

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 August 14, 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:

Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Robert Lipp, Budget Review Office
Kevin Duffy, Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning

Patricia Zielenski, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Michael Deering, Commissioner of the Department of
Environment and Energy
Ginny Suhr, Aide to Chairperson
Lisa Keys, Aide to Leg. Romaine
Deborah Harris, Aide to Leg. Stern
Tom Williams, Cornell Cooperative Extension
Claire Goad

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 10:41 AM)

CHAIRPERSON VILORIA • FISHER:

If all Legislators, members of the Environment, Planning and Agriculture Committee could please report to the horseshoe. We would like to begin on time. Good morning. Welcome to this morning's meeting of the Environment, Planning and Agriculture Committee. Please join us in the Pledge to be led by Legislator Losquadro.

(Salutation)

Thank you. We have two cards, the first being Tom Williams.

MR. WILLIAMS:

Hello.

CHAIRPERSON VILORIA • FISHER:

Good morning. Is your mike on, Tom? I don't think so. If you

could push that button up towards you?

MR. WILLIAMS:

Okay. There you go. Good morning. My name is Tom Williams and I am here representing the Post•Morrow Foundation this morning. And I'm speaking on Resolution Number 2010, the Robinson Duck Farm County Park Habitat Restoration Feasibility Study and I wanted to lend our support to that study.

The Post•Morrow Foundation, as you know, has been very involved in the Brookhaven area in trying to maintain and rehabilitate a lot of the stream corridors and we're very concerned about Carmens River. We are part of the Carmens River Partnership, which meets every year and looks at the needs of the river, both at its headwaters and as it passes through the County park and into the Wertheim Refuge.

We believe that this feasibility study is important. We think that the Robinson Duck Farm property is in need of the restoration and we think the feasibility study will go a long way to help support that. So we would like to lend our support and enthusiastic participation. We will be a partner with the County and we would like to support the passage of that bill. Thanks.

CHAIRPERSON VILORIA • FISHER:

Thank you very much, Mr. Williams. And committee members will note that you have a copy of the feasibility study before you. If you have any questions •• are there any questions for Mr. Williams? Thank you very much, Tom.

MR. WILLIAMS:

Good.

CHAIRPERSON VILORIA • FISHER:

We have a card from Clair Goad. I hope I'm pronouncing that correctly.

Good morning.

MS. GOAD:

Good morning. I'm Claire Goad and I'm here to represent Friends of Wertheim National Wildlife Refuge. Friends of Wertheim supports Resolution Number 2010, appropriating funds in connection with the Robinson Duck Farm County Park Habitat Restoration Feasibility Study.

The Robinson Duck Farm is bordered by Carmens River, a New York State designated wild and scenic river, Wertheim National Wildlife Refuge and Montauk Highway in Southaven. This feasibility study will give the County and its partners in this project the information needed to make decisions concerning management of the property and implementation of habitat restoration.

We all know that Long Island's natural resources are disappearing at a rapid rate. This study is the first step in protecting the natural resources in the Carmens River corridor and Wertheim National Wildlife Refuge. The opportunity to restore the Robinson Duck Farm to its original habitats will protect Carmens River, Wertheim National Wildlife Refuge, and our water supply. It dovetails with the work of the Carmens River Coalition that has been working to have properties bordering the river corridor acquired. In addition, the fish and wildlife on this property and the refuge will benefit as well as the migratory waterfowl.

Lastly, the residents of Suffolk County will benefit both now and in the future. This resolution will help to ensure that they will have the opportunity to observe and learn about Long Island's varied habitats and its wildlife. For all of these reasons Friends of Wertheim ask that you support this resolution. Thank you.

CHAIRPERSON VILORIA • FISHER:

Thank you very much. We don't have any other cards. If we could have Tom Isles come up and Mike Deering, please. Okay. Good morning.

DIRECTOR ISLES:

Good morning.

CHAIRPERSON VILORIA • FISHER:

Would you like to say something before we begin or shall we •• actually, I'm sorry. I wanted to do CEQ resolutions before we went to the agenda so that we could take care of that first. But I think it's okay for Mr. Bagg to find that third seat there and just •• you could stay there, Mike. This is pretty quick. This is pretty quick. You don't have to go away. Okay. If members of the committee would just direct your attention to the CEQ resolutions. Mr. Bagg, 75?

MR. BAGG:

Okay. CEQ resolution number **75 • 06**. It's the Coucil's recommendations concerning the **Proposed SEQRA classifications of Legislative Resolutions Laid on the Table on August 8th, 2006 (Type II actions)**. Those are basically Type II action recommendations.

CHAIRPERSON VILORIA • FISHER:

Okay. Motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Losquadro. We will be doing these same motion, same second, same vote. And they will be placed on the consent calendar. Okay.

MR. BAGG:

Resolution number 76•06 is concerning a SEQRA classification •

CHAIRPERSON VILORIA • FISHER:

I didn't call the vote on that. I'm sorry. All in favor? Opposed? 75•06 is approved and placed on the consent calendar. **(Vote: 5•0•0•0)**. I'm sorry. Mr. Bagg, go ahead.

MR. BAGG:

That's quite all right. CEQ resolution number **76 • 06**

(Proposed Replacement of Salt Storage Building, Town of Southold. (Type II action). This is concerning a SEQRA classification and termination for the purposes of Chapter 279 of the Suffolk County Code for the proposed replacement of a salt storage building in the Town of Southold. This project involves the replacement of an existing salt storage building on the same footprint including site work and electrical work.

Council recommends that it is a Type II action pursuant to Title 6NYCRR Part 617.5 C1 and 2 because it involves the maintenance, repair, replacement, rehabilitation, or reconstruction of a structure in kind on the same site including upgrading buildings to meet building or fire codes.

CHAIRPERSON VILORIA • FISHER:

And I would just like to mention that at the CEQ meeting there were a number of questions that had been forwarded to staff from Legislator Romaine. Those questions were addressed and they were helpful in the review of this project. There were also some suggestions made with regard •• testing at a later date. It doesn't impact directly on this particular project in and of itself because it is just a replacement building, but they were addressed and they were answered at that time. So we have same motion, same second, same vote on 76. **(Vote: 5•0•0 •0)**

MR. BAGG:

CEQ resolution number **77•06** concerning SEQRA classification and determination for the purposes of 279 of the Suffolk County Code for the **Proposed Acquisition of Land for Parkland Purposes Known as the Hertlin Property in the Town of Brookhaven (Unlisted Action; Negative Declaration)**. The project involves the acquisition of 6.197 acres of land by Suffolk County for parkland purposes.

Council recommends that it is an unlisted action which will not have a significant impact on the environment for the following reasons. None of the criteria will be exceeded. The property will be dedicated to Suffolk County Department of Parks, Recreation and Conservation for parkland purposes and the

Town of Brookhaven will restore the historic barn on the site and manage the property.

CHAIRPERSON VILORIA • FISHER:

Same motion, same second, same vote on 77. **(Vote: 5•0•0•0)**. 78.

MR. BAGG:

CEQ resolution number **78•06** is a SEQRA classification and determination for the purposes of Chapter 279 of the Code for the **Proposed acquisition of Land for Open Space Preservation Purposes Known as the Forge River Watershed Addition • the Estate of Guccione Property in the Town of Brookhaven (Unlisted Action; Negative Declaration)**. The project involves the acquisition of .252 acres of land for open space preservation purposes.

Council recommends it is an unlisted action that will not have an impact on the environment. None of the criteria will be exceeded and the property will be dedicated to Suffolk County Department of Parks.

CHAIRPERSON VILORIA • FISHER:

Same motion, same second, same vote on 78. **(Vote: 5•0•0•0•0)**. 79.

MR. BAGG:

CEQ resolution **79•06** is a recommendation concerning SEQRA classification and determination for the purposes of Chapter 279 of the Suffolk County Code for the **Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Patchogue River Wetlands Addition • Irwin Property in the Town of Brookhaven (Unlisted Action; Negative Declaration)**.

Council recommends an unlisted action, negative declaration for the same reasons.

CHAIRPERSON VILORIA • FISHER:

I was reading ahead of you here. Sorry. Same motion, same

second, same vote. **(Vote: 5•0•0•0).**

MR. BAGG:

The last resolution, **80•06**, is CEQ's **Recommendation for the Purposes of SEQRA and Chapter 279 of the Suffolk County Code Concerning the Review and Comments on the Vector Control & Wetlands Management Long Term Plan DGEIS and Requiring the Preparation of a FGEIS**. At their last meeting on August 9th the Council reviewed all the comments received, which were very substantive and quite lengthy and they made a recommendation that a final general environmental impact statement be prepared on the Vector Control plan.

CHAIRPERSON VILORIA•FISHER:

And further to that, Jim, and I think it's very important that Legislators know, because so many of us sat. I know that while you were Chair of Environment, Legislator Losquadro, we did a great deal of review of this and there's been a lot of staff time spent on this. And at the last CEQ meeting we looked at an outline of what might be included in the FGEIS, and I think that for the purposes of responding to the public hearings and responding to the questions that we have as a Legislature, and for everyone in Suffolk County, it really is the right decision that was made at CEQ.

So, we will go on with the same motion, same second, same vote on •• actually I am going to •• I just need Legislator Losquadro's attention for a moment because I was going to ••

LEG. LOSQUADRO:

Sorry. Blame Legislator Cooper.

CHAIRPERSON VILORIA•FISHER:

I was going to change the motion for this not to be on the consent calendar just because I would like to have people see it because it's very important and it should be before us. So for 80•06, I'm going to make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? 80•06 is

approved. **(Vote: 5•0•0•0)**. Thank you very much, Mr. Bagg.

MR. BAGG:
Thank you.

Tabled Resolutions

CHAIRPERSON VILORIA • FISHER:

Okay. We will go to tabled resolutions. **1390 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Treemont Avenue property) Town of Brookhaven)**. I spoke with the sponsor who has an agreed to table it for another cycle. There are still some questions regarding the program that this is under also. So I'll make a motion to table.

LEG. STERN:
Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1390 is tabled. (Vote: 5•0•0•0)**. I'm sorry. It was Legislator Stern who seconded that. My mistake.

IR 1522 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Peter's property • Town of East Hampton). Mr. Isles.

DIRECTOR ISLES:

Good morning. This is a parcel that's located in the Town of East Hampton at what is known as the Springy Hill area, which is part of the South Fork Special Groundwater Protection Area overall. This is a parcel that's been before you on two occasions. The Planning Department has conducted a preliminary review of this parcel and we have at this point rated it at 14 points.

The property owner has indicated that they feel the parcel could

gather more points and we're certainly open to considering that. And, in fact, the Planning Department, two of our staff members went out to the site about a week and a half ago to gather more information.

So at this point we would like to request a tabling for one, probably one additional cycle, to further analyze some of the additional information that has been presented or will be presented in order to give you a final recommendation of the department.

Our concern at this point is that although generically this is in a special groundwater protection area, in terms of •• there's a question in terms of the physical landforms, whether there is a kettle hole on the property. There's a question in terms of endangered or a species of special concerns. Laretta Fischer, principle environmental analyst for the department has inspected the site. So here again we are going to be looking at that a little bit further and then we would like to come back to you with a final recommendation of the department.

CHAIRPERSON VILORIA • FISHER:

Okay. And we would like to support this, the planning steps here, but it would be good to have a fuller picture of it. So I will make a motion to table.

MR. ZWIRN:

If I could just add one thing.

CHAIRPERSON VILORIA • FISHER:

Let me just get a second on that, please. Seconded by Legislator D'Amaro. On the motion, Mr. Zwirn.

MR. ZWIRN:

If I might. Thank you, Madam Chair. This is a parcel out in East Hampton, and the Town of East Hampton looked at this at they have a very active community preservation program and they have partnered with the County on a number of parcels. This is a parcel that they have passed on in their own review. I just add that to the debate.

CHAIRPERSON VILORIA • FISHER:

Well, then it is very good that we are looking at it under closer scrutiny to see the value of the property. Thank you, Mr. Zwirn. There's a motion and a second to table 1522. All in favor? Opposed? **1522 is tabled. (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)). Again, I have spoken with the sponsor and he's agreed to table this for another cycle. So I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1527 is tabled. (Vote: 5•0•0•0).** I'm sorry that I haven't been reading the captions.

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)). According to my notes this had been given a nine point rating?

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA • FISHER:

Okay. I'm going to make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed?

1582 is tabled. (Vote: 5•0•0•0).

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

DIRECTOR ISLES:

Okay. This has also been before the committee, of course, it's a tabled resolution, a couple of times. We're circulating an aerial photograph of the site and the rating sheet. I think the big issue with this is the parcel in itself is somewhat weak in terms of a County acquisition. There is a parcel that's basically one lot removed from this site known as the River Club property. That is a pending matter and if the County and the town were to protect and preserve and acquire that property, then it would enable a more contiguous area of open space and a higher point value and merit to the acquisition.

As much as we talked about last I got the impression we were going to perhaps wait until the River Club property moved forward or we had an answer on that.

CHAIRPERSON VILORIA • FISHER:

And you're representing that •• that we are in negotiations and that it's close. Is that •• or not?

DIRECTOR ISLES:

It certainly is active. I can't speak for the exact moment where we are today, but it is active, yeah.

CHAIRPERSON VILORIA • FISHER:

But it is active, okay. I'm going to make a motion to table 1662. Seconded by Legislator D'Amaro. All in favor? Opposed? Oh, on the motion, Legislator Romaine. Sorry, I didn't see you.

LEG. ROMAINE:

Thank you. As you know, the River Club is an acquisition that I believe the Town of Riverhead has agreed to partner with. And

you've had discussions with the Town of Riverhead.

DIRECTOR ISLES:

I personally have not had discussions with the Town of Riverhead.

LEG. ROMAINE:

Okay. Who on your staff has, if any?

DIRECTOR ISLES:

The acquisition part of it is being handled through Real Estate. And here again, I wouldn't want to speak on their behalf, but they •• but it is an active matter at this time.

LEG. ROMAINE:

Could we have ask the Director of Real Estate, who I see in the audience, to just comment on whether they've had discussions with the Town of Riverhead and/or the owner of this property?

CHAIRPERSON VILORIA • FISHER:

Ms. Zielenski?

MS. ZIELENSKI:

Yes.

CHAIRPERSON VILORIA • FISHER:

Can you come up to the microphone, please?

MS. ZIELENSKI:

Good morning. This particular project is being handled by the Nature Conservancy for the Town of Riverhead, and so we have only dealt with the Nature Conservancy, not with the Town directly.

CHAIRPERSON VILORIA • FISHER:

The Nature Conservancy is acting as an agent?

MS. ZIELENSKI:

They are the agent in this case.

LEG. ROMAINE:

For this property, not the Peconic Land Trust, the Nature Conservancy.

MS. ZIELENSKI:

For this property. They are doing the negotiation.

LEG. ROMAINE:

Okay. And the County is not getting involved directly with the land owner in negotiations or they are relying on the good offices of the Nature Conservancy?

MS. ZIELENSKI:

We're relying on the good offices of the Nature Conservancy.

LEG. ROMAINE:

Okay. So then you don't have like an up•to•date status of where we are at in the progress of this.

MS. ZIELENSKI:

Just that it's in negotiation.

LEG. ROMAINE:

Okay. Thank you. Based on that I will make a tabling motion, particularly if the acquisition of the River property will add extra points. And certainly I will take the liberty, I believe there is a tabling motion, I will take the liberty of circulating the rating sheet to the residents and to the Town of Riverhead so that they may be aware of the County's rating of this particular parcel and take whatever action is necessary in terms of reviewing the rating system and the points given to see if there's additional points that may be given and obviously we'll await the River Club.

CHAIRPERSON VILORIA • FISHER:

Actually, Legislator Romaine, I find it to be an unusual practice to take the rating sheet that we use here for our deliberations to distribute them among residents in the area?

LEG. ROMAINE:

No, the Town of Riverhead.

CHAIRPERSON VILORIA • FISHER:

Oh, I thought you said among the residents.

LEG. ROMAINE:

No, the Town of Riverhead.

CHAIRPERSON VILORIA • FISHER:

Because I would find that a little ••

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA • FISHER:

Unusual.

LEG. ROMAINE:

Well, this is a public document, Madam Chairman •• Chairlady.

CHAIRPERSON VILORIA • FISHER:

It is, but we don't generally take those documents that are presented to us by Real Estate or by Planning in order for our deliberations, take them out of context and distribute them, you know, make copies and distribute them among the general public. I was just concerned that that's what you were going •• you know, maybe you have fliers with rating sheets. So, that is what it sounded like and I was hoping that wasn't where you were going.

LEG. ROMAINE:

No, we don't have fliers with rating sheets, although it is a public document ••

CHAIRPERSON VILORIA • FISHER:

It certainly is.

LEG. ROMAINE:

•• and I will share it with the Town of Riverhead.

CHAIRPERSON VILORIA • FISHER:

Yeah. There is public and then there is publicized, so.

LEG. ROMAINE:

Right. You won't read about this in the newspapers.

CHAIRPERSON VILORIA • FISHER:

Very good. 1662 then there is a motion to table and a second. All in favor? Opposed? **1662 is tabled. (Vote: 5•0•0•0).**

1683 (A Local Law to require the recycling of cellular phones). I will make a motion to approve. Is there a second before we speak on the motion?

LEG. LOSQUADRO:

I'll second for the purposes of discussion.

CHAIRPERSON VILORIA • FISHER:

Thank you. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

If I could just get an explanation and especially to the enforcement end?

CHAIRPERSON VILORIA • FISHER:

Okay. I think what we have spent a great deal of time on in my office is the collection piece. There are many, many areas and many opportunities for recycling of electronic equipment such as cellular phones. Every outlet where there is •• well, every Verizon outlet, and we know that there are other companies, every outlet has the ability for recycling. There are a number of not•for•profits, such as in my office we collect cellular phones for VIBS. So the opportunity exists for the collection. And I will let Counsel speak to the enforceability.

However, the collection piece, we have a number of outlets where the collection can be done and we will be publishing that more. Right now there are informational campaigns for the

collection of cell phones.

LEG. LOSQUADRO:

I was just going to add that just last week I got a new cell phone and in the box with that Motorola cell phone was a prepaid envelope to send back your cell phone for recycling purposes at no cost.

CHAIRPERSON VILORIA • FISHER:

Right. There are more and more venues for doing exactly that because of the scarcity and the expense of getting all of the raw materials that go into the manufacture of cellular phones. So the •• certainly commercially it's very viable and very beneficial to the corporations to collect the cellular phones and recycle the components.

LEG. LOSQUADRO:

I'll ask Counsel to the explain the actual workings of this legislation.

MR. BARRY:

That's all correct. If I just •• point of clarification. There are three ways in which cellular telephones will be required to be recycled. One, at a household chemical collection program through the towns. Second, at any other facility that is certified with the Department of Environment and Energy to accept, and any other entity •• shops, non•profit organizations that are also certified by the Department to accept. What was the other part of your question?

CHAIRPERSON VILORIA • FISHER:

The enforceability.

MR. BARRY:

Well, the law would require that individuals in the County recycle cell phones instead of throwing them away. Like any law, it's up to the Executive to enforce. The Department is authorized to issue and promulgate rules and regulations to carry out the enforcement. There is also penalties for violations. Fifty dollars for a first •• well, though warning for

the first violation, a fine of up to \$50 for the second, and a fine of up to \$150 for a third and all subsequent.

LEG. LOSQUADRO:

I understand that it is up to the Executive. You know, we propose •• he proposes we dispose, I understand that. But we've heard so often on other recent proposals that certain departments are overburdened as it is with their ability to track and enforce some of these laws, especially when it comes to Consumer Affairs. What department would it be proposed that this would go through, through Consumer Affairs or?

MR. BARRY:

No, this would be handled by the Department of Environment and Energy.

LEG. LOSQUADRO:

Could I ask Mr. Deering, then, to comment on his staff's ability to monitor this program?

MR. DEERING:

I think it would be difficult given the staff that we have for enforcement purposes. However, for the promulgation of the rules and regs we would be able to do that. It's something the County Executive has indicated an interest in doing.

The enforcement may be determined to be better served by another department. That's something that we'll do through the •• since it's unstated here, we would do through the promulgation of the regulations.

CHAIRPERSON VILORIA • FISHER:

Counsel has another comment to make on that.

MR. BARRY:

I think the Commissioner can correct me, but there is a recycling department or division within your department.

MR. DEERING:

Yes, there is.

CHAIRPERSON VILORIA • FISHER:

Legislator Romaine, did you have your hand up?

LEG. ROMAINE:

Yes, just a couple of thoughts on this. Most people have a cell phone for at least a year or two or three before getting rid of the phone itself. What they usually do on an annual basis more or less is replace the battery, which is by far the more toxic component of the phone itself. The phone itself isn't •• doesn't seem to have something that would react to the environment negatively except that it's plastic or metal or however it's constructed. It would be the battery that would seem to be a problem. You know, while ••

CHAIRPERSON VILORIA • FISHER:

Legislator Romaine, the battery is mentioned in the legislation because we're very cognizant of the fact that it is the battery that has the more active ingredient, so to speak.

LEG. ROMAINE:

Well, the battery •• in most cases people don't replace the battery. They usually go to a cell phone store and the vendor replaces the battery for them and takes the old battery.

CHAIRPERSON VILORIA • FISHER:

Yes.

LEG. ROMAINE:

So it's the vendor, and therefore it might be a more manageable task to just go after the battery. But other than that, I mean, what are you going to do, periodically check people's garbage to see if they've thrown away a cell phone? I mean, how would you enforce this type of thing, this type of regulation?

As well intentioned as it may be, my question is are we just passing something to pass something and then it's not going to be enforced because my experience is there are a number of

recycling laws, and I can state many of them since I enacted some of them in the 80's, there are a number of recycling laws that aren't being enforced now. This is going to add to it.

Is there an expectation of enforcement? Is there an expectation, how much is it going to cost, do we have the financial impact statement? Has Budget Review done a financial impact statement on the cost of enforcement on this?

CHAIRPERSON VILORIA • FISHER:

If I could begin to answer some of the questions before we go to Budget ••

LEG. ROMAINE:

I've asked Budget Review, Madam Chairlady, with all due respect.

CHAIRPERSON VILORIA • FISHER:

But before we get to the impact statement you had asked other questions. We also have recycling regulations with regard to some toxic chemicals and the disposal of such in one's home and we don't go into people's garages to see whether or not they're pouring them down the drain. Part of the piece of that is public education and public awareness of the toxicity and the dangers.

With regard to the fiscal impact, before we go to Budget Review, if we want to defray any possible impact on the cost of this program, if we see that there's going to be any fiscal impact, the Commissioner of Environment has the ability to have a collections site and there are •• there are companies that will pay for these cell phones and batteries to be recycled that will actually pay you to hand them over to them.

There are many municipalities in our research that we have found that have indeed done just that, that have used the monies coming in from the actual recycling costs or payment to offset any kind of impact. With that, you did direct a question to Budget Review so I'll refer your question to Budget Review.

MR. LIPP:

We did not cost it out in our fiscal impact. It was too difficult to make the assumption as to who actually would do the enforcement. And as you said, with many •• another law on the books it's not clear to what extent the enforcement exists so we opted not to spend significant staff time to try to •• to go there.

LEG. ROMAINE:

I think that type of information would be very helpful to the Legislature regardless of, I understand the burden on Budget Review, but Legislator Vilorio•Fisher has introduced this resolution. It really does require that type of information so we can cost out things. We constantly pass resolutions without taking a look sometimes at its full fiscal impact or how the regulations are going to be drafted.

Is there a provision in the •• I'll ask Counsel this question. Is there a provision in the resolution that would allow the Legislature to approve any regulations promulgated by the Executive Branch?

MR. BARRY:

No, those are not required to be approved by the Legislature. By passing this law the Legislature would authorize the Commissioner to draft those rules and regulations.

LEG. ROMAINE:

Correct me if I'm wrong, usually with legislation of this nature, certainly on the federal level if Congress passes, regulations are usually promulgated but require at least some oversight or some approval, some Congressional approval. I would certainly think if we were going to delegate any powers to the Executive that we would have the ability to take a look and approve any regulations that would be promulgated. I would simply suggest to the sponsor of this that that certainly would improve the chance of this local law being enacted.

CHAIRPERSON VILORIA • FISHER:

Well, I really don't want to turn this into a dialectic here, but we

have many areas where we've set policy and it's incumbent upon the Executive and the departments that are operating under his •• on his behalf to promulgate those laws and regulations and they don't all have to come back to us for a second approval. I'm going to go to Legislator D'Amaro.

LEG. D'AMARO:

No, I didn't ••

CHAIRPERSON VILORIA • FISHER:

Did you have a question? Okay.

MR. ZWIRN:

If I might, Madam Chair.

CHAIRPERSON VILORIA • FISHER:

Yes.

MR. ZWIRN:

This is issue that the County Executive is supportive of this type of legislation, in this particular bill. I might add that the State has also in this last session also passed legislation with regarding cell phones. And what they have done is passed both the Senate and the Assembly, but has not yet been signed by the Governor, is to require all cell phone dealers to now become repositories. Like you do with automobile gas stations, you bring back your car battery, waste oil. They have to take it back automatically.

They'll be required, if the Governor signs this legislation, in addition to the legislation that we have here. Dealers will be required to take back at least ten cell phones from any individual to their store and then dispose of them in a proper recyclable manner.

And I can think of an answer to Legislator Romaine. If you have a dealer who has a bunch of cell phones and he throws them out in his trash and a commercial carter comes in and sees them in the trash, and says look, you know, this could be a superfund issue. He could call somebody, call the County and

say look, I've got this and without •• the enforcement will come just from, I think, from public policy that there are •• there will be places that will be publicized where people can bring these cadmium batteries, these rechargeable batteries. And it can only be beneficial to the environment. I mean, especially in Suffolk County, we all know where we get our drinking water from.

CHAIRPERSON VILORIA • FISHER:

It would be reportable instances that we would be receiving the information from the public is what you are saying.

MR. ZWIRN:

Sure. Yes.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

I think we all are in agreement that the intent of this bill is a very good intent. In the cadmium, the lithium ion, and even as you were referring to, some of the raw materials, the recycling of the resisters and other components within the cell phones that have been very hard to come by for certain of the manufacturers. That's why these companies are out there that are willing to buy them and resell and recycle some of these components.

I think the best portion of this legislation is the public awareness campaign. And it's •• if there's any criticism I have of the bill, it's that I think it falls short in terms of an enforceability aspect. I really don't see that the department has the ability to move forward with this. I have some concerns regarding that and I would like to see those addressed.

But as I said, the public awareness component of this I think is a very good goal and I think we have seen great strides taken on the Federal and State level and I would like to see something done on the local level to dovetail with those other

initiatives. But I think we need a mechanism in place by which this isn't just another law that sits on the books that's never going to really be addressed to its fullest potential.

CHAIRPERSON VILORIA • FISHER:

Absolutely. And that's my intent. I want to work with everyone at the horseshoe. There have been some interesting and very relevant points made, and so I'll withdraw my motion to approve and I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Losquadro. All in favor? Losquadro •• sorry, I was looking at him and hearing you.

LEG. D'AMARO:

Whatever. It ends in a vowel.

CHAIRPERSON VILORIA • FISHER:

Second by Legislator D'Amaro. It's those double names, too, you know. Motion to table. All in favor? Opposed? 1983 is tabled.

LEG. D'AMARO:

1683.

CHAIRPERSON VILORIA • FISHER:

1683. (Vote: 5/0/0/0). 1983 was a good year.

1873 (Authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk).

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA • FISHER:

Yes. And I'll make a second. And the reason we have to do that is because we need to have a public hearing on this

according to our Counsel.

Now, I know there was some concern about this. And I spoke with Mr. Nolan Friday afternoon and I asked him if we would be able to discharge without recommendation from this meeting, have the public hearing on the 22nd, and then vote to approve. And Counsel informed me that we really couldn't do that without having had the public hearing first.

What we could do, however, on Tuesday after the public hearing, is to have a discharge on the •• discharge on the floor and vote on it after it has aged for an hour. And so we have a motion to table and a second. All in favor? Opposed? **1873 is tabled** for public hearing on the 22nd. **(Vote: 5/0/0/0)**.

1878 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Jill Estates property) Town of Huntington (SCTM NO. 0400•249.00•04.00•019.000 & 0400•263.00•02.00•072.000)). Mr. Isles.

DIRECTOR ISLES:

This was a matter that was before the committee at the last meeting about two weeks ago. The Planning Department has conducted a review of the parcel. We have circulated that review to the department. If you don't have a copy I can get you one right now because you were not at the last meeting.

Based on our review and the information we have available to us at this time we rated the parcel as 18 points. It's about 21 acres. And it's long, narrow strip that used to be a planned road corridor for New York State Department of Transportation. That is •• was subsequently abandoned. So at this time it is not an acquisition the department would recommend to you.

LEG. STERN:
Madam Chair.

CHAIRPERSON VILORIA • FISHER:

Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. This is a parcel in the Town of Huntington that you can take a look at the rating system, and it's something that I would like to be involved with as we go forward and perhaps tweaking some of the elements that we utilize in order to rate properties. This is area, as we can all understand, under significant, significant development pressures.

The original intent here was to enter into a partnership with the Town of Huntington. We're still working with the town in getting adequate assurances from the town that I can provide here to my colleagues, and so we continue those efforts. So at this time I can make a motion to table as we continue our efforts in that regard.

CHAIRPERSON VILORIA • FISHER:

Okay. I'll second that motion. All in favor? Opposed? 1883 is tabled. 1883 is •• I'm sorry. Am I on the right one? **1878 is tabled.**

(Vote: 5•0•0•0). I must need another cup of coffee around this time.

1883 (A Local Law changing the name of the Environmental Trust Review Board to the Real Property Acquisition Review Board and increasing the membership). I'd like to ask some questions about this. Ben, if you could explain why and wherefore?

MR. ZWIRN:

The name is changed to try to better reflect the purpose of the committee because it deals with real property acquisitions and people understand what the role is. I would also add two members, the Commissioner of Economic Development and Workforce Housing and the Commissioner of the Environment, to the nine member panel so that it would be an eleven member panel to try to add their expertise as well to the review of the land purchases, land acquisitions the County has. And

basically that's •• those are the two big changes and Mr. Deering might want to add something else.

CHAIRPERSON VILORIA • FISHER:

Commissioner, haven't you been attending those meetings?

MR. DEERING:

Yes. I'm the County Executive's designee at this point. I think what Ben said, the change of the name and the focus of the Environmental Review Board has broadened somewhat for those of you who participated in the review board. There have been properties that go beyond the Open Space and Farmland Programs. We had an affordable housing. I believe we've had two now, affordable housing projects come before the Commission and it's the County Executive working with the Legislature trying to keep all of our acquisitions on a similar plane.

The Board has provided great credibility and consistency in our acquisition programs and the name change in the expansion of the board reflects the affordable housing component with the addition of the Commissioner of Economic Development and Workforce Housing and the newly formed Department on Recognition that it oversees, Division of Real Estate.

CHAIRPERSON VILORIA • FISHER:

I can understand the addition of the Economic Development and Workforce Housing because of the role that that plays. However, I think the movement and the work out of which this Board was born has the word trust and environmental trust in it for a reason. And I think it's key in the face of what that particular Board was addressing and the culture at that time, the rumblings at that time. And so I myself would be loathe to change the name of the Board.

Perhaps the composition would make sense but I'm really not very much •• I'm not convinced that we should change the name of the Board. I do want to yield to Legislator Losquadro but I wanted to mention that as my own reaction to this particular piece of legislation.

LEG. LOSQUADRO:

Thank you, Madam Chair. As a cosponsor and coauthor of this bill soon after I took office, the original bill that created the Environmental Trust Review Board, I, too, have a problem with changing the name because the intent of the creation of this board was to restore public trust and public faith in a process that had developed a credibility gap, unfortunately. And unfortunately in government sometimes managing the perception is just as important as managing the reality of the situation. So, I, too, would not be in favor of a name change.

To go back to a more fundamental question of expanding the membership, the intent, and I know this because I was involved with its creation, the intent of this Board, and we see it all the time as we sit as members of this Board, is to review the appraisals, to determine if it is a fair and accurate value. We are constantly reminded that we are not there to set policy. We are not there to review the appraisals. It is this entire body, this committee and then this full Legislature that determines whether or not an acquisition is worthy of approval of the Legislature and then sent for review and signature by the County Executive.

I think the current makeup of the Board provides more than sufficient oversight and has worked very well in being able to determine if those appraisals are fair and accurate. I think Real Estate has done an incredible job in presenting that information to us in a way that we are able to review it in a very effective and time sensitive manner that it does impose on us.

My point is I don't •• not only do I not see a benefit in changing the name, but I don't see the benefit of adding additional members at this point. If you wanted to swap the Health Commissioner for someone else, but I do think the Health Commissioner does add a certain perspective. But you are really just looking individuals who are able to examine things in an analytical nature and determine whether or not these appraisals are fair and accurate and give a recommendation to send it back to this body to determine policy. The point of this

Board is not to determine policy. So for those two reasons, I disagree with this legislation.

CHAIRPERSON VILORIA • FISHER:

Well, we do need to table 1883 for a public hearing and so I will make a motion •• do we already have the motion to table? No. I'll make a motion to table. Seconded by Legislator Stern. All in favor? Opposed? Is there anything else on the motion?

LEG. LOSQUADRO:

I was just going to make the motion.

CHAIRPERSON VILORIA • FISHER:

Okay. All in favor? Opposed? **1883 is tabled. (Vote: 5•0•0•0).** We have completed the CEQ resolutions. We will now move to the Introductory Resolutions.

Introductory Resolutions

1929 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Decarmine property) Town of Smithtown (SCTM No. 0800•075.00•05.00•038.00 & 039.000)).

Now, particularly for those members of the of the committee who might have a little problem with discerning hot pink from red, it looks like along the river we have the hot pink and then we have that kind of trapezoid going to the northwest that's red. Right?

DIRECTOR ISLES:

Correct.

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA • FISHER:

I think they wanted to say something, let them do their thing.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro.

DIRECTOR ISLES:

We'll be brief then. The parcel is quite evident that it's in the Nissequogue River corridor. There's County as well as town ownership in the immediate vicinity. The County ownership is outlined in green, the town ownership in the magenta color.

This is clearly a parcel that has environmental value. We did do a rating on it. We came up with 41 points based on the information we have available at this time. There will be an issue as we get closer to acquisition, if this moves to that point, on the issue of access, but we can work that out. But on the merits of the case, we would recommend it to you today.

CHAIRPERSON VILORIA • FISHER:

Okay. There is a motion and a second. All in favor?
Opposed? **1929 is approved.**

1961 (Making a SEQRA determination in connection with the proposed health and safety improvements fence on CR 67, Motor Parkway from Redleaf Lane to Melwood Drive, Town of Smithtown (CP 5559)). I'll make the motion to approve and place on the consent calendar.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed?
1961 is approved and placed on the consent calendar.
(Vote: 5•0•0•0).

1962 (Making a SEQRA determination in connection with the proposed upgrading of electric service and repairs to dock located at the Long Island Maritime Museum at

Charles R. Dominy County Park, West Sayville, Town of Islip). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1963 (Making a SEQRA determination in connection with the proposed donation of property to Suffolk County Parks for SCDHS transfer of Development Rights requirement • File #R02•03•0866 and 0867, Town of Brookhaven). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1964 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Knox School property, Village of Nissequogue, Town of Smithtown). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1965 (Making a SEQRA determination in connection with the proposed restoration of the buildings and structures at Sagtikos Manor County Park, West Bay Shore, Town of Islip). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1966 (Making a SEQRA determination in connection with the proposed Sewer District #3 • Southwest Sewer construction for hookups, Town of Islip). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1967 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley conservation area addition • Erb property, Town of Brookhaven). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1968 (Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Montauk Downs State Park addition • estate of Ralph Capurso, Burke, Ralph Capurso Jr., Ralph Capurso/Eileen Schutt and

estate of Edna Capurso property, Town of East Hampton). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1969 (Making a SEQRA determination in connection with the proposed Cornell Cooperative Extension, Suffolk County Farm and Education Center • Global Village, Yaphank, Town of Brookhaven). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

1970 (Making a SEQRA determination in connection with the proposed reconstruction of CR 67, Long Island Motor Parkway, from I•495, L.I.E. (EX 55) to CR 17, Wheeler Road • PH IV, Town of Islip (CP 5172). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

IR 1979 (Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program (Terrell River/Havens Estate property • Town of Brookhaven). This sounds very familiar. Mr. Isles.

DIRECTOR ISLES:

This was previously before the committee. I'm not sure if there has been any further changes to it, but I think it's a refile of a bill. The issue we had last time with the original bill was that there was a planning steps resolution approved a few years ago so we are not convinced that we need another resolution at this point.

CHAIRPERSON VILORIA • FISHER:

And Is that active?

DIRECTOR ISLES:

Yes. I believe it is. I'll let Real Estate speak for that, but I thought it was active.

CHAIRPERSON VILORIA • FISHER:

Okay. Janet Longo, I can put on the record that you are nodding yes?

MS. LONGO:

We are in negotiation.

CHAIRPERSON VILORIA • FISHER:

Okay. So I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed?

1979 is tabled. (Vote: 5•0•0•0).

1980 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Governale Property), Town of Brookhaven). This is in the Pine Barrens Core?

DIRECTOR ISLES:

Yes, it is.

CHAIRPERSON VILORIA • FISHER:

Is there anything else you'd like to tell us about this? It's under the drinking •• no, it is under SOS.

DIRECTOR ISLES:

There is a planning steps resolution for all of the core parcels that was approved by the Legislature in 2002 under the Drinking Water Protection Program. So that is in effect and would apply to this property as well as all other core parcels.

As far as this resolution, this proposes a different program, which is the SOS Program. We don't feel this is necessary unless there's other information that we're not aware of. But at this point there is a planning steps in effect that would include this property

CHAIRPERSON VILORIA • FISHER:

And the Drinking Water Protection Program would be more restrictive. So if we could have a parcel that could go under that program and leave the SOS for other acquisitions it might be better.

DIRECTOR ISLES:

The other point, too, is that you would have to approve any acquisition anyway, so if it were to actually be negotiated by the Division of Real Estate and brought forward to you, you can then ••

CHAIRPERSON VILORIA • FISHER:

It would come back to us.

DIRECTOR ISLES:

•• pinpoint the program, too, at that opportunity. But right now it is on the track of Drinking Water Protection.

CHAIRPERSON VILORIA • FISHER:

Okay. It is on the track. Does that mean that this particular parcel is in negotiations as part of that omnibus?

DIRECTOR ISLES:

My understanding is that it is, but here again, I don't want to speak for another department.

CHAIRPERSON VILORIA • FISHER:

Okay. We should probably have one of you from Real Estate to step up, please. Pat Zielenski, can you tell us •• this was voted on, I guess, a few years ago. I remember the list with those core Pine Barrens properties. And are you representing that we •• it's in negotiations? Can you just move the mike closer to you, please?

MS. ZIELENSKI:

The appraisals are currently in review.

CHAIRPERSON VILORIA • FISHER:

So this parcel has been appraised and the appraisals were in review.

MS. ZIELENSKI:

That's correct.

CHAIRPERSON VILORIA • FISHER:

Okay. So I'm going to make a motion to table 1980. Seconded by Legislator D'Amaro. All in favor? On the motion, Legislator Romaine.

LEG. ROMAINE:

On the motion. Both of these were refiled with me as they were filed at the beginning of the year because it seemed as if the Executive has established a different policy that if you use a different program, you can file a new planning steps resolution. And obviously that was true for North Fork Preserve. Mr. Caracciolo had filed a planning steps resolution, I believe, in August of 2005. And bingo, in January of 2006 a planning steps resolution came forward as part of a paltry Master List III that was submitted.

At that time it was explained to me in some detail that if you can use a different program, you really do need a different planning steps. That's why both of these resolutions •• and by the way, there was no active negotiations with either of these parcels, with either of the owners of these parcels, at the time I made my resolution because their offers apparently because of other programs and other regulations had been rejected in the past. And at that time I wanted to make sure that these parcels were preserved.

I have no objection to tabling this. Let it be clear that I intend to monitor the progress with both of these proposed acquisitions. And that's why that resolution was forthcoming. Thank you, and I certainly don't object to tabling.

CHAIRPERSON VILORIA • FISHER:

And we certainly all hope that there will be success in those negotiations. There is a motion and a second to table. All in

favor? Opposed? **1980 is tabled. (Vote: 5•0•0•0).**

1982 (Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Manzi property), Town of Riverhead. Mr. Isles.

DIRECTOR ISLES:

Okay. There is a property located as indicated in the Town of Riverhead in the Hamlet of Calverton along {Riley} Avenue. It is about 31 acres of land. It was referred to the County Farmland Committee in •• July 25th. They did review it and they have recommended the parcel for inclusion in the County's program.

CHAIRPERSON VILORIA • FISHER:

Mr. Romaine, would you like to make a motion?

LEG. ROMAINE:

Yes, I'll make a motion.

CHAIRPERSON VILORIA • FISHER:

To approve.

LEG. ROMAINE:

I make a motion to approve. Thank you.

CHAIRPERSON VILORIA • FISHER:

Okay. I'll second that motion. All in favor? Opposed? I'm sorry •• on the motion.

LEG. D'AMARO:

On that motion. Mr. Isles, could you repeat your comments? I'm sorry.

DIRECTOR ISLES:

Sure. This is a parcel that's located in Calverton in the Town of Riverhead. It is a parcel that is currently being •• is farmland. As per the procedures of the County, proposed farmland acquisitions must first be reviewed by the Suffolk County

Farmland Committee. This was brought before the committee at their regular meeting held on July 25th of this year. The committee reviewed it. Staff does complete a rating of the property at that point.

Upon review, the committee has recommended to the Legislature approval of the planning steps resolution for inclusion in the County's Farmland Program. It is proposed as a purchase of development rights so it's not a full fee. It would enable the continuation of a private farming operation.

LEG. D'AMARO:

So these planning steps are the result of the recommendation coming out of the prior review; is that what you're saying?

DIRECTOR ISLES:

The result of the recommendation coming out of the Farmland Committee.

LEG. D'AMARO:

And this property, unlike the other two resolutions we just brought before the committee, are not subject to prior planning step resolutions or any other acquisition process. Is that correct?

DIRECTOR ISLES:

To our knowledge there's no prior resolution of the Legislature affecting this property. So there's no prior approval or conflict to our knowledge.

LEG. D'AMARO:

And this property was not included on any prior master list to your knowledge.

DIRECTOR ISLES:

To our knowledge it was not.

LEG. D'AMARO:

Okay.

DIRECTOR ISLES:

And certainly in the master list it wasn't. Here again, there are old omnibus farmland resolutions that go back many years, believe me. We do do a check of that. Here again, we have not found this parcel on a prior list.

LEG. D'AMARO:

All right. Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRPERSON VILORIA • FISHER:

And it's important in the Town of Riverhead that we do move forward with our development, agricultural development acquisitions, because Riverhead does have, I guess, the majority of our working farmland and so we do want to be aggressive with that. And there's a motion to approve and a second. All in favor? Opposed? **1982 is approved.**
(Vote: 5/0/0/0).

1983 (Amending the 2006 Capital Program and Budget and appropriating funds for Suffolk County Multifaceted Land Preservation Program (CP 7177)).

CHAIRPERSON VILORIA • FISHER:

And we have Budget Review here and Mr. Deering. I have some questions about this, Mike and Budget Review, because this is a bit of a •• and if everyone would have this particular legislation in front of them because there were a few whereas's which I found a little confusing. It's an unusual piece of legislation, very creative, Legislator Romaine, where we're looking at an offset using sewer district monies, I believe, to the tune of 40 million.

LEG. ROMAINE:

Well, if we have a motion about this I certainly •• if you are entertaining motions we can have a discussion and I would be happy to ••

CHAIRPERSON VILORIA • FISHER:

Okay. I'm trying to get to •• I'm trying to open to that as I am just letting everyone get to the resolution because, as I said, it is complex and we do want to take a look at it. All right. I'm going to make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. Okay. On the motion. I'm looking at a piece of legislation which uses for very good intent, by the way, which is the acquisition of open space and the protection of our environment. It's using monies from a project that did not move forward in the sewer district, and Budget Review, please correct me if I'm wrong on any of this, and uses \$40 million of that money to go ahead and dedicate that for •• to the Multifaceted Land Preservation Program. Is that correct?

MR. LIPP:

That is correct.

CHAIRPERSON VILORIA • FISHER:

Okay. Have we ever •• Budget Review, have we ever done this kind of offset from the sewer district to land preservation and not have it as bonded money? Isn't it from the sewer district?

LEG. ROMAINE:

It's capital budget.

CHAIRPERSON VILORIA • FISHER:

Budget Review, can you clarify that, please?

MR. LIPP:

This is •• what this would do, as you had said earlier, would use adopted 2006 capital appropriations from a sewer project, \$40 million, to a non•sewer project.

CHAIRPERSON VILORIA • FISHER:

A sewer project, I'm sorry.

MR. LIPP:

In this particular case, Multifaceted Land Preservation Program.

CHAIRPERSON VILORIA • FISHER:

Okay.

MR. LIPP:

That was also done, by the way, last year •• a similar type of resolution with the jail project.

CHAIRPERSON VILORIA • FISHER:

Okay. You are on the list. Before I go on with my questioning I'm going to go to the sponsor. I believe he has some questions.

LEG. ROMAINE:

Yes, well, I thought I could clarify this more and I would be happy to take questions from my colleagues. This resolution was adopted •• it was drafted. I have had several meetings with almost every environmental group and representatives from the four towns that I represent, Brookhaven, Riverhead, Shelter Island and Southold. And in these meetings we were talking specifically about the pace of acquisition.

There was a lot of concerns expressed that the pace of acquisition was slower than necessary. Some of those comments were reflected, in fact, on a program on which you were on on Thursday by Mr. Amper. And the environmental groups, while they differed over how the program •• the various programs that we operate could be improved and how additional acquisitions could be done before what they view as the build•out of Long Island could take place, there was unanimity of agreement that there wasn't enough money in the programs.

Now I'm sitting here, I'm happy that Michael Deering is here, because he provided a spreadsheet on June 26th of this year that showed •• include a total future deficit in terms of the amount of \$39,397 •• excuse me, \$39,397,967. And the spreadsheet is right here. I don't know if copies were provided for you, but Mr. Deering can certainly comment on that. And some of those •• and he included in his spreadsheet not only those programs that have closed or will be closing, but those that are still in negotiations.

Right now the deficit from the Quarter Percent Drinking Water Program would be about \$4.8 million. The deficit in the Multifaceted Land Preservation Program would be \$29.2 million. The deficit in the SOS Farmland would be about \$233,000. And in Open Space, the SOS Open Space Program, would be about \$20.5 million. Obviously these are deficits and they don't even include some of the additions that we've added.

For example, the Morgan Estate, which was in Master List IV that the County Executive added to ensure west end support, the Morgan Estate being in Eaton's Neck, even •• and I'm a little familiar with Eaton's Neck, my parents used to live in Asharoken. Even if you got a lowball offer of \$100,000 an acre, that would be \$40 million alone.

We are running out of money. We are running out of time. This, by the way, does not tie the Executive to do anything. What it would do, because there are no sites specific in this resolution, what this resolution would do is say here's a chunk, potential chunk of \$40 million dollars. Anything that closes between, hopefully if this is passed out of committee, August 22nd and December 31st, you can use this money for. Or, you can choose not to use this money. But it gives you the availability of \$40 million and helps the programs that I've just talked about that Mr. Deering has estimated a deficit on.

It would help offset some of that if the Executive chose to use it. There is no requirement for the Executive to use any of this money. But he can use none, he can use all, or a number in between on any of the properties that close between now and

the end of the year. The problem is we are running out of time, we are running out of land, and we are running out of money.

This resolution takes a project that was in the Capital Budget and says guess what, that project's never going to happen. There's about \$43 million left in it. Let's move \$40 million into an acquisition program so there is sufficient funding there. And the Executive then has total freedom to decide whether to spend nothing or to spend some of it or to spend all of it on any acquisitions that close between now and the end of the year. This helps starve off the deficit that we're facing on land acquisition funding. And hopefully you all have the spreadsheet at this point. And with that, I'll turn it back to you and I'll be happy to answer any questions.

MR. ZWIRN:

Madam Chair, at some point.

CHAIRPERSON VILORIA • FISHER:

Legislator Stern.

LEG. STERN:

Thank you, Madam Chair. My first question is directed to BRO. We have these numbers here that are, I guess, from the administration. I guess first I wanted to know whether or not you agree with these numbers.

MR. LIPP:

The Budget Review Office has always taken a different approach to how we count the available funds. We do not consider funds that are in •• we do not consider parcels that are in negotiation as spoken for because it's very iffy whether or not those will come to fruition or not. So, therefore, for instance, Multifaceted Program you cannot overspend the program. So to count that as a negative number at most you can count it as zero we feel.

If you look back at our May review of the Capital Program, based upon April data and not the more current data that is available here, though, because we haven't gotten information

from Real Estate yet, but we had approximately •• well, we had about 34 and a half million in negotiation, an additional 34 and a half or so available that was not in negotiation, for a total of funds of 69 million.

LEG. STERN:

So on the one hand we're being asked to accept the administration's numbers of approximately a \$40 million deficit, and on the other hand, looking at BRO's numbers, perhaps \$70 million •• approximately \$70 million dollars available.

MR. LIPP:

Yes, it's a policy issue what you want to do. What BRO's approach has always been is to say you can't count something in negotiation. If I make an offer for your parcel it doesn't mean we're going to have a deal. And that our perspective is not whether or not it's a good idea or bad idea necessarily, but rather to bring home the point that there are some significant fiscal issues out there.

There is plenty of available funds given our view of what's in negotiation and there is an increasing level of debt service in the County's Operating Budget that's being projected for several years, and that this would just add to that. So we are just reminding you of what the fiscal issues are when you weigh your policy decisions.

CHAIRPERSON VILORIA • FISHER:

And as Mr. Lipp just very correctly stated, not all of the negotiations are going to result in a done deal. And it has been the history of the Legislature to kind of oversubscribe various programs so that we can feel that we're going to try to access and use those monies that •• on which the voters have chosen through referendum to use for the environmental protection.

And furthermore, with regard to SOS, you can't say that you have a deficit because you can only spend that money down to zero. You can't run a deficit in that program, in SOS. There was \$75 million voted on by the voters for bonding. You can't run in a deficit on that. So •• and that there are also recurring

monies that come. The Quarter Percent money is money that comes back into our budget. We also have partnerships. The five east end towns, as you know, have the CPFs and those partnerships have been building up revenue.

I see you. It reminds me of those students that sometimes sit in the front of the classroom and put their hands in your face. A little persistent.

In any case, we do have a number of resources. And, as you know, Mr. Romaine, by having been the sponsor of the \$75 million SOS, I certainly am very cognizant of the fact that we are up against build•out within the next decade. We are looking for revenue sources. And I didn't make a motion to try to kill this bill. I would just like to look at it and work together in this approach because it is a novel and different approach that I haven't seen before. I would like to have a greater opportunity to discuss it and this is •• hence my motion to table it at this point. Mr. Romaine.

LEG. ROMAINE:

You certainly could have that opportunity by voting this motion out without recommendation to the entire floor and you could have an entire week and a day to study this and discuss it and I certainly will make myself available to you.

I would simply point out that the administration has indicated that there is a \$39.3 million deficit and this has nothing to do with all the properties that we have in the pipeline. In fact, if we take a look at all the properties that have been proposed with planning steps this year, we certainly have nowhere near the amount of money to acquire even a quarter of those properties. And I just mentioned one property, the Morgan Estate alone that would clearly eat up in excess. It is estimated at \$40 million this one property alone on the west end.

What we need and what we're talking about is having sufficient funds to step up the pace of land acquisition because clearly we're acquiring about 2,000 acres a year and they tell me that we need to be acquiring three to four times that amount if we

have any chance of saving what is left. Now, this is every environmental group meeting with me •• the Nature Conservancy, the Pine Barren Society, the Farm Bureau, the representatives who deal with land acquisition in each the four towns that I represent.

This, by the way, and you say I know the Budget Review said well you have to take a look at the impact on the debt. This resolution creates no debt unless the Executive chooses to use the funding because right now it's not site specific. The Executive would make that decision. So passing this encumbers no debt. It gives the Executive the flexibility to spend up to \$40 million on acquisition if he chooses. If he chooses not to, he can spend nothing, so no debt is incurred. That decision is totally left in the hands of the County Executive and his advisors, and I would just remind you of that. Thank you.

CHAIRPERSON VILORIA • FISHER:

Thank you. Stepping up the pace, I'm going to go Mr. Zwirn and then I'd like to hear from you, Mr. Deering, regarding your authorship of the spreadsheet and the representations made therein.

MR. ZWIRN:

Thank you, Madam Chair. You can do everything that Legislator Romaine is suggesting now. If there was a land acquisition where there wasn't enough money you could use this as an offset to do that. If you needed \$10 million or \$5 million or \$25 million up to the full amount. This doesn't change that. This bill doesn't do it.

CHAIRPERSON VILORIA • FISHER:

What you're saying •• you could do it site specific.

MR. ZWIRN:

Absolutely. You could use this offset or any other offset that would be available. So this doesn't accomplish as much as it would sound at first blush.

Secondly, we would say it is a little premature. I think when the County Executive proposed his \$50 million Legacy Fund at the State of the County message earlier this year, I know Budget Review came back and said, well, there's plenty of money, not necessary. There's plenty of funds around for open space acquisition at the present time and it was a little bit of a criticism of that statement.

So I think at the very least this is premature. There is no danger, and I think tabling is probably an idea the County Executive would support at this point because we're not in danger of losing any acquisitions now because of a shortage of funding. And if we needed an offset, we could use this offset or others.

Legislator Lindsay, the Presiding Officer, has a bill in that would stop this type of use of sewer debt that could not be used for General Fund debt. It would be specific only to sewer district funds. I know BRO has been supportive of that and that would go before the public in a referendum if that bill passes the Legislature.

There's a lot of stuff on the table that I think is going to happen in the next couple of months that maybe it would be best to take a long look at this bill before everybody jumps forward.

CHAIRPERSON VILORIA • FISHER:

I'd like to hear from Mr. Deering. Thank you, Mr. Zwirn.

MR. DEERING:

Yeah, I would just concur with what Ben was saying. I mean, we're not in a position right now where we're losing acquisitions. Our Division of Real Estate is aggressively pursuing them. Those who go to the Environmental Trust Review Board each month see the numbers that we're bringing in.

You know, perhaps the tabling is a good idea given the sense that if we do run into a problem •• we do not envision running into a shortage of money this year. Towards the end of the

year when the Legislature revisits the Capital Budget, we will have a much clearer sense of our programmatic needs as well as the budgetary needs. The ••

CHAIRPERSON VILORIA • FISHER:

Mike, can you put this in the context in which you meant it, please?

MR. DEERING:

Sure. I mean, the context of this is showing that there are certain funds, and these are only funds that have been appropriated thus far. There are dedicated revenue streams that are continuing to come in that are recurring and shows that we •• what we have in the process in terms of whether they're in contract, in negotiations, accepted offers, the numbers of what we would have if everything happened. Unfortunately, in the world of Real Estate everything doesn't happen. And I think, you know, the monies that we have and the commitment the County Executive has had in increasing the Capital Budget this year with \$50 million dollars, the SOS Program that the Legislature wisely put forward, and the ETRB is going to keep us moving, you know, right now.

We also have been working •• we need a larger share of State dollars. This year the Environmental Protection Fund was increased. The amount of open space money was increased. We need to get more support and more partnerships with the State. We're continuing to work with our partners on the east end who have done bondacts, who have community preservation funds.

Again, the idea that we are going to need additional money as we move forward I think is a fair statement. The question is to whether we need it right now. I don't believe we do. So I think to hold off and do this later, to table this now, have some additional discussion so we get clearer programmatic needs as well as budgetary needs would be something the County Executive would support.

CHAIRPERSON VILORIA • FISHER:

Thank you, Mike. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I think we all acknowledge •• and I think Mr. Deering's comments were very good. We all acknowledge the need in the future for •• you know, excuse me. I've been chastised on several occasions for not paying attention and I would just like everyone's attention while I'm making my comments.

Mr. Deering made a very valid point that at some point in the future we are going to need additional funding. This money does not expire. If we bank this money now by having additional funds available this year, that money will be available in the future. It's just a simple matter of cost shifting, very simple accounting principle there.

As to the open •• SOS Fund, I guess it's just a matter of perspective. Yes, technically you cannot overprescribe the fund, but that is monies that will not be available and therefore lands that will not be preserved. So you could not draw it down because it's bond money, but the point is that is a balance of money that would not be available and therefore land that would not be preserved.

I think it is very important to find additional monies to put into these programs to be able to bolster these accounts. And as I said, a simple management practice of cost shifting to allow these funds to remain with the balances they currently have into next year would go a long way towards preserving a lot more land.

CHAIRPERSON VILORIA • FISHER:

As Mr. Zwirn said, and those are points well taken, but as Mr. Zwirn said, if we were to find ourselves in the happy circumstances, and it would be certainly a happy circumstance, if we spent all that money and we have a piece of legislation, rather a piece of open space that we want to acquire and we don't have the money on hand, we can then use this as an offset for that particular acquisition.

LEG. LOSQUADRO:

Madam Chair. My ••

CHAIRPERSON VILORIA • FISHER:

Let me just finish the point here. What we are doing in looking at it in those terms in a case by case basis rather than tying up the lion's share of this very large offset, is that were there to be some other budgetary concern between now and the end of the year, we would not have an available offset into which we could reach for some other area, something happens with the jail as it did last year. That's just an example. We wouldn't have that flexibility.

Taking all of this at once is not the way I would be inclined to look at it. And as I said from the beginning of my tenure as a Legislator, I have always looked for the funding of open space programs and the protection of our environment. I am just •• I have made the motion to table this because it is not clear to me that this is the best way to do this. Legislator Losquadro.

LEG. LOSQUADRO:

I believe you missed my point, which was, and I understand Mr. Zwirn's point that we could do this. But the point is this offset would be used in advance of us spending down to a point where we were in a deficit situation. We would use this money to offset the remaining balances so those balances would remain into the future. That's the point of using this. I don't want to speak for the sponsor here, but as I see this, that is the point of using this offset this year so those balances would remain out into the future.

If it's a question of wanting to hold that money in reserve for some other potential offset, well, that's a different argument. But this •• to say that we could use this in the future if we spent the program down misses the point. And point is to use it in advance of spending that money down so the program balances remain.

CHAIRPERSON VILORIA • FISHER:

Actually, one of the criticisms by •• I believe with Budget Review, and I'm going to go to clarify this with Budget Review, is that again we would be using new monies rather than using existing programs. And I believe that, for example, we would tend to put resolutions into the SOS Program rather than looking at old drinking water money or even some of the older programs. Budget Review, I believe that you did speak to this in your review of the Capital Program.

MR. LIPP:

We spoke to it in the capital review. We have a section on Suffolk County land acquisition programs where we speak. There are some 18 •• there are 18 now with the new Legacy Program, so that •• so they already exist, these programs.

CHAIRPERSON VILORIA • FISHER:

And the tendency to use the newer programs rather than going •• I haven't seen a 12•5E acquisition ••

MR. LIPP:

Well, we suggested that it would be a good idea to spend down the existing older programs first. For instance, the 12•5E which is part of the sales tax •• the quarter cent sales tax money. In the previous program that had expired at the end of November 2000, there are still funds available in that program that aren't being spent. We just think, you know, from a pure financial point of view it makes sense to spend those funds down before we ••

CHAIRPERSON VILORIA • FISHER:

And we still have Greenways money as well.

MR. LIPP:

Yes, we do.

CHAIRPERSON VILORIA • FISHER:

In the Farmland Program?

MR. LIPP:

Greenways Farmland as of April •• mid•April was \$1.7 million in

the farmland, another 2.8 million in parkland, and a little under a half a million in open space portion of Greenways.

CHAIRPERSON VILORIA • FISHER:

Okay. So rather than begin yet another funding source, it would probably behoove us to try to spend down the older programs, move to the newer programs again, and then start an influx of new monies then. To earmark \$40 million •• a \$40 million offset out of \$46 million that was the project total to spending monies in a new program where we already have existing programs I don't think would be the best way to go.

I have made a motion to approve. There is a second.

LEG. D'AMARO:

No, motion to table.

CHAIRPERSON VILORIA • FISHER:

Motion to table. I'm sorry. And a second. All in favor?
Opposed?

LEG. ROMAINE:

Opposed.

LEG. LOSQUADRO:

Abstention.

CHAIRPERSON VILORIA • FISHER:

Motion carries. **1983 is tabled. (Vote: 3/1/1/0 Legislator Romaine • Opposed; Legislator Losquadro • Abstention).**

1999 (Authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the estate of Ralph Capurso property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300 • 019.00 • 02.00 • 016.001 & 016.002, 018.001, 018.002 & 018.003)). Any comment on this?

LEG. LOSQUADRO:

Just from Real Estate, size and acquisition amount.

MS. ZIELENSKI:

Actually, the interesting thing here is that from 1999 to 2003 numbers are all marked Montauk Downs State Park additions. It's a family ownership that involves a lot of different family members, but they're all in a cluster that adjoin the Montauk Downs State Park property in Montauk.

LEG. LOSQUADRO:

What's the total acreage of those parcels and their aggregate?

MS. ZIELENSKI:

I have it here, but I have to ••

LEG. LOSQUADRO:

It's just a few acres, right? Is that correct?

MS. ZIELENSKI:

Three point three four acres.

LEG. LOSQUADRO:

Okay. Very good. Thank you.

CHAIRPERSON VILORIA • FISHER:

Would you like to make the motion?

LEG. LOSQUADRO:

I'll make the motion.

CHAIRPERSON VILORIA • FISHER:

Motion by Legislator Losquadro, seconded by Legislator Romaine. All in favor? Opposed? **1999 is approved. (Vote: 5•0•0•0).**

2000 (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the Ralph Capurso, Jr., property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300

•019.00•02.00•018.004 & 018.007).

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA•FISHER:

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

2001 (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the Burke property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300•019.00•02.00 •016.003)).

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA•FISHER:

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

2002 (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the Ronald Capurso & Eileen Schutt property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300 •019.00•02.00•061.000)).

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA•FISHER:

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

2003 (Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Land Preservation Partnership Program • for the estate of Edna Capurso property • Montauk Downs State Park Addition (Town of East Hampton • SCTM No. 0300 •019.00•02.00•016.004, 018.005, 018.006 & 020.002)).

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

Okay. **2010 (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 the Robinson Duck Farm County Park Habitat Restoration Feasibility Study (CP 8710.113)).** Okay. Now here we talk about both the Capital and Operating Budget. Can you speak to that, Budget Review, or who is going to explain this for us.

LEG. ROMAINE:

I'll put a motion on the floor first to approve.

CHAIRPERSON VILORIA • FISHER:

Okay. I'll second that motion.

LEG. LOSQUADRO:

Madam Chair, while they are looking, didn't we see this? I seem to recall discussion regarding something, this and the question of an appropriate usage of 477 Funds for •• for the actual study instead of for the remediation work itself •• which discussions over the course of the past year, last year, had been that we were going to reserve that funding for actual program work, not to spend it on salaries and administrative costs.

CHAIRPERSON VILORIA • FISHER:

Well, actually you and I took a different position in that particular discussion. But I would like it to go first to Budget Review and then to Mr. Deering for the discussion of the use of the 477 accounts. And that was a kind of a bipartisan different side of the isle.

LEG. LOSQUADRO:

If Dave was still here he'd be with me.

CHAIRPERSON VILORIA • FISHER:

You and Dave would be on that side, but David and I have had different points of view regarding that use in the past. Who would like to speak to this first? Budget Review.

MR. DUFFY:

Yes, I had the discussion this morning with Steve Ross from the Budget Office and the ending fund balance for the Water Quality Protection and Restoration Program. We have agreed that we are now at approximately \$2.6 million. What we have talked about in our operating review is that the money is being used quite a bit. Six point eight million dollars is in the 2006 Operating Budget as being used for operating costs. With them only taking in 7.4 million that's only adding \$600,000 to the fund balance.

Our concern over the years has been that by dedicating funds to operating costs it removes the flexibility of the Legislature to address the problems. The concern we have with the study, and the study is \$85,000, is that •• that is taking away more funds from the fund balance and our concern is that the funds should be used for the capital items as opposed to being used for operating expenses.

CHAIRPERSON VILORIA • FISHER:

Okay. Kevin, when we look at the legislation, and we look at the \$85,000, we are seeing in the revised 2006 Capital Budget \$85,000. So isn't that capital monies?

MR. DUFFY:

No. What is happening is the funds are being transferred from Operating to Capital so that they will not lapse at year end. What we've also ••

CHAIRPERSON VILORIA • FISHER:

Okay, to keep them alive. Okay. That's why we have both.

MR. DUFFY:

To keep them alive. What we've also had a concern with that I brought up at the budget hearing is that as of the end of May, we have appropriated or put into capital some \$17.7 million

dollars. When we looked at the system, the capital system, we can only see 4.3 million being spent.

As we wrote in our operating report, we have some concern because projects are being lumped under capital project 8710. There are 13 individual projects shown there with a total amount of 5.7 million. And we see as of May of '05, that 4.2 has been spent. We have requested from the Budget Office their help in having them calculate how much has been spent on these individual 24 projects.

CHAIRPERSON VILORIA • FISHER:

Kevin, we did spend a great deal of time last year discussing 477 accounts and the use thereof. If I may ask, with this particular project, did this go through the Water Quality Review Committee and was it approved?

MR. DUFFY:

The documentation attached to it indicates that it did go through the Water Quality Review Committee. There had been some discussion when Legislative Counsel was Paul Sabatino that the Legislature has the ability to pass a resolution without it going through the Water Quality Review Committee. You are the policymaking body who decides what items are approved.

CHAIRPERSON VILORIA • FISHER:

But we do prefer if we're going to pass them, rather than rejecting them if it has been passed, before we approve of these projects we do like to know that they've gone through the Water Quality Review Committee.

MR. DUFFY:

Only the Executive's were required ••

CHAIRPERSON VILORIA • FISHER:

I'm not saying were required. The point I'm making is that we don't want to ever do the reverse of that which is if they rejected a project we wouldn't want to vote for it. Their voting in the affirmative does not require us to vote in the affirmative

and I think we understand that here.

MR. DUFFY:

Correct. But the Legislature would be a policy decision if ••

CHAIRPERSON VILORIA • FISHER:

Yes, absolutely. It's our policy decision. However, perhaps a bigger issue that we should look at at some point, because storm water remediation is so critical in Suffolk County and we have to be aggressive programmatically and we do need to do a lot of infrastructure work and I believe studies and a duck farm is certainly something that is something worthy of a critical look, is perhaps we should look at that component of our quarter percent for storm water remediation and look at •• about increasing the amount that's earmarked for storm water remediation. Perhaps we're not earmarking enough for that particular component. I believe there's question. Legislator Losquadro.

LEG. LOSQUADRO:

I'm just going to reiterate my opposition to these type of uses. I believe that •• I believe firmly that the 477 account has become a slush fund for operating costs. And in speaking with Legislator Alden, and I am quite certain that if this comes out of committee that you are going to hear from him at Tuesday's meeting, because he was the sponsor and the author of the original legislation that created this fund. And he has stated very clearly that the intent of this fund was not to provide for these operating costs. So I again just reiterate my opposition to using it for these purposes. And I will make a motion to table it.

CHAIRPERSON VILORIA • FISHER:

Okay. If you •• Mr. Deering and Mr. Isles.

MR. DEERING:

I would just reiterate what you were saying, Legislator Vilorina •Fisher. These projects, I guess it was last year, discussion between the Executive and the Legislature about these projects came up and it was agreed to at that point that all of the

projects would go before that Water Quality Advisory Committee. This one has. This project is not for paying of staff. It is a study.

The property, and Dewitt Davies and Tom Isles can speak to it, you know, more clearly than I, it's adjacent to the Wertheim property where the County along with Wertheim and others are actively engaged in a wetland restoration program. This is within the South Shore Estuary Reserve which has recommended this type •• these types of projects for that area which is a component of the original enabling statute that projects that are proposed through the use of these funds •• for the use of these funds are part of either the South Shore Estuary, Long Island Sound, Peconic Estuary, etcetera, so it fits the criteria.

It has been approved by the Advisory Committee, as I said, and, you know, with that it is under Planning's domain. However, my understanding is it's not for the paying of staff salaries.

CHAIRPERSON VILORIA • FISHER:

Mr. Isles.

DIRECTOR ISLES:

Well, that pretty much says it. Here again, it's not intended to pay for support staff or anything of that nature. In my point of view this is actually a textbook example of using the Water Quality Fund. We've gone out of our way, or we've done our job I should say, in terms of trying to present this to you with siting the •• what we believe is the basis for this request and the appropriateness in terms of the Water Quality Program. We certainly understand the concerns for the program overall and we understand that there's a test that you give to us in terms of a standard of justifying and demonstrating a need for the project.

Quite frankly, we can't do the project unless we have some of this advance money to design the project. And so in terms of doing remediation we need to have some information before we

can do the remediation. The sum we've asked for, 85,000, we think is reasonable and appropriate. And given the fact that we're looking at County property next to a federal wildlife refuge, here again, we think it is a textbook case.

We would respectfully request your consideration of it. We think it has broad based public support and we feel that it's on target. Dewitt Davies is here in terms of the project manager and certainly can speak specifically to any aspect you may want to hear on further.

CHAIRPERSON VILORIA • FISHER:

You know, Mr. Isles, if one just looks at the backup here, in the summary the very first line which is "the goal of the study is to assess the potential for restoring freshwater wetland." If you look at the paragraph entitled Justification of the Project Eligibility, if you look at the background, and then later when you speak to the Wertheim and that sanctuary, I know as a sitting member of CEQ how critical that is to wetland restoration, how critical these models are. We're looking at vector control being impacted by this. We're looking at a lot of debate on how we should address wetland restoration.

So you certainly have my support in this and I believe that \$85,000 being earmarked for this is certainly •• being used for this purpose is certainly not an extraordinary amount of money and you have made the representation that this isn't being used to raid the 477 account in order to prop up the Operating Budget. And I think that that was the fear that was expressed in the Environment Committee last year or the year before. That being said, I have made a motion to approve.

LEG. LOSQUADRO:

Was there a second on the motion to table?

CHAIRPERSON VILORIA • FISHER:

There was a motion to table by Legislator Losquadro. Is there a second?

LEG. ROMAINE:

I'll second for purposes of discussion.

CHAIRPERSON VILORIA • FISHER:

I think we've already finished discussing it. There is a motion to table and a second. All in favor? Opposed? I will make a motion to approve.

LEG. STERN:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Stern. All in favor? Opposed? Tabling motion carries.

LEG. LOSQUADRO:

Abstain.

LEG. ROMAINE:

I'll abstain.

CHAIRPERSON VILORIA • FISHER:

Abstentions? Sorry. Two abstentions. Please note those.

LEG. STERN:

Approval motion carries.

CHAIRPERSON VILORIA • FISHER:

**The motion to approve carries on 2010. (Vote: 3•0•2•0
Abstentions: Legislators Losquadro and Romaine).**

**2012 (Authorizing land acquisition of land under the
Suffolk County Multifaceted Land Preservation Program •
Open Space Preservation Program • for the Houde
property • Emerald Estates (Town of Huntington SCTM
No. 0400•168.00•02.00•085.000, 0400•170.00•01.00
•001.000 p/o & 0400•170.00•01.00•002.000)).** So we're
up to the acquisition. Pat, would you like to speak to this?

MS. ZIELENSKI:

Yes. This is Emerald Estates in the Town of Huntington. 2012, 13, 14, and 15 •• no, strike that, 14, are all part of Emerald Estates. The 2012 resolution is for 1.84 acres for \$375,000. Again, these properties are all clustered together and will form a whole when we get them completed.

CHAIRPERSON VILORIA • FISHER:

And what's the total? I was distracted, I'm sorry.

MS. ZIELENSKI:

It is a 1.84 acres for \$375,000.

CHAIRPERSON VILORIA • FISHER:

Any questions? I'll make a motion to approve 2012. Motion by Legislator D'Amaro, seconded by Legislator Stern. All in favor? Opposed? **2012 is approved. (Vote: 5•0•0•0).**

2013 (Authorizing land acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Open Space Preservation Program • for the Borelli property • Emerald Estates (Town of Huntington SCTM No. 0400•168.00•02.00•087.000). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

2014 (Authorizing land acquisition of land under the Suffolk County Multifaceted Land Preservation Program • Open Space Preservation Program • for the Cooper property • Emerald Estates (Town of Huntington SCTM No. 0400•168.00•02.00•079.000 p/o). Same motion, same second, same vote. **(Vote: 5•0•0•0).**

2015 (Authorizing the acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund • Open Space component • the Estate of Guccione property • Forge River Watershed (Town of Brookhaven SCTM No. 0200 •750.00•06.00•018.000).

And happy to see that Forge River Watershed continues to be protected. Ms. Zielenski?

MS. ZIELENSKI:

This is a small .252 acre parcel in the Forge River Watershed. The price is \$51,000.

CHAIRPERSON VILORIA • FISHER:

I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed?
2015 is approved. (Vote: 5•0•0•0).

2016 (Authorizing the acquisition of land under the Suffolk County Multifaceted Land Preservation Program • for Parkland purposes • for the Hertlin property • (Town of Brookhaven • SCTM No. 0200•623.00•01.00 •001.000)).

MS. ZIELENSKI:

This is 6.197 acres for \$1,549,250.

LEG. LOSQUADRO:

Just one question before we make the motion. It says for parkland purposes. Is there an intended use, active, passive?

MS. LONGO:

Yes. The Town of Brookhaven will be a partner in managing this property. There exists a ranch home on the property as well as an historic barn. The intent is to demolish the home but retain the farm building and restore it for its historic value. That's why we didn't want to put it just in a passive recreation, although the majority of the property will be used for passive recreation.

LEG. LOSQUADRO:

I just want a clarification just because of the wording for

parkland purposes.

MS. LONGO:

Sure.

LEG. LOSQUADRO:

Thank you. Motion.

CHAIRPERSON VILORIA • FISHER:

Motion by Legislator Losquadro. Seconded by myself. All in favor? Opposed? **2016 is approved. (Vote: 5•0•0•0).**

2020 (Authorizing the Director of the Division of Real Property Acquisition and Management to enter into contract for appraisal services). Does that mean that we're adding new appraisers?

MS. ZIELENSKI:

Yes, but we •• and it also means that we have ongoing contract approvals necessary for the appraisal staff that we currently use consultants.

LEG. LOSQUADRO:

Question.

CHAIRPERSON VILORIA • FISHER:

Legislator Losquadro. And I know where he's going.

LEG. LOSQUADRO:

Are there any appraisers that we were using in the past who are no longer included on this list?

MS. ZIELENSKI:

Yes, that's correct.

LEG. LOSQUADRO:

Very good. And I think we've made reference over the course of the past year or so to some of those individuals who have not provided the work product that we have expected and they have •• we are choosing not to renew services with them?

MS. ZIELENSKI:

That's correct.

LEG. LOSQUADRO:

Very good. I will make the motion.

CHAIRPERSON VILORIA • FISHER:

Seconded by myself. All in favor? Did you have a question on that?

LEG. ROMAINE:

Yes.

CHAIRPERSON VILORIA • FISHER:

On the motion.

LEG. ROMAINE:

On the motion. Just a question. I see the list of appraisers. How did we gather this list?

MS. ZIELENSKI:

We solicited all the New York State licensed appraisers.

LEG. ROMAINE:

In Suffolk County or ••

MS. ZIELENSKI:

Well, initially in Suffolk County. But at the completion of that solicitation you did not •• we did not get responses from a sufficient number to bring it up to the legislated requested balances that we're required to carry. So we have •• have added some additional new appraisers for the next cycle for •• that are •• have primary offices located in Nassau County, though they do a great deal of business and are familiar with Suffolk.

LEG. ROMAINE:

So it was a general solicitation.

MS. ZIELENSKI:

Yes. It was a general solicitation based on the New York State's Department of Secretary of State's listing of all licensed appraisers.

LEG. ROMAINE:

And these are the only appraisers that responded that you put on the list. Or were there some that responded that you did not put on the list.

MS. ZIELENSKI:

No, this is the list as it was •• as they responded.

LEG. ROMAINE:

Responded. Okay. Thank you.

CHAIRPERSON VILORIA • FISHER:

Okay. There's a motion and a second. All in favor? Opposed? **(Vote: 5•0•0•0)**. Okay. There are no other resolutions before us. I will make a motion to adjourn.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA • FISHER:

Seconded by Legislator D'Amaro. We stand adjourned.

(The meeting was adjourned at 12:35 PM)