: 5/0/0/0)**. Just yell out if you have any objection to any of these.

1536 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Orowoc Creek County Park addition • Vilardi property, Town of Islip). Same motion, same second, same vote. **(Vote: 5/0/0/0)**.

1537 (Making a SEQRA determination in connection with the proposed improvements to the Normandy Manor, CP 7430, Centerport, Town of Huntington). Same motion, same second, same vote. **(Vote: 5/0/0/0)**.

1538 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Dwarf Pine Plains County Park • Walsh property, Town of Southampton). Same motion, same second, same vote. **(Vote: 5/0/0/0)**.

1539 (Making a SEQRA determination in connection with the proposed construction of sidewalks on CR 10, Elwood Road from CR 11, Pulaski Road to the LIRR, CP 5497, Town of Huntington). Same motion, same second, same vote. **(Vote: 5/0/0/0)**.

1540 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Sagaponack Greenbelt County Park addition • McGee a/k/a Sains property, Town of Southampton). Same motion, same second, same vote. **(Vote: 5/0/0/0).**

1541 (Making a SEQRA determination in connection with the proposed reconstruction of CR 58, Old Country Road, at Pulaski Road, CP 5543, PH II, Town of Riverhead). Same motion, same second, same vote. **(Vote: 5/0/0/0).**

1542 (Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as Mud Creek County Park • Richard Norton property, Town of Brookhaven). Same motion, same second, same vote. **(Vote: 5/0/0/0).**

1543 (Authorizing planning steps for acquisition under the Suffolk County Save Open Space (SOS) Farmland Preservation, and Hamlet Parks Fund (Tall Grass property) Town of Brookhaven.)

LEG. LOSQUADRO:

Do we have a handout on this or no?

MS. FISCHER:

We usually don't for farmland because they all look the same, but ••

LEG. LOSQUADRO:

I'll be happy to •• I'll make a motion to approve and I'll be happy to answer any questions anyone has regarding the property.

LEG. ROMAINE:

Second.

CHAIRWOMAN VILORIA • FISHER:

Okay. That's a motion by Legislator Losquadro, seconded by Legislator Romaine. Legislator Losquadro, a description of the program.

LEG. LOSQUADRO:

Sure. This is a very large parcel. It was actually originally in two pieces, but the southern piece •• well, actually there were many more pieces. The southern piece is now Tall Grass Golf Course and that's where the name of this comes from. To the east of here was another very large portion of this once much larger sod farm that is now homes. To the west side was another portion of the sod farm that is now homes. And there are currently two proposals on a dual track going through the Town of Brookhaven, one for an as of right development for 283 homes, the second, which would probably be •• I don't want to say the more realistic of the two because we're not really sure what community support is, but for something that's called a PDD or a planned development district, which would be for a multiple use, partially

commercial, partially single family residential, partially multi-family, partially planned retirement community.

This property has been continuously farmed. It allows a one-half mile open vista to the south from Route 25A as you drive through Shoreham, and there is not only an interest from the Town of Brookhaven and the State of New York, but actually a publicly stated commitment from both of those entities. Senator Lavelle, I think whose accomplishments are unmatched in the New York State Senate in terms of his ability to get funds for preservation, has made a public commitment to partner with local municipalities to acquire this parcel for •• to continue the agricultural use.

The Town of Brookhaven has already passed a resolution and has already ordered and received their appraisals on the property. It's currently under their review. So this is really to just bring us along in the process so that if there is a possibility of acquisition •• we heard before that our process does take a little bit of time to get through in terms of ordering the appraisals, getting them back, having them go under review, Environmental Trust Review Board. I would not want to see this process get held up if there was the possibility of acquiring these parcels because we had not approved our planning steps resolutions.

I would like my colleagues to join me in approving this and getting us at least to the point where if the seller •• if the owner does wish to sell to municipality that we have the ability to move forward with that. And as may be of interest to Legislator Vioria-Fisher, Councilman McCarrick, who is the Brookhaven Town Councilman from the district, has been approached by several farmers, one of whom I believe is the individual associated with the Detmer Farm who would be interested in going back to traditional row farming on this property.

CHAIRWOMAN VILORIA • FISHER:

Oh, that that would be Mr. Keil?

LEG. LOSQUADRO:

Yes, if we were able through the town the County and the state to acquire this property under a Farmland Development Rights Program.

CHAIRWOMAN VILORIA • FISHER:

It's a lot of property.

LEG. LOSQUADRO:

Yes, it is.

CHAIRWOMAN VILORIA • FISHER:

I was wondering, while we're talking about buying more farmland development and sod farms, I don't know how many sod farms have really become actively part of our AEM Program, the reduction of pesticide and fertilizers, because I know that they have a lot of high use. I think it would be beneficial to all of us if we reached out to the owners. So they're not going to continue their operation there, is that what you're saying?

LEG. LOSQUADRO:

As far as I know, the Dilalio family does not have an interest in continuing the sod farm use at this location and I believe it would be a prime candidate to return to a traditional row farming type scenario. In fact, at the last meeting that I attended where one of the builders was present, one of his comments was that •• and I think he perhaps thought it would be something that the community would be opposed to, he said well, we could just plant corn from one end to the other on this thing and then you'd lose the half mile vista, and everyone around the room looked at each other and said we'd like corn, that's a great idea.

CHAIRWOMAN VILORIA • FISHER:

Good idea. The bad news, though, is that Mr. Keil hasn't had a lot of cheerleading done in Setauket because he's not doing traditional row crop farming.

LEG. LOSQUADRO:

Well, that's something that he was under discussions with Councilman McCarrick with. But as I said, this is •• it's a very large parcel. It's something that Senator Lavelle and Councilman McCarrick have •• and myself, have made, you know, public representations that we would be interested in and Supervisor Foley, a former member of this body and always a champion on this committee for preservation, has moved forward with this process. And as I said, the town has already ordered their appraisals and received them and have them back under review.

CHAIRWOMAN VILORIA • FISHER:

Good. It would be a good partnership. But where I was going was that I'm hoping that during the planning steps and the discussions with the town and the state that we seek to find management at the farm who would be interested in looking at the best practices that are being encouraged by AEM.

LEG. LOSQUADRO:

Absolutely.

CHAIRWOMAN VILORIA • FISHER:

Because if we are exhibiting best •• the best practices, we could get lower interest monies from the State to help with these different projects. And so I'm hoping that that can always be a part of the argument or the discussion going forward when we're looking at agricultural development. It's critical to protect our drinking water. It will protect our vistas, but we also need to continue to protect our drinking water and whoever goes into this property should be looking at the worksheets that we're doing with the different farmers so that we are exhibiting best practices.

I think it's terrific and I hope it will work. As I had jury duty last week and I did a lot of driving along 25A and the houses are going up like mushrooms. Like mushrooms, I couldn't believe some of the properties I saw. Yes.

DIRECTOR ISLES:

If I could just add one point. This did go to the Farmland Committee last week as well. The Farmland Committee did review it and they have

recommended this acquisition, giving it 11 points on their rating scale.

The only other point I'd like to make is to convey to you that the Farmland Committee has expressed that they prefer if the owner is contacted before a planning steps resolution is approved because they're concerned about farmers not being aware that their farm may be in a County program. So I'm just passing that along to you. Legislator Losquadro indicated the town has been involved and we've heard that the town has contacted the owner and they have consent, so we believe that that's the case here. But just for your information ••

LEG. LOSQUADRO:

Everyone's aware.

DIRECTOR ISLES:

•• the committee recommended it, number one. The committee would express to you by me that there's a preference that the farmer be contacted so they're not surprised about a planning steps resolution appearing.

CHAIRWOMAN VILORIA • FISHER:

Okay. Just so that it's on the record, Legislator Losquadro is indicating that the town has contacted the farmers so all of those people have been made aware.

Okay. There is a motion and a second to approve. All in favor? Opposed?

1543 is approved. (Vote: 5/0/0/0). Did you have a comment on the motion?

LEG. ROMAINE:

I just want to ask the Clerk if she would list me as a cosponsor of this resolution.

CHAIRWOMAN VILORIA • FISHER:

1546 (Authorizing planning steps for implementing Greenways Program in connection with acquisition of active parklands at 2275 Great Neck Road Copiague (Town of Babylon). Legislator Mystal, that's not usually a name we see in this committee.

LEG. LOSQUADRO:

We already own the corner lot? How did that happen?

DIRECTOR ISLES:

Yes, the County purchased the quarter corner lot. It was actually sponsored by Legislator Postal approximately three or four years ago. Subsequently, Legislator Mystal picked that up and there was an acquisition completed as a Hamlet Park or a Greenways Active Recreation. So the Town of •• yeah, the Town of Babylon has completed, and this aerial does not show that, the creation of a Hamlet Park essentially at that location. It's under Greenways.

MS. FISCHER:

Greenways active.

DIRECTOR ISLES:

It predated the SOS Hamlet Parks at that time. The current proposal before you is outlined in green on the aerial photograph. It is here again a relatively small parcel. It's about a tenth of an acre. What the town has indicated is that they're interested in combining the two pieces, not having this lot separately developed, and expanding the small best pocket park that they've create there.

In this case the town is also maintaining the property as well. So they have fulfilled their obligations in terms of the first part and they now want to expand it to this the vacant lot. The Planning Department has reviewed this proposal based on the active recreation criteria and hamlet park criteria and we rated it 33 points.

CHAIRWOMAN VILORIA • FISHER:

Tom, what's across the street to the north? I know it just looks like a regular tax map parcel, but it looks like an empty lot with a small thing on the corner.

DIRECTOR ISLES:

Right, it does. I'm not sure what that is. I was out to the site a while ago, over a year ago.

CHAIRWOMAN VILORIA • FISHER:

On the north side. Okay, I was just curious.

DIRECTOR ISLES:

Offhand I'm not aware.

CHAIRWOMAN VILORIA • FISHER:

Is this kind of considered part of a downtown area or?

DIRECTOR ISLES:

No. It's more of a •• I attended a meeting with Legislator Mystal when he took office with a member of the Civic Association and they viewed this as being a very visible location in their community ••

CHAIRWOMAN VILORIA • FISHER:

Okay, it is.

DIRECTOR ISLES:

As one where they have very little open space and they wanted to use this in a •• kind of a times square, four corners exposure of open space at this location.

CHAIRWOMAN VILORIA • FISHER:

Right, and it's kind of the message of the Hamlet Parks Program. Legislator Losquadro.

LEG. LOSQUADRO:

Just a quick question. On the southeast corner of the proposed acquisition.

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

There's a cleared area and it looks like there's a square or a rectangle on it. I just want to make sure •• is that a structure that's there or is it something that would require removal or?

DIRECTOR ISLES:

Yeah. Here again, the parcel is currently privately owned. I did speak to one

of the planners in the Town, AnnMarie Jones, on this one, they were doing some of the planning. And I believe that's an old garage. I don't want to say that officially, but that's what I believe it is and would be an incidental or minor structure at this point. So if it is still there, and here again, this is a two year old aerial, it would have to be removed.

LEG. LOSQUADRO:

Okay.

CHAIRWOMAN VILORIA • FISHER:

I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1546 is approved. (Vote: 5/0/0/0).**

1572 (Authorizing acquisition of a conservation easement under the Suffolk County Multifaceted Land Preservation Program • Open Space Preservation Program • for the Manos Property (Town of Southold • SCTM No. 1000•059.00•05.00•002.001, 1000•059.00•05.00•002.003 p/o and 1000•059.00•05.00•027.000)).

DIRECTOR ISLES:

We'd like to request that this be tabled one cycle, please.

CHAIRWOMAN VILORIA • FISHER:

Okay. Motion to table.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1572 is tabled.**
(Vote: 5/0/0/0).

1573 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Stankevich property) Town of Southold (SCTM No. 1000•023.00•02.00•05.007 and 005.008)).

LEG. ROMAINE:

Motion to approve.

CHAIRWOMAN VILORIA • FISHER:

Motion to approve by Legislator Romaine.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator Losquadro. On the motion? We're getting information.

DIRECTOR ISLES:

Okay. We are circulating to you an aerial photograph and a rating sheet. The property itself is approximately two acres. It is a parcel that is very visible as one drives out to Orient and it is a parcel that certainly warrants preservation. Our concern with this matter had been the fact that there's no other County holding in the area, it's a relatively small parcel. It is adjacent to land owned by a local park district. I think it's the Orient East Marion Park District.

So we would suggest, we realize this is planning steps, is that either the park district acquire it or that there be some sort of partnership where the park district would somehow be involved in managing the property so that Suffolk

County Parks is not having to pick up litter and clean it up and so forth of this nature. But a review came up with 35 points based on the County's criteria.

CHAIRWOMAN VILORIA • FISHER:

Would there be anywhere to park there for residents to use the park?

DIRECTOR ISLES:

There is room along the road, but it certainly wouldn't be intended to be an active park. It would be more passive from our understanding of it. And here again, there is a large holding and this park district immediately to the east that would be •• hopefully we would be operating in conjunction to that. Obviously if it's County•owned, as we've talked about with some of the active recreation, it has to be available for all County residents.

And by the way, in the aerial photograph outlined in red is the park district property so you can see they have extensive holdings in this area.

CHAIRWOMAN VILORIA • FISHER:

Okay. Any other questions? Okay. There's a motion •• oh.

LEG. ROMAINE:

Just a brief comment and I have been in touch with the East Marion Orient Park District and they will enter, should this be acquired, they will enter into a

stewardship agreement with the County and they have indicated that.

CHAIRWOMAN VILORIA • FISHER:

Okay. I thought you were about to say something, no?

DIRECTOR ISLES:

No.

LEG. LOSQUADRO:

All I was going to say is it appears New York State has a similar almost out parcel type holding on the other side of the road. I'm just curious •• I'm sure the State would have a similar agreement, a

Stewardship agreement in place. I'm sure the State isn't just doing that one little parcel there, so.

DIRECTOR ISLES:

I'm not sure.

CHAIRWOMAN VILORIA • FISHER:

Okay. There's a motion and a second. All in favor? Opposed? **1573 is approved. (Vote: 5/0/0/0).**

1582 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation program (Demasi property) Town of Smithtown (SCTM No. 0800•022.00•01.00•005.001)).

DIRECTOR ISLES:

This is property located adjacent to the Arthur Kunz Park in the Town of Smithtown in the Nissequogue River corridor. The County actually recently purchased what's known as the Schmidt Property within the past couple of months which is actually on the aerial photograph and has now been incorporated into the park.

The proposed acquisition indicates an addition of approximately two acres from what we can measure off the information provided in the resolution. As you'll see on the map, the green lines indicate the proposed parcel acquisition. What's indicated in dotted is the area to be excluded, so part of the parcel is developed.

We looked at this parcel in terms of the County criteria and came up with nine points. And where oftentimes the addition of a County park is beneficial, certainly with the Schmidt acquisition it certainly was because it was surrounded essentially on four sides by County land, this one we think is much more borderline since it falls on the edge of the park. The configuration is such that only one side actually would be adjoining the County park. So it's not one that struck us, based on the preliminary review and the information we have presently, as being a strong candidate for County acquisition.

LEG. LOSQUADRO:

Madam Chair, I have a question.

CHAIRWOMAN VILORIA • FISHER:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I'm not sure what the minimum lot size is in this area, but it would appear that this lot could potentially be subdivided.

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

And another building lot could be •• could be placed within that envelope, I'm sure.

DIRECTOR ISLES:

Right, probably fronting on Landing Avenue.

LEG. LOSQUADRO:

Right.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

Okay.

MS. FISCHER:

It's a two acre lot that they're looking to buy part of, we believe. And we made an estimate with the dotted white line of approximately an acre to give them an acre worth of property around the existing house and that leaves us with 1.2 acres to acquire to the north of it.

CHAIRWOMAN VILORIA • FISHER:

So, Laretta, just to clarify that thing, the resolution was actually calling for the entire piece and ••

MS. FISCHER:

Well, it does say part of in the lot number, but they have indicated acreage

being two acres, which is the total acreage of the parcel. So, you know, if you are saying part of it, it's an interpretation and that's what we interpret it as. We could be wrong. We'd just like to have the sponsors let us know.

MR. NOLAN:

Actually, I think you and I spoke about this particular resolution before we put it together and the idea was that the person who owns this property wanted to keep the house and we'd only be looking at part of the parcel and that's why we included that part of language. So that's the intent.

MS. FISCHER:

Yeah. And that's what we ••

DIRECTOR ISLES:

Yeah, that's what we understood it to be.

MS. FISCHER:

Yes.

CHAIRWOMAN VILORIA • FISHER:

You know, I know how expensive the property is here and with a rating of nine, and it would seem to me that you couldn't put more than one house on this anyway and there wouldn't really be much access. I'm going to make a

motion to table. Is there a second?

LEG. STERN:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator Stern. And maybe we'll take a second look at this. But I'm not inclined right now to move forward on this.

LEG. LOSQUADRO:

Speak to the sponsor about it.

CHAIRWOMAN VILORIA • FISHER:

Yeah. All in favor? Opposed? Okay. **1582 is tabled. (Vote: 5/0/0/0).**
Long agenda.

1588 (Making a SEQRA determination in connection with the proposed safety and security improvements to Sewer District No. 15, Nob Hill, Ronkonkoma, CP 8103, Town of Islip). Motion by myself.

LEG. LOSQUADRO:

Motion to approve and place on the consent calendar.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator Losquadro. That's to approve and place on the consent calendar. All in favor? Opposed? **1588 is approved and placed on the consent calendar. (Vote: 5/0/0/0).**

1590 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund (Puglisi property) Village of Amityville). Oh, Mystal again.

LEG. LOSQUADRO:

It's a parking lot.

DIRECTOR ISLES:

Yes, it is.

LEG. D'AMARO:

That's about all that is left.

CHAIRWOMAN VILORIA • FISHER:

Well, we're trying to save paradise.

LEG. LOSQUADRO:

No, but they already put up a parking lot. It's too late.

LEG. D'AMARO:

This is true.

LEG. ROMAINE:

Twenty•nine points.

LEG. D'AMARO:

Yeah, because it is right next to the creek.

LEG. LOSQUADRO:

Twenty•nine.

DIRECTOR ISLES:

Twenty•nine points.

CHAIRWOMAN VILORIA•FISHER:

Twenty•nine points. Okay. We have a lot of questions about the 29 points.

Mr. Director.

DIRECTOR ISLES:

Okay. The resolution indicates a proposed planning steps resolution for acquisition under, let me make sure I have the right one here, yeah, SOS, and we understand it to be, from our information, to be for Hamlet Park purposes basically for the idea of creating an entry, a gateway effect into the Village of Amityville.

So based upon that we've done a review of the site is obviously developed as you can see and the green outline is the County property. That blue line, by the way, is taken off a digital indication of New York State DEC wetlands. Obviously the developed portion of the site is not wetlands but it falls within the jurisdiction of DEC.

And so based upon this we have done the ranking and the parcel did come up with 29 for a couple of reasons. One is that Ketchams Creek, which extends to the north of Montauk Highway, what's indicated in red there is owned by the County so the County obviously does have significant holdings along Ketchams Creek as part of that corridor of protection. This parcel is directly adjacent to that so it certainly picked up points from that.

The intent as we understand is that the Village is proposing to come in and if the County were to acquire the property to remove the parking lot, the structure that's on the property, to remove the pavement and development a, here again, a Hamlet Park with some sort of information about the Village as you enter the Village from that point. So the scoring did reach 29 even though the fact that we generally do encourage the preservation of

undeveloped property before we recommend the preservation of developed property.

We also picked up points in this one due to scenic vista, the fact that it has good access. It's not in the middle of a neighborhood where a Hamlet Park might be more disruptive, and it's also based on the assumption of an intermunicipal agreement with the Village of Amityville. So, we do see this as being somewhat unusual.

The extent of the improvements, here again, we're not talking about a large building development, it would be relatively minor to get rid of. Obviously as part of the process we'd also have to do at least a phase one and possibly a phase two environmental audit on the property for any contaminants. And then also, this site also may be conducive to some sort of wetlands restorational on the fringes and certainly controlling runoff into Ketchams Creek.

This is a case where the planning steps process would require an extensive amount of information to see what the ultimate disposition of the property will be, what the ultimate plan would be, but at this point in time it did score 29 points.

CHAIRWOMAN VILORIA • FISHER:

Mr. Isles, what is that large blacktop roof building to the immediate east of the property?

MS. FISCHER:

To the east?

CHAIRWOMAN VILORIA • FISHER:

West, rather. I had it upside down. Sorry.

DIRECTOR ISLES:

I'm not sure of the exact use. It's apparently some sort of commercial building.

CHAIRWOMAN VILORIA • FISHER:

Okay. We don't know the use.

DIRECTOR ISLES:

I do not, no.

CHAIRWOMAN VILORIA • FISHER:

So that would have to be part of the assessment, right, to see if there would be anything coming from that industrial use.

DIRECTOR ISLES:

As part of the assessment they would look at any contaminants in the area, any plumes that might affect this property, any record of contaminants in the area.

CHAIRWOMAN VILORIA • FISHER:

And before we were to go to the acquisition piece of this, we would have a written resolution from the Town of Babylon saying that they would be part of the agreement to actually restore this property, to reclaim it?

DIRECTOR ISLES:

With the Village of Amityville.

CHAIRWOMAN VILORIA • FISHER:

Oh, it's the Village, not the Town of Babylon.

DIRECTOR ISLES:

Right.

CHAIRWOMAN VILORIA • FISHER:

Okay, the Village of Amityville.

LEG. LOSQUADRO:

Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Question. Did you have question? Legislator Stern and Legislator Losquadro.

LEG. STERN:

Thank you, Madam Chair. Do we know if any of the •• if any of the acreage, any of the property to the north that's already outlined in pink is used for any parkland, active parkland?

MS. FISCHER:

No, passive.

DIRECTOR ISLES:

Right. It's passive parkland. It's mainly for environmental protection of the Ketchams Creek stream corridor. So it's not used for active recreational use.

LEG. STERN:

None of it?

DIRECTOR ISLES:

No.

LEG. STERN:

Thank you.

CHAIRWOMAN VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

I would just make the suggestion to our Parks Department that even absent acquiring this, it seems pretty apparent from the aerial here that the owner's currently engaged in whatever the use is on the site having encroached on to County parkland.

MS. FISCHER:

Yes, they have.

DIRECTOR ISLES:

That's true.

LEG. LOSQUADRO:

And we, I think, want to check sooner rather than later, especially if they may be used cars and may be leaking anything, that they haven't contaminated our existing County parklands.

DIRECTOR ISLES:

Right. Just keep in mind the aerials are a little •• there's some distortion sometimes, but it does look like there's a pretty clear encroachment to the east. Your point is well taken.

LEG. ROMAINE:

A couple of cars parked in the woods.

DIRECTOR ISLES:

It would be subject actually ••

LEG. LOSQUADRO:

North maybe, east definitely.

DIRECTOR ISLES:

Okay. So noted.

CHAIRWOMAN VILORIA • FISHER:

Well, actually I think this makes a lot of sense and it's a shame that it ever was used the way it's being used. It seems that it would have been a natural extension of the parkland there for the protection of the creek. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1590 is approved. (Vote: 5/0/0/0).** We have two pieces of good news for the Legislator from Amityville.

1593 (Amending the Adopted 2006 Operating Budget to transfer funds from Fund Water Quality Protection (Fund 477), and amending the 2006 Capital Budget and Program, and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters north from CR 76, Townline Road, to Miller's Pond, Smithtown (CP 8710)). Now, we have a couple of questions about this. Mr. Zwirn, would you be prepared to ••

MR. ZWIRN:

I can answer some of them.

CHAIRWOMAN VILORIA • FISHER:

Okay. Because we're concerned about how much of a partnership there will be with the Town of Smithtown. This is quite a bit of money that we're talking about here that would be transferred, yes?

MR. ZWIRN:

Yes, it's a very expensive project. I think one of the things that we were hoping that DPW could take a look at this and to see what •• if they could focus on this one to find out exactly what needed to be done as opposed to just •• getting a little more specific with this than it's currently being looked at because of the expense of this project. We spoke with the people who were here earlier. They are coming back •• they expect this to be tabled today and will be back here in two weeks.

CHAIRWOMAN VILORIA • FISHER:

Well, the information that we had at the beginning of the meeting was that it had not yet gone through the committee and indeed Counsel has informed us that it has.

MR. ZWIRN:

That's right, and we informed the people that were here that that was the case before they left.

CHAIRWOMAN VILORIA • FISHER:

Okay. And so this is why I'm asking you more specific questions. I had planned on just tabling it without asking any questions about it. And of course storm water remediation is a very important piece of our environmental picture here in Suffolk County, but being that this is such an expensive project I was hoping that we had some kind of commitment on the part of Smithtown. How much of this is County road and how much of it is town roads that we are going to be working on.

Sometimes I wish that DPW and Environment Committees were together because some of these questions are •• can be more easily addressed by the Department of Public Works.

MR. COLAVITO:

Bill Colavito, Director of Highway Design in the DPW. This project is entirely a Town of Smithtown project. There are some adjacent County parklands but it is strictly a Town of Smithtown project with respect to the work and all of the watershed that will be going into there.

CHAIRWOMAN VILORIA • FISHER:

Okay. Then why are we paying for it?

MR. COLAVITO:

It is part of a water quality fund where the towns have a chance to put in an application, as you have seen, and to acquire funding to remediate storm water.

CHAIRWOMAN VILORIA • FISHER:

Do you know how much is currently in the fund and how much the balance will be if we approve this?

MR. COLAVITO:

I'm not sure of the balance of the fund. At the time of the committee meeting we were talking about six million.

CHAIRWOMAN VILORIA • FISHER:

Okay. Budget Review can respond to that.

MR. DUFFY:

As of the end of last year the balance in the fund was approximately four million dollars.

CHAIRWOMAN VILORIA • FISHER:

Okay. This is \$250,000 for this project. Okay. And it's an amendment to the Operating from •• and 477 has four million you said?

MR. DUFFY:

Yes.

CHAIRWOMAN VILORIA • FISHER:

Okay. Dan, last year didn't we see that 477 was being expended very quickly when you were Chair? But it is a replenishing account. Okay.

LEG. LOSQUADRO:

Right. The 477 is replenished by the continuing quarter percent. If I may, you said, Mr. Zwirn, you said that you conferred with the individuals who were here earlier?

MR. ZWIRN:

Yes.

LEG. LOSQUADRO:

And said to come back in two weeks. I apologize if I didn't follow along with what you were saying before. What plans would be made, what sort of changes would we be looking at to move this along in two weeks? I know it's an expensive project, but that doesn't change the fact that something needs to be corrected.

MR. ZWIRN:

My understanding was that Commissioner Deering had spoken with the sponsor, Legislator Kennedy, on this and that they had agreed that they would review it and have it back. It's a very quick turnaround because we have another meeting, another general meeting this month.

CHAIRWOMAN VILORIA • FISHER:

So what you are saying that there was •• I didn't catch that before, either. Maybe you went through it too quickly.

MR. ZWIRN:

That Commissioner Deering, who was here earlier had had a conversation with Legislator Kennedy about tabling this for one cycle so that they could get together and try to figure out a way to do this as prudently and as fiscally responsibly as possible. They were going to focus the study a little bit further.

CHAIRWOMAN VILORIA • FISHER:

And the outcome of the Storm Water Committee, it was approved out of committee?

MR. ZWIRN:

Yes.

CHAIRWOMAN VILORIA • FISHER:

It was recommended?

MR. ZWIRN:

At the last meeting and we did not know it at the time but we went out and we conferred with Public Works. And it had gotten of committee and the people were here. We told them that they would not have to appear before another meeting except if they wanted to come back next week and they said they would.

CHAIRWOMAN VILORIA • FISHER:

And is DPW involved in these conversations with Mr. Deering and Mr. Kennedy? Is there ••

MR. COLAVITO:

No, we were not specifically involved in the conversations, but we do talk to Mr. Deering quite often.

CHAIRWOMAN VILORIA • FISHER:

Okay. And Mr. Kennedy is in agreement to have this tabled for a couple of ••

MR. ZWIRN:

That was my understanding.

CHAIRWOMAN VILORIA • FISHER:

Because we do have two meetings June and so we can get back to this.

MR. ZWIRN:

If this were July I would say it would be a different story, but since there are •• this is a very quick turnaround in the month.

LEG. LOSQUADRO:

I did speak to the sponsor and he had told that there was a request to table it, but I just wanted to see what the rationale behind that was and what •• I know you don't want to speak for Commissioner Deering, but what the rationale was behind it. Is there a plan to possibly break this up? Is there planning that needs to be done? Do that first and then any construction after? I don't know why this would need to be held up.

MR. ZWIRN:

I didn't have extensive conversation with Commission Deering, but we did speak this morning and his indication to me was that they would table this. He would ask Legislator Kennedy, the request was made on, I guess, on the County Exec's part to table it one cycle so that we could take a look at it to

get a better handle on this particular problem. You know the people certainly have a problem. And we notified them that they, again, the information originally was that this had not gone through Water Quality Review, in fact it had, and I was prepared to put that back on the record but we did tell the people who were here earlier that that was the case.

MR. COLAVITO:

If I may.

CHAIRWOMAN VILORIA • FISHER:

Yes.

MR. COLAVITO:

The committee, the Water Quality Committee, when they approved this application they approved it with a caveat that we need to look at this and scope this project out a little bit more specifically to ID exactly what we want to do with this project.

CHAIRWOMAN VILORIA • FISHER:

Okay. So you're representing exactly the same position.

MR. COLAVITO:

Yes, absolutely.

CHAIRWOMAN VILORIA • FISHER:

Okay. Since it's only two weeks I'm going to make a motion to table, seconded by Legislator D'Amaro. On the motion, Legislator Romaine.

LEG. ROMAINE:

Well, it wasn't on the motion, but it was on the discussion. I just want to review and maybe you could answer this from DPW or Mr. Zwirn can answer this.

First of all, let me start with Mr. Zwirn. Did Legislator Kennedy indicate his willingness to table this? I understand the request was made. Did he say yes, that's fine with me, you should table this.

MR. ZWIRN:

He did not say it to me. That was my conversation with Commissioner Deering. That was his representation, yes.

LEG. ROMAINE:

The representation is that he was okay with it being tabled.

MR. ZWIRN:

And the reason was, as DPW has stated, was to scope out this project a little bit more thoroughly.

LEG. ROMAINE:

Why did the resolution need to be refined if •• to make •• give DPW or I'll speak from your scope of it instead of the environmental scope, what from the DPW scope would need to be refined to make this resolution more workable than in its current form?

MR. COLAVITO:

The application spoke to lowering streambeds and spoke a lot of problems that were happening out there, which we all certainly can understand. But it was a little short on specifics on what they were going to exactly do, and that's what we wanted to get down to, and how will this project affect water quality. And we could certainly see the linkage to the water quality, but we wanted to define this project a little bit more. It was a little bit too broad based for us.

LEG. ROMAINE:

And we will have an answer in two weeks when this committee meets?

MR. ZWIRN:

I'm hopeful that we will.

MR. COLAVITO:

I would hope so, yes.

LEG. ROMAINE:

Thank you.

CHAIRWOMAN VILORIA • FISHER:

You know what, we really •• we can't move this forward. I was racking my memory to see whether or not we had looked at this in CEQ and I just asked Jim Bagg and we haven't. We do have to table this because it hasn't gone through CEQ yet.

I was so focused on the Water Quality Committee that I failed to recall that it hasn't gone through CEQ, so that •• there's a motion and a second to table. All in favor? Opposed? **1593 is tabled. (Vote: 5/0/0/0).**

DIRECTOR ISLES:

We'd like to request the same for 1596, too, Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

Okay. **1596 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund • Open Space component • 357 Brick Kiln property (Town of Southampton • SCTM No. 0900•030.00•01.00•054.000).** That hasn't gone to CEQ?

DIRECTOR ISLES:

It's going next week, so we'll have it ready for you in two weeks.

CHAIRWOMAN VILORIA • FISHER:

Thank you, Tom, so we don't spend a lot of time on discussion unnecessarily. So I'll make a motion to table. Seconded by • I couldn't hear who said it.

MR. NOLAN:

Legislator Losquadro.

LEG. LOSQUADRO:

I seconded.

CHAIRWOMAN VILORIA • FISHER:

Legislator Losquadro. All in favor? Opposed? **1596 is tabled. (Vote: 5/0/0/0).**

1604 (Appropriating funds in connection with the Brownfields Pilot Project (CP 8223)). Any comments on this? Vito? Mr. Minei is coming forward to comment on this.

LEG. LOSQUADRO:

Just, Madam Chair, just some details on the specifics of the project. I see it's at Gabreski Airport and I just want to know a little bit about it.

MR. MINEI:

Sure. Good afternoon. Vito Minei, Director of Environmental Quality for the Health Department and I'm joined today by Jim Meyers, who is Chief of our Office of Pollution Control, overseeing our Brownfields work.

This \$100,000 is to get work started at Gabreski with regard to the jet fuel leak that has been discerned there since the beginning stages of my career in the early 70's. We've had considerable work done assessing the extent of the problem and we're proud that we were one of three areas in New York State that received a Rebuild Now New York Grant from the Governor's Office to do some of the early assessment at no cost to the County.

What we're asking for is \$100,000 from the Capital Program to get the project started, some initial work with demolition, some buildings, some roadway work. It's often misnamed the Baumann Bus site, because apparently for decades the jet fuel remnants in the tanks, the tanker trucks were dumped back by an area that was leased by the Baumann Bus people.

But it is indeed jet fuel from the operations at the airport. The \$100,000 requested is for initial work to get the clean•up started.

CHAIRWOMAN VILORIA • FISHER:

Sounds good to me. And, Jim, has this gone through •• I want to make sure because I don't remember this either. Mr. Bagg, this doesn't have to go through CEQ?

MR. MINEI:

It's capital, it's not 477.

CHAIRWOMAN VILORIA • FISHER:

Pardon me?

MR. MINEI:

It's not 477, it is capital.

CHAIRWOMAN VILORIA • FISHER:

Okay. Thank you. Jim?

DIRECTOR ISLES:

It's just an appropriation.

MR. BAGG:

It's an appropriation.

CHAIRWOMAN VILORIA • FISHER:

It's an appropriation. Okay. Thank you, Vito. I'll make a motion to approve.

LEG. ROMAINE:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator Romaine.

LEG. D'AMARO:

Just on the motion, Madam Chair.

CHAIRWOMAN VILORIA • FISHER:

On the motion.

LEG. D'AMARO:

I had just a question. What is the total projected cost of the jet fuel contamination clean•up at Gabreski?

MR. MINEI:

I believe it is a quarter of a million dollars.

MR. MEYERS:

About 350 total.

MR. MINEI:

Three•hundred and fifty thousand dollars.

LEG. D'AMARO:

Three•hundred and fifty thousand, and this is going to appropriate \$100,000 to start that process?

MR. MINEI:

Yes.

LEG. D'AMARO:

Why are you not appropriating the entire amount now?

MR. MINEI:

The project is called the Brownfields Pilot Study, which goes back probably eight years. This 100,000, I believe, is the remainder of what was an original \$300,000 appropriation. We have proposed as part of the ongoing Capital Budget upwards of \$2.4 million for a series of Brownfields projects, but in essence we're asking for the remainder of the original \$300,000 just to get the project started.

LEG. D'AMARO:

This is the remainder in the 2006 Capital Budget?

MR. MINEI:

I believe it is.

LEG. D'AMARO:

And then you'll look to the '07 budget ••

MR. MINEI:

Yes.

LEG. D'AMARO:

•• for further funding.

MR. MINEI:

Yes.

LEG. D'AMARO:

For this and other projects.

MR. MINEI:

Yes.

LEG. D'AMARO:

Okay. Thank you.

CHAIRWOMAN VILORIA • FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed?
1604 is approved. (Vote: 5/0/0/0).

MR. MINEI:

Thank you.

1607 (Amending the Adopted 2006 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, and appropriating funds in connection with stormwater remediation to Long Island Sound at CR 48, Middle Road, in the vicinity of Hashamomuck Beach (CP 8240)). And I believe that has gone through the Water Quality Committee and was recommended.

LEG. ROMAINE:

I'll make a motion.

CHAIRWOMAN VILORIA • FISHER:

Motion by Legislator Romaine, seconded by myself. All in favor? Opposed?
1607 is approved. (Vote: 5/0/0/0).

LEG. ROMAINE:

Could I ask the Clerk to list me as a cosponsor for that resolution? Thank you.

CHAIRWOMAN VILORIA • FISHER:

1610 (Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund • Open Space component • Bylott property • Fresh Pond addition (Town of Huntington • SCTM No. 0400•015.00•02.00•038.000). Mr. Isles?

DIRECTOR ISLES:

Yeah. This is an actual full authorization resolution as opposed to many of the planning steps resolutions we've seen earlier today. This is part of the Fresh Pond string of wetlands that drain out to Long Island Sound. This was actually put on an open space list back in 1986 as part of that whole stream corridor. This would continue, then, the County's effort to preserve and acquire lands within this corridor.

The specific parcel itself is about an acre in size. The Division of Real Estate, the Department of Environment and Energy has handled the transaction part of this, and certainly are here today if you have any questions on that part of it. It has obviously gone through the Environmental Trust Review Board as well, so this would actually be to authorize the acquisition at this time.

CHAIRWOMAN VILORIA • FISHER:

Very good. I make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Would somebody from Huntington like to second? Okay. Motion by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? **1610 is approved. (Vote: 5/0/0/0).**

1611 (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund • Open Space component • Gilbert/Blydenburgh property • Forge River watershed (Town of Brookhaven • SCTM No. 0200 • 750.00 • 06.00 • 017.000)). And we just received an aerial.

DIRECTOR ISLES:

Okay. Similarly •• similar to the previous one this is a full authorization to acquire. Forge River is an area that you've seen a number of both planning steps resolutions as well as full authorizing acquisition resolutions. There is a concerted effort by the County as well as the town to protect the watershed in that vicinity as well as to do remediation work.

In this case, this is a parcel of slightly less than half of an acre but here again it falls into a larger conglomeration of land ownings that the County is •• either has purchased or is seeking to purchase for the purpose of stream corridor protection. So in this case, then, it is a full authorization of the acquisition. And as I indicated before, Real Estate can speak on any questions regarding the transaction itself if the committee has any questions.

CHAIRWOMAN VILORIA • FISHER:

We know the Forge River project.

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA • FISHER:

Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed?
1611 is approved. (Vote: 5/0/0/0).

1612 (Authorizing the acquisition of land under the old Suffolk County Drinking Water Protection Program [C12•5 (E)(1)(a)] • Montagna property fresh pond addition, Town of Smithtown (SCTM No. 0800•001.00•02.00•024.000 p/o).

DIRECTOR ISLES:

This is similar to resolution IR 1610. This is also in the Fresh Pond corridor which extends north along the town boundary of Smithtown and Huntington, so the Bylott acquisition 1610 was in the Town of Huntington, this is in the Town of Smithtown, extending north to Long Island Sound. Here again as well it was part of the 1986 open space plan where the County for the past 20 years has been acquiring parcels in this area. These two, both the Bylott as well as the Montagna, would continue that. This is two acres. It would be a full fee acquisition.

CHAIRWOMAN VILORIA • FISHER:

Town of Smithtown. Anybody?

DIRECTOR ISLES:

This is old drinking water money, by the way.

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA • FISHER:

Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **1612 is approved. (Vote: 5/0/0/0).**

1613 (Authorizing the acquisition of land under the Old Suffolk

County Drinking Water Protection Program [C12•5 (E)(1)(a)] • Mastic Homes, Ltd property • Santapogue Creek, Town of Babylon (SCTM No. 0103•012.00•04.00•061.000).

DIRECTOR ISLES:

This is a parcel that was included on master list one. It is 1.3 acres of land. As part of the master list one review Real Estate then proceeded with contacting the owner, conducting appraisals, and at this point in time there's an agreed upon offer that has been reviewed by the Environmental Trust Review Board.

Once again it's continuing a pattern of accumulating land holdings by both the town and other agencies along Santapogue Creek. The acquisition is ready to go at this point and certainly if any committee members have questions, either Planning or Real Estate will do our best to answer those questions.

LEG. D'AMARO:

Motion to approve.

CHAIRWOMAN VILORIA•FISHER:

Motion by Legislator D'Amaro, seconded by Legislator Losquadro. All in favor? Opposed? **1613 is approved. (Vote: 5/0/0/0).**

1642 (Amending the 2006 Capital Budget and Program and

appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and Workforce Housing Program).

LEG. LOSQUADRO:

Explanation, please. Am I reading this correctly, five million dollars, taking it out of multifaceted land preservation?

DIRECTOR ISLES:

Multifaceted is a fund that allows acquisitions for a variety of open space and park purposes as well as farmland. In addition, it also has an affordable housing component to it. So my understanding of the resolution, then, is to provide an allocation for both open space acquisitions as well as affordable housing purposes.

LEG. LOSQUADRO:

Well, couldn't we do that as we move along? Is there a necessity to take five million out now and earmark it? Are there five million dollars •• what I'm asking is are there five million dollars worth of acquisitions ready to go under workforce housing that there is a necessity to actually take it out of the existing program which allows for that use as you move along?

MR. ZWIRN:

I think some of this money is not just for acquisitions. It's also for infrastructure on the affordable housing side, the five million dollars.

LEG. LOSQUADRO:

Is that •• if I may, to Counsel, is that a use under multifaceted land preservation?

MR. NOLAN:

It's a permissible use. Like Mr. Isles said, there are multiple components which include affordable housing and open space preservation. My reading of this, and I'll defer to Budget Review, is that that \$5 million is being moved from a land preservation element to affordable housing and to purchase property for affordable housing, I think, for Patchogue.

MR. ZWIRN:

That may be.

CHAIRWOMAN VILORIA • FISHER:

The downtown project in Patchogue.

MR. NOLAN:

Right. And then the \$13 million appropriated, \$8 million for open space and \$5 million for workforce housing. That's the way I read the resolution.

CHAIRWOMAN VILORIA • FISHER:

Legislator Romaine.

LEG. ROMAINE:

Yes. This resolution is very general, but I assume that \$5 million is for a very specific purpose. Correct me if I'm wrong, Mr. Zwirn.

LEG. LOSQUADRO:

That is what I was just asking.

MR. ZWIRN:

I'll have to double check for you, Legislator Romaine.

LEG. ROMAINE:

Can I make a suggestion to this committee that perhaps we should table, since we have two meetings in June as Mr. Zwirn pointed out, perhaps we should table this to our next committee meeting and perhaps they could tighten up this resolution and specifically state in the resolution for what affordable housing project this is.

I'm supportive of the Patchogue project if that's what it's for, but if it's just out there to be spent as catch as catch can, if something comes up, I'd have

more questions. So if it's for a specific project, you know, I'm obviously willing to consider that. But if you're just setting this generally, I think that we should table this and this resolution should be tightened up.

MR. ZWIRN:

Well, I would ask at this point as an alternative is to just discharge it to the floor and then we can have the Budget Office there to answer any questions. But, I mean, this is money that •• we had a problem last year, I know Marion Zucker came before the Legislature, was afraid we were going to lose this money as the year progressed. It's very important to have this money appropriated for purchases, so I would ask that it be discharged without recommendation. If there are any questions on the floor, people from the Budget Office could answer them at that time, and from Economic Development and from the Affordable Housing.

CHAIRWOMAN VILORIA • FISHER:

There is one line that does say Patchogue project, but it's only the \$50,000 line. My inclination would be to discharge it without recommendation to have these answers because I know how long we've been trying to consummate the deal to finish the project, the affordable housing project in Patchogue, and we're dealing with many, many entities to make that project move forward. I believe Legislator Losquadro has a question.

LEG. LOSQUADRO:

Yes. I have to disagree with you that we should discharge this. This seems far too great a sum of money to appropriate without a specific project attached to it. I think we prided ourselves on our fiscal responsibility, that seems to be the buzz word around here, as of late and to just do a blanket

\$5 million appropriation with nothing attached to it and really to give cart blanche to •• I don't know what •• I don't know what the project is. That was the crux of my question. Legislator Romaine sort of took it a little bit further, but when I asked that question initially, this is what it's in regards to.

I'm not comfortable appropriating \$5 million out of a program where this is already a permissive use. If we have a project I would like to see it come before us. I would be happy to appropriate the money out of this fund because it's •• apparently it's a permissive use from this funding source. I'm not comfortable appropriating \$5 million just as a blanket policy to be used then at someone else's discretion. I think this Legislative body has a greater responsibility •• I think this Legislative body has a greater responsibility to appropriate for a specific project and not to just do blanket appropriations such as this.

CHAIRWOMAN VILORIA • FISHER:

Yes. Having worked on the Commission for so long I may be bringing information here that I have had from other sources, and I know that there are other questions here at the horseshoe. Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. And I'm just going through the resolution here. The \$50,000 seems to be allocated for the specific Patchogue development, but if you look up in the middle of the page under the 5th Resolved •• is the \$5 million that we're talking about the same \$5 million that seems to be part of the \$5,050,000 that's geared specifically to project number 8704 as that was to have appeared in the 2006 Capital Budget. Is that the project that we're talking about?

CHAIRWOMAN VILORIA • FISHER:

BRO, could you answer that?

MR. DUFFY:

Capital Project 8704 is in the 2006 Capital Program. One of the things that we've written about for a number of years is that there has been a balance in that account. I myself had a concern when I saw this resolution because Multifaceted does have as one of its components the affordable housing program.

LEG. LOSQUADRO:

Basically he agreed with me.

CHAIRWOMAN VILORIA • FISHER:

You know what, I'm going to change my motion to a motion to table. Oh, there's another question. I'm sorry.

LEG. STERN:

Along those •• project number 8704 as it appears in the revised 2006 Capital Program, you know, is there an explanation as to what that project is?

MR. DUFFY:

My recollection is that capital project 8704 was funded with \$5 million a number of years ago, I believe in 2001. From that project approximately 1.6 million was spent and a balance has remained. I had a brief conversation with the Budget Office about two weeks ago when I was looking at this and they were, from my recollection, they were attempting to move this project to the •• under the control of Economic Development. I would tend to think that further explanation as to what they intend to do with the funds should be gotten prior to moving on it.

LEG. STERN:

That's what I'm asking. What is this project and what still needs to be done.

MR. DUFFY:

I'm agreeing with you that •• I don't have the information, but that was the questioning I'm saying.

MR. ZWIRN:

I don't have the answer.

LEG. STERN:

Nobody has the answer.

CHAIRWOMAN VILORIA • FISHER:

Okay. Would you mind •• I'm making a motion to table.

LEG. LOSQUADRO:

I'll second it.

CHAIRWOMAN VILORIA • FISHER:

I made a motion to table. Seconded by Legislator Losquadro. Mr. Zwirn, if we could tighten this up and get that information and the language of the resolution so that we know what we're voting on. All in favor? Opposed? **1642 is tabled. (Vote: 5/0/0/0).**

1651 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Oaks at East Moriches property • Town of Brookhaven). Okay. And we have been handed something. Mr. Isles?

DIRECTOR ISLES:

The resolution before you is resolution 1651. It is a proposed acquisition under the New Drinking Water Protection Program. What we have before you is an aerial photograph. It's a little bit difficult to read, but the •• what's outlined in green are the parcels that are included in the resolution. What's outlined in yellow are the actual tax map lot lines, so you can see there's an old filed map there in the center part of the map. The parcel itself or the parcels are located west of County Road 51 and south of Sunrise Highway, which is towards the top end of the map. You can pick up a little portion of it there.

The resolution talks of proposed acquisition under New Drinking Water and I believe the number is indicated, about 32 acres. There is a letter attached to the resolution that is from the Town Supervisor that talks about 58 acres, so it took us a little while to kind of sort out the parcels on this map and as you can see, it's quite a few individual lots. The total we come up with is around 32 acres.

So I'm not sure if there's some issue between what the town is recommending and what this bill incorporates, but be as it may, certainly this is a large undeveloped track of land to the east. Along County Road 51 is a pending development on this Heritage Square that is pending with the Town of Brookhaven. The rest of this is, here again, part of an old filed map.

In total, here again, the area is in excess of 50 acres. We then looked at it in terms of the standard criteria of the New Drinking Water Program, and at this point the information we have, it's not wetlands, it's not in the special groundwater protection area, so it would not appear to fit into the New Drinking Water Program. Here again, we're continuing to kind of sort out the individual parcels and so forth, but at least in terms of the New Drinking Water it does not appear to fit into that program unless there's other information the sponsor may have.

Certainly this is a significant track of wooded land, no question about that. The question then becomes in terms of the priority for County acquisitions. The County has generally sought after properties that are either wetlands, are adjoining other County holdings in a significant way, are part of stream and river corridors, are part of the special groundwater protection areas. That has been typically the priority of the County of Suffolk. So we have begun to look at this.

This is the information we have at this point, is that we'd have questions as to the appropriateness under the New Drinking Water, number one and number two, reconciling with the letter from the Town Supervisor and what we actually plot on the parcels out of the resolution. And we have some questions at this point based on that initial analysis.

LEG. ROMAINE:

Madam Chairwoman.

CHAIRWOMAN VILORIA • FISHER:

Legislator Romaine.

LEG. ROMAINE:

This resolution was drafted in response to Supervisor Foley's request. The town is going to participate with the County in the acquisition of this, but based on what our Planning Commissioner has said, because I believe there's 58 plus acres involved in this and they don't seem to be outlined with any degree of •• because I believe they're all contingent and this land is contingent on a County acquisition or farmland, which is adjacent to the west of there. I don't think that came out in this, that I'm going make a motion to table this for two weeks.

But I would expect that Mr. Isles will speak to the Town of Brookhaven and if you would be so kind, Mr. Isles, as to call my office and speak to me after you've spoken to the town, because I want to acquire, my •• the purpose of this resolution is to acquire the parcel requested by Supervisor Foley, which is a subdivision proposal now for some 62 homes known as The Oaks that wraps around the development known as Heritage Square. I'm not looking to

buy Heritage Square, I'm looking to buy the undeveloped portion known •• that property is known as The Oaks.

So motion to table for two weeks and in the meantime hopefully we'll come back and tighten this up because I do believe it should be as specific as possible. You should have an ability to rate this. If this is the wrong program we'll amend the resolution to reflect that, but I want the map to reflect exactly, because this map looks like a checkerboard and this is •• all of these parcels, this is one contiguous parcel which is not reflected on this map.

DIRECTOR ISLES:

Well, these are the numbers that came from the resolution that we mapped. So maybe there is some mixup there. It's mapped by a computer actually.

LEG. ROMAINE:

Right. Possibly the Town of Brookhaven provided the wrong numbers because this is one contiguous parcel, which I believe is in a single ownership, be it corporate or individual, it is a single owner. So I think the map has to reflect that and I will work with the town. If you would call them first and make them aware of some of the discrepancies in the information they provided because I do want to move forward with this.

CHAIRWOMAN VILORIA • FISHER:

I'll second that motion. I have a question on the criteria as listed. Can you explain to us, just very briefly, not •• I don't want a hydrogeology course,

but it is listed in the resolution and in the letter from Supervisor Foley as hydrogeologic zone six, and it's described as a shallow flow recharge zone. But in the criteria it doesn't meet the criteria of lands within a watershed or any tract of land designated special groundwater protection or, you know, any of these others. So I haven't seen too many hydrogeological six zones, right?

DIRECTOR ISLES:

Right. It extends along this part of the County. It's south of zone three. So if we look at the criteria of the New Drinking Water Program, which is on the first page of the ranking form, there are five criteria. When we went through it based on the information we have, it's not a SGPA, it's not Pine Barrens, it's not tidal or freshwater wetlands.

In terms of the groundwater management zone six, and Vito Minei might still be here to talk on that a little more authoritatively than I can, but •• so it's not specifically a criteria of the New Drinking Water Program, number one. In terms of the •• there is a catchall here in terms of necessary for maintaining surface of groundwater in Suffolk County. That's a little bit broader based. What we would typically look to there is a stream corridor location where it is part of a direct watershed or a coastal location.

Groundwater management zone six is intended to be or a recognition of this larger region as ultimately groundwater flow to the bay system, to the Great South Bay and Moriches Bay and so forth. So eventually there is a recharge in kind of a macro sense. But in terms of the specific criteria of the New Drinking Water Program, it didn't trigger any of those criteria, here again, from the information we had available to us.

CHAIRWOMAN VILORIA • FISHER:

Thank you. As you said earlier, all of Long Island. Okay. There's a motion and a second to table 1651. All in favor? Opposed? **1651 is tabled.**
(Vote: 5/0/0/0).

I believe we just have a couple of memorializing resolutions before us. We have to make this two books next time. I can't move the pages on this and it's falling apart.

Memorializing Resolutions

M.030 (Memorializing resolution requesting United States Congress to enact the Climate Stewardship and Innovation Act of 2005).

I just wanted to make a comment on that before we did have a motion. I believe it was the year 2000 Suffolk County had the first local law capping CO2 emissions from our power plants. I was the sponsor of that local law. And included in that local law were carbon trade possibilities. And at that time we also did a Sense Resolution asking that the federal government have carbon trade as part of the way of helping to minimize impacts on greenhouse gases. So I commend you, Legislator Romaine, for filing this memorializing resolution and I would like to be a cosponsor.

LEG. ROMAINE:

Thank you. I'll make a motion to approve.

CHAIRWOMAN VILORIA • FISHER:

I'll second that motion.

LEG. D'AMARO:

On the motion.

CHAIRWOMAN VILORIA • FISHER:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Just through the Chair. If, Legislator Romaine, could you tell me a little something about this act and why it has been pending since '05 and hasn't passed in about two years?

LEG. ROMAINE:

Well, this is 2006.

LEG. D'AMARO:

Right, but this was introduced in '05.

LEG. ROMAINE:

Right, that's last year.

LEG. D'AMARO:

Right.

LEG. ROMAINE:

I have no reason to know why it's being held. I read the Act. I'm a little bit familiar with the Act because of the sponsorship through Senator McCain. I think the Act is something that we should go on record as supporting. It provides a fellowship to graduate studies, it provides a report on the Kyoto Protocol. If we adopted that it provides research on abrupt climate changes and research on how those climate changes impact on low income populations. It provides climate change science and technology enhancement programs for math and science teachers. It provides for energy efficient audits and a whole host of other things, as well as what our Chairlady was discussing with the tradable allowances that would be allowed for the reduction of greenhouse gases.

I don't know why they haven't adopted it yet. I think it's a great idea, I certainly support it, and I support the work of Senator McCain, who is one of the cosponsors of this legislation.

CHAIRWOMAN VILORIA • FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed?
Memorializing resolution 30 is approved. (Vote: 5/0/0/0).

M.038 (Memorializing resolution in support of establishing the Long Island Sound Stewardship Initiative).

LEG. LOSQUADRO:

This is the state?

LEG. ROMAINE:

It is.

CHAIRWOMAN VILORIA • FISHER:

Yes, this is the state one. Is there a motion?

LEG. ROMAINE:

Yes, motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA • FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? Memorializing resolution is approved. **(Vote: 5/0/0/0).**

Okay. There is no other business before this committee. If there is no one in the audience who has a question, the meeting stands adjourned.

(The meeting was adjourned at 1:17 PM)

{ } Indicates Spelled Phonetically