

**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 January 29, 2007.

**MEMBERS PRESENT:**

Leg. Vivian Vilorio-Fisher, Chairperson  
Leg. Lou D'Amaro, Vice Chairman  
Leg. Wayne R. Horsley  
Leg. John M. Kennedy, Jr.  
Leg. Daniel P. Losquadro

**ALSO IN ATTENDANCE:**

Ian Barry, Assistant Counsel  
Richard K. Baker, Deputy Clerk  
Ben Zwirn, Assistant Deputy County Executive  
Thomas Isles, Director of Department of Planning  
Jim Bagg, Chief Environmental Analyst/Department of Planning  
Patricia Zielenski, Department of Real Estate  
Lauretta Fischer, Department of Planning  
Janet Longo, Department of Real Estate  
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy  
Ginny Suhr, Aide to Chairperson  
Linda Bay, Aide to Minority Leader  
Paul Perillie, Aide to Majority Leader  
Dr. Larry Swanson, Chairman of Vector Control  
Ken Kellaheer  
Dominick Licata  
Gerald Ludwigas  
Adrienne Esposito  
Kevin McAllister  
Michael Kaufman, Vice Chair of CEO  
Walter Dawydiak, Chief Engineer for the Suffolk County Health Department  
Dr. Amy Juchatz, Environmental Toxicologist, Department of Environment  
Dr. Scott Campbell, Public Health Division of the Suffolk County Health Department  
Dominick Ninivaggi, Vector Control  
Dr. David Tonjes, formerly of Cashin Associates  
Jenny Kohn, Assistant County Attorney  
Dennis Brown, Assistant County Attorney

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**MINUTES TRANSCRIBED BY:**  
Denise Weaver, Legislative Aide

**(THE MEETING COMMENCED AT 1:15 PM)**

**(The meeting was called to order. After the salutation of the flag, the Public Portion commenced)**

**CHAIRPERSON VILORIA-FISHER:**

We have a number of cards. And each person will be allotted three minutes to speak. Of course there will be a time -- I have the timer. Three minutes. And of course members of the committee may ask questions of the speakers. We do ask that even during the question period you try to be succinct because we also have a presentation following our public portion. So our first speaker is Gerald Ludwig. There were some letters after that. I couldn't read it. Okay.

**DR. LUGWIG:**

Right. I'm Gerald Ludwig and I'm Vice-President of the Mastic Beach Property Owner's Association. And I'm just here to say how important the County's vector control efforts are to our community. We know that the Department of Vector Control is trying to be as environmentally sensitive as possible but I just want to make it clear how important the efforts to control the mosquitos in the Mastic and Mastic Beach and Shirley areas are to our community.

Mosquitos are a big burden to the community as far as activities go. We have occasional mosquitos there, when you come out of your house in the morning, you got three mosquitos in the car with you. When you come home there are mosquitos that come in the door with you. It's a constant -- it's a constant battle. Children can't play in their backyards in the grass because going in the grass raises clouds of mosquitos. I lived in Queens before and we had occasional mosquitos, which was a small nuisance, but this really affects quality of life. Children are restricted to playing on pavement because there are fewer mosquitos. Parents keep their children in the house keeping air conditioning on to keep them comfortable because they can't have them outside with the mosquitos. It affects children's appreciation of the outdoors, their ability to play outdoors. It just is a severe negative impact on our outdoor activities in the summer months.

I know that a lot of people are concerned about the mosquito control effect on the environment. And I'd have to say that many or most of those people do not live in our area. I don't see those people here today who live in our area complaining about the mosquito patrol efforts. I think that unfortunately we have a lot of people living on Long Island. And we have to provide a certain environment for them. Everything we do from the cars parked in the parking lot to laundry that we do and many, many different activities affect our environment negatively, but there has to be a balance between the effect on the environment and the quality of life of the residents as well as the health of the residents. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you for coming down Dr. Ludwig. Are there any questions? Thank you. Our second speaker is Dominick Licata. You have three minutes, sir.

**MR. LICATA:**

Dr. Ludwig did a great job explaining the residents and the suffering that they do. But I want to take another perspective. My name's Dominick Licata. I'm the Chairman of the Board for the Smithpoint Beach Property Owner's Association. And we're just south of Shirley on the peninsula between the Carmen's River and Johns Neck. And according to Vector Control we are the hottest spot on the east coast.

I also represent Community Development Corporation. And just several weeks ago we were discussing development at the County park at the marina area. And three of the biggest issues were, number one, would be sewage treatment plant. And I just came back from Florida. I drove though last night to be at this meeting. I came through a squall in New Jersey, but this was more important because of the mosquito issue and what's happening to the residents and what's happening to the visitors at the Fire Island National Sea Shore, where we're looking for revenue to bring in through tourism and we're actually chasing people away.

As far as the Community Development Corporation is concerned, the three issues were sewage treatment plant, emergency services at the marina area to respond to emergencies at that peninsula and to the beach. But the number one issue was the mosquito. We're suffering down there. The children are suffering. The parents are suffering. We can't get to our vehicles in a timely manner. We're swarmed. I mean, it's like bees. It's really disgusting.

I've had visitors from Taiwan come to my residence last summer. And they tried to make it to the bridge. My house is approximately 1,000 feet from the bridge. They had to turn around and come back. There was no way. Parents with carriages, bicyclists; turned away. Asking for their money back. Now it's an international park. We have the memorial. And to hang signs over there saying no refunds is an embarrassment.

There's something wrong when the residents are in the middle. And there's supposed to be a balance of services. And the environmentalists for some reason, the balance of services is offset. The residents are suffering. And I don't know what Vector Control is doing. They spray Memorial Day, Labor Day, Fourth of July weekend. It's not enough if we're not going to get a good comprehensive plan as the south east coast has. Now the Department of Interior is giving gateway communities -- how much time do I have?

**CHAIRPERSON VILORIA-FISHER:**

Wrap it up. You're very close.

**MR. LICATA:**

Okay. The Department of Interior is giving gateway communities more say on development and planning at federal parks. And we're going to be looking into that and hopefully Mr. McAllister will join us in discussion. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, sir.

**MR. LICATA:**

You're very welcome.

**CHAIRPERSON VILORIA-FISHER**

The next speaker is Ken Kellaheer. Good afternoon. You have three minutes.

**MR. KELLAHER:**

My name is Ken Kellaher. I'm the Treasurer of the Lake Ronkonkoma Civic Organization. I'm here to speak on behalf of resolution 2297-06 for -- which is a land acquisition purchase for a hamlet park. The property is located on Portion Road in Lake Ronkonkoma at the intersection of Holbrook Road. The civic organization and community has worked for seven years with the Department of Public Works on the Portion Road project. One of the agreements as we've helped to mold that road project to meet the needs of the community was the purchase of this property and the creation of a park for the community. The community has very few parks. We're in a built up area of Suffolk County but fortunately this piece of property has been spared the development big box drug stores and strip malls. It's still a nice five acre piece of property. Green space that would nicely fit into the community as a Hamlet Park.

The plan would be for Suffolk County to actually manage the property if it's acquired by the County. The civic would assist with the management. We currently clean the litter at this location on a regular basis. We're planning for basically a passive park with some walking trails, a few benches on the perimeter, and a small focal point. We're not looking to create major ball fields or anything like a major playground. We're looking to preserve the integrity of the open space parcel.

The property is also nice because it's situated next to St. Elizabeth Church, which has some nice wooded buffers. So the church and the property would actually compliment each other. The civic and the community has supported the open space purchase program. And we believe that it's important that the western part of the County that's pretty much developed, gets an opportunity to acquire open space green parcels, especially along a road like Portion Road. There's a lot of strip development on this road but there's also several parcels that are good candidates for being acquired and preserved in a natural state. So again I ask that the committee approve this purchase. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, sir. Thank you for coming down. Bill, did you want to say something or not? Did you want to speak or not? I Recognize Legislator Lindsay.

**P.O. LINDSAY:**

Yes. Just to comment on the Robbins property while you're still here. And I thank you for coming down. The problem is that the -- and it should get rectified very shortly -- is the property -- part of the property is going to be taken as part of the road widening situation along Portion Road. And we had to wait for Public Works to identify how much of the property they needed before we acquired it. Because once we acquired it would be parkland and really would be taken out of any other use. We couldn't -- if we had acquired the property, it would have stopped the renovations to Portion Road. So as soon as Public Works is done with their portion of exactly how much they're going to acquire, we'll move forward to see if we have a willing seller on the other part.

**CHAIRPERSON VILORIA-FISHER**

Thank you. Our next speaker is Larry Swanson.

**DR. SWANSON:**

I have copies.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, Brendan.

**DR. SWANSON:**

Madam Chairwoman and members of the Legislature I want to thank you for the opportunity to speak today. I'll think I'll summarize the first part of my talk in order to preserve some time. I just wanted to comment that I think that the County has done an extremely admirable job in trying to put together the Vector Control and Wetlands Management Plan. And I think they've also done an outstanding job in trying to accommodate public comment as much as possible within the framework of what they believe is adequate. In fact in all the FGEIS's, RE-EIS's, that I've seen over the years,

I think this effort has been more accommodating than just about any other that I've ever experienced.

CEQ has responded to you as required in a timely manner. However, there are number of issues raised in the CEQ comments that need emphasis and clarification. The first thing I'd like to just mention briefly is comment on wetlands. The County wetlands I think of it as being arguably one of the greatest County resources that we have. And as a consequence they deserve the utmost in protection. I'm very concerned with the emphasis that was placed on open water -- open marsh water management in the beginning of this effort. And I'm pleased that the County has backed away to a great extent. However, I am concerned water management and now most recently restoration has crept back into the plan and without adequate definition.

Wetland preservation and protection and vector control, in my opinion, are inherently distinct activities. They're not always compatible. In order to provide the greatest possible protection to our wetlands, I strongly support the CEQ proposal that wetland management be separated organizationally and functionally from vector control.

I think one of the things that the County has done in the recommendation that I really appreciate is the suggestion development to have a Wetland's Stewardship Committee. However, I must say that I still am concerned with the mission of the committee and I would very much like to see the overarching goals of the committee changed. Basically as stated, wetlands manipulation is the agenda for that committee. I believe that it in fact should be more along the lines of preservation protection. I'm very much concerned of the lack of definition of what restoration really means.

There are other CEQ recommendations that I believe overstep the responsibility of the CEQ. In several cases they are attempts to micromanage the County programs. In other cases --

**CHAIRPERSON VILORIA-FISHER:**

Can you wrap up please?

**DR. SWANSON:**

-- they have absolutely no scientific or public health related basis. And if followed could lead to serious ecological or public health problems.

**CHAIRPERSON VILORIA-FISHER**

Dr. Swanson?

**DR. SWANSON:**

Yes?

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry, your time is up, but we do have questions for you. Can you just wrap up that last sentence though that you were reading?

**DR. SWANSON:**

I think there are several cases here where scientific and public health related basis, if followed could lead to serious ecological or public health consequences.

**CHAIRPERSON VILORIA-FISHER**

Okay. Thank you, Doctor Swanson. Legislator D'Amaro has a question for you.

**LEG. D'AMARO:**

Good afternoon. And thank you for your testimony and including your written testimony. I took a quick look at it. I don't think you got to all of it but there's an issue or a concern raised here about methoprene --

**DR. SWANSON:**

Correct.

**LEG. D'AMARO:**

-- a section of your submitted testimony. And I quote "I believe the CEQ has made a major mistake in recommending that methoprene should be restricted from use in our tidal wetlands." Could you just tell me a little bit more as to why you disagree with that recommendation?

**DR. SWANSON:**

It's my opinion that the people of Suffolk County are going to have mosquito control one way or another. And that the best way to deliver that mosquito control is through a program that is devised by the County. If it's turned over to public hands because we're not permitted to use methoprene or some of the adulticides recommended, that in fact private people will be hiring people to come in and spray their property. This will probably result in over spraying, spraying more frequently than is necessary, using concentrations that are -- far exceed what is essential. And I think in the long-term we will probably have ecological and public health damage as a consequence that far exceeds anything that the County has recommended.

The other thing is, I think that once it gets out of the County's control, you can absolutely begin to think of more complaints about how children playing in the backyard are going to be affected by spraying of perhaps their neighbors, people across the street, and likewise more complaints about how pets are getting sprayed. So I think in terms of the ultimate goal of protecting public health with minimizing ecological and public health damage, the best way to do it is through a well controlled program run by the County.

**LEG. D'AMARO:**

Thank you.

**LEG. KENNEDY:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro?

**LEG. LOSQUADRO:**

That's the question I was going to ask.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Okay. Dr. Swanson, methoprene is one of a number of the adulticides, I guess, that the department uses at this point. You're familiar with the other ones as well that may be there? Do you have any thoughts as far as the Permethrin I believe it is, or some of the other types of adulticides that are involved as well?

**DR. SWANSON:**

Well methoprene actually is a larvicide.

**LEG. KENNEDY:**

Okay. I'm sorry.

**DR. SWANSON:**

And by using methoprene we avoid the use of adulticiding or at least avoid it to a much greater extent than would otherwise be taking place.

**LEG. KENNEDY:**

So employing it then is actually going to be in a way perhaps more environmentally friendly so that we'll hold off on having to escalate if we can control the population in its larval stage?

**DR. SWANSON:**

That's my opinion, yes.

**LEG. KENNEDY:**

Thank you.

**CHAIRPERSON VILORIA-FISHER**

Dr. Swanson, I have a question about the best management practices, six through 15.

**DR. SWANSON:**

Correct.

**CHAIRPERSON VILORIA-FISHER**

Because there had been a recommendation by the -- by a vote of the majority in the Council regarding the bmp's, the management of the wetlands and the stewardship vis-a-vis the Stewardship Committee and oversight of those. Now you suggest that the use of bmp's six through 10, 12, 14, 15 is not substantiated to CEQ satisfaction. Or is that a quote?

**DR. SWANSON:**

That's what I'm recommending.

**CHAIRPERSON VILORIA-FISHER**

That is what you're recommending. Now why not -- I noticed that 11 is not mentioned; and 13. Why are those different?

**DR. SWANSON:**

Eleven and 13 in my interpretation are extensions or part of OMWM. And I just again, think that OMWM is a mistake for the County to undertake.

**CHAIRPERSON VILORIA-FISHER**

Okay. Can you expand on that? Why is OMWM -- because many people haven't been following the process from the beginning where OMWM was something which the County seemed to be buying into. We have now had a divergence of opinion regarding OMWM and separating it out of this plan. Can you explain why?

**DR. SWANSON:**

Well, OMWM is essentially wetland manipulation. And I think that OMWM as tested in other parts of the country, that it has not been -- the results are not necessarily predictable. The results in terms of preserving wetlands, protecting wetlands and so forth. That in fact it could lead to serious destruction of the wetlands if not done right. And I don't believe that we yet know what the prescription is to do it correctly. Consequently, I'm opposed to digging ditches, digging ponds and so forth in order to try to increase flow and circulation in the wetlands for mosquito purposes. Because I think ultimately we could be doing far greater damage to the wetlands than the benefit we would gain from reduction in mosquitos.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, Dr. Swanson. I have one more question. And that is regarding another area in which you disagree with the opinion of CEQ and its recommendations. And that is -- I'm looking at your presentation and the section entitled, oversight of the Department of Environment and Energy. There is a statement that an appropriate EIS be developed prior to implementation of any marsh restoration projects. Okay. And you go further to say that preparation of another EIS is redundant.

That would be an EIS on what?

**DR. SWANSON:**

Essentially, EIS on developing yet another wetlands management plan or marsh management plan, as you will. I think it's all there. In the existing FGEIS. And that the County should look to that as the primary document and move forward in actually trying to better manage our wetlands and control mosquitos rather than to spend all its time writing yet another plan.

**CHAIRPERSON VILORIA-FISHER**

So what you're saying, if I may just reiterate and let me -- tell me if I've captured it correctly, is that in the FGEIS that's before us, we already have a long-term plan for our wetlands management and a long-term plan for the Vector Control. And we're going to be looking back at that. Is that not so?

**DR. SWANSON:**

That's correct. And also essentially everything we do with the wetlands as you read it now will require SEQRA review. It will go through -- if the recommendations are followed, it will go through the new Department of Environment and Energy. It'll go to the Stewardship Committee. And then it'll go to CEQ before coming here. So there will be more than an adequate SEQRA review.

**CHAIRPERSON VILORIA-FISHER**

Thank you, Dr. Swanson. Are there any other questions from the committee?

**DR. SWANSON:**

I just have one other comment if I might?

**CHAIRPERSON VILORIA-FISHER:**

Sure.

**DR. SWANSON:**

And that's with regard to the mathematical modeling that was discussed in the recommendations from CEQ.

**CHAIRPERSON VILORIA-FISHER**

Oh, that's regarding the adulticides?

**DR. SWANSON:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

The mathematical modeling. Yeah.

**DR. SWANSON:**

Basically my concern is that mathematical modeling was never discussed at the CEQ meeting. And as a consequence, the vote is in my opinion, is questionable with regard to what it really means. And, in fact, I would say that the CEQ as it currently is constituted doesn't even have the technical background to evaluate mathematical models dealing with public health risk and environmental risk.

**CHAIRPERSON VILORIA-FISHER:**

Now there is some mathematical data. But what you're saying is there's a difference between that and actual mathematical modeling?

**DR. SWANSON:**

Yes.

**CHAIRPERSON VILORIA-FISHER**

Okay. Thank you.

**DR. SWANSON:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Our next speaker is Kevin McAllister.

**MR. McALLISTER:**

Good afternoon. My name is Kevin McAllister. I represent the Peconic Baykeeper. I want to begin by applauding the CEQ process. As Dr. Swanson noted, it has been very open and inclusive and that's important. Certainly that's something we're all seeking.

Relative to the science and this really cuts to obviously some of the use of the pesticides, it is our opinion that really this document was attempted to build a fire wall around some of that science. And again, I think through extensive and thorough vetting by CEQ, it illuminated the flaws in some of that science. And, in fact, I point out to you that DEC in their comments relative to methoprene question that as well; suggesting that over two dozen peer reviewed studies were dismissed in favor of a biased report from a municipal mosquito control district elsewhere.

The program's intact. I mean ultimately what came out of CEQ -- and again we support and applaud the findings of the CEQ. But the Department of Public Work's Mosquito Control Program is, in fact, intact. I know you've heard comments about certain areas being unsuitable for comfort level. I mean, the ability for DPW to spray these areas, that still remains intact. And I want to make this distinction relative to differing opinions on methoprene. That product is intended and is sprayed into wetlands, intended to get in surface waters on a roughly a two week cycle. Whereas the adulticides, the intention is not to have them enter the water. And I noted your comments, Legislator Fisher, on concern about greater toxicity. But when you step back and look at it objectively, again I think it's minimal risk relative to the adulticides, relative to impacts of aquatic resources.

Deficiencies in the representation and documentation as well. We were just noticed -- well, we knew about the meeting but ultimately received the resolution from CEQ on Friday. That's not really thorough opportunity for thorough vetting of that document. I will also say that it's important that the transcript be made available to take a look at the transcript relative to the resolution itself so in fact it captures the sentiment of the CEQ membership. And although you aren't hearing from CEQ members today, they're not all present, and I encourage this committee as well as the full Legislature to provide that thorough vetting as to where the majority mindset lies.

I ask in closing, do the right thing. Again relative to Peconic Baykeeper's interest -- I'll finish up. Over four years now, I mean do we wish this was better? Yes. Do we have concerns about nuisance control versus disease prevention and legitimacy of that? Yes. But is this again, an intact program where Vector Control can still satisfy the public needs while in our opinion reducing the environmental risk associated with certain practices? And again, I note Dr. Swanson's articulation on wetland manipulations. I think we can find common ground. Thank you.

**CHAIRPERSON VILORIA-FISHER**

Thank you, Mr. McAllister. Are there are any questions? Okay. Our next speaker is Adrienne Esposito.

**MS. ESPOSITO:**

Good afternoon members of the Legislature. My name's Adrienne Esposito. I'm the Executive Director of Citizens Campaign for the Environment. As many of you know we've been working on this issue for seven years. So we're very happy that the CEQ recommendations are coming before you this afternoon. It's a very complicated issue. And you've heard testimony here this afternoon about we need to spray or what we don't need to do. But we are way beyond that discussion. And so the CEQ recommendations are not whether or not to spray. The CEQ recommendations are how to control mosquitos. So no one is any longer having the discussion about if we should, but rather

the discussion is how we should.

As you know the CEQ is an independent body that you appointed to review and assess public health and environmental impact to your Legislative actions. So what we're here to do is to ask you to take the recommendations of your own independent body, which has reviewed the science, reviewed the history, has had a great deal of debates and discussion about this issue.

Four things in particular we'd like you to keep intact as you review the CEQ recommendations this afternoon. One is that the CEQ recommended that the marsh health ecology and public health are the number -- sorry, that marsh ecology and marsh health are the number one priority in protecting wetlands. We agree. And we believe the County agrees too. That change has been made in the plan. That should be the number one priority.

Number two, CEQ also found that a distinction needs to be made between spraying for nuisance control mosquitos and spraying for disease control mosquitos. We ask for that distinction because we think that's the most honest way to proceed with the public. We're not saying don't spray. What we're saying is, if or when the County decides to spray, be honest about it. It should not be all under the guise of disease control. That if the County's going to spray for quality of life issues, as some of your districts I know have asked for that, let's just say what it is. Let's be honest about it. We think that's an important distinction for government to have a policy that reflects the actions of the public -- of the Legislative body.

Third thing, real quick. Is that we also agree that wetlands management should not be under the direction of Vector Control but rather under the direction of the new Department of Energy and Environment. We're happy the CEQ also reflects that and we hope that you will also. And also that methoprene use should be restricted from tidal wetlands because of the ecological damage that it could do.

So thank very much. We agree also, I just want to say that this process has been very long, but it also has been a very thoughtful process by the County. And we have a better plan today than we had have had in the past. So the process has worked. I know it's been a little more costly and little more lengthy than we all originally anticipated. But in the end we're getting to a better product and that was the directive and that was the incentive. And we're going in that way. So please don't undermine the CEQ. Please support their recommendations. We support their recommendations and we hope you will also. Thank you.

**CHAIRPERSON VILORIA-FISHER**

Thank you, Adrienne. Our last card -- is there anyone else who did want to speak and didn't fill out a card? Okay. Our last speaker is Michael Kaufman. You have three minutes.

**MR. KAUFMAN:**

Thank you very much for giving me the opportunity to speak. My name is Michael Kaufman. I'm Vice-Chairman on the Council of Environmental Quality. I've been a member there for 14 years. I've dealt with many EIS's, at both the County, other governmental operations involving EIS's private real estate practices, in dealing with EIS's, etcetera.

I'm going to throw out a little bit of an inflammatory statement. I believe much of the SEQRA advice that the majority of CEQ gave is wrong based upon the law and also making policy judgements. The Legislature ordered a GEIS, a long term plan to be developed. A GEIS has a specific review process associated with it and a specific impact. Partly the public and most members of CEQ focus only upon the GEIS. No one except Professor Swanson, who's the Chairman, myself, Jim Bagg, the Principle Environmental Analyst and Legislator Fisher understood, however, that a GEIS has a fundamental flaw to it. They're very weak on site specific analysis. And bluntly, a GEIS can often be used to overrun site specific concerns if the issue is considered in an overall sense in the GEIS. It's a little trick with SEQRA, but it does exist.

I fought for over a year for additional SEQRA protection to be inserted to bridge this particular gap purely to protect the County and its wetlands. Suffolk County also began to see this problem. And in the FGEIS released in, I believe, it was December, the County specifically provided for additional SEQRA review, which was a very, very huge concession. I've never seen this before frankly in a GEIS by any governmental agency. I think that was something that the County should be partly congratulated for. No one in CEQ, except a few of us, understood what I was talking about concerning this additional SEQRA protection in the December or early January meetings when I pointed the issue out; that Suffolk County had done something very commendable.

I've reviewed most of the public comments. There's very, very little public commentary on SEQRA flaws. Only at the January 17th CEQ meeting did the other members grasp the point and suddenly get religion, as I like to say. And then they decided to use SEQRA in a particular way. And I think, frankly, they gave bad advice to the Legislature.

The issue is this. Suffolk County said it wanted to develop a more nuanced plan of action over the next three years and agreed not to rebuild any marshes during that time, or restore any marshes, or whatever you want to call it. The majority on January 17th of CEQ out of nowhere suddenly demanded a full EIS be done on the new plan. While it sounds intelligent and ultra protective, and it ordinarily would be something that I would support, and I have a pretty good track record on doing this kind of support for environmental causes, to assert that any plan would have to have a new -- would be a new action and would require a new EIS is simply wrong.

While full review is necessary of any plan that the County comes up with in the next three years, another EIS is not needed if and only if Suffolk County conforms to the SEQRA regulations. If Suffolk County prepares a plan over the next three years in conformance with the GEIS of today, assuming it is accepted, no new EIS is needed. Only if Suffolk County veers outside of the GEIS parameters will any new documentation -- any new EIS be required.

**CHAIRPERSON VILORIA-FISHER**

Mike, could you wrap it up? Your time is up.

**MR. KAUFMAN:**

Okay. Basically, there's not -- you do not need to have a supplement or a new EIS. The SEQRA regulations very clearly state that no further SEQRA compliance is required if the subsequent proposed action will be carried out in conformance with the conditions and thresholds that are established in the GEIS. Only, again if it veers outside. There is -- if this Legislature adopts the EIS, further planning by Suffolk County must adhere to what the Legislature orders. As such, it doesn't have to be a new action requiring a whole new EIS. I therefore do not see the utility or the need for an additional EIS. And I frankly think that the majority was wrong on its understanding of SEQRA.

**CHAIRPERSON VILORIA-FISHER**

Okay. Mike, your time really is up.

**MR. KAUFMAN:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Are there any questions from member of the committee? Okay. If you would like to submit your statement, we'd be happy to take it.

**MR. KAUFMAN:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you very much. Okay. If there are no other cards, that will close the public portion of this

meeting. And we have a presentation by Walter Dawydiak who will discuss the Vector Control and Wetlands Management Long Term Plan FGEIS. And I see that you have visual aids as well as human aides, here, too. Human assistance. Commissioner Gallagher, if you would like to join them at the table, there is enough room for you. It's funny, Commissioner Gallagher, the last one we had looked a lot different. Police Commissioner Gallagher.

**LEG. LOSQUADRO:**

A lot different.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And when you speak -- the first time you speak please identify yourself. Amy, there's another seat.

**MR. DAWYDIAK:**

Thank you, Madam Chair and members of the EPAC. This has been a longtime coming and we're pleased to present to you the results of the long term plan and the Environmental Impact Statement. My name is Walter Dawydiak. I'm the Chief Engineer for the Suffolk County Health Department. I've had the honor and privilege of being Project Manager for this cooperative effort, which has involved Public Works and most recently the Department of Environment has taken over as a lead partner particularly with respect to wetland stewardship.

I'm joined at the table from my left by Amy Juchatz, the Environmental Toxicologist who is with the Department of Environment but who is also invaluable assistance to health and this long term plan. Commissioner Carrie Gallagher from the Department of the Environment, Dominick Ninivaggi from Vector Control, Dr. Scott Campbell from the Public Health Division of the County Health Department. And David Tonjes from Cashin Associates, our consultant for the long term plan. Dr. Tonges is now a professor at Stony Brook but he's been kind enough to commit to helping us finish this process.

With your permission I'd like to take about 15 minutes to talk about the plan, why we got in here, what the impetus and goals initially were, how we approached the plan and what the highlights are; and what the issues for the Legislature are now that we've finished the Draft and Final Generic Environmental Impact Statements.

You should all have a handout showing this presentation. I also wanted to point out that you also have a one page document outlining the Wetland Stewardship Program. And before I forget I want to indicate that there have been some changes made to this document potentially even subsequent to the CEQ meeting to reflect some of the recommendations which have been made. The Department of Environment, there's now a Chair of the Wetland Stewardship Committee. And they oversee the Wetlands Stewardship Program. So we're pleased to have Commissioner Gallagher on board and thrilled that she's so eager and enthusiastic. The rest of us are getting a little worn out.

There were two other changes to this document that I just wanted to mention. Both the County Attorney and members of the Legislature questioned whether or not this could indeed be a binding committee that could supersede powers otherwise reserved by the Legislature. Indeed they can so we crafted this as an advisory committee, which makes a recommendation rather than offers a binding determination.

Finally Chairman Swanson, who had mentioned the need to emphasize preservation in his comments, points were well taken and were echoed by the Council on Environmental Quality. The charge of the Stewardship Committee is preservation as well as restoration as well as a whole bunch of other issues that I'll get to in just a moment.

This is a graphic that we use a lot. It tries to synthesize and distill a very complicated process. Ultimately we're trying to minimize public health risks from both toxics and mosquito borne diseases while optimizing environmental quality. There's a lot of integrated pest management housekeeping that got done here; an awful lot of improvements some of which we'll talk about, most of which we

just don't have time for. Education outreach and surveillance for example. But really the goals going in were to protect public health from the growing West Nile threat as well as other diseases, to restore marshes which were adversely affected by historic Vector Control activities as well as to implement the County policy of reducing pesticide usage where possible.

CEO began its discussion of an impact statement in 2000. The year before '99 was when West Nile Virus reared its ugly head. Since that time we've had four deaths in 27 cases in Suffolk County. Nationally about an order of magnitude of roughly ten times higher than that. I'm sorry. In New York State. And nationally we're approaching a thousand deaths in over 20,000 cases. So West Nile Virus obviously not a trivial public health issue.

Also concerned about other diseases most notably Eastern Equine Encephalitis which is often fatal and has made its appearance in terms of pathogen presence here on Long Island. Malaria and a number of other arthropod borne viruses that are potential health threats here in Suffolk County.

On the water management front programs like the Peconic Estuary Program in the 1990's, the Long Island Sound Study and the South Shore Estuary Reserve all recognize the need to do marsh management better than it's been done for 70 to 80 years. In the 1930's virtually all of our salt marshes were grid ditched in an effort to drain them. Well, the marshes were drained. Some areas provided fish access, which did in deed control larvae -- mosquito larvae. Other areas continued to have small implements of water and continued to breed mosquitos. So out of our 17,000 acres of tidal wetlands, over 15,000 continue to remain in their very unnatural ditched state.

Historically the Vector Control maintenance goal was as high as 750,000 feet per year. When you divide this into the three and a half million feet of ditches in the ditch network it's obvious that this network had the potential of being perpetuated every five years. Theoretically the whole ditch system could have been maintained and indeed it remains substantially intact for a number of decades.

This map shows -- it's a little tough to see the Island but that is Suffolk County. The green areas are the ones which are routinely larvicided. Over 4,000 acres roughly a quarter of our marshes are still ditched, were still maintained historically but still bred such proliferations of mosquitos that they really needed larviciding which is chemical agents, or biological agents to control larvae from becoming adult mosquitos and having a potential impact on humans.

These are roughly scattered throughout the County. They're all over. This plan initially was scoped to address those 4,000 acres. We didn't know it was 4,000 acres at the time. But the scope of this was obviously to manage wetlands better and so far as vector control may affect those wetlands. So, larviciding -- one of our main goals is to reduce the larviciding in particular.

Adulticiding, there's a lot of talk about adulticiding but there's really not much of a -- not that much of an issue. This slide is also not showing up all that well because of the lights in the room. Along the south shore of Great South Bay and a little bit on western Moriches Bay, you see a few purple areas; really very few. Those are the areas that were adulticided in a non-emergency response in 2005. This is from a long-term plan. Very similar situation in 2006. Less than two percent of the County is adulticided in a non-emergency response situation. What's even harder to see are the hundreds or probably thousands of dots which speckle Suffolk County. Those are service requests all of which are investigated by Vector Control. And very, very, very few of them actually resulted in adulticiding treatment in large part due to the effectiveness of the larviciding program and the conservativeness of Vector Control. So adulticiding -- the reduction of adulticides or chemicals or agents designed to kill adult mosquitos is also a major initial goal of the plan.

We've heard a lot about time and money. And going into this there is a suggestion that we should do an Environmental Impact Statement on a proposed Vector Control Plan; just do an EIS on the plan and be done with it. Well, this would have cost over \$2 million as per our initial estimates based on the New York City and Westchester experience. And it wouldn't have done anything to

advance the state of science or management that we are faced with. So we went about this with a clean slate doing a comprehensive management plan. Initially we had three million budgeted for this. The final number was 3.8 million that was contracted with the consultant, but we still got a tremendous amount of information out of this. So with an exhaustive literature review, published literature -- and we also looked to other management jurisdictions to see what people are actually doing out there in the field whether published or not.

There was very comprehensive monitoring that we'll talk about in just a moment. A number of field tests and demonstration projects and there were models and risk assessments as well. I want to emphasize that no one piece of this plan was totally dispositive or determinative. Basically we looked at this in a number of different ways to evaluate impacts. And we'll talk about those results in just a moment. But it was a very exhaustive -- to argue unprecedented. We never found another approach at the local, state or federal level to pull together this kind of information and use these tools so exhaustively and comprehensively.

This wasn't done in a vacuum. We had a number of nationally renown consultants looking at all the disciplines and areas of expertise that we needed. Harvard Public Health looked at vectors issues in disease transmission. Mt. Sinai School of Medicine evaluated human and health impacts. We're very fortunate to have a gentleman who oversees all mosquito control districts in the State of New Jersey, a very mosquito bitten state. I'm from there. He helped us review our own programs. Dr. Wayne Kranz from Rutgers University. Stony Brook University helped us in a number of ways. They looked at toxics with respect to ecological impacts. And they also looked at marsh health. The US Geological Survey also helped us with some of the toxics work, our federal agency that's been very involved in low level pesticide monitoring. We had a number of other experts. We had a very robust technical advisory committee that met over 20 times. There were panels of peer reviewers convened at the TAC's recommendation to review especially difficult complex controversial documents.

I'm not going to go into great detail. We just don't have the time, but up we looked at these chemicals down to the part per trillion level. This is roughly a hundred times lower than anything that's ever been measured before here in Suffolk County using US Geological Survey as well as Stony Brook University; air, water, sediment and biota. We did tremendous numbers of field studies. 20 field studies. 21 wetlands were evaluated in great detail. And there was a lot of localized monitoring done to support the Wertheim National Wildlife Refuge restoration that we'll talk about in just a moment.

This slide here shows the cage fish and the marsh at John's Neck. The cage fish study looked at larvicide and adulticide and impacts on cage fish. And it didn't find any. We took it steps further by doing a number of lab tests exposing organisms to very low concentrations and looking at mortality and sublethal impacts like ability to capture prey. Demonstrations like garlic oil, rosemary and mosquito magnets were looked at. And there were an awful lot of vector control improvements like the Adapgo Wing Man System that were implemented. This system minimizes pesticide application and optimizes mosquito control by using real time meteorology to dictate helicopter spray pass and application rates. Prior to this technology we believe that there was probably a lot more over application and off-site drift which is minimized by the use of these -- these modern computer tools.

This slide that you're looking at there is a Wertheim National Wildlife Refuge before it was restored. This was one of the demonstration projects where we went to 80 acres, created a tidal axis channel on the backside of this National Wildlife Refuge and fill some of the ditches and created some ponds to make it more natural habitat for wildlife as well as to arrest the spread of fragmitis which was a nuisance invasive species which was overtaking this refuge very, very quickly. It was the federal government that requested and sponsored this and helped us design it. And they're helping us monitor it.

We had a number of refined goals as we got the data in and evaluated our tools. Currently only 2% or less of the County receives adulticiding in a non-emergency situation. We want to hold that

number. We want to reduce it. Larviciding in terms of the 4,000 acres we want to see that be less than a thousand acres over a 12 year period. 75% reduction in larviciding. We want to continue to decrease human health risks using integrated pests management surveillance, source reduction and other tools. And we want to improve the management of the 4,000 acres of tidal wetlands that are currently routinely larvicided. We want to preserve and where possible restore these wetlands in a manner which helps the wetlands and controls the mosquitos and reduces pesticides.

Had a bunch of questions that we went into this with. Why do vector control at all? Is this really human health risk? Now the modeling tools that we were able to use to project health impacts were admittedly blunter and cruder than a lot of the other tools, but they were the only tools at our disposal. And we think that they provide good indicators of what might happen if there were no vector control. For West Nile virus alone potentially tens of deaths and hundreds of serious illnesses could occur in this County every year if there were no vector control program. This is roughly ten times higher the numbers that we've seen in the past. These are not huge numbers, but they're not insignificant, you know. There's a -- there's a definite risk to public health from West Nile that is justifiable assuming you have low impact vector techniques.

What impacts do pesticides really have on health and the environment? And the good news is with respect to human health, nobody can ever say no impacts. Nobody can ever say that any pesticide is ever totally safe. They're inherently risky things. And that's why you minimize them. But the human health impacts were negligible as per literature review and as per extensive modeling. No health threshold criteria would even approach let alone exceed it in terms of the human health impacts. And in terms of ecological impacts, the larvicides really had none and only the adulticides had potentially minor ecological impacts to non-target flying insects. If you spray an adulticide in an area of flying insects, may be impacted. Literature suggests that recovery is very rapid and mitigation by flying at night -- by spraying adulticides at night in a controlled manner is possible so we believe those impacts to be minor and that they can be mitigated.

We had the charge of reducing pesticide usage. We mentioned the 75% larvicide reduction goal that we've established. And vector control's been improved in a number of ways not just with the Adapgo Wingman. Our records has been digitized including breeding areas. Surveillance has been improved both pre spray to justify when you apply adulticides as well as post sprayed to show that your adulticides are doing what they want you to do, in controlling mosquitos.

Adulticides criteria were put in place. This was one of the frequent criticisms that we heard, that it wasn't transparent the vector control paradigm, that it wasn't necessarily predictable. Each and every adulticide application will be preceded by a strict numeric criteria of a presence of mosquitos. This will be recorded and this will be available. So this, I think, has raised a lot of people's concerns. And I don't want to give the wrong impression. This program was recognized as being a nationally excellent model of vector control and what we're doing here is just making it even better. These were not major weaknesses in the program. These were just optimizations and fine tuning.

Record keeping alternative control agents and enhanced education are all parts of the Vector Control recommendation -- recommendation package in the long term plan. In terms of enhancing wetlands, the answer we really got was a resounding yes in terms of potentially minor impact BMP's as well as potential restoration. You've heard a lot about the ambiguous stated science on wetlands. Nobody will argue that the stated science is ambiguous. The amount of data you would have to collect and the period of time that you'd have to collect it in is so staggering that it's just really impracticable to come to closure in a field which is still really in its embryo or its gestational stages. But there have been papers out there published that based on relatively empirical observations marsh restorations, which serve mosquito control purposes as well as marsh restoration have been very successful. We have not seen any published literature showing that open marsh water management or integrated marsh management has done any harm to the marsh.

Now, in order to prove this to a statistical certainty to scientists, that level of data just doesn't exist one way or another which is we're watching these experiments very carefully. But I just wanted to

couch that field a little bit. I mean there are no easy answers and we recognize that all these marshes need to be looked at closely and on a case by case basis.

The Stewardship Committee is one major, major mechanism that we established to improve wetlands management. The 4,000 acres that are subject to this plan receive the criticism that that's just not enough. You have 17,000 acres out there and they all need to be managed better. And we've acknowledged that and established a Stewardship Committee which consists of government officials, experts and non-profit organizations. Their charge is to come up with the strategy to address all 17,000 acres with marsh health as a paramount objective. And this strategy needs to be in place within three years. So the Department of Environment has volunteered to oversee that Stewardship Committee which is great news.

A lot of policies that came out of this. Some set by the County Executive like the no new ditching policy. I'm sorry. The no new ditching policy pre-existed this plan. That's always been in place. The County Executive established the policy of no routine ditch maintenance except for when critical for a health or ecological purpose. Now, the plan embodies this recommendation. We expect to affect less than 50 acres per year on an annual basis with this minor ditch maintenance so a really fundamental change in the way that marshes are managed. The Stewardship Committee will review and advise on all wetlands projects with potentially significant impacts. Anything with a potential impact is going to go to the Stewardship Committee. They can meet. They can vote on it. That in addition to the thing I mentioned before about developing an over arching strategy within a three year period.

You heard a lot about these best management practices or BMP's. We've looked at the universal things that are being done or can be done in marshes. We've organized them, we categorized them, we studied them. And we've come up an impact hierarchy. Practices with no impact or minor impact are not going to undergo SEQRA. This plan is adopted and the findings are issued although permits may be necessary. These are activities like reversion and very minor ditch maintenance and replacing a culvert in kind with exactly the same sort of culvert, if a culvert collapses, it just needs to be replaced. That's a minor impact project. Projects with potential impacts upgrading a culvert, creating a small pot pond or a shallow ditch, these go to Stewardship Committee for review potentially as well as to the State Department of Environmental Conservation where it will get full SEQRA.

The major impact projects we don't anticipate doing within the first three year period. These are major ponds, breaking internal berms, significant plug filling of ditches. These sorts of things would go to Stewardship Committee, but these fall under the major restoration category. The state requires three years of pre-implementation monitoring and we haven't begun yet. So as a practical matter these just can't happen within the first three year period.

If I can just take a moment to clarify what open marsh water management is and what integrated marsh management is. Now I'm an engineer and not a biologist but I think sometimes this gives me an advantage to understanding some of these sorts of things and I can hopefully convey them briefly. Hydrologic modification within a marsh has broadly been called open marsh water management and been used to control mosquitos. It's been done extensively in Connecticut. It's been done extensively in New Jersey and in other places. Roger Wolf when he was at Connecticut published a nice paper about the great experiences that have been done with open marsh water management.

Concerns have been raised that it's used too much for mosquito control in terms of moving water and not necessarily for the holistic bio diversity and ecological integrity; that the water may not be the best thing for the marsh. So we've emphasized functions and values and marsh health as our paramount consideration although vector control is an important ancillary consideration.

Really integrated marsh management is a nuance soft subtlety. It also can involve resource restoration and water management within a marsh. But again nothing major is going to be

happening within the first three years until we get our stewardship strategy in place.

A lot of resources have gone into making this a sustainable plan. The Steering Committee will continue -- will continue to have a technical advisory committee and a citizens advisory committee. Every three years a report will come out addressing public health, vector control and water management. This report will reflect the wetlands management strategy which address all wetlands, not just the ones of concern to vector control.

A lot of detail work has gone into this. And I just don't want to gloss over it without at least mentioning it. The nuts and bolts here were formidable and we really addressed them very fully. From 27 New Jersey traps to 30, from 80 CDC trap nights per week to 105, increasing the number of catch basin inspections from 10,000 to 40,000. All of these housekeeping things were greatly improved in terms of vector control operations. We talked about water management and plan updates, but every three years we already got a format in the plan. This let the public and commentators know where we're headed with this.

Right now we've gone through the light side of this graphic. We finished the long term plan which was accountable to a steering committee. And now we're here at the Legislature looking to finish the process to adopt a finding statement which will certify that to the maximum extent practicable adverse environmental impacts have been addressed. You'll direct us as to what mitigation is appropriate. We already have some ideas. We welcome more. Thresholds for future SEQRA are also going to be addressed in this finding statement that will come to the Legislature hopefully shortly. It's just a pie chart of how the 3.8 million was spent. I just wanted to emphasize the projects like the Wertheim restoration, the cage fish study, other monitoring and action projects over a million and a half dollars on those alone were spent. We've put an awful lot of money out into the field and into the marshes which is the sense that we got from the Legislature at the beginning of this.

In terms of costs and benefits. Most of the recommendations can be implemented within in house resources. County Executive has already budgeted new positions within 2006. I believe in Vector Control those have been filled and I believe we're looking to fill them in Health. Assuming all positions are filled, we could do most of what we need to in terms of integrated pests management surveillance and other recommendations. Where we need help is with wetlands restoration. And we're fortunate that Public Works has got a capital program 8730 to address wetlands planning and we hope to use this capital program to leverage resources and work with non-profits and government agencies to get planning and restoration and preservation underway.

In terms of benefits, we talked about pesticide reduction and minimizing health risk. Also improving the quality of wetlands, all of which are measurable and that we'll report on every three years.

This plan's already had a tremendous amount of public scrutiny. We put out three versions. Each time it improved greatly. A lot of education outreach improvements, adulticiding criteria limits on ditch maintenance, going from a mosquito control oriented open marsh water management to a bio diversity based integrated marsh management and establishing a wetlands Stewardship Committee. All major improvements that have been made.

There's already a lot of mitigation in the plan enhancing integrated pest management by targeted education and outreach, increasing surveillance, enhancing catch basin entire management and improving our bio-controls.

Talked about the water management and no new ditching; the fact that marsh health is paramount and the fact that the wetlands Stewardship Committee oversees all of this. In terms of pesticides, we have the operational improvements like Adapgo Wingman continuing commitments to avoid endangered species, maintaining setbacks and watching the timing of applications and overall keeping that pesticide reduction goal on the right track.

A lot of actions have been identified as requiring future environmental review. If any annual plan of work submitted by Vector Control does not comply substantially with this long term plan in terms of major elements, it will go undergo environmental review. There's a reduction in surveillance that we use different larvicides or adulticides, that we use new bio-controls which are not native. Or if we fail to avail ourselves of the Stewardship Committee process State Environmental Quality Review Act is again kicked off. All wetlands management activities will be subject to State Environmental Quality Review Act; all except for the most minimal actions like reversion or minimal ditch maintenance. I want to emphasize that because there's a sense that a whole bunch of things are going to be done to marshes with nobody watching and nothing can be further from the truth. Not only is there a SEQRA for all of these projects that may be done, there's also the Wetland Stewardship Committee which is an additional level of scrutiny and coordination.

The CEQ has made a lot of recommendations that we're actually pretty happy with. The memorializing department of environmental over site of wetlands, emphasizing preservation in wetlands stewardship, coordinating information on ditch maintenance with respect to CEQ notices, annually reviewing pesticides, setting thresholds for nuisance control, receiving a periodic review on an annual basis and maintaining buffers and minimizing application. All of these are good clarifications that we plan on incorporating in findings. You've heard a little bit about the problem once. Having an automatic supplemental EIS on certain future actions is really problematic. We don't really honestly view it as even very rational because there's not any specific action proposed yet let alone a lead agency set. So committing to a supplemental EIS on something which doesn't exist yet, you know, respectfully just doesn't really seem like a good use of social resources for us.

The methoprene ban is a technical issue. We have a lot of folks here on the toxicology and the chemistry end that are happy to answer any of your questions. In short it's an essential part of the integrated program. The methoprene usage is curtailed. Adulticiding will almost certainly increase and substantially. We in the County have contracted experts, technical advisory committee, literature review. We did extensive monitoring and demonstration tests, modeling and risk assessment and none of this information -- none of it indicated that methoprene had any risk when used in the places and at the concentrations that Vector Control uses them. Nobody specifically took a look at any of our information and said any of it was incorrect. They just said methoprene is a toxic and certain tests in certain places at certain concentrations show it can harm things.

The one or two papers which are even close to our use setting were in different settings and totally different concentrations. They're just not relevant. There are scientific problems with these studies. We addressed all of this in the FEIS. Nobody came to us and said, jeez, you got this wrong in the FEIS. You missed data point A, or modeling method B was wrong. They just said we don't like methoprene and we don't want it used. And not only is that scientifically and programatically not grounded, it's actually going to wind up having major impacts if it winds up being implemented. So this is one that we have a real issue with.

This graphic here shows larvicides and adulticides. This is in '95 when methoprene was used. And you could see that -- you can see that the adulticiding dropped dramatically by a factor of at least three from around 80 to 100,000 acres a year to roughly 20 to 25 thousand acres a year. So adulticiding did drop dramatically. Again, adulticiding. A bigger concern with respect to ecological impacts that potentially human health impacts, we definitely want to minimize this. If we take methoprene out of the tool box, you're back up to the blue line with much more wide spread adulticiding. We had another slide that I don't make it in unfortunately but it just showed the actual reduction in mosquitos that occurred. Major, major reductions in mosquitos and much more effective mosquitos control immediately after the use of methoprene.

If there any questions we'd be happy to answer them. It's been a long ambitious program. We really appreciate the guidance of the Legislature, the CEQ and the public. We look forward to working with you and finishing this.

**CHAIRPERSON VILORIA-FISHER:**

Thank you very much. As always it was very clear and very easy to follow. Are there any questions by any of the committee members? Legislator Kennedy.

**LEG. KENNEDY:**

Yes, thank you Madam Chair. Just a couple of areas that I guess I'd like to ask or to get some follow-up on information on. The methoprene was studied. I guess you looked at the literature out there. Who on the panel here can speak to it from whatever impacts, if any, there are associated with the methoprene or how it disseminates? Are any of you -- maybe Dr. Campbell, you might be able to speak to it? Do we have a toxicologist? I'm sorry.

**MR. DAWYDIAK:**

Do you have a specific question? Because Amy would probably best be able to speak to the risk assessment. Dave Tonjes would be able to speak to the cage fish study and some of the chemistry measurements that were done at Stony Brook. I don't know what order you to take these in.

**LEG. KENNEDY:**

I think I was to speak to this person at the end of the table to talk to me a little bit about methoprene and -- I'm sorry.

**CHAIRPERSON VILORIA-FISHER:**

Amy Juchatz.

**LEG. KENNEDY:**

Amy, yes. Thank you, Doctor.

**DR. JUCHATZ:**

My name is Amy Juchatz. And my background is in toxicology. In terms of the risk assessment the human health side there were really -- methoprene is not considered to be toxic to humans so the risk assessment showed that there were no risks to humans. That's partly because there is very few health and points or health effects of methoprene to humans but also because of the exposure -- there's very little to very little human exposure. The way that methoprene is applied, it's pretty -- you know, the aircraft if it's applied aurally, it's very close to the water so there's very little drift. So the exposure is very limited in terms of how humans would be exposed. In terms of ecological there were also -- the methoprene concentrations were fairly low. And as well the concentrations were not long lasting so there were no ecological impacts that were found to --

**LEG. KENNEDY:**

Has there any kind of study associated with any build up of the substance in fish or in mammals that might be -- squirrels, raccoons, anything like that? Has there been any study associated with what you might find as far as wildlife around water bodies?

**DR. JUCHATZ:**

As far as -- like, bio concentration?

**LEG. KENNEDY:**

Yeah.

**DR. JUCHATZ:**

I don't believe so. Dave, do you --

**LEG. KENNEDY:**

Does that mean no that there's been no study? Or no that it's not been identified?

**DR. TONJES:**

Hello. Legislator Kennedy, my name is David Tonjes. I'm at Stony Brook right now. I was with Cashin Associates when this work was done. Methoprene has not been shown to bio accumulate

within organisms. It's not that type of a chemical. One of the studies that we were concerned -- one of the potential environmental effects we were concerned about with methoprene was whether it might accumulate for example in sediments overtime and so, therefore, if Vector Control applied it continually throughout the season, would concentrations rise and, therefore, continued applications cause increased risks of harm to organisms.

Stony Brook University did some of the first studies of these kinds because they're really the first laboratory -- the Bruce {Brownwell} Laboratory at Marine Sciences was the first laboratory that was able to measure the chemicals at low enough levels to find it in these types of environment. And so with ground breaking work done as part of this project they found that the concentrations while measurable in sediments remained essentially constant throughout the season. So, there was no build up of it overtime. It degraded just about as rapidly as it was applied. And so it did not appear to pose this kind of a problem of increasing concentrations and, therefore, more risks. Does that help?

**LEG. KENNEDY:**

All right. And it degrades to essentially just inert components that are of no consequence, no impact as they degrade out?

**DR. TONJES:**

The degradation products were not studied. So that it would be unfair for me to say that they have no impact. They are not thought to have considerable impact but there have not been many studies on this.

**LEG. KENNEDY:**

Is there -- hold on one second, Dominick. I'll be happy to hear from you in a second. Has there been anything to go ahead and look at whether or not methoprene remains intact and there may be any percolation effect? Does this appear in groundwater at all or is that just not the nature of the chemical?

**DR. TONJES:**

I believe that the County sampling of groundwater which has been extensive throughout the County has never detected methoprene even though they also have state of the art detection levels. So I don't believe it's considered to be a threat to groundwater. Its degradation rates would suggest that it probably -- that theoretically that's not an issue.

**MR. NINIVAGGI:**

When we first addressed the groundwater, one reason why you wouldn't expect to see it in groundwater is because methoprene absorbs very strongly onto particles. So it's not very -- even if it got to ground water it would not move very far. It would bind to sediment particles. There have been studies where they've taken, for instance, radioactively labeled methoprene and given it to fish. And what they find is that the material is metabolized and broken down and the carbon is actually ended up digested and incorporated into the fish tissue, but not as methoprene; as simpler carbon compounds. Which should not be surprising because methoprene is an analogue of insect juvenile growth hormone which is a naturally occurring material. So animals that eat insects are normally exposed to juvenile hormone in the prey that they eat. So that's why it should not be surprising that there are any impacts associated with it.

**LEG. KENNEDY:**

Okay. Thank you. I appreciate that. One of the other areas I guess I'd ask to go ahead and have somebody speak about is the panel that was termed plan refinements where you -- where you go through the best management practices and you talk about specifically with a hierarchy with OMWM, you talk about, I guess, in -- I'm trying to read the notes here -- five through nine talk about small ponding or actions that may be taken in the marshes. How do you define small to major or things of that nature?

**MR. DAWYDIAK:**

All of these best management practices were developed cooperatively and collaboratively by the consultant and a wetland work group with a technical advisory committee. So that's the genesis of how the thresholds and categorizations came about. There are numeric criteria for ponds. I think it's a thousand square feet, Dave?

**DR. TONJES:**

Yeah, it's on that order, Legislator. I -- essentially what we did was we talked about building ponds that were in the hundreds of square foot in size as a mosquito control measure. However, other organizations, for example, US Fish and Wildlife at the Wertheim National Wildlife Refuge saw a virtue to having larger ponds because they would provide better bird habitat beyond the mosquito control. That makes sense. So those were considered larger ponds where their size was beyond that used for mosquitos control needs but rather to provide -- to provide better bird habitat. And so would be on the thousand to parts of acre.

**LEG. KENNEDY:**

But in this plan that is being presented to us avian habitat was not one of the areas that you identified as an objective to promote; is it?

**DR. TONJES:**

We had hoped that some of the marsh improvements that would be considered under this plan would provide ancillary wildlife benefits such as -- such as providing better bird habitat in marshes if that were something that the landowner identified as a need for that particular site.

**MR. DAWYDIAK:**

Bio diversity in fragmitis control are two of the very specific objectives. And birds are part of the bio diversity spectrum so they're certainly a piece of the equation.

**MR. NINIVAGGI:**

I just wanted to give you a perspective when we were talking about a thousand square foot pond, you're talking about something on the order of thirty to forty feet in diameter. You're not talking about a major body of water. The Wertheim project larger ponds were used at the request of the US Fish and Wildlife Service because of their mission as a migratory bird refuge. They wanted to see some larger ponds to improve the marsh for bird habitat which again is their mission in the US Fish and Wildlife Service.

**LEG. KENNEDY:**

Okay. Madam Chair, I had one other area of questioning. And it just goes to some definition between the legal definitions between the public health and the nuisance aspects, but I don't want to monopolize the dialogue.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy, I heard the beginning of your inquiry. I didn't hear the rest of it. The legal definition of SEQRA; is that what you were going to --

**LEG. KENNEDY:**

No, Madam Chair. As a matter of fact that I guess we'd probably talk about all day long. But --

**CHAIRPERSON VILORIA-FISHER:**

Sometimes even more.

**LEG. KENNEDY:**

No. Actually my question goes to, and I don't know whether or not it's appropriate to question the panel here or if we may want to hear from at your direction somebody from the County Attorney's Office. I know Jenny Kohn is in the audience. But I know there's been much discussion in actually some of the work sessions that are attended. I heard quite a bit of dialogue about public health

versus nuisance and the statutory definitions. And I was just wondering if we might have somebody from the County Attorney's Office or somebody --

**CHAIRPERSON VILORIA-FISHER:**

If I could just say a little bit about that? Because if you recall in our work sessions, we did see that the New York State Public Health Law includes both disease and what we call nuisance because nuisance has to be taken at a more serious level than just the swat a mosquito. However, much of the discussion that preceded that -- that piece is that we still have the discretion as a County to be more vigilant, to be more restrictive in our definition. That was a lot of the -- I recall when you were there, that was the part of the discussion that we -- on which we spent a great deal of time. And so I don't know if the question is as much on the legal definition of nuisance versus disease as to a policy position on transparency when are we going to -- do we tell the public that we're spraying because of disease control or nuisance control or -- can we? Because you never know when a mosquito could be carrying disease.

**LEG. KENNEDY:**

Agree.

**CHAIRPERSON VILORIA-FISHER:**

So it would be more of a policy question. Jenny, you can jump in if I'm wrong on any of this but I thought that it was more -- we have Dennis here. Okay.

**MR. BROWN:**

Thank you, Madam Chair. For the record Dennis Brown from the County Attorney's Office. We would like to address the question posed by Legislator Kennedy except at this juncture I don't know if we can actually intelligently or have an educated discussion about it. But we'd be happy to reach out to him directly or perhaps discuss at the upcoming meeting on Tuesday some of the specific questions that he might have.

**LEG. KENNEDY:**

Well, again, you know, from my perspective it is equally as important in my opinion as -- the latitude that we have within the framework of the law and the definitions that are there -- and also then I guess I would ask you at what point do we move from this area where we're in a local decision making process or implementation process; and then when we move to that hierarchy as far as a public health emergency, that declaration that I guess that occurs from the Health Commissioner when we're then operating under what I believe is a state based protocol; is that correct, Dominick?

**MR. DAWYDIAK:**

If I can just maybe clarify what the plan actually says about health versus nuisance that may help set the stage for the discussion a little bit. Because people have just not really understood entirely the way that we're couching this. We started out framing the issue as Vector Control versus emergency response. Emergency response being the situation or a pathogen like West Nile Virus is detected. The State Health Commissioner is petitioned and the State Health Commissioner makes a determination about whether or not to declare an emergency in a different set of procedures and protocols ensues. That much is pretty much clear to everybody and nobody really had an issue with this.

What we were asked to do was to come up with a continuum spectrum gradient of risk from virtually zero public health risk to a situation where you have a public health risk maybe where you didn't have a pathogen. That was just not possible to do. There was no basis that we found in science, literature or modeling that enabled us to do this.

So we called it vector control versus emergency response. And people said well, vector control's not really honest because it's just a nuisance you're dealing with. And we said no, it's not a nuisance, it's a public health nuisance because it can adversely affect public health. So right now -- that was a

bit of a long background, but right now the plan has public health nuisance control versus emergency response. And those are the two types of scenarios that are outlined in the plan.

Now public Health Nuisance Control is control of infestations in the absence of a detected pathogen. That doesn't mean that pathogens are not out there. Nobody can guarantee that at any given moment. Earlier in the season it may be less risky than later in the season but the time to do control is before the situation is out of control so I don't know if that helps you in terms of at what the plan actually says. The plan does talk about public health nuisance. It defines it very, very clearly. It's transparent and it sends a signal to the public that we're doing control in the absence of a pathogen. Your risk is not necessarily high but it's not a zero in terms of public health exposures.

**CHAIRPERSON VILORIA-FISHER:**

Walter, I think I kind of said that but you say it so much better.

**MR. DAWYDIAK:**

I'm sorry it's so long winded.

**CHAIRPERSON VILORIA-FISHER:**

No. It's much clearer when you say it, I think.

**LEG. KENNEDY:**

Again, I don't choose to monopolize it but I try to come from the KISS philosophy in that in my district in the last two years -- three years, I think, I was the only district with a positive West Nile hit. And so my question --

**CHAIRPERSON VILORIA-FISHER:**

No, I had one, too.

**LEG. KENNEDY:**

Did you have a West Nile hit, also?

**CHAIRPERSON VILORIA-FISHER:**

Somebody in Port Jeff Station.

**LEG. KENNEDY:**

Oh, there we go. Okay. So I'll come back to then what in what we have in front of us will impact what may occur in 2007? In the summer of 2007 as far as the department's response?

**MR. DAWYDIAK:**

Surveillance has been enhanced and numeric criteria has been enhanced. And it's all been made more transparent in terms of record keeping. I don't think that there would be any fundamental operational differences. Dominick?

**CHAIRPERSON VILORIA-FISHER:**

Walter, didn't we already accept the plan for 2007? We already voted on that.

**MR. DAWYDIAK:**

I'm sorry. I thought you were talking about 2008.

**CHAIRPERSON VILORIA-FISHER:**

Were you talking about 2007?

**LEG. KENNEDY:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

Yeah.

**MR. NINIVAGGI :**

Well, 2007 goes under the annual plan that was voted on this past fall. But just in terms of future years in your district, my district because as you know I'm one of your constituents, mosquito numbers rarely rise to the level of what we call Vector Control where it's the 25 per night in a New Jersey trap, those high numbers like you see on the south shore. So the main response with adult control would be in response to virus. And that would continue in 2007 and in 2008 under the long term plan. We would be continuing to do virus monitoring. And based on the risk assessment for that particular year in that particular situation this department in conjunction with the Health Department would make a decision as to whether we need to adulticide.

**LEG. KENNEDY:**

Okay. One other area and then I'll yield. I see one of the objectives is to go towards -- this isn't legal, Dennis. So I mean you can stand there, feel free --

**MR. BROWN:**

Thank you. Madam Chair, if I may, because I think this is one of our observations from the Law Department. And just -- and I think it relates to your prior question, Legislator Kennedy, and some of the comments here. The goal that was spoken about, about making marsh ecology and marsh health paramount, and we think that that ties into your question in that the law requires that there be a plan to control vector borne diseases. And I think maybe that's what you're getting at, at least in part. So to that extent, you know, we view that as possibly conflicting or encroaching upon the state law. But that's our view.

**LEG. KENNEDY:**

Which I appreciate. Thank you. But, Dominick, let me just go to one other element of the plan, I guess, which talks about this goal of enhancing catch basin observation or testing. I see something in here that talks about going to 40,000 catch basins. We currently sample what, 10,000 catch basins?

**MR. NINIVAGGI :**

Yeah, we treat about ten to 15,000 catch basins a year.

**LEG. KENNEDY:**

All right. And we're doing that with -- you have a work force of 20, 25 folks that are out there.

**MR. NINIVAGGI :**

Field crew. That's about right. I don't have my chart in front of me but the field crews are about 25 at this point.

**LEG. KENNEDY:**

All right. Are we getting 75 new people out in Vector Control?

**MR. NINIVAGGI :**

Well, we don't think that we need to triple our work force to do that. However, when this goal takes into effect in 2008, we're going to have to evaluate whether we have enough people to do that. I do have some vacant positions and we're working on that. But that could be an issue. We'll have to see what happens as we prepare the budget.

**LEG. KENNEDY:**

Okay. I'll yield, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Thank you for the good questions. Any other questions? I have a question. I spent a lot of time reading through the several iterations and sitting through many of the public hearings. And I know

that there were responses to comments made at public hearings both -- at public hearings -- and written comments. And Mr. McAllister earlier mentioned DEC comments that were made regarding the FGEIS. Were there responses to those and what were they?

**MR. DAWYDIAK:**

Yes, you know, offhand without the specific comment DEC wrote pages and pages of comments which Dave Tonges -- oh, I'm sorry, the FGEIS. DEC subsequent to the FGEIS posed one question about synergy. That was {Vinny Palmer} in the Pesticide Unit. We thought it warranted a clarification so we issued an EIS addendum to talk about synergy versus additive risk of some of the vector control agents. They also talked to us about the Wetland Stewardship Committee with some of their questions and concerns. One of them was that there weren't enough technical people on the Stewardship Committee. We clarified that there would be a wetland management work group with technical experts to support the policy makers. They iterated their position that we need to be careful and proceed with a lot of pre-implementation monitoring. We submitted them a revised wetland stewardship package and haven't heard from them. But I'm not really aware of any other comments specifically other than those two related to synergy and pesticide usage and wetland stewardship. I don't know of --

**MS. ESPOSITO:**

The methoprene comments.

**MR. DAWYDIAK:**

That was Draft Generic Environmental Impact Statement comments.

**CHAIRPERSON VILORIA-FISHER:**

On the use of methoprene.

**MR. DAWYDIAK:**

Yes, those comments -- as part of the Draft Generic Environmental Impact Statement, that's what I started to talk about before Dave corrected me. They submitted a number of comments that we fully evaluated and responded to. And without knowing exactly which comment is at issue, I can't really speculate. But if there's a question, we'd be happy to go to the FEIS.

**CHAIRPERSON VILORIA-FISHER:**

Okay. What confuses me and perhaps you or Dominick can respond to this, methoprene is approved for use in the method in which we use it by the federal and state government. And then if there were comment by DEC regarding our use of methoprene, is it where we're using it, using it in marshland? Was that specifically -- what would -- I don't remember the DEC comments on that? Can you --

**MR. NINIVAGGI:**

I don't remember them in particular where I'd want to go over them here. They had comments that they wanted us to address some of the literature that was brought to their attention in preparing the FEIS. We addressed those literature studies that they referred to. And the reality is they continued to issue us permits. They continued to register these materials and issue us permits to use them.

**MR. DAWYDIAK:**

Yeah, I mean I guess my point --

**CHAIRPERSON VILORIA-FISHER:**

I'm just trying to clarify on the record, it was said on the record that there were DEC comments and there were not -- I have them here. This was from -- I'm not sure which iteration this was from but it was table 7 - 14 Critical Review of Additional Methoprene Articles. I'll just pass this to you so that you can have it.

**DR. TONJES:**

Madam Chairman?

**CHAIRPERSON VILORIA-FISHER:**

Do you know what I'm referring to, David?

**DR. TONJES:**

Yes. Kevin McAllister in March of 2005 submitted a list of articles that he had discovered by doing a key word search in a scientific data base. One of them, for example, was in Japanese. So it wasn't as if he had critically examined these -- these articles. We subsequent to his submission of those articles did look carefully at all of the articles except for the one in Japanese. We responded to that in -- with an extensive table in the Draft Generic Environmental Impact Statement. DEC reiterated to some degree Mr. McAllister's comment in that they felt if it were possible to find 18 articles that our literature search had not directly addressed, that we had not looked at the methoprene issue completely.

We repeated the fact that we included the analysis of these articles in the Draft Generic Environmental Impact Statement. We further expanded our analysis of the -- of methoprene issues by looking at the references that were raised in all of the critical papers concerning methoprene. And we ended up with about 30 to 40 pages in the FGEIS looking at methoprene. Nothing in there changed our original conclusions that under current application techniques the application of methoprene to salt marshes does not seem likely to have any impact on non-target organisms. Mosquitos are very, very susceptible to methoprene in ways that other organisms are not. And so it's an effective mosquito control tool without having non-target organism impacts as far as any of our work has shown. And that's our conclusion.

**CHAIRPERSON VILORIA-FISHER:**

This goes back to studies that might have presented data contrary to the fish study where you discussed impacts on invertebrates and the eggs?

**DR. TONJES:**

Right. It was also a listing of articles that did show impacts to organisms but in concentrations much higher than those that are achieved when you actually use methoprene in the salt marsh. Some of that is -- some of that confusion is based on the fact that originally scientists were concerned about methoprene impacts at the part per million level. And that's the sort of impacts that we're finding on fish and other organisms; that when exposed to methoprene at the parts per million, there were negative effects. And so they estimated what the potential environmental concentration would be under applications. And they said, oh, it's in the tens of parts per billion because tens per parts per billion were just a rough estimate. And that was obviously so much less than the part per million level where impacts were being found.

Then as people looked further at methoprene and they found that there were impacts, it's a 20 or 30 or 40 parts per billion to certain organisms, they said, well, that's an environmental concentration. But it was based on just a rough estimate of what the environmental concentration might be. When people looked hard at it, they found that the actual concentrations of methoprene theoretically would be on the order of three to five parts per billion. And when we looked at it analytically, for example, in the cage fish experiment, we found that one to three parts per billion were measurable immediately after application. And that these fell down to about 50 or less parts per trillion within hours. And they're maintained at that level because that's the concentration where mosquitos will succumb. But -- and that's -- and part of the design of methoprene is to release small amounts of the pesticide over a longtime to continue to kill mosquitos. But we don't think that those 50 parts per trillion levels will ever have any impact on non-target organisms.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**MR. DAWYDIK:**

I guess just to summarize, each and every comment which was relevant was fully responded to. And nobody came to us and said, gee, your response wasn't quite accurate. You got this concentration wrong or you got that assumption wrong. Nobody at CEQ, nobody on the technical advisory committee, nobody any where has refuted the science in the FEIS. And we're happy about that because we put a lot of effort into it.

**CHAIRPERSON VILORIA-FISHER:**

Well, actually I thought I heard somebody at CEQ refuting specific points but --

**MR. DAWYDIAK:**

But they were refuting policies, you know.

**CHAIRPERSON VILORIA-FISHER:**

But it might have been policy opinion.

**MR. DAWYDIAK:**

Speculative impacts which may be able found in the future. But nobody looked at the language and said you got this thing wrong.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Are there any other questions members of the Committee? Thank you very much. And thank you for the work that you've done on this over these years. It has been a number of years. And I believe you have been very responsive to public comment and comment from different agencies and certainly from CEQ. Thank you.

**MR. DAWYDIAK:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

We will be going to the agenda. Jim Bagg, we're starting with the CEQ resolutions first. Now because the resolution which is in our CEQ packet regarding -- I'm trying to find my CEQ resolutions -- right, I see it. You'll instruct us on what the process is when we get to the CEQ resolution on which we've had all of this discussion when we get to it. I was just checking on where it came on the agenda. It's the very last item.

I also want to thank -- there are a couple of members of CEQ who are here today and I do want to thank CEQ. I myself sat on the last committee meeting, which was a little over five hours. And the week before that we had a working group that lasted almost six hours. And before Christmas we had a meeting here that lasted about five hours. And these -- you know, I'm there as Chair of the Environment Committee. The other members are people who volunteer their time. And there's one person who said that this is taking 12 of her sick and vacation days from her job, or personal days from her job. So, you know, there are members of the public who really do give a lot of their personal time. So I want to thank them to the record. Go ahead, Jim.

**MR. BAGG:**

Okay. The first resolution is CEQ resolution number **01-07**. This is the Council's recommendations concerning **(Proposed SEQRA) Classifications of Legislative Resolutions Laid on the Table on December 19, 2006 and January 2, 2007**. It's fairly pro forma and the Council recommends the classifications. The majority of them have either had SEQRA review or are undergoing SEQRA review. And most of them are Type II Actions.

**LEG. LOSQUADRO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion By Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed?

**(Approved Vote: 5-0)**

**MR. BAGG:**

The next resolution is CEQ resolution **02-07**, is proposed recommendation concerning SEORA 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 San Remo Riviera-Schmidt Revocable Trust Property in the Town of Smithtown**. This action involves the acquisition of 1.09 acres. Council recommends an unlisted action with a negative declaration.

**LEG. KENNEDY:**

I'll make a motion.

**CHAIRPERSON VILORIA-FISHER:**

Well, we're going to do same motion, same second, okay, same vote. **(APPROVED. VOTE: 5-0)**

**MR. BAGG:**

**CEQ resolution 03-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Greens Creek Addition - Dutchman Mooring LLC Property in the Town of Islip**. Council recommends an unlisted action, negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

**CEQ resolution 04-07 Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Seatuck Creek Watershed Addition - Grausso Property in the Town of Southampton**. Council recommends an unlisted action, negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

**CEQ resolution 05-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Saw Mill Creek Addition - Patterson Property in the Town of Riverhead**. Council recommends an unlisted action, negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

**CEQ resolution number 06-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area II Addition - McLaughlin Property in the Town of Brookhaven**. Council recommends an unlisted action, negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

**CEQ resolution 07-07 is Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates Addition - Burr Property in the Town of Huntington**. The Council recommends an unlisted action, negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

The next resolution is the one dealing with the Vector Control and long term wetlands management plan. CEQ resolution **08-07. (NO ACTION TAKEN)** Would you like me to read the entire resolution or --

**CHAIRPERSON VILORIA-FISHER:**

We all have a copy of the resolution, Jim. Now you and I have talked because there have been a number of different recommendations with regard how we -- what the process is here. But I think you clarified it best in terms of my understanding. So if you could do that for -- if you could clarify what the process is with this for the other members of the committee.

**MR. BAGG:**

Okay. Basically CEQ's recommendations deal with the FGEIS, an amendment, and they are to the Legislature, in fulfilling Chapter 279 of the Suffolk County Code. These recommendations should be considered by the Legislature and the County Executive along with the content of the FGEIS and the addendum, as well as the other comments received today in terms of drafting a finding statement. The next stage in the SEQRA process is for the Legislature to draft a findings statement. That findings statement says that the Legislature considered all the documents in the SEQRA process, that the SEQRA process is in conformance with the requirements of Chapter -- Section 617.11 (d) of the SEQRA rules and regulations.

And then the Legislature has to further go on in their findings statement to evaluate all information received and to say that to the maximum extent possible, environmental impacts have been minimized. But also the Legislature has to make a finding in terms of social, economic and other considerations in that findings statement prior to the approval of the, you know, plan.

**CHAIRPERSON VILORIA-FISHER:**

So basically, Jim, we're are not voting on this resolution today because it doesn't really have -- this is not a final statement on this determination. We would have to take this recommendation. And the Legislature would work with the County departments who have worked on the FGEIS and representative from the County Executive's office. But it's actually the responsibility of the Legislature to make that SEQRA determination.

**MR. BAGG:**

That's correct.

**CHAIRPERSON VILORIA-FISHER:**

And so we as a Legislature have to work together to prepare this findings statement.

**MR. BAGG:**

That's correct, under SEQRA.

**CHAIRPERSON VILORIA-FISHER:**

Under SEQRA. Okay. So what I have done based on what you have said is I have asked the Presiding Officer's Office to assign a work group to work with these findings with the minutes of today's meetings, with the recommendations of CEQ and the FGEIS to develop a finding statement so that we can go ahead and have that as a resolution before the Legislature. Is that the correct process?

**MR. BAGG:**

That is correct. And that would be the last step. The Legislature would adopt a finding statement pursuant to SEQRA and then you could precede with adopting the plan if you so see fit or any other steps you want to take.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Mr. Brown did you -- do you agree with that process?

**MR. BROWN:**

Yes, I agree with the process. And thank you for recognizing me, Madam Chair. There were three observations which the Department of Law would just like to be made known to the Committee.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. BROWN:**

One is with respect to what I mentioned earlier when I was at the podium with -- regarding to the priority of marsh health and marsh ecology. That's our observation; that that seems to subordinate public health or human health to marsh health. Second is with respect to the vote on the resolution by Miss Stiles. And that by virtue of the vote alone there maybe a conflict.

And the third and final was that notwithstanding favorable comments here by the -- about the Stewardship Committee and our review of the resolution as it's written, we questioned whether it will result in the Legislature ceding any of its -- any authority to the committee.

**CHAIRPERSON VILORIA-FISHER:**

Okay. But since the Legislature is taking the recommendations of the committee as advisory and as a recommendation, then we are not ceding any of our authority. Is that what --

**MR. BROWN:**

Well, I recognize that Mr. Dawydiak earlier said that there would be -- it would be an advisory body and that there would be nothing binding. I -- and that might be the consensus of the way the resolution is written. It's just a caution from our office to the committee in regards to how it is written and that it -- and that may -- perhaps an argument can be made about any authority being ceded by the Legislature to a committee.

**CHAIRPERSON VILORIA-FISHER:**

I see. Okay. Thank you, Mr. Brown. I believe Legislator Kennedy has a question.

**LEG. KENNEDY:**

Yes. Hi. Thank you, Madam Chair. My questions now go to, I guess, procedural so that I understand the full nature of the vote as far as we're being asked to go ahead and take it at this point.

**CHAIRPERSON VILORIA-FISHER:**

We're not going to vote on this.

**LEG. KENNEDY:**

We're not going to vote?

**CHAIRPERSON VILORIA-FISHER:**

No. That's precisely what Mr. Bagg was explaining. Because there was no determination -- there's not a determination -- a neg dec determination that would end the process. We don't need to vote on it. As lead agency in SEQRA we now have to have our own determination. And that's the findings. And then we will vote on that when we put that together.

**LEG. KENNEDY:**

Who is going to be charged with actually preparing the findings, then, Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Well, actually I've asked the Presiding Officer's Office. And I've spoken with Legislator Losquadro about putting together a Legislative work group that would work on putting the findings together. I know. You are going to have mosquitos in your sleep.

**LEG. KENNEDY:**

All right. If I can ask Mr. Brown then just to go ahead and embellish a little bit more on the first point that you raised when you were at the podium as far as what may or may not be a perceived as a statutory conflict here?

**MR. BROWN:**

I don't have those statutes in front of me. But as you know, Legislator Kennedy, the -- we're mandated by the state to have a program in place that -- that controls or prevents vector borne diseases.

**LEG. KENNEDY:**

By The Public Health Law, of course.

**MR. BROWN:**

Yes.

**LEG. KENNEDY:**

Yes.

**MR. BROWN:**

And without having those sections in front of me, there was -- the way the resolution is written and also with respect to some of the comments that were made about the marsh health being paramount, it's our observation that that might conflict with what is in the Public Health Law.

**LEG. KENNEDY:**

So right in within the four corners of the resolution itself, you're saying that perhaps there's an inherent conflict as far as harmonizing with the various bodies of law?

**MR. BROWN:**

Perhaps, sir, yes.

**LEG. KENNEDY:**

Well, that's good enough for me. Thanks.

**CHAIRPERSON VILORIA-FISHER:**

And I -- Dennis, as someone who did sit in the work group and sits on CEQ, the statement regarding marsh health and the health of our wetlands, really has an impact on public health in that -- in protecting our environment and protecting are ecology. That does have an impact on public health rather than subordinate public health.

**MR. BROWN:**

I agree with you. It does have an impact. It's just that my recall of the Public Health Law at this time is that I don't think one is weighed over the other. And so that --

**CHAIRPERSON VILORIA-FISHER:**

Okay. And I don't believe that that was the intent of that resolution and certainly not that part of the resolution, which I am in complete accord with that portion of it. That the health of our marshes is critically important. And by the way, it's mentioned in our County Charter. And so that's the spirit of that language in that resolution. And I don't believe that the spirit was to subordinate human health to marsh health. Our ecology is part of protecting our public health.

**MR. BROWN:**

Sure. Then we're in agreement.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I just wanted to clarify that on the record because it wasn't subordinating human health. Okay. Thank you very much, Mr. Bagg. Thank you, Mr. Brown. We will now go to tabled resolutions. Do we have any tabled resolutions? I just have a lot of stuff here. We don't want to frighten our new members away, but guess what? This is typical. Okay.

**TABLED RESOLUTIONS**

The first -- okay. **IR 1980-06 Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund, Governale Property, Town of Brookhaven. (Romaine)** I believe that this was one of the one's that we have already covered.

**MR. BROWN:**

Yes. It is included in an omnibus resolution that applies to all of the Pine Barrens core. So this parcel -- this resolution would be considered to be redundant and not necessary.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to table.

**LEG. LOSQUADRO:**

On the motion.

**CHAIRPERSON VILORIA-FISHER:**

Let me just see if there's a second.

**LEG. HORSLEY:**

Second. Second the motion.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Horsley. On the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

In absence of Legislator Romaine being here, I will just ask, have we seen further progress? I know that at -- last comment during December was that we were in active negotiations on this property. Is that continuing?

**DIRECTOR ISLES:**

I'd have to check with Real Estate or ask Real Estate. I do not know offhand.

**MS. ZIELENSKI:**

Good afternoon. Is that specific to Governale?

**LEG. LOSQUADRO:**

Yes.

**MS. ZIELENSKI:**

We made them an offer, which they rejected.

**LEG. LOSQUADRO:**

Okay. I guess that's the best we can do for now.

**CHAIRPERSON VILORIA-FISHER:**

Tom, there might have been something left out of my agenda. Is 1979 on your agenda?

**DIRECTOR ISLES:**

It was withdrawn.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Someone pointed out to me that I was missing it. It was withdrawn. Thank you. IR 2096, oh, I'm sorry. There is a motion to table and a second. All in favor? Opposed? IR 1980 is tabled. **(Tabled. Vote: 5-0)**

**IR 2096-06, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund, the Froelich/Wicks Farm Preserve property, Town of Huntington. (Cooper)**

The sponsor has asked that that be tabled. Did you want to make a comment; Mr. Isles?

**DIRECTOR ISLES:**

We certainly won't object to that. The only thing I would like to bring you up to date on is this is next to what's known as Froelich Farm property in Huntington. We had concerns with this based on the configuration that was proposed with the sponsor. We have had conversations with the sponsor as well as with the owner of the property. And we understand from the owner that they were willing to consider a reconfiguration that we think could make more sense for the County to consider. So if you -- obviously if the sponsor wants to table it today. That's fine. We will update you on that more completely at the next meeting. We do have maps available, too, to show you that.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, Mr. Isles. There's a motion to table and a second. All in favor? Opposed? 2096 is tabled. **(Vote: 5-0)**

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

**DIRECTOR ISLES:**

We're not aware of any changes from the prior consideration of this by the committee. This is a parcel located in the Town of Brookhaven, in the Hamlet of East Moriches. Based on the County's rating system it rated 17 points. Typically 25 is the so-called passing grade; although that's a guide. In this particular case, the parcel's about 8 acres. It is kind of off on its own so it's not really adjacent to other County property or would fit in to a larger County parcel acquisition. I think there was some misunderstanding in terms of the Town of Brookhaven's posture on this, but from the information we have available at this time, we would not recommend this to you as a County acquisition.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro.

**LEG. LOSQUADRO:**

Abstain.

**CHAIRPERSON VILORIA-FISHER:**

All in favor? Opposed? Please note one abstention. 2169 is tabled. **(Vote: 4-0-1-0. Abstention - Legislator Losquadro)**

**IR 2240, Authorizing planning steps for acquisition under Suffolk County Save Open Space**

**(SOS), Farmland Preservation, and Hamlet Parks Fund, Toppings Farm property, Town of Brookhaven. (Romaine)** This is that horse farm on the east --

**DIRECTOR ISLES:**

Well, it's located next to the horse farm. The parcel that's the subject to this resolution is not actually a farm, so it's a little confusing. It is located on County Road 51.

**CHAIRPERSON VILORIA-FISHER:**

It has structures on it, though; doesn't it?

**DIRECTOR ISLES:**

No. This one actually doesn't.

**CHAIRPERSON VILORIA-FISHER:**

Then I'm confused.

**DIRECTOR ISLES:**

It's next to that one with the structures.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

So there have been two separate resolutions. The sponsor, Mr. Romaine, on the adjacent one withdrew that resolution. As far as this parcel is concerned, we came up with a scoring of 18. The County does not own any adjacent property. My recollection from the last meeting, or my notes from the last meeting is that Mr. Romaine was going to seek to have a representative from the town comment or testify on this. So far we haven't heard anything. But here again, it's kind of floating on its own. It's only 8.75 acres. It's not part of a larger County acquisition or even a town acquisition that we can see here. So absent additional information, we don't see it fitting into the County program.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to table. Seconded by Legislator D'Amaro. All in favor? Opposed? 2240 is tabled. **(Vote: 5-0)**

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

**LEG. HORSLEY:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve. Seconded by Legislator D'Amaro. I note that there had been questions on the make up of that committee. Legislator Horsley, can you walk us through it, please?

**LEG. HORSLEY:**

Yes. Absolutely.

**CHAIRPERSON VILORIA-FISHER:**

That's your question isn't it?

**LEG. LOSQUADRO:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

I think you made the changes you asked for?

**LEG. HORSLEY:**

Yes. The changes that were requested, the utility folk will be included -- is included in the legislation. And there has been amendment to change the co-chairs to the Commissioner as well as -- as a co-chair and with neighborhood network Chairman {Louis}.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And I thought I had asked to be a Co-Chair on this. I don't see my name on -- do you have my name on your corrected copy? I mean not a Co-Chair; a cosponsor.

**LEG. HORSLEY:**

Cosponsor; I don't know. Is it on it?

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. D'AMARO:**

And also to the Clerk, could you add me as a cosponsor? Thank you.

**LEG. KENNEDY:**

On the motion, Madam Chair, while my colleague is reviewing it, maybe I can ask the sponsor to just go ahead and refresh my recollection. I recall seeing this when it was out originally, but the objective with this committee would be to what?

**LEG. HORSLEY:**

The objective is to find a baseline of the carbon output on utility plants. This is strictly involving the Port Jefferson and the Northport plant. Taking a look at carbon emissions from those two plants, what is a baseline number in which they -- we can make an assessment when the two plants are to be re-powered. And so it strictly is involving pushing -- pushing the agenda involving the acquisition of National Grid over KeySpan and where -- what we should be doing and what we should be looking for when they are to re-power the two plants.

**LEG. KENNEDY:**

There are a number of other plants that we have here in the County, though, as a matter of fact, the NYMO Plant in Holtsville, the natural gas driven plant, I guess, I believe it is. Or an LPG Plant. We also have several of the Mobil generators that kick in, I guess, when we have --

**LEG. HORSLEY:**

You have Peaking Plants.

**LEG. KENNEDY:**

Yeah, peak loads stuff.

**CHAIRPERSON VILORIA-FISHER:**

The peak.

**LEG. KENNEDY:**

Do you envision those being looked at as well?

**LEG. HORSLEY:**

We -- that is not part of this legislation. Though certainly down the road, I think we could -- we would certainly like to take a look at them. But right now, this is where we're going towards the two major plants in Suffolk County, because they are considered the dirty plants in the system. And we want to make sure that when we start talking about re-powering, that we know what the baseline is,

what is real, what is excess, so that we have an idea as a Legislature where we should be at this point in time.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Good data to have. Certainly.

**LEG. HORSLEY:**

Yeah. Absolutely.

**CHAIRPERSON VILORIA-FISHER:**

I just want to add to that, something that's very important. In the year 2000, I sponsored a carbon cap law here in Suffolk County. And that -- the way that law worked was that for every -- as we increase the amount of energy that we are producing here in Suffolk County, that we lower the percentage of carbon that goes into the atmosphere. Because as you present new technology we should be lowering the aggregate amount of carbon, the carbon dioxide tonnage that goes into the atmosphere. I asked to be a cosponsor on this --

**LEG. HORSLEY:**

You are.

**CHAIRPERSON VILORIA-FISHER:**

-- because -- yes, I am. Thank you. Because vis-a-vis- those two power plants, and that was certainly being a representative of Port Jefferson, that district, I was very concerned about the carbon dioxide going into the atmosphere. And of course, more globally, greenhouse gases. It's time to re-visit that vis-a-vis those two old power plants. And with whatever this advisory board comes up with, I would like to look at our overall law in Suffolk County again. Because that's something that we should be looking at periodically whether our thresholds are appropriate to the type of technology we have now. Because a lot has happened in the intervening seven years since I introduced that law. And so I think that this is a very good first step, looking at our two biggest dirtiest plants; and then having a template for how we look at all of our production of energy here in Suffolk County.

**LEG. KENNEDY:**

Okay. Thank you, Madam Chair. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. As I said I just wanted an opportunity to review the latest version. And I'm very happy to see that those couple of changes were made. Not only are we looking at this from a reduction standpoint, but more -- or just as importantly it's an efficiency standpoint.

**LEG. HORSLEY:**

Yes.

**LEG. LOSQUADRO:**

We're actually producing energy at a lower cost, at a far cleaner product that's emitting less into our environment. So really it's a win win. Not only are we providing lowering emissions, but also with the high cost of energy, not only are these two plants very dirty, but they're also exceptionally inefficient.

**LEG. HORSLEY:**

Yes.

**LEG. LOSQUADRO:**

So I would like to ask the Clerk's Office as well to please list me as a cosponsor. And happy to work with you on this.

**LEG. HORSLEY:**

Great.

**CHAIRPERSON VILORIA-FISHER:**

And, Dan, that's exactly what our original carbon law did. Was every time you add energy to the grid, we should lower the aggregate amount of CO2 going into the atmosphere because you only want more and more efficient power sources. So this is real kumbaya. All right. There's a motion to approve and a second. All in favor? Opposed? And I believe, Legislator D'Amaro, did you want to be included as a cosponsor?

**LEG. D'AMARO:**

Yes, I would.

**LEG. HORSLEY:**

Great.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**LEG. HORSLEY:**

Thank you everybody.

**CHAIRPERSON VILORIA-FISHER:**

IR 2267 is approved. **(Vote: 5-0)**

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

Legislator Losquadro.

**LEG. LOSQUADRO:**

Based on a number of conversations that we've been having regarding the makeup of parcels and how the Environmental Trust Review Board has been burdened with some of these planning steps resolutions we've been bringing before it, that coupled with the serious liability concerns that I have regarding the County acquiring a parcel that is relatively narrow and boarded on either side by private properties that have some shore hardening structures on them, I still have far too many questions about this to move forward with having the County acquire this. I'm going to make a motion to table again.

**CHAIRPERSON VILORIA-FISHER:**

Do you want to table it subject to call?

**LEG. LOSQUADRO:**

I believe that would put -- if these questions wind up being answered, which I do not believe they ultimately will --

**CHAIRPERSON VILORIA-FISHER:**

Well, you're the sponsor. It's your call.

**LEG. LOSQUADRO:**

-- I can always bring it back forward. So, yes, I will change my motion to a motion table subject to

call.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion to table subject to call, seconded by Legislator Horsley. All in favor? Opposed? 2283 is tabled subject to call. **(Vote: 5-0)** Okay.

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

The Presiding Officer spoke earlier regarding this issue with DPW still in the process of taking of some property for some road widening. So I will make a motion to table.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Losquadro. All in favor? Opposed? 2297 is tabled. **(Vote: 5-0)**

**IR 2433, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, St. James Protestant Episcopal Church property (Town of Smithtown) (Nowick)** This had a rating, didn't it?

**DIRECTOR ISLES:**

Well, it originally had a rating of actually 26 points.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

We had some concerns is that there's a small house on one of the parcels. There are two parcels in question. This is located just west of Deepwells County Farm or County historic property. It was my understanding that there had been a corrected copy resolution to remove the house parcel from this planning steps. And we haven't actually seen that but it's what we understood.

**CHAIRPERSON VILORIA-FISHER:**

I haven't seen it either.

**DIRECTOR ISLES:**

And therefore --

**LEG HORSLEY:**

How do you do that?

**DIRECTOR ISLES:**

-- because at the last there was a question what are you going to do with the house? And then the answer was well, the house is coming out of the proposal. Therefore, we are left with the one parcel which is to the west. And so we have done a rating on that. Actually the point value drops because it's further away from the existing County park. It also has less visibility and exposure on 25A.

**CHAIRPERSON VILORIA-FISHER:**

I have an amended copy here. Let me see. This is from December 4th, though.

**DIRECTOR ISLES:**

All right. So it's lot number nine, I believe, was removed from the reso. Pardon me, 39. I have to put my glasses on.

**CHAIRPERSON VILORIA-FISHER:**

So we only have parcel number one which is 4.2 acres.

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

So based upon that it would have a rating of 17 points. The problem is that it seems to be just floating off by itself. It really doesn't -- it's developed around and it really doesn't seem to tie into the standard criteria for a County park acquisition.

**CHAIRPERSON VILORIA-FISHER:**

I'm going to make a motion to table. I just need a second. Legislator Horsley?

**LEG. HORSLEY:**

Sure. Second.

**CHAIRPERSON VILORIA-FISHER:**

On the motion, Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you, Madam Chair. I just wanted a little more clarification. I'm looking at a resolution dated back in November. I think that's the last copy that I have. So are -- you're saying parcel number two is no longer part of this resolution?

**DIRECTOR ISLES:**

That's what we were led to believe, But I can't confirm that. It is there.

**CHAIRPERSON VILORIA-FISHER:**

I have the amended copy right here.

**DIRECTOR ISLES:**

Okay. So parcel number two was removed from the resolution.

**LEG. D'AMARO:**

Okay. And then parcel number one using the rating system, normally used, it came up with a rating of 17?

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

Or 18?

**DIRECTOR ISLES:**

17.

**LEG. D'AMARO:**

17.

**DIRECTOR ISLES:**

Right.

**LEG. D'AMARO:**

I see. Okay. Thanks.

**DIRECTOR ISLES:**

You're welcome.

**LEG. HORSLEY:**

Madam Chair, on the motion.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Horsley.

**LEG. HORSLEY:**

Let me ask you now, the house that we referred to the -- owned by the church, Is it a historically significant house?

**DIRECTOR ISLES:**

It is not.

**LEG. HORSLEY:**

It is not. Okay.

**DIRECTOR ISLES:**

It is a 1960's Cape Cod. I went and looked at it actually one day.

**LEG. HORSLEY:**

Well, then that's not historically significant. Okay.

**DIRECTOR ISLES:**

No, it isn't. Not at this time.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have a motion and a second. All in favor? Opposed? IR 2433 is tabled. **(Vote: 5-0)**

**IR 2441, Adopting Local Law No. -2006, A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights.** Is that still in public hearing, Ian?

**MR. BARRY:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. That needs to be tabled for a public hearing. I'll make the motion, seconded by Legislator D'Amaro. 2441 is tabled. **(Vote: 5-0)**

**IR 2531, Adopting an official map for Suffolk County.**

**MR. ZWIRN:**

Madam Chair, if I might.

**CHAIRPERSON VILORIA-FISHER:**

Who's saying that? Ben.

**MR. ZWIRN:**

If we could ask for this to be tabled for one cycle so that Public Works has a chance to get some

comments in on this.

**CHAIRPERSON VILORIA-FISHER:**

Well, look at that, you preempted our soon to be Commissioner over there.

**MR. ZWIRN:**

I didn't see Kerry, but -- unless I'm mistaken.

**MR. ZWIRN:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So we'll table it for a cycle. I'll make a motion.

**LEG. LOSQUADRO:**

I'll second that. I just want to make one comment.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. On the motion, Legislator Losquadro. Oh, let me take the vote.

**LEG. LOSQUADRO:**

No. Just on the motion.

**CHAIRPERSON VILORIA-FISHER:**

On the motion.

**LEG. LOSQUADRO:**

I wanted to make sure that DPW's aware of some of the concerns that we had raised last time regarding the perspective modifications of that map. Could they be done en masse? As the example I used was the Hagstrom Atlas's last time. Or would it necessitate constant updates, which I think would be very burdensome. So I just would like some communication between the departments to make sure all those concerns are addressed at once.

**DIRECTOR ISLES:**

I agree. We've shared our information that we've received from the Department of Law with the Department of Public Works. I think that's why we want to go over it a little more carefully.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Kennedy has a question.

**LEG. KENNEDY:**

Yes. Thank you, Madam Chair. And I guess, I don't know if it's a question so much as maybe an observation or a request and comments that would come forward from DPW. Last year there was much made about a proposal or development in the lower part of my district. The big box areas along County Road 13. And one of the many areas that the community folks spoke about was the impact associated with a County map or the lack thereof and what it compelled the County to do associated with the County roadway or the County network.

So I'm hoping that DPW and/or Planning may be able to go ahead and speak a little bit to what adoption of this will lean or -- what's that going to promote. What will we be expecting to see going forward now. Because at the time, as there was no official county map, those issues or concerns that were raised, in essence, were moot. There was no one in place. Now, if we're contemplating adopting this, there must be some additional notice, hearing or other types of activity we'll be needing to take when it involves things associated with our County roadway and our County parcels, I believe. Is that correct? Or am I --

**MR. ANDERSON:**

Yes. For the record, Gil Anderson, Chief Deputy Commissioner of Public Works. Yeah. It's our intent to review the resolution. And we have concerns over the impact of how this will affect Public Works operation and our duties. And our hope is to, you know, provide comments. And, I guess, if anything needs to be changed. We're open to complement to make it work so that it works for us as well as, you know, any other needs.

**LEG. KENNEDY:**

All right. I'll be particularly interested to see what your thoughts are as far as that aspect of it. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

John, I'm a little confused though about your question.

**LEG. KENNEDY:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

When we do have impacts to communities, the big box stores --

**LEG. KENNEDY:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

-- and the controversy, I think it's your district, Legislator Stern's district. Is that the same corridor?

**LEG. KENNEDY:**

Well, there's a variety. As a matter of fact, Legislator D'Amaro also had -- we've had much dialogue about a variety of different things.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. KENNEDY:**

In that Sagitos corridor.

**CHAIRPERSON VILORIA-FISHER:**

Okay. How would the existence of the map necessitate more public hearings?

**LEG. KENNEDY:**

Jeez, I'm going to take a page from Mr. Brown's play book. Without the statute right in front of me at this point, I can't quote chapter and verse, but my recollection is that in the early part of last year, one of the many omissions, criticisms, or observations that were brought forward from community groups was that the County had not taken specific actions or held hearings associated with the alteration of County Road 13, Crooked Hill. And they spoke to obligations in County law specifically under the responsibilities under the superintendent of highways, I believe, about alterations. And I spoke to modifications of an official map; the County map. At that point it became evident that there was no County map that had ever been officially adopted.

**CHAIRPERSON VILORIA-FISHER:**

So you're saying whenever there are major modifications there should be public hearings?

**LEG. KENNEDY:**

I believe that one act is --

**CHAIRPERSON VILORIA-FISHER:**

But there has to be a map in existence?

**LEG. KENNEDY:**

-- going to trigger the other.

**CHAIRPERSON VILORIA-FISHER:**

Oh, okay. All right. Mr. Brown.

**MR. BROWN:**

I can speak to some of those things at this point. With respect to some of the hearings that occurred in the springtime, if a County map were adopted, the rights of way on the County map would be deemed conclusive. Because I know -- I believe that some of those issues did come up about the location of property lines, whether -- and where the rights of way were. So that's one issue that would be put to rest, let's say. If a County a map were adopted.

Second is with respect to when will the County map be amended. Well, that really is when the Legislature deems it to be in the public interest. To address the question about whether it could be done all at once or whether it could be done singularly, it just -- it doesn't say in the statute, but it seems to make sense that it be done in groupings instead of singularly simply because it's when it's deemed to be in the public interest.

One of third things is -- then there does have to be a public hearing when there is an amendment to the map. And the law when it does address issues such as building permits and plats, it talks about when there should be hearings, when there are hearings at the County level and when there are hearings at the town level. So for example, if a plat is referred to the Planning Board, it also has to be referred to the Department of Public Works. It has to be an endorsement upon the plat, that it doesn't conflict with the County map.

Building permits, they have to be referred to the Department of Public Works. Various agencies like Planning or Public Works gets the opportunity to comment to the town boards, whether it's a zoning board or some other body that deals with development projects. The County map could be, if it's adopted, if there's no official local map, it could be the map -- the official map of local municipalities as well. Those are some of the issues.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, Mr. Brown.

**MR. BROWN:**

You're welcome.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We had a motion and a second. All in favor? Opposed? IR 2531 is tabled. **(Vote: 5-0)**

**IR 2534, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund, North Street properties, Town of Brookhaven. (Romaine)**

**DIRECTOR ISLES:**

We did previously circulate --

**CHAIRPERSON VILORIA-FISHER:**

Wasn't there a problem with the map?

**DIRECTOR ISLES:**

Pardon me?

**CHAIRPERSON VILORIA-FISHER:**

I thought there was a problem with the map last time.

**DIRECTOR ISLES:**

Well, there was a problem with the map last time in that there was a discrepancy in the tax map numbers. We did hear from the sponsor's office asking what those discrepancies were, which we identified. It is our understanding that a corrected copy has now been filed with the tax map numbers correctly stated. We haven't seen that yet but we understand that that's the case.

The parcels in question are outlined in red on the aerial photograph in front of you. Let me point out to you that the scale of this is, you know, on a large scale -- so the length of this property along North or South Road, whatever it's called, whatever portion of it is, is about a mile and a half. So it's rather extensive frontage. To the east of this parcel is a very large property that actually is on the master list. So it is a large area in the central Suffolk special groundwater protection area. At that time when we were putting forth recommendations from County planning on the master list, we did look at this parcel. And we felt that it was a little bit too fragmented and elongated. And it really is more of a buffer between -- to the rear of those houses on the west of the property than really an intact open space area.

So we did not include it in the master list. In terms of the rating then based upon this particular case, we did do that. We did prepare that. And we have provided it to you today. The rating is 25 points based on, here again, the department's criteria that we recommend to you. So on a rating standpoint it does rate at a score that is often viewed as being a score to recommend. But I wanted you to be aware of -- that the department had been through this one before and felt that it was a little questionable in terms of the road frontage, the dumping possibilities, and the fact that it serves more as a buffer. We're dealing in a dynamic world, that we do acquire this large tract to the east and then maybe it strengthens; but we call it the way we see it. And those are the scores in front of you. And if you have any questions, we'll try to answer it. It's a rather large piece too. It's 67 acres.

**CHAIRPERSON VILORIA-FISHER:**

Tom, if it were to be acquired and it does have a road that separates it from the piece that's on the master list, so if they were both to be acquired --

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

-- then that really would be an advantage to having both sides of the street as part of one County parcel.

**DIRECTOR ISLES:**

I think at that point it would certainly be stronger than if it was just off by itself. Here again, our concern was we just viewed it as being somewhat elongated and fragmented in that sense. But --

**CHAIRPERSON VILORIA-FISHER:**

Are we in negotiations with the piece to the east?

**DIRECTOR ISLES:**

This is AVR. I don't believe so. We just closed on another AVR piece and --

**CHAIRPERSON VILORIA-FISHER:**

Oh, this is also AVR.

**DIRECTOR ISLES:**

It's another AVR property. Yeah. I don't believe there are active negotiations at this time based on the priorities, the priorities with the other pieces.

**CHAIRPERSON VILORIA-FISHER:**

And those President's streets --

**DIRECTOR ISLES:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

-- up there on the northeast, are those paper streets for proposed development? That looks like bricks with President's names on them.

**DIRECTOR ISLES:**

Yeah. That's an old file map is what they call it. It's been subdivided many, many years ago. They do exist. So they are individual lots and paper streets that exist there.

**MS. FISCHER:**

That area was on the Town of Brookhaven's list for acquisition to enhance our acquisition of the larger Pine, what they call Pine Ridge portion, the larger piece surrounding it.

**CHAIRPERSON VILORIA-FISHER:**

Lauretta, is there any interest on the part of Brookhaven to partner on the 67 acre piece?

**MS. FISCHER:**

They have indicated to me that they would be interested.

**DIRECTOR ISLES:**

We're not sure if they have money, but we're --

**MS. FISCHER:**

I'm sorry, on the 67 acre one or the Pine Ridge? I'm sorry.

**CHAIRPERSON VILORIA-FISHER:**

The one that's before us.

**MS. FISCHER:**

No, not to my knowledge. They have offered to -- have shown me an interest on the larger Pine Ridge to the east, however.

**DIRECTOR ISLES:**

Let me just add if I could to that the --

**LEG. LOSQUADRO:**

I'm going to make a motion to approve.

**LEG. KENNEDY:**

I'll second that motion. And then on the motion can -- if I can just ask Madam Chair, where is this on the Expressway as we're going east? I'm trying to orient -- East of 68? Between 68 and 69?

**MS. FISCHER:**

Yes. If you go -- it's actually 69 is to the east. This is the road if you take South Street south of the L.I.E. it wanders down and becomes North Street here.

**LEG. KENNEDY:**

Yeah.

**MS. FISCHER:**

So you are between 68 and 69 in Manorville --

**DIRECTOR ISLES:**

South side of the Expressway.

**MS. FISCHER:**

-- in the Manorville area; south side of the Expressway.

**LEG. KENNEDY:**

Yeah. There's a railroad crossing close there. Do you look at it -- I'm just curious, do you look at the scenic vista aspect of this at all when we're considering parcels, you know, similar to this as far as the ratings?

**MS. FISCHER:**

Yes. Yes, we do.

**LEG. KENNEDY:**

Okay. So from the Expressway itself, what you view with this is basically all wooded lot.

**MS. FISCHER:**

There's just a portion of it along the road; the south service road on the northern portion.

**LEG. KENNEDY:**

Yes.

**MS. FISCHER:**

So you're only seeing a small area along the -- from the L.I.E. specifically onto it.

**LEG. KENNEDY:**

Yes. Okay.

**MS. FISCHER:**

But it is what it is.

**LEG. KENNEDY:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

No.

**CHAIRPERSON VILORIA-FISHER:**

Oh. I thought you had your had raised. There's a motion to approve and a second. All in favor? Opposed? Motion approved. **(Vote: 5-0)** We can skip the CEQ resolutions. And we'll go to the introductory resolutions.

## **INTRODUCTORY RESOLUTIONS**

**IR 2566, Making a SEQRA determination in connection with the proposed construction of a sanitary facility at Indian Island County Park, (CP 7009) (Town of Riverhead) (Lindsay)**

Motion by Legislator D'Amaro?

**LEG. D'AMARO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. 2566, all in favor? Opposed? Approved and placed on the consent calendar. **(Vote: 5-0)**

**IR 2567, Making a SEQRA determination in connection with the proposed construction and renovation of facilities at Gabreski Airport, (CP 5702) (Town of Southampton) (Lindsay)**

Is there a motion? Motion to approve and place on the consent calendar by Legislator D'Amaro, seconded by Legislator Losquadro. All in favor? Opposed? **(Vote: 5-0)** If it's okay I'll do the other ones same motion, same second.

**IR 2568, Making a SEQRA determination in connection with the proposed aviation utility infrastructure at Gabreski Airport, (CP 5734) (Town of Southampton) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2569, Making a SEQRA determination in connection with the proposed relocation of existing maintenance facility at Gabreski Airport, (CP 5733) (Town of Southampton) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2570, Making a SEQRA determination in connection with the proposed Airport Obstruction Program at Gabreski Airport, (CP 5731) (Town of Southampton) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2571, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Mastic/Shirley Conservation Area II addition - Ferrieri property, (Town of Brookhaven) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2572, 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 - Fischetti property, (Town of Brookhaven) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2573, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Mastic/Shirley Conservation Area II addition - Nielsen property, (Town of Brookhaven) (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2574, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Smith Road/AVR 123 property, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2575, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Fresh Pond/Dickerson Creek - Dickerson property, Town of Shelter Island. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2576, Making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Amsterdam Beach County Park addition II - Estate of Weisz property, Town of East Hampton. (Lindsay)** Same motion, same second, same vote. **(Vote: 5-0)**

**2577, Making a SEQRA determination in connection with the proposed acquisition of land**

**for Open Space Preservation purposes known as the River Club property, Town of Riverhead. (Lindsay) Same motion, same second, same vote. (Vote: 5-0)**

**2578, Amending Resolution No. 683-2006, to clarify the membership of the Regional Solid Waste Management Commission. (Schneiderman)**

Now this one, you're are a cosponsor, Legislator Horsley. Can you tell us a little bit about this? This is bumping up the membership by adding the Executive Director of the Nassau-Suffolk Regional Planning Board. And it would leave out this spot that's filled by a non-existent Long Island Municipal Waste Official Association. And it would also be filled by the Long Island Sanitation Officials Association. It would also replace the slot filled by an expert in landfill reclamation with an expert in rail transport. Who can speak to us about this? I don't remember why we tabled it. Those are the only notes I have on it.

**LEG. D'AMARO:**

It's new.

**CHAIRPERSON VILORIA-FISHER:**

It's new. Oh.

**LEG. D'AMARO:**

It's not the planning commission. It's Regional Solid Waste.

**CHAIRPERSON VILORIA-FISHER:**

Oh, it's a different one. Okay. All right. It's amending a resolution. Can you tell us about this please? Refer to Counsel when in doubt.

**MR. BARRY:**

Last year we created the Regional Solid Waste Management Commission to reduce pollution, traffic, congestion, and financial impact of current solid waste disposal practices in Suffolk County. That was the whole title. After we did it, we learned that one of members, member number nine, as written it would be an expert in landfill reclamation. After the fact, we learned then that should be an expert in rail transport. Don't know why.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I read that part. Yeah.

**MR. BARRY:**

And then -- Right. And then the 18 -- the 18th member would be amended to be a representative of the Long Island Sanitation Officials Association. And there would be an additional member, number 19, which would be the Executive Director or the designee of the Nassau-Suffolk Regional Planning Board.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right. Commissioner Gallagher.

**COMMISSIONER GALLAGHER:**

I'll just add that I'm going to be Chairing this Commission. And in conversations that I had with Legislator Schneiderman in looking at how we would move forward with actually implementing this, the discussion we had was actually about adding the person from the Regional Planning Board given that we have this regional resource and they've done research in the past. They will be conducting policy research in the future on this topic. And it seemed to make sense to include them and it seemed to be, you know, you'd be missing an opportunity if you didn't include them on the commission.

**CHAIRPERSON VILORIA-FISHER:**

So you're comfortable with this amendment?

**COMMISSIONER GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER GALLAGHER:**

I'm comfortable with this amendment.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you. It's a long day.

**DIRECTOR ISLES:**

If I could just point out, the board is the Long Island Regional Planning Board. I don't know what you had, if you had Nassau-Suffolk.

**CHAIRPERSON VILORIA-FISHER:**

This had --

**MR. BARRY:**

As written it says the Nassau-Suffolk Regional Planning Board.

**CHAIRPERSON VILORIA-FISHER:**

-- Nassau-Suffolk Regional Planning Board.

**DIRECTOR ISLES:**

Maybe it just speaks generically, but okay.

**MR. BARRY:**

I know that's not the --

**DIRECTOR ISLES:**

Title.

**CHAIRPERSON VILORIA-FISHER:**

Official title.

**MR. BARRY:**

-- but it's also not the commission that we're waiting for. Right?

**MS. FISCHER:**

It's always been Long Island Regional Planning Board for many, many years.

**CHAIRPERSON VILORIA-FISHER:**

The Regional Planning Board.

**MS. FISCHER:**

It was originally called the Nassau-Suffolk Regional Planning Board but that was changed maybe in the 70's or early 80's to Long Island Regional Planning Board.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

We all know what it means.

**CHAIRPERSON VILORIA-FISHER:**

So to change that we have to do an amended copy?

**DIRECTOR ISLES:**

Not a big deal.

**CHAIRPERSON VILORIA-FISHER:**

Could you -- it just needs to be scribners. Okay. I don't think it has -- Counsel is saying it doesn't have to be an amended copy.

**DIRECTOR ISLES:**

Fine.

**CHAIRPERSON VILORIA-FISHER:**

It could just be scribners and make that Long Island.

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

Make that correction in it. I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have an hour and 15 minutes to make the change, I'm hearing. So we can approve it.

**DIRECTOR ISLES:**

It's doable.

**CHAIRPERSON VILORIA-FISHER:**

And the change can be made. Okay. Thank you. So that is approved. There's a motion to approve and a second. All in favor? Opposed? 2578 is approved. **(VOTE: 5-0)** Okay.

**IR 1000, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Nielsen property - Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-02.00-078.000) (County Exec)**

You'll notice these will all sound familiar because we just did the SEQRA on them. Okay. I'll make a motion to approve. Anybody want to second that motion?

**LEG. KENNEDY:**

I'll second. And just a question on the motion.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Sure.

**LEG. KENNEDY:**

All right. Refresh my recollection. This is acquiring a variety of smaller parcels that are laid out on an old file map to aggregate a larger whole in this area? Is that what's going on here?

**DIRECTOR ISLES:**

That's exactly what's on. It's based on a study done by the County Planning Department around 1994, which is called the Narrow Based Study, which identified a couple of important factors with this part of Mastic/Shirley. Number one, it is a low lying flood prone area. In fact it's a velocity zone, which is kind of rare in the mainland where based on FEMA regulations, this area's very susceptible to flood and hurricane damage and exposure and threats. It is also wetlands in many of the locations. It also has a high groundwater table so when development does happen in order to provide sanitary system clearance from the groundwater, you have to raise up the elevation of properties.

So it's an area that really should not be developed. And what this program has done, and has been very successful is acquiring many of these properties to protect them. We've done that by the County, the County with the Town of Brookhaven, and then also the County adopted a relatively novel program to do land exchanges to swap with property owners on tax defaulted lots upland away from there. So this is all part of that. This committee has seen many acquisitions in Mastic/Shirley and will probably continue to see them as we pick up these small pieces that are part of a larger whole.

**LEG. KENNEDY:**

Which is good. And as a matter of fact, I think that it's laudable that we're moving towards aggregating and taking out of potential inventory these parcels. Having said that, I see that it is .187, which must be a relatively small parcel size wise, but I see it's 130,000 is the agreed upon purchase price lot. Is this something that was a buildable lot?

**MS. ZIELENSKI:**

Yes. This would have been a buildable lot.

**LEG. KENNEDY:**

It was?

**MS. ZIELENSKI:**

Yes. Single and separate. Old file map lot.

**LEG. KENNEDY:**

So we have -- okay.

**MS. ZIELENSKI:**

The two that follow, you can tell by the price separation, are wetland affected.

**LEG. KENNEDY:**

Okay.

**MS. ZIELENSKI:**

This one does have a building {inaudible}.

**LEG. KENNEDY:**

Okay. Thank you. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Just a question, point of reference. You mentioned FEMA earlier. Would somebody, although it would be a buildable lot, would they be able to get insurance?

**DIRECTOR ISLES:**

That's actually -- what you need -- to build to FEMA standards. And FEMA does provide that insurance to a certain limits. Flood insurance, right.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Horsley.

**LEG. HORSLEY:**

Yeah. Tom, you mentioned velocity.

**DIRECTOR ISLES:**

Right.

**LEG. HORSLEY:**

That's the first I've heard that term. Is it actually more prone for wind velocity, is that --

**DIRECTOR ISLES:**

Yes. Wind damage. So there's actually --

**LEG. HORSLEY:**

Really.

**DIRECTOR ISLES:**

-- a lot of it in the Town of Babylon along the Barrier Beach.

**LEG. HORSLEY:**

Right.

**DIRECTOR ISLES:**

So if you look at a flood insurance rate map, you have different zones, A zones and so forth. And in these certain locations, there are V zones on top of that. And those are zones where in addition to flooding, the rise --

**LEG. HORSLEY:**

Got that part. That I understood.

**DIRECTOR ISLES:**

-- of water elevation. There's also wind damage that's coming in. So it exists along the Barrier Beach extensively. It's very rare on the mainland of Long Island. But it's in Mastic/Shirley, the velocity zone. Based on the narrowness of Narrow Bay -- and the Barrier Beach is very close to the mainland.

**LEG. HORSLEY:**

Right. I can see the Barrier Beaches. That makes a lot of sense to me. Okay.

**DIRECTOR ISLES:**

So that's a velocity zone. Damage by flooding and then damaged by wind.

**LEG. HORSLEY:**

You learn something everyday.

**MS. FISCHER:**

They also just call it the V zone.

**LEG. HORSLEY:**

The V zone.

**MS. FISCHER:**

So you might have heard that A and V zones are very -- you might be familiar with those terms.

**LEG. HORSLEY:**

I've been around for quite awhile and I don't know where I missed that one. But, okay, thanks. That was great.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have a motion and a second. All in favor? Opposed? IR 1000 is approved. **(VOTE: 5-0)** Okay.

**IR 1001, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Fischetti property - Mastic/Shirley Conservation area, Town of Brookhaven (SCTM No. 0200-982.20-02.00-001.000) (County Executive)**

That's another small piece.

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

And but quite a bit less money.

**MS. ZIELENSKI:**

This is wetland affected.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Did you have a handout for that Laurretta?

**MS. FISCHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. Okay? Did you want to speak to this?

**DIRECTOR ISLES:**

No. We think it speaks for itself. But the --

**CHAIRPERSON VILORIA-FISHER:**

It sure does.

**DIRECTOR ISLES:**

Here again as Pat has indicated the evaluation is based on a non-buildable status. It is, you know, clearly in an area that's low lying where there's extensive undeveloped properties, many of which are currently owned by the County of Suffolk and the remainder of vacant parcels are planned for acquisition, whether it be by the town, the County or other parties.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

You can see the bay right there, too.

**CHAIRPERSON VILORIA-FISHER:**

Want to make a motion, Dan?

**LEG. LOSQUADRO:**

Motion by Legislator Losquadro.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1001 is approved. **(VOTE: 5-0)**

**IR 1002, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Ferreri property - Mastic/Shirley Conservation Area II, Town of Brookhaven (SCTM No. 0200-983.40-03.00-032.000) (County Executive)**

**LEG. LOSQUADRO:**

Same motion.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(VOTE: 5-0)** We don't even need the pictures.

**IR 1003, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for the Dickerson property - Dickerson Creek, Town of Shelter Island (SCTM No. 0700-019.00-01.00-023.006) (County Executive)** I bet this isn't going to be \$14,000. Okay. Did you have pictures for us? This is three quarters of an acre?

**DIRECTOR ISLES:**

Right. Right on Fresh Pond in Shelter Island. The map that Laretta is circulating shows other parcels the County has purchased; with the Town in most cases. Pat Zielenski can speak on the transaction itself. But it is a partnership with the Town of Shelter Island.

**MS. ZIELENSKI:**

This is the difference between fronting the water and having the water standing on top of it. This is a partnership with the Town of Shelter Island. A 50-50 partnership.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to approve.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. Anyone on the motion? Okay. All in favor? Opposed? IR 1003 is approved. **(VOTE: 5-0)** Okay. We have no memorializing resolutions. We have a tabled memorializing resolution.

**LEG. HORSLEY:**

Yeah. Let's -- I'll make a motion on that to tabled to subject to call.

**LEG. D'AMARO:**

Second

**CHAIRPERSON VILORIA-FISHER:**

On memorializing resolution 71, there's a motion to table subject to call and a second. All in favor? Opposed? Memorializing resolution 71 is tabled subject to call. **(Vote: 5-0)**

If there is no further business, this meeting is adjourned.

**(The meeting concluded at 4:02 PM)  
{ } DENOTES SPELLED PHONETICALLY**