

**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 February 26, 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:**

George Nolan, Counsel to the Legislature  
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  
Debra Alloncius, Legislative Rep for AME  
Alpa Pandya, Nature Conservancy  
Ken Kelleher, Lake Ronkonkoma Civic Association  
Patricia Duffield, Lake Ronkonkoma Civic Association  
Gil Anderson, Commissioner of Public Works  
Kevin McAllister, Peconic Bay Keeper  
Michael Deering, Suffolk County Water Authority  
Tom McAdam, Suffolk County Planning Commission  
Geoff Mascaro, DPW  
Dennis Brown, County Attorney's Office  
Walter Dawydiak, Chief Engineer for Health Department  
Vito Minei, Department of Health  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 1:22 PM)**

**CHAIRPERSON VILORIA-FISHER:**

Please join us in the Pledge of Allegiance led by Legislator D'Amaro.

**SALUTATION**

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have a little problem with beginning our meeting. Legislator Kennedy had a little problem with his car. Legislator Wayne Horsley's class which he was running this morning was on a two-hour delay so he's not back yet. Oh, there's Legislator Kennedy. Good. We have a quorum. We can begin. We're so happy to see you.

**LEG. KENNEDY:**

I'll kind of juggle what I have to do.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**PUBLIC PORTION**

We have several cards, the first one being Alpa Pandya.

**MS. PANDYA:**

Good afternoon. MY name is Alpa Pandya. I'm with the Nature Conservancy of Long Island. I'm here to talk about 1144 just very briefly. I was part of the Task Force which put together the recommendation to stop the sale of some invasive species. And as part of that, which I understand is going to public hearing in the following Legislature, full Legislature when it meets -- but when we met last time and we did our task force report, I had spoken about a report which is done on alternatives for invasive ornamental plant species. And had told you guys about it and how it's a very useful way of redirecting the public's need for plants obviously but redirecting it towards non-invasive plants. And it's part -- it's a public education tool; hopefully an industry tool. And I just have a color copy at this time which I was hoping to give to all of you and obviously if you have any questions, please do let me know. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Alpa. Are there any questions for Ms. Pandya? Thank you. The second speaker is Patricia Duffield.

**MR. KELLEHER:**

Can I speak in her place? She just ran out to make a copy. I'm next --

**CHAIRPERSON VILORIA-FISHER:**

You know what? Did you fill out a card, sir?

**MR. KELLEHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

You're Ken Kelleher? Okay. So go ahead.

**MR. KELLEHER:**

Good afternoon. My name is Ken Kelleher from the Lake Ronkonkoma Civic Organization. I'm here to speak on behalf of resolution 2297-06. That's purchase of an open space property on the south east corner of Holbrook Road and Portion Road in Lake Ronkonkoma. It's also very close to Holbrook and Farmingville.

I spoke in favor of this resolution at the January 29th meeting. And the history of the project is that this property was originally going to be acquired by the County for the Portion Road project and dedicated as a community park. I understand there was some complications determining the boundaries of the property for the Parkway. And I believe that they've been resolved since the last meeting. I just want to point out that the community is still very much in favor of this acquisition. We're in the position now to partner with the Town of Brookhaven on the management of this parkland. And we urge a swift passage of this resolution and advancing of the acquisition process. We fear that there are developers very much interested in this property in the future. It's one of the few remaining green spaces along Portion Road. And many of the other areas have developed -- been developed into strip shopping centers. And we do not want to see this happen to this property. So again I urge passage of this resolution today. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. Kelleher.

**LEG. KENNEDY:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

There's a question.

**LEG. KENNEDY:**

Actually it'll be a question and, I guess, suggestion to the Chair if you will, both. I'm very familiar with Lake Ronkonkoma Civic's advocacy and ongoing support for this as well as the concern which is expressed at their last meeting. And we are benefitted by the fact that we have the Commissioner for Public Works here in the audience with us today. So hopefully at the appropriate point he may be able to speak as to whether there is any work that needs to be concluded for determining the right-of-way takings associated with the expansion of County Road 16 which is apparently the only item that is --

**CHAIRPERSON VILORIA-FISHER:**

Well, actually that was the issue we talked about at the last meeting. And I'm hoping to have all of those resolved.

**LEG. KENNEDY:**

Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

So that we can move ahead.

**LEG. KENNEDY:**

Thank you.

**MR. KELLEHER:**

Thank you, Legislator Kennedy. Pat Duffield would also like to speak from the Civic.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Next speaker is Patricia Duffield.

**MS. DUFFIELD:**

Thank you for allowing me to speak. Speaking on behalf of the Civic who does represent the community, many of the people who moved out here wanted the green. And we understand the acquisition of all the farmlands but these towns are smaller towns, need their green areas. We have one that's being turned into a skateboard park for the Down Into the Town. We need places where people can get out and just walk and enjoy, can appreciate the environment that we have in our town.

To have the developers come in and put in yet another bank or another pizza place or a drug store, we -- we're sufeited with them. We do not need them. We need places where as a community we can get together, we can walk, we can relax on a beautiful day. We have a destination to walk or bike to; places for the community that are green, that are open, that are why we moved out here to begin with.

The Civic is willing and we're getting more and more people to work with us, we're willing to do what we can to develop and to work with maintaining -- to work with the town, to work with the County on preserving these spaces. So please seriously consider helping us to keep our town green. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you for coming down. And I just wanted to clarify that when you as a citizen along with all of the other citizens of Suffolk County voted on the \$75 million bond, if you remember the words on that referendum, it was for open space, farmland acquisition and hamlet parks. And the kind of space you're talking about is a hamlet park which is a small green area where communities can enjoy a little bit of open space.

**MS. DUFFIELD:**

Some place -- we have a destination. We can get off our bikes and we can walk around, just relax in a community with other members of the community.

**CHAIRPERSON VILORIA-FISHER:**

And we're very conscious of that. And we appreciate your coming down and expressing your thoughts. Thank you.

**MS. DUFFIELD:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Our next speaker is Kevin McAllister. Hi, Kevin.

**MR. McALLISTER:**

Good afternoon. My name is Kevin McAllister. I represent Peconic Baykeeper. I want to speak about Vector Control's EIS and long term plan. I think this panel will certainly recognize no one's exhausted probably more human and financial resources on this issue and I want to speak about process. We're at a culmination here. CEQ has spent over a year with thorough vetting of both the information that's provided pursuant to the EIS, again, exhaustive analysis and provided recommendations through a CEQ resolution.

At the meeting on the 29th, it was -- really was not discussed at all. You heard some testimony, one being from Larry Swanson who's the Chair, who's also recused himself in voting on this subject. Obviously the Suffolk County representation made a presentation. I spoke with some testimony. My recollection of that meeting there was no action taken other than suggestion that there would be a sub-committee pulled together to prepare the findings statement.

In the findings statement, I don't have it in front of me, on page nine where it talks about procedure, and that's what I'm talking about today, it makes reference that CEQ's recommendations were considered and made part thereof. There was no discussion of CEQ's recommendations at your

last meeting.

As this moves forward and, you know, it strikes me a bit as Groundhog Day and I'm not trying to be sarcastic; but again my understanding this committee has a responsibility to consider CEQ's recommendations. It's subsequently been past onto the Health Committee. I recognize that but, you know, I feel there's a process or a insulation from the full Legislature. And again I'm not here to debate the technical issues or the findings, but they were substantive. And again we are four years out now. And it'll be a disservice to the County if that hard work by a volunteer group that normally is considered extensively under all review of the, you know, the full Legislature is now discarded.

That's the main point I wanted to make. And again I emphasize to you at the last meeting you heard from two CEQ members. I think it's incumbent that you hear from the entire CEQ panel, certainly the majority that spoke and ultimately through Mr. Bagg's work crafted that resolution. Otherwise it's not above board. And that is extremely troubling and, you know, I hope you're going to do the right thing here.

**CHAIRPERSON VILORIA-FISHER:**

Well, I beg to differ with you, Mr. McAllister. It certainly was transparent and above board. Every member of this committee and every member of the Legislature has a copy of that resolution that was crafted by Mr. Bagg. And the CEQ is an advisory body, meaning that this legislature has full freedom to act or not on CEQ recommendations. And the CEQ resolution that came before us was not acted upon by this particular committee all of whose members had received that resolution. It was clear to all of us. And the votes were even included in that which is a very unusual practice. But because it was a divided CEQ, the votes were included in the materials that were received by the members not only of this particular committee, by all members of the Legislature as we receive all resolutions on which we need to deliberate.

Secondly what you referred to on page eight was that the findings statement did have recommendations of the CEQ in the findings statement. There were recommendations of CEQ there.

With regards to the resolution that I introduced, I was not able to put together that work group; however, I worked with two other Legislators. We had meetings with them, with staff, with the CEQ recommendations. I also met individually with, I believe, almost every Legislator here with regards to CEQ recommendations and got their input on it. And put all of those -- all of that information into the findings statement that I had worked on and with the resolution on which I worked. It was reviewed by some of the Legislators; some on this committee and some not. And then it was laid on the table.

So, in fact, it was transparent. This was done with the knowledge of all Legislators. Not everyone might have read the resolution, but every Legislator received a copy of CEQ resolution.

**MR. McALLISTER:**

Okay. I'll just say that we'll agree to disagree, Legislator Fisher.

**CHAIRPERSON VILORIA-FISHER:**

Well, it's not a matter of disagreeing. This isn't an opinion. This a point of fact. Every Legislator received a copy of that resolution. There was nothing surreptitious. There was nothing that was done without transparency. Every Legislator received a copy of that resolution. That's the process. And CEQ is an advisory body.

**MR. McALLISTER:**

I understand that.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. McALLISTER:**

Again, I ask you to take a close look at page nine, second from last paragraph. Again, that's an inaccurate statement that appears in the findings statement.

**CHAIRPERSON VILORIA-FISHER:**

Well, again as I said to you, I have taken a very close look at all of this. And in fact CEO recommendations are included in the findings statements. You would like all CEO recommendations to be included in the findings statement. However, they're not because there's disagreement on that. And on that we can agree to disagree. However, CEO recommendations were taken into account and were included as seen fit.

**MR. McALLISTER:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have no other cards. We know have a report by our Commissioner of Energy and Environment, Ms. Carrie Meek-Gallagher who's going to give us an overview of our Land Acquisition Program.

**PRESENTATIONS**

**COMMISSIONER MEEK-GALLAGHER:**

Great. Thank you. And what I wanted to do was take a few minutes just to give you an overview of the Open Space Program, the goals and the process we go through. And then I'll hand out a spread sheet that gives an overview of the current fund balances. But I thought this would be a good opportunity for those of you who are new to this committee and who are also not members of ETRB to get a better sense of, you know, just a reminder of what the goals are and what the process is that we go through. So this is, you know --

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry, Carrie. Before you go on, will you have enough copies for all the Legislators?

**COMMISSIONER MEEK-GALLAGHER:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

Okay. The reason I ask that is that last year there was a great deal debate about what our fund balance is, how much there was in the pipeline. And we had to vote at the end of the year on putting more money in which we had not anticipated. And so, you know, I want to make sure that everyone again for the sake of transparency has a copy of this.

**COMMISSIONER MEEK-GALLAGHER:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**COMMISSIONER MEEK-GALLAGHER:**

If I don't -- I might not have quite enough copies today but I can certainly make them available.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. I appreciate that.

**COMMISSIONER MEEK-GALLAGHER:**

So just looking at the general Open Space Program goals, we really focus on preservation on a number of critical resources: Ground water, coastal resources, wetlands, watersheds and stream

corridors, planted animal habitat, scenic vistas and open areas, farmland and cultural and historic resources. There's also a focus on access to shoreline and on providing opportunities for passive recreation, active recreation and downtown open space. So this is what we -- this is basically the criteria that we use for determining whether something should be acquired for open space, farmland or one of these other purposes.

And this -- I just picked this. This is a flow chart of the kind of generic overview of the process. And the New Drinking Water Protection Program was the best to use. There are obviously many different programs. And they all have slight -- slight variations, but it's essentially the same where the parcel is either recommended by the County Executive or the Planning Department or an individual Legislator introduces planning steps. There's a review of the criteria done by the Planning Department. And several other things happen but then essentially it goes to ETRB then to approve valuation.

It then gets submitted to CEQ for the required SEQRA review before then coming back to the Legislature to authorize the acquisition. Then the Division of Real Property Acquisition and Management goes out and goes through a whole series of steps for acquisition. I'm actually going to go through that in a little bit more detail, too, later flow charts. And then finally once we -- after we close on the property it's transferred to the Department of Parks, Recreation and conservation. In most cases that's -- that's what happens.

It's slightly different if we acquire farmland development rights. The parcels requested for consideration by a farm owner. It's then recommended to the County Executive -- by the County Executive or the County Legislature again. They're reviewed. First they have to go through the Farmland Committee. Then there's a rating of the criteria. Then once again it goes to ETRB for approval of valuation only. Then it comes back to the Legislature for approval and authorizing the purchase of the development rights. That didn't get changed. It should say now "Division of Real Property Acquisition and Management" instead of "Real Estate is directed to acquire."

The development rights are severed from the farmland itself. And then the property remains in private ownership and must be used for agricultural purposes which the County continues to oversee via the Farmland Committee.

Now, to get into a little bit more detail about the acquisition process because this is a lot of new checks and balances have been put into place, and I think this is where a lot of confusion often arises about, you know, what's actually happening. And when people are asking about well, what's the status of this particular parcel, it could be in anyone of these many steps. So first there's the planning steps, the origination. Then it goes to the abstract unit to do a last owner search. Then if the -- then there's time allowed for an owner response if there's actually any interest on the part of the owner for the County to purchase the property or the development rights.

If the owner is interested, it goes -- we go out to RFP for an appraisal. The appraiser has so many days to respond to the RFP. Then the contract is actually signed for the appraisal. The appraiser has a certain amount of time to complete the report. And we've put in what the average -- either what's required by statute or what the average number of days is essentially to complete each of these steps based on the past three years of experience in the Department of Real Property Acquisition and Management.

It then comes back -- once that report is complete, that appraisal is complete it, it gets reviewed first by the appraisal unit. And then it goes through another internal review committee within the Department of Real Property Acquisition and Management before being submitted to ETRB for final approval of valuation. If ETRB does approve the valuation, then, we go into negotiations with the owner.

Once we have an accepted offer, we then request a contract from the Law Department. The contract is sent to the seller. We get it back. And at that point we then request a survey of the

property, title insurance, a phase I environmental assessment, evaluation of the workforce housing credits that may or may not be applicable and draft and authorizing resolution. Then it has to go through the whole final committee and legislative cycle. So if it's -- might have to go back to the Farmland Committee, it may have to go to the Parks Committee. It comes back to CEQ to EPA. It goes back through the full Legislature. So depending on how those committees are scheduled, it could take up to 90 days for that entire process to occur. And once that's happened, it can go to budget for approval for final signature by the County Executive and then fund encumbrance. And at that point we finally can get the check cut and go to closing; and then eventually transfer the property.

So as you can see there are a lot of steps in this process. There are a lot of details to pay attention to. And it does take quite a long time to go from beginning to end. It's actually over a year from beginning to end on average for all of these steps.

So having said that -- I could not fit the spread sheet -- you would not be able to read anything on this spread sheet if it was up here. So I'm going to hand that out now and just quickly go over the status of those funds.

### ***Handing out document***

So what this really provides is a snap shot. This is accurate as of today. And it shows all of the still active in some form programs, Open Space Farmlands Acquisition Programs, what the balances are in each of those funds meaning both what the balance of accounts is versus, you know, and what's in contract, what's an accepted offer, what's in negotiation. Therefore what our total projected expenditures are. And then what's left over available for any future negotiations.

The items in blue across the top show where we're expecting new money that we don't yet have because we have to -- we're putting in for the March 6 meeting appropriating resolutions for Multifaceted and the environmental legacy fund. And then the Quarter Percent is Pay-as-you-go as we get the money in.

So if you look at the total column for a minute, you can see the balance of accounts is actually -- it looks like we have a lot of money. It's 142 million, but you can see that there's already 99.5 million of that that's encumbered in or committed in some sense, either in contract in accepted offers or in negotiation leaving us a balance of forty two -- almost 42 and-a-half million for any future negotiations this year.

So I'll let you digest. And if there are any questions -- if there are any questions I can't answer fortunately we have the Director of Real Property Acquisition and Management and Director of the acquisition unit both in the audience.

#### **CHAIRPERSON VILORIA-FISHER:**

Carrie, I have three initial questions. I have three initial questions. One is just to the process. Now we have a list of appraisers with whom we deal on a regular basis; right? There's a list of --

#### **COMMISSIONER MEEK-GALLAGHER:**

Yeah, I believe so. Maybe I should just ask --

#### **CHAIRPERSON VILORIA-FISHER:**

Pat is coming up.

#### **COMMISSIONER MEEK-GALLAGHER:**

Good.

**CHAIRPERSON VILORIA-FISHER:**

Because I'm a little bit confused about the RFP and the circulation of the RFP if we have a list of appraisers.

**MS. ZIELENSKI:**

Sometime ago we solicited all of the licensed appraisers that were located -- had business locations in Suffolk County. The total response to those people interested in working for the County did not come up to our 30 appraiser criteria that we would keep it all times. And so we expanded our search to those appraisers in western -- eastern Nassau County who were familiar and accustomed to doing work in Suffolk County.

All of those that are interested in doing business with us are under contract with us. It's a broad contract that takes care of all of the background information and disclosure that's necessary to work with us. But it does not have anything to do with specific projects. So when we have a series of properties that are in need of appraisal, we do an RFP of three or four appraisers for each project area. And based on their response generally choose the low bidder on each one of those. And that enables us to circulate through the list of appraisers that we have.

**CHAIRPERSON VILORIA-FISHER:**

When you say an RFP, so you send the RFP to three of the appraisers who are in that contract list?

**MS. ZIELENSKI:**

Yes, we do -- we do a rotating solicitation.

**CHAIRPERSON VILORIA-FISHER:**

Okay. That's what confused me because I know -- I know you have -- you do a rotating choosing of them but I didn't realize that when you did that rotation that you sent out three on each rotation.

**MS. ZIELENSKI:**

We request sometimes more than three. Depends on the size and the import of the appraisal that's necessary, but we send out at least three requests so in each case we have at least that many but --

**CHAIRPERSON VILORIA-FISHER:**

Now, do you break it down geographically, too? Because I know if you have east end properties, you generally want to have somebody who understands those east end properties, wouldn't you?

**MS. ZIELENSKI:**

Well, we have some discretion on who's solicited on each case by case basis.

**CHAIRPERSON VILORIA-FISHER:**

So it could be both rotation and geographic --

**MS. ZIELENSKI:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

-- or type of property?

**MS. ZIELENSKI:**

Yes, it could be.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right. That's what I was a little confused about.

The second question I had was what you call workforce housing credits, are those the TDR's?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I was just not -- you know, I wasn't sure if that was the same nomenclature. And the third one is now that we're reaching a policy issue because in your -- in the list the criteria that had on the first page, you include vista; scenic vista. And that's come into question lately with our farmland program with the -- the building of structures, the greenhouse -- that greenhouse issue that's in eastern Brookhaven. And I'm trying to understand how that can be resolved or are we looking at ways of resolving that?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. And actually right below it is the preservation of farmland so we have both goals. And actually one of the options that the Farmland Committee has and has never taken advantage of it before, never chosen to adopt our rules and regulations. So there is discussion the County Planning Department in conjunction with DE will be working on promulgating the rules and regulation for possible adoption by the Farmland Committee. And similarly Brookhaven Town's Farmland Committee, it might have a slightly different name, has never adopted rules and regulations. And they could do the same. And this would probably help in -- in these types of situations where if there is more guidance, more clear guidance about --

**CHAIRPERSON VILORIA-FISHER:**

So you're saying it would be the DEE and Regional Planning Board working to promulgate --

**COMMISSIONER MEEK-GALLAGHER:**

No. The Planning -- the Planning Department --

**CHAIRPERSON VILORIA-FISHER:**

Oh, the Planning Department.

**COMMISSIONER MEEK-GALLAGHER:**

Because Planning Department oversees the Farmland Committee so they would have the -- the lead on that. But certainly we'd be happy to assist and weigh in.

**CHAIRPERSON VILORIA-FISHER:**

And at what point would those rules and regulations kick in? At the point where contracts are developed with the farmers so that they know starting out that there will be more restrictions? I'm just curious as to where that'll happen.

**COMMISSIONER MEEK-GALLAGHER:**

I might just ask Tom Isles to come up for a minute and explain that little bit better.

**CHAIRPERSON VILORIA-FISHER:**

Okay. For those members of the Committee who might not be aware of the issue that I'm talking about, in eastern Brookhaven there's a farm where I believe that the farmer has talked about constructing five greenhouses, are there? Well, a number of greenhouses that will, according to the reports I've read, would obscure the vista from the roadway of the farmland. And so the argument is if we are saving farmland and scenic vista as one of the stated goals of preservation, then would this be contrary to our stated goals and how would we address this issue; should the farmer be permitted to construct all of these greenhouses? Of course there's the other worry; is that if you make it too restrictive we would have a difficult time getting farmers to come into our program and sign up with us so it's a little bit of a thorny issue.

**DIRECTOR ISLES:**

Yeah. Just on that issue, as of the 2002 census of agriculture Suffolk County had over ten million square feet under greenhouses; under greenhouse agriculture. So it is a substantial part of farming

in Suffolk County. We have -- we're the number one county in the state for greenhouse products.

But as far as the issue that Carrie Gallagher spoke on, on the regulations, the Farm Committee is going to be taking that under advisement probably at their next meeting in April. The Planning Department will be working on preparing draft rules and regulations for the committee with the idea of articulating better standards in terms of -- the committee looks at these on a case by case basis. There are plenty of greenhouses that are out there that are important that are not in conflict with vistas and community values.

We have a case in the Manorville situation where there is that conflict. There is an effort to try to work out some sort of solution to that on that particular case. And we hope we'll get there with that. But more broadly rather than having it facing this kind of friction and a clash with agricultural production issues, what we're trying to do is just clear it up in the front end where here's what you can do, here's what you can't do; keep them as temporary structures as much as possible. Where the site is important in terms of vista such as the Manorville location, that placement of greenhouses or the extent of greenhouses be modified to protect vistas as much as we can.

As to your initial question, Legislator Viloría-Fisher, as to when it would take effect, that's a little bit of an issue right now, too. The Committee clearly has the right to put in rules and regulations. Clearly going forward with the County's program if there's an intent of the Legislature or the County Executive to be more explicit on greenhouses, that's an option you can exercise.

I will point out in this case there are -- there are conditions in the contract that do give the Farm Committee the ability to look at vistas and soils as well as ag production. So we think it is within their domain to consider that. And we certainly are respectful of the fact that the County owns 9,000 acres of farmland. And we're not looking to blow up the County's Farmland Program by prohibiting greenhouses or changing the game halfway through for the farmers, but we do think there has to be some kind of balance that it can't be hundred percent coverage, it can't be greenhouses at the expense of all other values in the County's program. It is a farmland protection program. The land is important, the soils are important, the open space is important. So the whole thing is about a balance and having more clear-cut rules we think will help that.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I just want to -- when you say clear it up at the front end, I think that's what I was referring to in my question whether there were anything in the contract. And you're saying that the contract that is signed, when we do have the farmland development rights, includes the kind of latitude that would permit then the Farmland Committee to do the case by case judgement regarding greenhouses or any other structures going -- because I know that sometimes we were limited by New York State Ag and Markets laws and their -- the regulations that they promulgate. Are we asking to go further than that? If we go further than that, would that have to be stipulated, you know, uploading it at the beginning of the process?

**DIRECTOR ISLES:**

Well, it varies from parcel to parcel. Most of the recent contracts are designed to meet federal guidelines from when they get federal funds back so the federal government does require that we have language in there to protect soils. So that gives us a, at least in terms of this issue, more clarity on the scope and jurisdiction of the Farmland Committee. So the --

**CHAIRPERSON VILORIA-FISHER:**

How often do we use federal dollars?

**DIRECTOR ISLES:**

We don't use them very often at all.

**CHAIRPERSON VILORIA-FISHER:**

I didn't think so.

**DIRECTOR ISLES:**

They're very hard to get. We did just get \$3 million from the federal government over an accumulation of four grants that we finally got paid on. But it was tortuous but we did get it. So we've gotten a total of \$3,100,000 in federal funds back. We get more state funds. And then obviously most of it's local funds. I'm not sure if I answered your question or not.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you. Legislator Kennedy has some questions, I think, of the Commissioner. Yes?

**LEG. KENNEDY:**

Well, actually twofold. One -- I was going to talk a little bit about the appraisal process and I just wanted to make sure that I understood what was going on; and also ask about the RFP that you do when it comes to the selection or solicitation of particular appraisers. Maybe if you can explain how long does that piece take? We're moving through our process. You've now come to the decision that, yes, in fact, we are going to have to engage appraisers. You go to the RFP. Is it purchasing that does that RFP?

**MS. ZIELENSKI:**

No, we do it.

**LEG. KENNEDY:**

We do. Okay. It's done --

**MS. ZIELENSKI:**

We do it in-house. And it takes -- it can take up to two weeks. We send a letter out with specific requests. They have to respond with a bid. So in cases of extreme urgency, we can do it by fax; we can do a lot by telephone and fax return.

**LEG. KENNEDY:**

So in the grand scheme of things as we look at that continuum, that time line that we're --

**MS. ZIELENSKI:**

But in the time line we figure about two weeks.

**LEG. KENNEDY:**

That doesn't -- that doesn't significantly impact what we're looking at going forward?

**MS. ZIELENSKI:**

No, sir.

**LEG. KENNEDY:**

All right. Now I guess I'd shift if I can for a second to you, Tom. And this is just -- talk about, you know, fluke, I happened to see a show yesterday that former County Executive Halpin was chairing. And farmland acquisition topic was under discussion. And one of the panelists was former County Executive Klein. And he spoke specifically about what was the intention on his part when the program was created back in '79, which was basically for the promotion and the support of the ongoing role of agriculture here in the County of Suffolk. And that he thought that perhaps some of what's under discussion now may be moving somewhat afield from what the original legislative intent was with the creation of the program itself.

So while scenic vistas may be a component of the program et al, I think, and here and now we're talking about somebody who was actually there 30 years ago when it was created, what, you know, the body's mission was as far as seeing this go forward. And I guess how do you see that resonating it at this point? You know, we're talking about the capacity of the Committee and its authority. But we're also talking about what brought this committee to be thirty years ago.

**DIRECTOR ISLES:**

Yeah. Well, I think that's part of the balancing question. I think it's also something where greenhouses seem to be increasing and it's a way for farmers to get more production out of the properties to extend growing seasons. We're seeing many hoop house applications where it's just put in in the winter and late fall. They're taken down in the summer and so forth. So it's an evolution of farming in the thirty years when you talk about the origin of the program. It's a way to adapt and be more competitive in the marketplace. And that's good. And here again we have a substantial greenhouse composition in Suffolk County on our farming. That's not necessary bad. We think over all it's a good thing.

Most the greenhouse applications that come before the committee are pretty straight forward. They're usually approved. We have a particular case right now where there is an issue with this. The committee has not yet made a determination. There's been no vote taken by the committee. So I don't know what the outcome is going to be, but I do think in their balancing of issues certainly they put a high value on the need to farm and not to be put in the position of telling the farmer how to farm. They don't want to interfere with that.

On the other hand protecting the soil and having some consideration for the other public values of vistas and so forth, not that that's going to rule the day, but that should be weigh into the equation. And what the committee has done a lot of times is they'll look at relocating the structure or somehow working with the farmer to do that. I would say in 99 percent of the cases, that's what happens. We negotiate. We work on it. We discuss the issues and we resolve it.

Whether we're going to be able to do that here, I don't know. Certainly County Executive Klein was here when that happened. He proposed the program. I have not spoken to him. I don't know his point of view personally. I trust what you're saying from yesterday. And we're not necessarily quarreling with that. But it's just a matter of -- I don't think we can just say well, whatever goes, goes and there's no comment by the County because these are the development rights that you have purchased on behalf of the citizens of the County. So I think the County has a stake in it. But I think we've got to not lose the value of the program, too, where many people think, well, this is farmland preservation. I'm going to take a ride out along Sound Avenue and see the hundreds and hundreds and thousands of acres of open space. And I like that. So we're not going to lose that I hope. But I think the -- how do you accommodate some greenhouse operation, which is here, in a manner that doesn't kill the entire program basically? That's the challenge.

**LEG. KENNEDY:**

Okay. Thank you. Just one other question, Madam Chair, if I can to shift back then to Ms. Zielenski and to Commissioner Gallagher. Going to your spread sheet and seeing that we have 65 million in accepted offers at this point, I guess I'd ask you to just give me a rough approximation of how many of those accepted offers do actually ultimately wind up closing? Are we looking at 100%, 80%, 50%?

**MS. ZIELENSKI:**

I think we're certainly looking at 90%.

**LEG. KENNEDY:**

So it's reasonable to expect that eventually we're going to wind up having an actual transfer associated with that?

**MS. ZIELENSKI:**

Yes. Yes. In most case we're just waiting for contracts.

**LEG. KENNEDY:**

Okay. All right. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Horsley.

**LEG. HORSLEY:**

Tom, may I go back to the issue of the greenhouses just quickly?

**DIRECTOR ISLES:**

Sure.

**LEG. HORSLEY:**

And I'm new to the committee so I haven't heard the arguments before but what is the -- what creates a permanent structure, a greenhouse versus a non-permanent one; is it a foundation, the footings? What makes it something permanent?

**DIRECTOR ISLES:**

New York State Building Code was amended, I believe, in 1997. But basically the distinction is now that it not be a continuous foundation. So if it's a continuous foundation, that's considered to be a permanent structure. If it's an intermittent foundation with a base supporting structure, it's considered to be temporary. So the point is that the word temporary can be pretty encompassing. Temporary could be the simple hoop houses that are just supported by PBC piping and so forth. You can them pick up and move them to the point where temporary could also be essentially permanently affixed in concrete and footings structures that then are intended to be used on a year-round basis. And that's exactly what the Farmland Committee is facing. Here again under New York State guidance that would then be considered a temporary structure. But for you all practical purposes it is intended to be a year-round permanent, as far as permanent is intended, structure, too.

**LEG. HORSLEY:**

So when you said before that you're concerned for the soil --

**DIRECTOR ISLES:**

Right.

**LEG. HORSLEY:**

Now to having permanent or non-permanent greenhouses, does that actually affect the soil? What is detrimental about that to the ground itself?

**DIRECTOR ISLES:**

Well, it doesn't automatically -- it isn't automatically detrimental to the soil; however, what we also see with the more significant, more permanent greenhouses is that they often involved a recreating of the property. So where hoop houses are often just put over the existing grade, taken off in the warm months and so forth, these structures then function using a flat grade; therefore, they do have to grade it. Therefore they are altering the soil. Either -- the County Farmland Committee does not allow the removal of soil from the property, but you're still getting into that topsoil structure. You're still changing that to replace that and repair that and to get it back into -- that condition is extremely difficult to do. So there are questions as to the impact on soils. And especially if we're buying it because of the high value soils; to then scoop them up and put them off into another part of the site raises a question are we really protecting those soils if that's what we're allowing to do.

So in a certain way, the greenhouse in itself should make a difference to the soils. The reality is that for certain greenhouse structures and a regrading of the site where they'd like to have level surfaces on which to roll these plants carts -- a lot of these greenhouse operations, the seedlings that you'll see in Home Depot and Target, things like that where -- the seed packs and so forth -- so they use a lot of carts going back and forth to service that. The shelves over the -- set up to grow the potted pots and so forth. It's a very efficient type operation. It's part of agriculture in Suffolk County. But it's not using the soil and it may be modifying the soil and may be damaging the soil in terms of the ability to reconstitute it back to productive farmland.

**LEG. HORSLEY:**

Where does your office fall on this argument?

**DIRECTOR ISLES:**

Pardon me?

**LEG. HORSLEY:**

Were have you fallen on this particular argument?

**DIRECTOR ISLES:**

The County Farmland Committee has not made a decision on this one. The -- when you say where have I fallen in terms of this issue, in terms of --

**LEG. HORSLEY:**

You know, the acceptability of greenhouses, the Manorville issue and wherever?

**DIRECTOR ISLES:**

Well, here, again my opinion --

**LEG. HORSLEY:**

You spelled it out wonderfully. I just wanted to see where -- where are you?

**DIRECTOR ISLES:**

My opinion as far as the County Planning Department is concerned is that greenhouses are an important part of agriculture in Suffolk County. And I believe that sincerely. As I said before I think we've been able to work out most of the issues of conflicts of greenhouse operations with surrounding homes, with community values and so forth.

I think the issue in Manorville is important in particular because it's an area that is -- this is right off exit 69 of the Expressway, Wading River Road. It's an oasis of hundreds of acres of farmland. It is undisturbed. The Town of Brookhaven has taken probably an unprecedented act and actually doing a land condemnation on one farm that was going to be a subdivision in the middle of it. So there's been substantial county and town effort to keep this vast open farmland intact.

So I understand the concerns of some of the people who are concerned about the greenhouses. So here again we haven't made a decision in the County Farmland Committee. I would share concerns about the extent of the greenhouse structures here, loading docks facing South Street and so forth. It would -- the parcel is 20 acres. It's five acres total of coverage, about a 22% lot coverage I believe is the total number. So we've been discussing with the Town of Brookhaven, with the property owner and so forth. At this point in the game is to see what other alternatives to that particular plant could be done that would still help to achieve those other public values. Protect soils and be cognizant of that vista issue.

I expect the Farmland Committee will re-consider this in March. And we're not that far off but, I, you know, I do believe in the process working. And I do think this is a case where it is an important issue; that there should be some other choice other than what's been proposed. What that choice is going to be yet, I don't know. I don't think it's going to be a case of no greenhouse whatsoever. I don't think that's realistic. I don't think it's practical for that farmer. And I think we can achieve, you know, the protection of those public values without a total, you know, absolute World War III kind of thing.

**LEG. HORSLEY:**

Thanks. Appreciate that.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

So, in other words, when you transfer your development rights, you transfer them but you don't really give them all up? That's where we're going with this?

**DIRECTOR ISLES:**

You give up your right to develop the property for non-agricultural use.

**LEG. D'AMARO:**

How many -- how prevalent is this as an issue? The County has acquired X amount of farmland development rights over time.

**DIRECTOR ISLES:**

Right.

**LEG. D'AMARO:**

How much of an issue of is this on the property that the County has already received the development rights on? Are you getting more and more applications for this? Is this something that's escalating?

**DIRECTOR ISLES:**

We are getting an increase in the number of greenhouse applications just in general. But I have to tell you we don't get -- out of the 9,000 acres we own right now, we receive maybe a half a dozen greenhouse applications a year. So it's not a lot. It's more than it use to be, I think, but it's not some major cataclysmic thing that's happening.

**LEG. D'AMARO:**

When you receive an application, though, is it for the expansion of a greenhouse operation or when the development rights were transferred did the farmer or the owner know when they received a substantial payment from the County for those rights that it meant no more improvement of the land?

**DIRECTOR ISLES:**

The program does not mean you can't do further improvement of the land. What it does require is that any structures, which is anything defined as being in the ground including a fence, requires the review and approval of the County Farmland Committee before being installed. It also, by the way, requires -- the County's program does not supercede town or village zoning requirements or any land development requirements. So when the County buys development rights, they're foreclosing the option of developing the property for non-agricultural use in the future. They do indeed enjoy the use of the property for agricultural purposes including the ability to make application for structures including fences and barns, equipment sheds and pumps and greenhouses as accessories to that farming operation.

**LEG. D'AMARO:**

Right. And that's fine because that would be ancillary to the use of farming.

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

And the purposes and the intent of preserving that industry. When an application is made to construct, let's say, greenhouses or some other improvements that the Farmland Committee deems within farming or agricultural use, is there any give back of the funds that were paid to the farmer for giving up the use?

**DIRECTOR ISLES:**

No.

**LEG. D'AMARO:**

No.

**DIRECTOR ISLES:**

It's considered to be a permitted use; that that's part of that agricultural operation. It's not an alienation of the development right purchase that the County received. At least it hasn't been considered that.

**LEG. D'AMARO:**

How can the committee be selective, then? If you're telling me that it's a permitted use, if I'm a farmer and I receive payment for my development rights but I know I have a permitted use, how are you drawing these lines on what greenhouses or to what extent you're going to permit structures on the property?

**DIRECTOR ISLES:**

I think that's the point that Commissioner Gallagher was saying earlier in that the County Farmland Committee looks at these on a case by case basis. Each parcel has its own unique aspects to it. And the suggestion then that having rules and regulations to help guide the committee might be helpful towards that.

As indicated the committee is operated with the fact that no two pieces are identical and, therefore, they look at each one case by case and specifically. And I think that's worked probably most of the time without conflict, without problems for either the County or for the property owner. As greenhouses perhaps are becoming more intensively used and certainly we have this one particular case, to avoid any question of how the County's policies are applied, the suggestion is that if that were more clearly articulated, that that would be helpful to doing that.

**LEG. D'AMARO:**

Or at least setting some standards, some uniform standards applying -- that would apply to each proposal. You know, is it -- how does it impact the groundwater? What zone is it in? You know, things like that. Up to this point it's really discretionary without any guidelines through the preservation committee other than from the guidelines of the program itself.

**DIRECTOR ISLES:**

Right. Not to discount what the committee does, I mean, the committee will often call upon the services of other agencies when they're looking at an application especially a structure such as the building of greenhouse or something of that nature. And most particular they will almost go to the US Soil and Water Conservation District or the NRCS, Natural Resources Conservation District, specifically for the purpose of looking at -- okay, you're proposing a greenhouse, you're proposing a barn; how does this affect drainage, topsoil loss due to erosion and things like that.

So I don't want to diminish the process that the Farmland Committee uses. I mean there are a lot of farmers on that committee. They know a lot about farming. They take this very seriously. They spend -- they'll go out and look at sites if they have to. They call upon other agencies to provide input to them. And trying to ensure that there's, you know, least impacts on the property that's appropriately located. So certainly they've been doing that. We just think that having a little more definition of some of those standards would be helpful in the future.

**LEG. D'AMARO:**

Okay. Thank you. Thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

Commissioner, I just one more question regarding the budget page.

**DIRECTOR ISLES:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

With the three items that have the blueprint -- the blueprinting, the Multifaceted Land Preservation Program, how much goes in every year?

**COMMISSIONER MEEK-GALLAGHER:**

Well, this year we're going to get for open space purposes 11.5 million.

**CHAIRPERSON VILORIA-FISHER:**

How is that determined?

**COMMISSIONER MEEK-GALLAGHER:**

It's a little over \$13 million a year that is estimated to come in. And then part of that money has to be set aside for workforce housing. So it depends. What we take a look at is what we have in the pipeline in terms of open space acquisitions that require funding and what workforce housing has in the pipeline for possible -- that they could possibly close on this year. And it's essentially then a discussion about how much can we get and how much are they going to get?

**CHAIRPERSON VILORIA-FISHER:**

Okay. We just saw an appropriation going in for workforce housing.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Right? And how much -- and, of course, with the Quarter Penny, it depends on what we take in on that. What about this year? What did we actually collect in those two columns? The two Quarter Penny?

**COMMISSIONER MEEK-GALLAGHER:**

Yeah. The estimated -- again, it's projected. So it's projected that we're going to get under the Open Space Program about 17.9 million. And under Farmland about 9.6 million.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And I'm seeing though in the SOS, Open Space, this is what's left of the \$75 million bond?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

You're in the hole for almost half million in the Open Space?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So -- well, projected.

**COMMISSIONER MEEK-GALLAGHER:**

Right. Projected. And then we would have to transfer money or move that into a different funding source for anything --

**CHAIRPERSON VILORIA-FISHER:**

Okay. Typically where would that money be pooled from if we were to be lucky enough to close on all those projections?

**COMMISSIONER MEEK-GALLAGHER:**

It would probably come from Multifaceted because that's where we have the most flexibility.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right. Thank you, Commissioner.

**COMMISSIONER MEEK-GALLAGHER:**

And then there's -- of course the new funding source, the Legacy Fund.

**CHAIRPERSON VILORIA-FISHER:**

The Legacy Fund which is \$50 million.

**COMMISSIONER MEEK-GALLAGHER:**

Well, this year it's 20 million and it's partnership. So it would leverage to \$40 million.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

Madam Chairwoman, if I might, I wanted to make two other points of information. One is the -- I had asked to pass around -- this is a Department of Planning report. It's a draft report. I know some of you have seen it, but I just wanted to reiterate that it is really the best overview we have of all the programs. And I know that it will be updated to include some of the recent changes in our Open Space Programs. But it's really a wonderful resource for anyone who's not familiar with the programs.

And secondly with regard to funding, I did want to make one other point of information as to the cost of planning steps with the understanding so you realize that each individual planning steps that is introduced, cost in direct expenses about \$15,000. That's not accounting for all the indirect expenses of staff time that get put into it. So every time a planning steps is authorized, it's \$15,000 out the door.

So, for example, looking at today's agenda, I believe there are about six planning steps. So that's \$90,000 right there. Take that over the course of a year, you're talking about over a million dollars being spent just on planning steps. That's coming out of one these funding sources.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a question from Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. You're not saying we shouldn't spent the \$15,000, though?

**COMMISSIONER MEEK-GALLAGHER:**

I'm not saying that. I just wanted to make it clear that there is a cost, a direct cost. And then we haven't had a chance to figure out -- obviously we'd have to go to kind of a lawyer's --

**LEG. D'AMARO:**

But a necessary cost if we're going to get the past the planning step?

**COMMISSIONER MEEK-GALLAGHER:**

There are other -- there are other ways to acquire or get open space parcels, farmland parcels on a list without having to go through planning steps. That's the way that the -- that's the idea behind the Master List where you take this one comprehensive look and try to come up with all the -- the targeted parcels. So there's a way to feed through looking at the parcels ahead of time

comprehensively. It actually saves direct expenditures.

**LEG. D'AMARO:**

I would just think to get on the Master List, though, you'd have to do the same investigation you would for a planning steps; no?

**COMMISSIONER MEEK-GALLAGHER:**

It's more -- it's more internal so it's still the indirect expenditure but not as much as the direct expenditure.

**LEG. D'AMARO:**

Okay. My question was looking at your graph here of the accounts, the line that says balance of accounts, that's above the "in contract, accepted offers or in negotiation", that is a balance of line items in the capital budget in effect? What's authorized in the capital budget?

**MS. ZIELENSKI:**

Under balance of accounts?

**LEG. D'AMARO:**

Yes. Except, I guess, for the Quarter Cent.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

It is. Okay. So if we wanted to look at the -- if we wanted to increase the balance of accounts or the amount available for future negotiation, we then would have to do that through our capital budget for most of these programs?

**COMMISSIONER MEEK-GALLAGHER:**

Yes, that's correct.

**LEG. D'AMARO:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

I'd just like to follow up a little bit on that cost associated with planning steps, the hard costs. How do we get to a \$15,000 expense associated with the planning steps reso for any parcel actually? But, you know, we have parcels that we put steps in for that range from, you know, as small as a half acre to as large as 30 or 40 acres. My understanding of the appraisal process is that, you know, there's a couple of components to it. There's a fixed fee associated with some of the information aggregated but also the price can range significantly depending upon the subject property. How do we get to 15,000?

**MS. ZIELENSKI:**

Yes, you're right. There are some -- there's some latitude on the actual costs of appraisals specifically, but planning steps involve more than just appraisals to get to -- planning steps starts with in-house track to determine the owner.

**LEG. KENNEDY:**

Last owner search? Fixed price.

**MS. ZIELENSKI:**

And -- yes. Well, it's a fixed price, but it's -- it's one of the other components to Carrie's estimate. The appraisals if we actually go to appraisals are multiple. And so they tend to be expensive.

**LEG. KENNEDY:**

So we're expecting that we may be going -- last owner search, I mean, you know, even an expensive guy is, you know, a couple hundred bucks if that much. And I mean it's accessible through our County records, you know, at no cost to us.

**MS. ZIELENSKI:**

Yes.

**LEG. KENNEDY:**

So we're anticipating we're going 7500 bucks an appraisal? Or seven grand an appraisal?

**MS. ZIELENSKI:**

Often times.

**LEG. KENNEDY:**

Okay. The other question that I had, and I guess if Madam Chairwoman would indulge me one more time, and I, you know, I struggle to understand the schematic again with acquisition process. When we move through appraisal review with ETRB, acceptance, and now formal offer to the seller, acceptance on the part of the seller, now generation of contract and then at that point -- where are we looking at the ordering of title and how is the ordering of title done?

**MS. ZIELENSKI:**

Once we have a signed contract by the seller.

**LEG. KENNEDY:**

Signed contract by seller; then the County orders title. Who specifically is ordering title?

**MS. ZIELENSKI:**

The County Attorney.

**LEG. KENNEDY:**

County Attorney is dealing with title?

**MS. ZIELENSKI:**

Yes.

**LEG. KENNEDY:**

Okay. So if I have questions as to how that function goes, I have to go them, not you?

**MS. ZIELENSKI:**

Yes. We pay it but they order it.

**LEG. KENNEDY:**

The Division of Real Estate pays the title policy, the premium?

**MS. ZIELENSKI:**

Yes.

**LEG. KENNEDY:**

Interesting. County Attorney orders it.

**MS. ZIELENSKI:**

Well, we've got the money.

**LEG. KENNEDY:**

In a manner of speaking.

**MS. ZIELENSKI:**

Yeah, it comes out of the program.

**LEG. KENNEDY:**

Okay. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Commissioner, I would just like to put on the record that I really can't see that there would be a marked difference in the costs of planning steps for parcels that are recommended by the Legislature or those that are on the Master List because we still need two appraisals, we still need the staff time to do the -- negotiating the time to do the contract work. That all has -- the presentation before CEO whether it's on the Master List. So I don't see the cost savings. But maybe we'll talk about that at another time because we have an agenda, but I really don't see the cost savings there.

**COMMISSIONER MEEK-GALLAGHER:**

I'd be happy to prepare a presentation on that or discuss that further at a later time when there's more time on the agenda.

**CHAIRPERSON VILORIA-FISHER:**

Yeah. Thank you. Yeah, because I think a few of us are a little confused about that comparison and where the cost differential comes in. Because no matter what we're acquiring or how it's initiated, we do need the two appraisals and the process, you know, as we go through these planning steps. So -- but I think it's important to consider that when we say it's only planning steps, that we consider that it's \$15,000 or that there is some expense so we need to take planning steps very seriously.

**COMMISSIONER MEEK-GALLAGHER:**

That -- that's the only point I really wanted to make. Thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**MS. ZIELENSKI:**

We need to take the "only" out.

**CHAIRPERSON VILORIA-FISHER:**

Exactly. We need to take that word "only" out when we say "it's just planning steps." Well, it's a process that involves a lot of staff time and money. Thank you very much for that presentation. It's very helpful.

**COMMISSIONER MEEK-GALLAGHER:**

Oh, you're welcome. Thank you for your attention to this matter.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**INTRODUCTORY RESOLUTIONS**

Okay. We're going to -- I'm going to make a motion to take **IR 1028 out of order**.

**LEG. D'AMARO:**

Second. Is that Mike?

**CHAIRPERSON VILORIA-FISHER:**

**That's appointing a member to the Suffolk County Water Authority Michael J. Deering. (Cooper)** And since nobody knows who he is, I'm going to ask him to come up and introduce himself to us. Okay. I made a motion to take 1028 out of order. Do I have a second?

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1028 is before us and so is Mr. Deering. Can you please turn on your mike?

**MR. DEERING:**

Good afternoon and thank you, Madam Chair, for taking this out of order. I do appreciate it. I do appreciate the confidence as well of Legislator Cooper and the members of this body for putting forth my name to serve on the Water Authority. It is something that I would, you know, welcome and have basically led my career toward this path both in the non-profit world as well as the government sector. And now in the business sector.

The Water Authority has a unique set of challenges and responsibilities that are facing -- facing it right now. Not only in terms of much of what you've heard today in terms of what's going to happen with sewers, what's going to happen with the distribution of water, how we're going to be treating water, how we're going to be researching the future on needs for both water treatment distribution and ensuring a safe and healthy and adequate supply.

My background, as many of you know, has been with the State Legislature, the county government and both small non-profits as well as large non-profits. And, you know, look forward to -- for taking questions from this body, but continuing in my career trying to be professional, accountable, responsible and transparent in the operations of that board as it goes forward. And I would, you know, ensure working with the CEO Steve Jones and the other members of the board to ensure that that happens. So with that thank you.

**CHAIRPERSON VILORIA-FISHER:**

Are there any questions. Legislator Kennedy.

**LEG. KENNEDY:**

Certainly your record speaks for itself. The opportunity that I've had to work with you when you were part of the Levy administration was productive and we collaborated to go ahead and get some important things done. And much of it has to do with your expertise and knowledge and technical knowledge. But you're about to go ahead and take an extremely important position as you've identified assuming that you get approval and I have every reason to believe that you will.

The issue before the Water Authority at this point that I think is extremely important, and I guess it's important to hear what your view is; there's been a request to go ahead and drill into the Lloyd Aquifer. There's much concern about, you know, the status of well fields up in the Northport area and the various methodologies that may be employed in order to go ahead and access them. Also you're aware that, you know, the county to the west Nassau seems to have made a history of punching through to the Lloyd Aquifer. And as we all know, I mean, this is it. This is all we have. So how about it? Let's hear it. What do you think?

**MR. DEERING:**

Well, I think it has to be extremely carefully done. And I do support the Water Authority's position on the drilling the Lloyd in this specific case. We need to go back, I think, in history and look at the state legislation that established what was a moratorium -- supposed to be a moratorium back in the early eighty's on drilling into the Lloyd pending additional information that was supposed to be borne from the Department of Environmental Conservation and other entities while they had an opportunity to research what's happening on Long Island. The DEC, in fact, has not done that over the years. And who has stepped in has been the Suffolk County Department of Health and the Suffolk County Water Authority.

And if you look at the collaboration that the Water Authority and the Health Department have had and the research that they have done over the last ten, twenty years, they have done the work necessary to show very clearly why it makes sense both from the aquifer -- well, from the aquifer issue as well as from the cost feasibility and technical side of things.

So I would argue in this case the letter and spirit of the law have been met. The information has been presented. The case has been made limited to this particular area in this particular circumstance. And I would again as we have, you know, periodically throughout the last twenty years, is ask for the state's intervention and provide additional resources to assist the Water Authority and the County in terms of continuing to do research and continuing to upgrade the models and the data that they have.

The County Health Department and the Water Authority right now are in a collaboration to update the comprehensive management plan for water supply in Suffolk County. We would welcome -- when I was with the County we urged the state and I would do it again now to urge the state to get involved in the study not only providing some assistance locally because we do have staff people who will provide us with assistance but financially in terms of having the County and the Water Authority, you know, bearing the cost of that.

So long way of going about saying I support the Water Authority's decision on this particular issue. Need to be judicious. And it's not a political issue. It's not a regional issue. It is a water supply issue. And that, I think, is what needs to be at the forefront.

**LEG. KENNEDY:**

By definition, though, it is a uniform aquifer under -- and again you know this far better than I do -- but nevertheless, becoming a steward of finite resource, what is going to differentiate the next emergency that comes down the road from this emergency? Don't you see the slippery slope or the threshold issue by embracing this one circumstance, which inevitably is going to be replicated.

**MR. DEERING:**

No, I don't think so. I think -- it's not too dissimilar to your farmland issue from before where these are case by case analyses that need to be taking place. The case by case analyses we are trying to get away from by the Water Authority working with the Health Department and other entities to try come up with a comprehensive model for managing our water supply, the success of that will be we should not have situations like this again. We should have situations where we can look at the resource. And then through the modeling procedures plug that in and make decisions in the future based upon that comprehensive model. What we're doing now is trying to rectify a problem that has been evolving for a number of years. And based upon a number of factors, this makes sense in this particular area.

We've had -- I've had discussions with the Water Authority and with the state in my capacity, you know, with the County in terms of trying to identify ways whether it's legally, whether it's regulatory or otherwise to, in fact, give people that level of comfort that this is a unique situation that should not be replicated and we'll continue to do that.

**LEG. KENNEDY:**

All right. Just two other questions on this and then just one other area, Madam Chair, if I can. And Mr. Deering's been very gracious and I know waiting a long time to come to this. As a Water Authority Commissioner, what do you view the role then of the Suffolk County Water Authority if there is any role at this point collaborating with Nassau and the various ways that groundwater is protected there? Do you see any kind of a role for regional dialogue or is there something that goes on at this point?

**MR. DEERING:**

Oh, no, I think we'd welcome regional dialogue. Again, in discussions with folks to the west, we've invited them to become part of this regional study that the Water Authority's doing with the County. You know, the advantage that Suffolk County residents have and the resource has is that the wisdom of this body back in, I guess, it was 1930's at some point, was to create a regional entity so they can look at the larger resource. Nassau County has taken a different tact with 50 some odd separate water authorities. Recently, and recently as the last decade or so, they're beginning to work together. However, they've lost a great opportunity in terms of regional -- a broader, a more regional vision and more broader view of things that I would welcome. And I think the other members of the Water Authority board would welcome the opportunity to have -- to have them plug in and work with the County and the Water Authority in terms of updating our regional plan.

**LEG. KENNEDY:**

The other area that I'd ask you about, and again, you've been in a management role so you know the importance of this, as a Commissioner with the Water Authority, any thoughts about stabilization and maintenance and well being of the Water Authority workforce and the structure that's there now?

**MR. DEERING:**

Well, I think that's something I'm going to have to get a little bit more detailed on. The Water Authority staff in my dealings with, you know, the technical side of it, extremely professional, one of the most sophisticated labs, some of the most educated and effective researchers in the country. It is a stabilized staff. It has been reduced somewhat over the years, I think, you know, but in terms of where it's headed, the goal continues to be have a professional staff, have a staff that is technically capable and overseeing the distribution of a safe water supply.

**LEG. KENNEDY:**

Would you promote the inclusion of the few remaining private water districts or small municipal districts that exist in Suffolk County into the Water Authority itself?

**MR. DEERING:**

Sure. That's part of the charge. That's part of the initial legislation how they established the Water Authority. And I think over the years they have done that successfully. And it has in many if not every one of those cases the water supply has been better and more reliable.

**LEG. KENNEDY:**

Thank you. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Legislator Kennedy. You left very little to be asked. I do want to ask just one more question. And again your credentials certainly speak for themselves. And, you know, early in my tenure as a Legislator when I was introducing the MTBE law to prohibit that additive, you were a tremendous resource for me being the Chief of Staff in Assemblyman DiNapoli's office and your tremendous breath of knowledge regarding -- you worked with the Legislative Water Commission. And so that certainly translates easily to this position.

I just want to ask for the record a basic question which is you have entered a new field of endeavor. You're now in the private sector. You had been in government almost your entire career. And that must consume a good deal of your time. And how will this impact in that division of time? And how

do you see yourself being able to do both?

**MR. DEERING:**

Well, I think there's a certain overlap in the two of them. You know, the Long Island Association is involved in environmental protection as well as economic development. The issues of a healthy water supply are important for the employees who are going to live here, the residents who are going to live here, the businesses who are going to relocate here or who are here now. It's an extremely important part of what makes Long Island the place to be. So I see it as very complementary to my position; my paid position versus my board position.

**CHAIRPERSON VILORIA-FISHER:**

And there was a key word that you used when you were answering Legislator Kennedy's question regarding the aquifer. And that is judicious. And I hope that it will be a very judicious look at how we access these very important resources. And if we do act judiciously on a case by case basis, I hope that we won't be entering into a slippery slope in these decisions. But I thank you for being here. There's a question by Legislator D'Amaro.

**LEG. D'AMARO:**

Mr. Deering, welcome. And I also appreciate the fact you're taking the time to bring your expertise to this board and share it with this board. I think it's going to be a tremendous improvement to the Water Authority. But I wanted to ask a little bit about that overlap in your private sector as it coincides with the Water Authority itself if a conflict should arise, where you see yourself on two sides of the same issue or proposition; just give me a little insight into how you resolve that conflict?

**MR. DEERING:**

Just as I have done throughout my career. If there's a conflict I'm going to bring it up before. If there's an issue I'm going to make it public before it becomes an issue. I've had great relations with both sides of the aisle here and as well as in my role at the state. And when issues come up, I'm one to go out and reach to the -- reach out to the people who should be involved in that decision making process. I don't see myself changing -- changing my views and attitudes in how I go about doing things with dialogue as opposed to, you know, back room deals.

**LEG. D'AMARO:**

Thank you very much and good luck to you.

**MR. DEERING:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mike. I'm making a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **(Vote: 4-0-0-1. Leg. Losquadro not present)** Congratulations, Mike.

**MR. DEERING:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Is Mr. Tom McAdam here? Okay. I'm making a motion to take 1098 out of order, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1098 is before us to appoint Mr. Tom McAdam as a member of the County Planning Commission.** Good afternoon, Mr. McAdam, and thank you for your patience.

**MR. McADAM:**

Good afternoon, Madam Chairwoman and members of the Legislature. Good afternoon. My name is Tom McAdam. I live -- I live in Cutchogue, Town of Southold. I've been a resident of Suffolk County for about 44 years. And 29 of those years I worked in Suffolk County government in the budget and finance area.

My primary responsibility, I would say, 25 of those years was in the capital program. The capital program as we all know was an interactive process. It involves budget, finance, planning departments, council -- Environmental Quality. And also interaction with many of the town planning -- town boards and the town planning departments.

I found that time in my life very rewarding. I kind of miss the -- the -- I would say the interaction with governmental people. When I retired in 1997 I did some volunteer work for the Town of Southold because my area of expertise during the -- during my county period was in land preservation, open space, farmland preservation. And the town board set up a couple of ad hoc committees to basically work out a process where they could finance these particular projects. I also did some work, and while I'm not currently a member now, the report was finished in the Town of Southold for the Halo committees. And basically each hamlet in the town the -- there was a committee established to best determine what path each of those hamlets should follow. In other words, there would be a development around the hamlet area; and then in the farmland areas which were north of it they wanted to preserve the vistas and didn't want any of that area developed.

So we did quite a bit of work on -- with many of the other hamlet committees to come up with a coordinated plan on how the Town of Southold could go forward in balancing development from preservation. I found that extremely rewarding. The opportunity arose to become a member of the Planning Commission. I felt between the experience that I had over the years working in government, working in the finance and the planning area that I had the qualifications or I felt that I had the qualifications to again serve Suffolk County which was very good to me for 29 years.

More recently in the past six year now I've been a realtor. I'm with Prudential Douglas Elliman Real Estate. I'm an agent. I specialize in residential properties. Occasionally we have land lot, you know, lands for sale and so on. But right now I'm not involved in any kind of development program. I kind of limited myself to the sale of secondary homes. And if you have any questions, I'd be happy to answer them.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. McAdam. I do have a question regarding some of the volunteer involvement that you have because there is a prohibition regarding anyone who's is currently serving in land use committees in a municipality. And you did say that you had been a member of Halo so that's no longer there.

**MS. McCONNELL:**

Right. Halo, yes.

**CHAIRPERSON VILORIA-FISHER:**

And you were or are the Chairman of the Town of Southold Land Preservation Finance Committee?

**MS. McCONNELL:**

That's been -- I would say that ended about two years ago.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. McADAM:**

What happened at that point we developed a plan on how to finance the acquisitions of the development of the farmland and the open space.

**CHAIRPERSON VILORIA-FISHER:**

Okay. It's a moot point if you're not, you know, involved in that right now. Are there any other questions from the Committee? Well, it certainly seems to me that you fit the requirements and the need of the committee to have somebody who is from geographically where you're from, from Southold Town. And you've served -- it says here in the second Whereas someone to -- with a background in real estate and municipal budgeting and municipal finance. And you meet all of the above. So we thank you for your willingness to serve. And good luck with the appointment. Thank you very much.

**MR. McADAM:**

Thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? Motion is approved. Congratulations, Mr. McAdam. It will be going -- both of these appointments will be going to the full Legislature which will meet next Tuesday. You do not have to be present to be approved. Thank you for being here today.

## CEQ RESOLUTIONS

**CHAIRPERSON VILORIA-FISHER:**

We will be going to the CEQ resolutions. Mr. Bagg?

**MR. BAGG:**

Good afternoon.

**CHAIRPERSON VILORIA-FISHER:**

Good afternoon, Jim.

**MR. BAGG:**

I guess the first CEQ resolution before you is **09-07. This is the proposed SEQRA classifications of legislative resolutions laid on the table for February 6, 2007.** It's fairly pro forma and it really outlines those actions that are Type II Action.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by myself, seconded by Legislator D'Amaro. All in favor? Opposed? 09-07 is approved. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**MR. BAGG:**

The next resolution before you is resolution number **10-07. It's for the proposed acquisition of land for open space preservation purposes known as the Doxsee's Creek Addition, Stein property in the Town of Islip.** Council recommends that it's an unlisted action that will not have an impact on the environment. It will not exceed any of the SEQRA criteria and the property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for passive recreation purposes.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**MR. BAGG:**

**CEQ resolution number 11-07 is for the proposed acquisition of land for open space purposes known as the Mastic Shirley Conservation area Froehlich property in the Town of Brookhaven.** Council recommends an unlisted action for the same reasons as stated previously.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**MR. BAGG:**

Next resolution is **CEQ resolution number 12-07. It's for the proposed Shellfish Aquaculture Lease Program in Peconic and Gardiners Bays in the Towns of Southampton, East Hampton, Riverhead, Southold and Shelter Island.** The County is currently developing a lease program. Council recommends that it is a Type I Action and that it may have a significant impact on the environment; therefore, they recommend a positive declaration scoping and the preparation of a Draft Generic Environmental Statement on the program.

**CHAIRPERSON VILORIA-FISHER:**

And, Jim, if you could just refresh my memory on this. It was a Type I Action because with the Type I Action we could include the recommendation for further clarification of the program?

**MR. BAGG:**

Yes. Well, basically I believe it involves over a thousand acres of property owned by Suffolk County and New York State. And that there is potential for physical alteration more than ten acres so in essence it becomes a Type I Action.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Just by the mere size?

**MR. BAGG:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you. Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**MR. BAGG:**

Next resolution is **CEQ Resolution number 13-07. This is for the proposed intersection improvements on CR 19 Patchogue-Holbrook Road at Furrows Road in the Town of Islip.** Council recommends an unlisted action that will not have an impact on the environment for the following reasons. None of the criteria -- SEQRA criteria will be exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Laws of New York State or the Suffolk County Charter or code. The parcel does not appear to suffer from any severe environmental developmental constraints. No poor soils property, no high groundwater and no unmanageable slopes. And four, existing traffic congestion and safety will be significantly improved.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**MR. BAGG:**

Next **CEQ Resolution number 14-07 is for the proposed reconstruction of CR 16 Horseblock**

**Road in the Town of Brookhaven.** Council recommends that this was a Type II Action since the project will involve upgrading the existing drainage system and repaving the existing roadway.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**MR. BAGG:**

Final CEQ resolution before you is resolution number **15-07 for the proposed drainage improvements on CR 39 North Road at various locations in the Town of Southampton.** Council recommends that it is an unlisted action that will not have a significant effect on the environment for the following reasons: None of the criteria of SEQRA will be exceeded, proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of New York State or the Suffolk County Charter or Code. The parcel does not appear to suffer from any severe environmental or developmental constraints. No poor soil properties, no high groundwater and no unmanageable slopes. Existing vegetation on the site will be saved and replanted as part of the project. Existing traffic congestion and safety will be significantly improved.

**CHAIRPERSON VILORIA-FISHER:**

Yeah. And I would just like to add to that, that when we talked about this, as you know there's a major project going on at County Road 39. And this project isn't something that would have to be undone when the larger project does come into effect so it's very much in accordance to what the larger project will encompass. Same motion, same second, same vote. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)** Thank you, Jim.

**MR. BAGG:**

Thank you. You're very welcome.

## **TABLED RESOLUTIONS**

**CHAIRPERSON VILORIA-FISHER:**

We will now go to tabled resolutions, if all the usual suspects could come up. Oh, my goodness, look at Laretta. \$15,000 a piece.

**MS. FISCHER:**

That's right. Doesn't include my costs.

**CHAIRPERSON VILORIA-FISHER:**

And you don't come cheap.

Okay, we're looking at **IR 2096-06. (Authorizing planning steps for acquisition under Suffolk County Save Open, Farmland Preservation and Hamlet Parks fund) (Cooper)** And this -- the sponsor asked that it be tabled, right?

**DIRECTOR ISLES:**

Please.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So I'll make a motion to table, seconded by Legislator Horsley. All in favor? Opposed? 2096-06 is tabled. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**IR 2169-06, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program Manngard/Kleet Revocable Trust Property, Town of Brookhaven. (Schneiderman)** I believe that that didn't have the correct number of points so

-- is there a motion?

**LEG. HORSLEY:**

Motion to table.

**CHAIRPERSON VILORIA-FISHER:**

Motion to table by Legislator Horsley, seconded by Legislator D'Amaro. Okay. All in favor? Opposed? IR 2169 is tabled. **(Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**IR 2240-06, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Toppings Farm property, Town of Brookhaven. (Romaine)**

**LEG. HORSLEY:**

Motion to table.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator Horsley, seconded by --

**LEG. D'AMARO:**

Hold on. What are we on? 2240?

**CHAIRPERSON VILORIA-FISHER:**

2240.

**LEG. D'AMARO:**

I'm sorry. Go right ahead.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 2240 is tabled. (Vote: 3-0-0-2. Legislators Kennedy and Losquadro not present)**

**IR 2297-06, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Robbins property, Town of Brookhaven. (Lindsay)** We had several speakers on this earlier. And there had been an issue regarding DPW and the taking of some property. Have those issues been resolved?

**DIRECTOR ISLES:**

Well, I think to the extent necessary at this point in time they probably have. We have received from DPW in the past couple of weeks a copy of the proposed taking map. What it indicates is a proposed recharge basin in the back of the property. And it seems that it's been laid out in a manner to minimize the impact on this property. It's kind of rectangular shape on the south side of the property. And then there is also a taking at the corner that tapers on both street frontages. So if we get to the question then about the proposed hamlet park, it would appear that neither of those two takings would interfere with or block the development of a hamlet park. There would certainly be potential issues with -- that would have to be coordinated with DPW on the exact layout of the park. And especially if there's going to be parking and a parking lot and access. But as far as what we've seen and the information provided by DPW we don't see a problem with that. Let me just point out that we did do a rating on this and I'm not sure if we handed that out in a prior meeting -- we did.

**CHAIRPERSON VILORIA-FISHER:**

I don't have it, no. I have the previous rating of 12, but I was wondering with these changes if there would be -- does that impact the rating?

**DIRECTOR ISLES:**

I don't think it impacts the rating, although I did have a chance to speak to a couple of the residents that are here today on this. We base the rating upon the best available information we have when we do this. And I provided them with a copy of the rating form today. 12 is pretty far below what the standard cut-off is for planning steps resolutions. Certainly if they feel that there can be more points added in, for example there's 10 points for community support, if there was some demonstration of that, that could certainly add significantly to this. So at this point, though, we see the 12; but understand then -- oh, the other point, too, I just wanted to mention is we understand that the Town of Brookhaven is going to be about partnering on this as far as the management of the property.

**CHAIRPERSON VILORIA-FISHER:**

That's what they testified to earlier.

**DIRECTOR ISLES:**

Right. And we understand that they are preparing a letter to that effect. We haven't seen it yet. Pardon me?

**LEG. D'AMARO:**

That changes the rating?

**DIRECTOR ISLES:**

Yeah. That would add 4 points. So it's not a lot but it's just something in terms of inter-municipal. And for hamlet parks I think that probably should be a higher point but because it's -- the issue of the County maintaining these little parks is a big issue as far as we're concerned. So that would be it. I think as far as the DPW issues and the road issues, I don't think those are -- those have been adequately answered as far as Planning Department is concerned. I don't know if they impact negatively on the hamlet park. As far as the rating is a little soft at this point or a little short. It appears that they get additional points with the community support and potentially with the Town of Brookhaven support. And if we can just amend that with some little more information, that would be helpful.

**CHAIRPERSON VILORIA-FISHER:**

I would be inclined to try to move this out of committee with a discharge without recommendation pending an indication that there is support from the Town of Brookhaven regarding the management piece of it which one of the speakers testified earlier that was present because that would also indicate that there's community support, not only municipal support but the community support. Those are two separate indicators.

**DIRECTOR ISLES:**

Right. And the fact that there was civic representatives here today is obviously another indicator of community support.

**CHAIRPERSON VILORIA-FISHER:**

Of community support.

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

And so what I -- I'm contemplating at this point is a discharge without recommendation asking the civics for a letter of support from the civics. And I will ask the sponsor to make a call to the Town of Brookhaven, or I will do that, to see if we can get an indication before Tuesday that there's support from the Town of Brookhaven. Any other comments on this?

**LEG. D'AMARO:**

Sounds good.

**CHAIRPERSON VILORIA-FISHER:**

I'm going to make a motion to discharge without recommendation.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? 2297 is discharged without recommendation. And if someone from the Presiding Officer staff can let him know that we are seeking word from the Town of Brookhaven regarding their commitment to this particular project. And welcome, Legislator Losquadro. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

Okay **IR 2433, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Town of Smithtown. (Nowick)** I'm going to make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro.

**LEG. LOSQUADRO:**

Just on the motion.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

Madam Chair, have you had any conversation with the sponsor regarding this since the last meeting?

**CHAIRPERSON VILORIA-FISHER:**

No, I have not. And actually the change that occurred, if you recall, we were concerned about the building.

**LEG. LOSQUADRO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

But that piece is no longer there. What happened though with removing that piece the contiguous nature with the other preserved properties is no longer there; and so it moves it further away from other publically owned properties.

**LEG. LOSQUADRO:**

Yes. All right. I'll make sure to reach out to Legislator Nowick to ask what her -- her pleasure on this is given the current circumstances and the lack of continuity between preserved property. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion and a second. All in favor? Opposed? 2433 stands tabled. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

**2441, a Charter Law strengthening legislative oversight of real property donations and transfer of development rights. (Stern)** That has to be tabled for a Public Hearing.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

I'll make that motion, seconded by Legislator Losquadro. All in favor? Opposed? **IR 2441 stands tabled. (Vote: 4-0-0-1. Leg. Kennedy not present)**

I was just going to look around for you, Commissioner. Can you please come on up because we do have questions for you. **IR 2531, adopting an official map for Suffolk County. (Lindsay)** And I understand that you have some reservations regarding this; this resolution.

**COMMISSIONER ANDERSON:**

Yes, Madam Chairwoman. I have a memo that I have prepared for Tom Isles that I have copies of for the Committee to review. I'd like to discuss it briefly. I brought along Jeff Mascaro, Public Works Condemnation Unit. He's the Property Management Administrator.

The legislation for the official county map as it stands if approved would significantly impact the way Public Works does business especially with regard to highway rehabilitation and construction projects. DPW has a number of divisions that would be impacted in this legislation if I could just briefly go through them for you. And it is listed in the back as well but the Condemnation Unit handles all real estate transactions, acquisitions, dispositions, exchanges for DPW. By the very nature every real estate transaction would result in a change to the official county map.

Permits. The legislation would impact proposed accesses to county roads. Permits required for the -- well, I apologize -- required -- let me try again. Accesses to county road requires an issuance of a curb cut permit which contains specific conditions such as construction requirements, bonding, permit costs and dedications of real property. Assuming a county map is adopted, the issuance of permits can be effected.

Highway maintenance. Part of the official map legislation requires New York State approval. We have an ongoing discussion with State Highway about maintaining their service roads and their ramps. This would be something where they would be able to hold over our heads if an official map was approved.

Traffic safety. Frequently in doing rehabilitation or upgrades of intersections, we need to reconfigure or add onto intersections. This would acquire -- would require amendment of the official map. And in construction we frequently have to obtain temporary working easements which by their nature would increase the foot print of county property which would require revisions to the official map. The amendment of the map, just the process alone would take, at our guess at best 45 days. It would -- this would -- you know, obviously the 45 days would significantly impact our ability to complete a project within a timely manner. It's going to further slow down and create a bureaucratic trail that we don't, you know, what we're concerned about.

**CHAIRPERSON VILORIA-FISHER:**

This is a long memo. And there's certainly quite a bit. And I'm prepared to make a motion to table so that we can digest this. There's a lot of information here. But there had been some questions asked at previous meetings of this committee. And they were specific questions from Legislator Losquadro regarding the amending process. And what I'm curious about is what you're saying, Commissioner Anderson, which would seem to say that the map would have to be amended before any changes could be made. And that doesn't seem practicable to me. It would seem that changes -- that the map would reflect what changes have already been made. So this is somehow counter-intuitive for me. I'm going to recognize Legislator Losquadro because this has been the line of questioning that he's had since we've been discussing this particular issue.

**LEG. LOSQUADRO:**

Thank you, Madam Chairwoman. One of the questions that I had and I just circled it again here in your memo, everyone keeps referring to the map amendment procedure. But so far I haven't heard a clear explanation of when that would have to take place. I see here it spells out how the amendment would be done, but the question that I had asked and I still haven't got a clear answer to was, when would we have to do that? The example that I cited would be like a Hagstrom map. Every time a new street is built, the Hagstrom doesn't put it on their map. They -- you know, they do it en mass. And they, you know, they copyright it every couple of years. And they do, you know, an update. Legally could we do something like that and only have to update it once a year? Once every two years? Or would it have to be updated every time we approve a curb cut as you mentioned earlier? Obviously that would be extremely cumbersome. And it would be something that I don't think we even could comply with legally. So is that something that we're wrestling with right now or do we have an answer to that question?

**COMMISSIONER ANDERSON:**

That is one of our concerns. And I think probably to address it best Dennis Brown is here from the County Attorney's Office, I believe? He might be able to better answer that question. That is one of our big concerns with this.

**MR. BROWN:**

Thank you. From the County Attorney's Office Dennis Brown for the record. You asked the question last time. And again I have to give you the same answer. The map can be amended when the Legislature deems it to be in the public interest. And that's in section 239 of the General Municipal Law. I agree with you.

**LEG. LOSQUADRO:**

You're going to leave this up to us? Do you really think that's wise?

**MR. BROWN:**

I agree with you. It doesn't make sense that every time that there is an alteration to a particular right-of-way, a particular intersection, the layout of a particular parcel, that the map be amended. And from a practical standpoint, if the statute says that it can be amended when it's deemed to be in the public interest for the public benefit, it would seem that it best be done collectively.

**LEG. LOSQUADRO:**

And that was sort of the same answer that I recall. My problem there is, and, you know, again as the Chairwoman pointed out, this is a lengthy memo. But it points out some of the potential legal implications of items not being included on a timely basis. So if we were to wait that six months or a year, could that potentially open the County up and expose them to liability that otherwise we would not suffer if we did happen to adopt this official map?

Again, these are -- these are all questions I'm going to have to, you know, read through this carefully. But, you know, these are all questions that I'm sure are brought up in greater detail in this memorandum. So I'll look through it. I'll have to confer with the County Attorney's Office again because I think before we move forward with something like this, we would need to know the legal ramifications and the potential liability exposure of, well, number one, leaving this subject to legislative discretion. I think it would be better to possibly amend the resolution to be on a set schedule even if it were X number of changes or X period of time; that there be a set schedule by which the map would or could be amended. I think it's just too open-ended at this point. So I look forward to going through these questions and this memorandum. I thank you for your time, Mr. Anderson. Thank you, Mr. Brown, also.

**MR. BROWN:**

Okay. Thank you.

**LEG. D'AMARO:**

Okay, thank you Legislator Losquadro.

**LEG. LOSQUADRO:**

Did we have a motion and a second?

**LEG. HORSLEY:**

Motion to table.

**LEG. D'AMARO:**

There was a motion pending to table. It had been -- it had received a second. So if there are no other questions, I'll call the vote. All in favor? Any opposed? Abstentions? The motion carries and that resolution is tabled. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

All right. Going back to the agenda, the CEQ resolutions were previously addressed by the committee.

### **INTRODUCTORY RESOLUTIONS**

Next item on the agenda is part VII, introductory resolutions.

First is resolution number **1018, Authorizing planning steps for acquisition under Suffolk County's Save-Open-Space Farmland Preservation and Hamlet Parks Fund, Property of Grace Presbyterian Church, Town of Brookhaven (Caracappa)**. This is planning steps authorization. And I guess we have a hand out on this. Yes, Mr. Zwirn? Good morning or good afternoon. Please go ahead.

**MR. ZWIRN:**

Yeah. Thank you. From the County Exec's Office. This is a piece of property that has been approved for planning steps under two prior resolutions. And I think the problem arose -- I think it was under two different -- under two different funding sources. But I think the problem arose is that the organization -- because this is active -- active parkland. And the organization that was suggested that would manage the property for the County, I think, the BRO Report, I believe it was, said that they had some questions about their fiscal ability, whether they could actually have the wherewithal to do it. And that's what -- that was the stumbling block. And I don't know if that -- if that has been resolved. It's something that -- I mean, it wasn't the County Exec's Office, but that's the history, I think, of this particular resolution.

**MR. NOLAN:**

Yeah, I think it was under Multifaceted Stage II?

**MS. FISCHER:**

Yes.

**MR. NOLAN:**

And I believe there was a problem. And I believe that's why there's a new resolution to slot it under a different program.

**DIRECTOR ISLES:**

I'm not sure if I understand that. If it's under a new program for the purpose of doing an acquisition under the Hamlet Park Program as an Active Recreation?

**MR. NOLAN:**

That's what it is now.

**DIRECTOR ISLES:**

Yeah. Under SOS you're saying?

**MS. FISCHER:**

So we're --

**CHAIRPERSON VILORIA-FISHER:**

Under Hamlet Park under SOS, you're saying?

**MS. FISCHER:**

So it wouldn't be necessarily the same Active Recreation Stage II requirements, then?

**MR. NOLAN:**

Right.

**DIRECTOR ISLES:**

Is it the same use or do we know that or no?

**MR. NOLAN:**

That I don't know.

**DIRECTOR ISLES:**

Okay; for us to evaluate it.

**CHAIRPERSON VILORIA-FISHER:**

Well, I have a question about that. You're saying you don't have to have a group that's going to be working with us on that, that meets the requirements?

**MR. NOLAN:**

Under the SOS Hamlet Parks, I don't recall if you need a group on that.

**DIRECTOR ISLES:**

I don't think it's in the program requirements, but we think, as we mentioned just previously with the Portion Road site, is that for the County to maintain these little pieces is suicide. I'm sorry.

**MR. NOLAN:**

Right. But it's not a legal requirement.

**DIRECTOR ISLES:**

But it's not a good idea at all.

**CHAIRPERSON VILORIA-FISHER:**

So is there a partner?

**MR. NOLAN:**

That I don't know, I don't think so.

**DIRECTOR ISLES:**

But if there's an arrangement with some organization, the town or something like that, then that could be fine.

**LEG. HORSLEY:**

You want to table this?

**CHAIRPERSON VILORIA-FISHER:**

There's a motion to table by Legislator Horsley, seconded by myself. And I would like to speak with

the sponsor regarding whether or not there is a group that would be managing this program. So I'll speak with -- because the program has changed. So I'll try to speak or -- Legislator Losquadro, if you could try to speak with Legislator Caracappa regarding the group that would be working with us on this. Okay, there's a motion and a second to table. All in favor? Opposed? Abstentions? **IR 1018 stands tabled. (Vote: 4-0-0-1. Leg. Kennedy not present)**

**IR 1020, authorizing planning steps for the acquisition of land the New Suffolk County Drinking Water Protection Program Lenzer property, Town of East Hampton. (Schneiderman)**

**LEG. D'AMARO:**  
Motion to table.

**CHAIRPERSON VILORIA-FISHER:**  
Okay. She's giving us out information first on that.

**LEG. D'AMARO:**  
Oh, I thought we had the rating on this already.

**CHAIRPERSON VILORIA-FISHER:**  
Maybe she's got new information.

**DIRECTOR ISLES:**  
Sure, whenever you're ready. Laretta has circulated an aerial photograph which is a very colorful aerial photograph indicating the subject parcel in the red boundary in the upper part of the map. The parcel's a little over two acres in area. There is some private conservation that's occurred in this area in terms of Peconic Land Trust having certain easements.

There have also been prior county legislative resolutions including the areas that are outlined in that orange. I will point out that there has not been a lot of county acquisition however. We're dealing with an area which is top of the market in the east end, the south fork, in terms of real estate values. They're subdivided lots so that adds value. And there's, here again, not been a lot of actual transactions or acquisitions.

So the subject parcel has been reviewed based on the County's program. It is within the South Fork Special Groundwater Protection area. It does have value for that; however given the fact that it's not adjacent to other county lands or part of a larger whole picture for county acquisitions, it's not one that scored very high. We came up with 14 points. I will point out that the parcel to the immediate left of the colored parcel, the subject parcel is the Peters property which was before you a few months ago. The actual yellow part is the part that was authorized for planning steps. So it's not too far from that. But many of the issues that were brought up with the Peters property in terms of high value land with low density zoning, with private conservation easements through Peconic Land Trusts in those purple areas, certainly the protection of the aquifer's important. However, we think that this is one that we would call into question as to the appropriateness of public acquisition or county acquisition. And certainly with a point score at 14 we feel it is not one that we would recommend to you today. You can also see it doesn't have much access or visibility either.

**CHAIRPERSON VILORIA-FISHER:**  
Tom, when we originally looked at the Peters property, it also received a low rating. And later after it had been reviewed when they had hired reviewers, they came back with endangered, threatened and/or species of special concern which gave them more points; habitat diversity. I believe that was several areas where their consultant found --

**DIRECTOR ISLES:**  
There were two major areas. One was the box turtle or the box turtle shell. And that was one. And the second was the kettle topography. And the spotted --

**CHAIRPERSON VILORIA-FISHER:**

Well, we have a kettle hole in this also.

**MS. FISCHER:**

Yeah, they do have that specifically --

**CHAIRPERSON VILORIA-FISHER:**

And you list that. You can bet eight points, the kettle hole. Or -- no, you give it three points, I'm sorry.

**DIRECTOR ISLES:**

I also had Spotted Winter Green.

**LEG. HORSLEY:**

Maybe the 14 points went for the hole.

**CHAIRPERSON VILORIA-FISHER:**

Right. Three out of the 14 points was for the kettle hole.

**MR. ZWIRN:**

Madam Chair, if I might, the Town of East Hampton has a very active land acquisition program. And they had been reluctant originally when we talked about the Peters property --

**CHAIRPERSON VILORIA-FISHER:**

I know, they wouldn't partner with us on it.

**MR. ZWIRN:**

Right. And one of the reasons that I found out when I spoke to the town was that the town had looked at the property. And it's a very nice area. And it's an area in the special groundwater protection zone. But they wanted public access. And that was part of the arrangement that they said that they were going to be interested in taking that as part of their community preservation funds. They wanted to have trails through there that the public could walk on. And at that time Mr. Peters said that was not on the table; that they would not permit public access. So, I don't know Mr. Peters personally. But it looks like that this property is being preserved all around his house. He owns a bunch of the property that he could sell or preserve on his own. But the major beneficiary, unless there's going to be public access to this property is going to be Mr. Peters at public expense.

**CHAIRPERSON VILORIA-FISHER:**

Well, if the County buys the property, we have public access.

**MR. ZWIRN:**

Well, that's why the Town of East Hampton the deal fell through from what I understand. So I don't know if Mr. Peters' position has changed with the planning steps resolution that was passed by this Legislature earlier this year.

**CHAIRPERSON VILORIA-FISHER:**

But if we buy the property, we have public access. It's not up to Mr. Peters.

**MR. ZWIRN:**

That's why the deal -- I'm just saying that's why the deal fell through with the town. I don't know if he's changed his position with respect to the town -- with the County, but that was his position. That's why there was no deal with the Town of East Hampton.

**CHAIRPERSON VILORIA-FISHER:**

No, but, Ben, what I'm saying --

**MR. ZWIRN:**

I understand what you're saying.

**CHAIRPERSON VILORIA-FISHER:**

-- is that if we buy it, he doesn't have to agree with that. And this isn't Mr. Peters' property, is it?

**MR. ZWIRN:**

No, this is adjacent to his property on the other side.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Well, actually adjacent to the conservation easement; right?

**MR. ZWIRN:**

And his property.

**MS. FISCHER:**

Which is on his property.

**CHAIRPERSON VILORIA-FISHER:**

That's his property. That's Mr. Peters' property. That conservation easement is his property.

**DIRECTOR ISLES:**

A portion of his property.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And to the east or the north east that -- that's Peconic Land Trust?

**DIRECTOR ISLES:**

Peconic Land Trust holds an easement -- a conservation easement on that property.

**MS. FISCHER:**

Yeah, on the northern --

**DIRECTOR ISLES:**

Right. Outlined in the purple color.

**CHAIRPERSON VILORIA-FISHER:**

Outlined in the purple.

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So what access would there be to the proposed acquisition; from that cul-de-sac?

**DIRECTOR ISLES:**

Yes.

**MS. FISCHER:**

It's a flag lot.

**CHAIRPERSON VILORIA-FISHER:**

It's a flag lot from that cul-de-sac?

**MS. FISCHER:**

Correct.

**CHAIRPERSON VILORIA-FISHER:**

That's the only way that there would be access to the property?

**DIRECTOR ISLES:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

Are there any other questions? Is there a motion?

**LEG. D'AMARO:**

I can see what it's rated 14.

**CHAIRPERSON VILORIA-FISHER:**

You had a motion to table. Is that a second on the motion to table?

**LEG. HORSLEY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Horsley. Okay. All in favor? Opposed? Okay. What's the number of this one? **IR 1020 stands tabled. (Vote: 4-0-0-1. Leg. Kennedy not present)**

We've already voted on 1028.

**IR 1050, amending the 2007 operating budget to transfer funds from Water Quality Protection Fund 477 and amending the 2007 capital budget and program and appropriating funds in connection with a watershed study of Lake Panamoka. (Romaine)**

**LEG. LOSQUADRO:**

I'll make a motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I would like to ask some questions regarding this. It seems a little bit unusual to be using -- I understand there's going to be some monies -- Brookhaven Town monies involved in this. But what does it entail? Do we still have DPW here? No? Ben, could you tell us?

**MR. ZWIRN:**

We can't find a request for a study on this particular property. And apparently the Town of Brookhaven recently passed a resolution to do this; it was done in sort of an odd way. Usually my understanding is that the bills are usually drafted by the Law Department in the Town of Brookhaven. And this one came out of -- sort of out of left field, which is not to say they can't. But it was just a little bit unusual. And we don't know if there's been any request by anybody to have this particular project done; so we're not sure exactly where this came from and why would we be using 477 money for this particular project. There are other lakes out there that probably would be a priority over this particular one.

**LEG. LOSQUADRO:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Even though it's not within my Legislative district, I actually happen to be very familiar with the area. My grandparents owned a summer house that Lake Panamoka community grew up as a summer community back in the 50's and 60's. They no longer have that residence. It was sold after my grandmother past on. But knowing that area as I do, the topography is such that all the roads channel down towards the lake. And you have significant number of freshwater wetlands in some of the out lakes, if you will, the smaller ponds that connect in with the main body of the lake. And those roadways all funnel down towards there. And if they're having a problem with some of those waterways, as I imagine they are, I think water quality protection money would be well spent in funding a study to see since we are currently looking at where we can improve our run-off problems.

This is an area where I think water quality protection money could be well spent. That is obviously a direct conduit into our -- our drinking water. The middle of Lake Panamoka is quite deep. And if we have surface run-off entering that lake, I think water quality protection money would be well served here.

**MR. ZWIRN:**

The only other thing I would add is that we have a committee that reviews these 477 projects. And I'm not sure this has been -- has gone before the committee and been recommended. So -- I mean that's something that I would like to check into before we move forward. It was a big issue, I think, last year --

**CHAIRPERSON VILORIA-FISHER:**

Ben, you took the words out of my mouth. I was going to make a motion to table.

**LEG. HORSLEY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Because I haven't seen a recommendation from the 477 -- the Water Quality Committee coming out this. And I would also like to hear from DPW regarding this issue. We do have a lot -- many areas around Suffolk County that have had water -- storm water run-off issues. And we have to be careful how we spend that money. And I would rather see it -- it's important to have the input of the towns. But we have to look at it carefully. And so I'm going to make a motion to table at this time, seconded by Legislator Horsley. All in favor? Opposed?

**LEG. LOSQUADRO:**

On the motion, Madam Chairwoman?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

I just -- I will vote on that provided -- I just want to get the answer from Counsel. I heard the question but I just want to make sure it did not pass through the steering committee yet?

**MR. NOLAN:**

I don't know if it went before that committee or through it. It does have to.

**LEG. LOSQUADRO:**

Yes.

**MR. NOLAN:**

It does have to have that approval or at least go through that committee. I don't know if it went through the committee. I don't know. I can try to find out if you'd like to -- we'll make some

inquiries right now.

**LEG. LOSQUADRO:**

If you could. You know, obviously there's some questions here. But for the moment absent that knowledge I'm going to abstain on this vote.

**CHAIRPERSON VILORIA-FISHER:**

Commissioner Gallagher.

**COMMISSIONER MEEK-GALLAGHER:**

Just on that, since this is a new resolution and there has not yet been a meeting of the Water Quality Review Committee this year, we can pretty safely say it has not been before the committee yet.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. LOSQUADRO:**

I can take the Commissioner's word on that. I'll go along with the tabling motion. But if we could see if this could come before that committee, again, I think this is a worthwhile protect.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Commissioner. Okay. We had our vote. Did you want to change yours to a yes?

**LEG. LOSQUADRO:**

Well, I didn't know if you actually called it.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I didn't call it. Okay. So there's a motion to table and a second. All in favor? Opposed? Motion carries. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

Okay. **IR 1071, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the San Remo Rivera-Schmidt Revocable Trust property, Town of Smithtown. (Lindsay)** I'll make a motion to approve place and place on the consent calendar, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1071 is approved and placed on the consent calendar. (Vote: 4-0-0-1. Leg. Kennedy not present)**

**IR 1072 making a SEQRA determination in connection with the proposed acquisition of land for Open Space preservation purposes known as the Greens Creek addition, Dutchman Mooring, LLC property, Town of Islip. (Lindsay)** Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

**IR 1073, making a SEQRA in connection with the proposed of land for Open Space Preservation purposes known as the Seatuck Creek Watershed addition, Grausso property, Town of Southampton. (Lindsay)** Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

**(1074) making a SEQRA determination in connection with the proposed acquisition of land for Open Space Preservation purposes known as the Saw Mill Creek Addition, Patterson property, Town of Riverhead. (Lindsay)** Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Kennedy not present)**

**1075, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Master/Shirley Conservation area II**

**addition, McLaughlin property, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Kennedy not present)**  
**IR 1076, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund, South Seas Holding Corp property, Town of Islip. (Lindsay)**

**DIRECTOR ISLES:**

Okay. The subject parcel is outlined in the red on the aerial photograph that's been submitted to you. I will point out that there are two other recent resolutions of the Legislature in this area. The one in orange is 2088 passed 2006. And the one in purple is 2118.

The sponsor has previously indicated to the Planning Department that there is an intention to develop a youth sports center here using private dollars, not-for-profit dollars. Development has commenced on the parcel to the west which has the house on it. That's been cleared. This is right off of Montauk highway in Sayville right by a train trestle. So as far as we understand the plans for this area, the intention is to construct a building that'll be used for multi purpose youth sports activities, basketball and things like that on private property; not-for-profit property. My understanding is that additional lands were going to be purchased by the County or proposed for purchase to complement this, to provide parking and so forth.

So in the larger sense this redevelopment to come up with community recreation within walking distance of the town center certainly makes sense; has attributes to it. I think what we are a little unclear of at this point we haven't had a chance -- I haven't had a chance to speak to the sponsor in terms of, I didn't know this parcel was proposed to be added in, the one acre parcel. So I would like to get an update in terms of what the intention is, what the plans are and so forth. And, so we did do a rating. And the rating came up pretty high in this case, 37 points. We're not quarreling with that. But I think the -- the other point we're making with Hamlet Parks consistent today --

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry, Tom, can you just back up a little?

**DIRECTOR ISLES:**

Sure.

**CHAIRPERSON VILORIA-FISHER:**

I didn't quite follow what you said about the one -- isn't this the one acre parcel that we're talking about? So you said you were not sure of -- can you just say that again?

**DIRECTOR ISLES:**

Well, previously in my discussion with the sponsor he had talked about a plan that would have -- where the County's participation would accentuate or embellish this private not-for-profit development of a youth sports center at this location. It fit into a larger plan. It was a partnership. It was cooperative and so forth.

At that time the one acre parcel that's before you today was not part of that discussion so I'm not fully up to date as to what the current thinking is on this. So I think in the larger picture the idea of this redevelopment improvement is good. Specifically what the intention is for this current piece I'm not aware of.

And my only particular point is where we're dealing with open space or farmland where it's determined what the use is going to be, that's one thing. When we're dealing with redevelopment, the cost of removal of buildings, the development of a park, parking lot and ancillary facilities and bathrooms and stuff, I think we just have to raise the bar in terms of having information, having partners and so forth to minimize -- to make sure it happens the way everybody thinks it's going to happen, to minimize impact on the County in terms of capital cost and then operating cost going

forward.

So my report to you today is we understand what the larger picture is here. We think it makes sense next to the town center to have these types of facilities. But on a specific level we have not had the chance to find out specifically what's proposed here and then to evaluate that back to you more fully.

**CHAIRPERSON VILORIA-FISHER:**

Okay. My understanding was that this was part of the larger picture that this --

**DIRECTOR ISLES:**

The picture's growing and that may be good.

**CHAIRPERSON VILORIA-FISHER:**

Yeah.

**DIRECTOR ISLES:**

As I said, there are two other prior planning steps resolutions. And here again that may be good. I just don't know enough to comment specifically on that part of it. And that's all.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Losquadro has a question.

**LEG. LOSQUADRO:**

Ms. Zielenski, if you want to inject first.

**MS. ZIELENSKI:**

If it would be helpful I was at the last information meeting that was held on this particular property. The area that's outlined in red is currently owned by Mr. Cullen who is not-for-profit developer. And as he's put his master plan, if you will, through the Town of Islip Planning, they've made certain changes and adjustments to suit the town as well as the County's input. And it's my understanding now that the development that the County would intend to pursue in this area would be relocated into the area that's in red.

**DIRECTOR ISLES:**

And not happening in the other two pieces.

**MS. ZIELENSKI:**

And not happening on the other two pieces. They're going to move the building down -- the central administration building that Mr. Cullen intends to build, I think, would be located on those parcels down here. And the active parkland would be here and also in here (indicating).

**CHAIRPERSON VILORIA-FISHER:**

So the County would not be involved in the southerly piece; is that what you're saying?

**MS. ZIELENSKI:**

The County would be involved ultimately in some area here (indicating).

**DIRECTOR ISLES:**

Of the purple.

**MS. ZIELENSKI:**

Of the purple.

**CHAIRPERSON VILORIA-FISHER:**

We can't see where you're pointing "here" obviously.

**MS. ZIELENSKI:**

And in the red area as well.

**CHAIRPERSON VILORIA-FISHER:**

Have you yet ordered appraisals on the piece with the purple?

**MS. ZIELENSKI:**

Appraisals?

**CHAIRPERSON VILORIA-FISHER:**

Have you appraised any of the pieces?

**MS. ZIELENSKI:**

I think the appraisals have been ordered for the purple. They have not been done on the west of the property at this time.

**CHAIRPERSON VILORIA-FISHER:**

Okay. But if we're changing the configuration, should we spend money on having appraisals done if we're not going to be --

**MS. ZIELENSKI:**

Well, the area that's in purple --

**CHAIRPERSON VILORIA-FISHER:**

-- acquiring them?

**MS. ZIELENSKI:**

-- is owned by the Cemetery Association. And they never intend to sell the property, but they're willing to lease it to us for a long term lease; 50 years or better lease in terms of minimal development.

**CHAIRPERSON VILORIA-FISHER:**

218 -- IR 218 is not an acquisition resolution?

**MS. ZIELENSKI:**

It's a -- there's a name for it. It's an acquisition --

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry. 2118.

**MS. ZIELENSKI:**

Because it's a long term lease, it's an acquisition for a finite amount of time. An acquisition for a time -- -

**CHAIRPERSON VILORIA-FISHER:**

So it's some kind of license for --

**MS. ZIELENSKI:**

-- where you -- on the purple. Yes, that's a lease. On the purple thing only they don't call it a lease. They call it some sort of an acquisition for time.

**CHAIRPERSON VILORIA-FISHER:**

And then -- 2088, has there been any change in that?

**MR. ZWIRN:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MR. ZWIRN:**

This is part of a project that the Presiding Officer has been working on. The other side of this property is where the skate board park is going to be going in. And they were going to lease this property from the cemetery which does not want to give up -- it's currently -- they're holding it in reserve because they have property adjacent to it; is that right, Terry?

**MR. PEARSALL:**

Basically what you're saying.

**MR. ZWIRN:**

And I think they want to put a field here as part of that sports complex.

**MS. ZIELENSKI:**

This is the field. This is the skateboard park.

**CHAIRPERSON VILORIA-FISHER:**

Well, I know this had to do with the skateboard park. I'm just trying to --

**MR. ZWIRN:**

The skateboard park was on this side. This is going to be like a lacrosse field or soccer field as part of that whole complex; but this was going to be part an additional -- all part of the same complex but this was going to be --

**MS. ZIELENSKI:**

That's 2118.

**MR. ZWIRN:**

Right.

**MS. ZIELENSKI:**

Okay. The current proposition is on this red area which is the skateboard park.

**MR. ZWIRN:**

That's what we're talking about?

**MS. ZIELENSKI:**

Yes.

**MR. ZWIRN:**

Okay. But that's all part of it. This is the skateboard park.

**CHAIRPERSON VILORIA-FISHER:**

I'm just trying to get this straightened out.

**LEG. LOSQUADRO:**

I thought I was in the middle of asking questions.

**CHAIRPERSON VILORIA-FISHER:**

But I didn't want her -- I didn't want to go into -- what Pat just said, was that there were changes on the -- in the plan. And rather than expend any money on appraisals that haven't moved forward yet, I wouldn't want -- if we're changing the dynamic, I don't want to throw money at appraisals.

**LEG. LOSQUADRO:**

Absolutely. I couldn't agree more.

**CHAIRPERSON VILORIA-FISHER:**

I think Pat is trying to say something else. I'm sorry. And then we'll get right to you. I'm sorry for interrupting.

**LEG. LOSQUADRO:**

You don't want to let me ask this question, do you? But please continue.

**MS. ZIELENSKI:**

The purple which we already have a resolution on, which was the question about the appraisals, is a different issue because that was not tended to be developed with any structures but rather be designed to handle just fields. And that would be the long term lease. And that's what we've put in for appraisal. The area in red is a separate issue.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Losquadro has patiently been waiting to ask his question.

**LEG. LOSQUADRO:**

What I really want to ask was more about the mechanism by which this will take place. The private entity I know it was discussed earlier that some of this would be built without county money. And I know we had a similar endeavor up in my district with the "Wedge property." The County purchased the land. The Town of Brookhaven through their Parks Department built out the fields and recreational areas. And while they've done good work, the private not-for-profit group has now for a number of years had quite a bit of difficulty in raising the funds to fulfill their somewhat small commitment to the process.

So I always question -- you know, everyone goes into these things with the best of intentions. But it's a lot harder to raise this money and get these projects underway than a lot of these groups give credit for. If this is something that we're going to enter into with the expectation that a private group, and no level of government is going to build this out, I would really like to take a long hard look at their financial ability to enter into that before we expend money in purchasing or leasing property. I know Legislator D'Amato had questioned the North East Youth Sports Association in the bill that Legislator Romaine had put forward and -- as to their economic viability from moving into -- just creating some fields. This sounds like it would be more involved than that.

So if we're going to move forward with this, I would like to see something really concrete as to, number one, what group we're going to be dealing with here. And number two, what is their ability to, you know, to reasonably get this project completed within a set time period and not just have it open ended. And, you know, five, seven years later have them still out there, you know, trying to raise money, you know, a hundred dollars at a time. We need something that we know is going to happen if we're going to move forward with expending our dollars.

**LEG. KENNEDY:**

Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Any answers as far as the fiscal -- fiscal viability of the group that's going to be maintaining --

**MS. ZIELENSKI:**

It's my -- it seems to be a gentleman by the name of Mr. Cullen. And he doesn't seem to be concerned about funding. He has a plan in place that's currently before the Town of Islip that's quite extensive where he's doing the acquisition of property and the construction of buildings. Our interest there would be an auxiliary interest to his development. What he's offered, as I understand it, is a cooperative use of a building he intends to build that would contain rest rooms that would be

available for areas that the County might develop so that they wouldn't have to duplicate that sort of facility.

**LEG. LOSQUADRO:**

This Mr. Cullen would be the same philanthropic Cullen family or no?

**MS. ZIELENSKI:**

No. No, actually it isn't.

**LEG. LOSQUADRO:**

Just another independently wealthy Cullen?

**MS. ZIELENSKI:**

Yes.

**LEG. LOSQUADRO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

But we are talking about the acquisition of the piece that's in red?

**DIRECTOR ISLES:**

Yes.

**MS. ZIELENSKI:**

And we're talking about the lease again.

**CHAIRPERSON VILORIA-FISHER:**

Oh, this is another lease? It looks --

**MS. ZIELENSKI:**

He's gone ahead and purchased that property as I understood.

**CHAIRPERSON VILORIA-FISHER:**

This says authorizing planning steps for acquisition under Suffolk County Save Open Space Hamlet Parks.

**MS. ZIELENSKI:**

Yeah. He's purchased the area that's in red.

**LEG. KENNEDY:**

Can I jump in and just ask -- who's in title?

**MS. ZIELENSKI:**

As I understand it, Mr. Cullen is in title.

**LEG. KENNEDY:**

So we want to buy an acre from Mr. Cullen for us to have him build a recreation center?

**MS. ZIELENSKI:**

No. We were interested in leasing a long term lease from Mr. Cullen.

**LEG. KENNEDY:**

How long is long term lease?

**MS. ZIELENSKI:**

Fifty years.

**LEG. KENNEDY:**

50 years. Anything over 49 is TP584 line; correct? And that's treated and taxed as the equivalent of an outright transfer. Why would we want to go ahead and buy something or lease for 49 years -- I'm sorry, 50 years that he would build a recreation center on? What's his motivation to go ahead and build something that purely would be available solely for recreational purposes? Is there going to be any proprietary interest?

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy, can I just interrupt you a second? I'm sorry to barge in; but the resolution says authorizing planning steps for acquisition under Suffolk County Save Open Space. I think it's a little bit late in the day, and I'm going to make a motion to table because we just have too many questions about this. It's very complex. And do I have a second?

**LEG. LOSQUADRO:**

I'll second.

**CHAIRPERSON VILORIA-FISHER:**

It's late in the day and we really have to sort this out before we make --

**LEG. D'AMARO:**

Could I just ask one question?

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro. Well, Legislator Kennedy had the floor.

**LEG. KENNEDY:**

No, I'll yield.

**LEG. D'AMARO:**

Okay, thank you. Just looking at the submission to the committee, the orange lots, are those accurate? Are there planning steps passed on both of those lots?

**MS. ZIELENSKI:**

Yes.

**LEG. D'AMARO:**

And there's no accepted offers or is there an indication yet whether or not they're going forward?

**MS. ZIELENSKI:**

No.

**MS. FISCHER:**

Have you done appraisals?

**MS. ZIELENSKI:**

No, not at this time.

**CHAIRPERSON VILORIA-FISHER:**

That's IR 2088.

**LEG. HORSLEY:**

It looks like a lovely area.

**LEG. D'AMARO:**

And those two lots would be part of the larger plan for the same -- for the lot that's in red if that were passed; the same project?

**MR. ZWIRN:**

Yes. Yes. Yes. Because some of it's going to be indoor facilities. And there will be fees charged for part of it. There would be some sort of an agreement between the County and the private entrepreneur who is either going to do -- it'll have to go through an RFP process. But he was the one who brought the project and the location, I believe, to the Presiding Officer who has been working with him and the County Executive trying to put this project together with the Town of Islip as well. But there will also be indoor facilities as well. And it was going to be -- we were going to share some of the facilities

**CHAIRPERSON VILORIA-FISHER:**

Okay. But we don't have a lot of the specifics here before us. I would like for the next meeting, Ms. Zielenski, if you could come with exactly what we're doing with all of these parcels; okay? Because we have before us maps showing IR 2118, IR 2088 and the proposed acquisition, but you're talking to us about a lease and what's listed here as a proposed acquisition. So if we could just sort it all out and have a presentation at the beginning of the next meeting.

**MS. ZIELENSKI:**

Certainly.

**CHAIRPERSON VILORIA-FISHER:**

Okay; for the whole plan. And I would like to know more about what Mr. Cullen's commitment is, what Islip Town has looked at regarding -- I would just like to see it altogether because we're segmenting the project. And I two like to see the project in -- as one whole piece. And as I said this is rather late; it's a quarter to four. And some of us have been sitting since 9:30 at meetings. And I would like to look at this holistically at the next meeting. I've made a motion to table. It was seconded by Legislator Losquadro. All in favor? Opposed? **1076 is tabled. (Vote: 5-0)**

**Okay. IR 1077, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Carll's River Headwaters, Town of Babylon. (Horsley)** Legislator Horsley, do you want to talk about it as we get our information from Planning?

**LEG. HORSLEY:**

Right. This is -- -

**CHAIRPERSON VILORIA-FISHER:**

Use your mike, please, Wayne. Wow, this is wild.

**LEG. HORSLEY:**

Yeah, this is -- this is piecing parcels together to enlarge the Carll's River Headwater area which is all off of the Greenbelt that runs through the Town of Babylon. And these are parcels that the town has recommended that we -- we take a look at and buy to enlarge the -- and save the Carll's River Estuary. It's sensitive land.

**CHAIRPERSON VILORIA-FISHER:**

Oh, it's right across from something from Master List II?

**LEG. HORSLEY:**

I haven't seen these pictures.

**CHAIRPERSON VILORIA-FISHER:**

Lauretta, the piece that's just to the east of the proposed acquisition, it's -- I'm looking at -- is that privately owned? There's nothing on it?

**MS. FISCHER:**

Well, there's a road right-of-way. And then to the east of that is a property in a hatched --

**CHAIRPERSON VILORIA-FISHER:**

Right, that's from Master List II.

**MS. FISCHER:**

That is on Master List II. The pieces in green -- outlined in green have already been acquired by the County. And this would add to our holdings. Hopefully what we would be able to do is once we acquire this other piece here proposed to you, we could possibly close that road and add that to the holdings and create one lot.

**CHAIRPERSON VILORIA-FISHER:**

So that long piece is a right-of-way; is that what you said?

**MS. FISCHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

The piece I questioned.

**MS. FISCHER:**

And there's no problem with regard to access for the other parcels south of there because their access is on the road to the west. So it should work out for us to be able to consolidate all of that into a county parkland. And this is at the headwaters of Carll's River so it is in an area that we have been interested in acquiring for quite sometime so we would support this acquisition.

**LEG. HORSLEY:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**LEG. KENNEDY:**

On the motion, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion to approve by Legislator Horsley, seconded by Legislator D'Amaro. There's a question on the motion by Legislator Kennedy.

**LEG. KENNEDY:**

Just further as to the way this is laid out, this must be an old file map that has various paper streets in it.

**MS. FISCHER:**

Yes.

**LEG. KENNEDY:**

Where the tax maps are laid out. Do we know whether or not this was -- were the streets dedicated over to the town? Who's in title on them and how could we go forward with the abandonment process so we could further aggregate?

**MS. FISCHER:**

Usually an abandonment would be between two owners between -- on opposite sides of the road along the entire right-of-way. Generally if the County owns both sides, then it's a pro forma thing that the County --

**LEG. KENNEDY:**

And a 335; as a matter of fact there's no approvals even needed. It's automatic. Just an automatic application.

**MS. FISCHER:**

We would have to apply and obviously have it approved by the Legislature but it's basically a pro forma type of process.

**LEG. KENNEDY:**

I understand, Laretta. But I guess -- and maybe you just don't have this information in front of you. The question goes to whether or not there was dedication on the part of the developer in the first instance?

**MS. FISCHER:**

I'm not sure. We don't know.

**DIRECTOR ISLES:**

We don't know that. We'd have to do that as part of the planning steps; do that research. But my guess is, you know, the town probably would not have accepted an unbuilt road. It's not common.

**LEG. KENNEDY:**

Why do we see this segment on the top, then, though? Is that reflective of the fact that there is that portion of ownership that would be allocated to -- towards the bed of the road or the undeveloped road bed? The subject parcel is segmented on the top; correct?

**DIRECTOR ISLES:**

Right.

**LEG. KENNEDY:**

So are we looking at one tax map parcel or two?

**MS. FISCHER:**

There are two in the resolution. So the sponsor has requested that we acquire both. Our question is that on the northern piece is that improved. If so, do you want it? We would question that. But certainly the piece -- the larger piece below it would be county --

**LEG. KENNEDY:**

That northern section looks like from the aerial that it's the back end of a house and there's vehicles or something on it.

**DIRECTOR ISLES:**

If I could just caution on that. The -- this is a registration over a tax map and an aerial. They don't always line-up perfectly. So that's one of the things we wanted to check. As you look to the south end of the blow up on the bottom left of the map, there's a fence line there and there's a gap in there. It could be that this is just not registered perfectly with the distortion of the earth. And so that's something obviously we're not going to suggest that we buy something that's disturbed and developed. I think it's just an alignment issue with the map. And that's something we would obviously check more closely.

**LEG. HORSLEY:**

Sure. I mean that's -- you would do that in planning steps?

**DIRECTOR ISLES:**

Yeah. And we come back for an authorization to acquire if we were to have a successful negotiation. And if we were to identify that as being developed, we would recommend that you not do that.

**LEG. HORSLEY:**

Fine; I understand that.

**DIRECTOR ISLES:**

But my guess is it's just a registration issue.

**LEG. HORSLEY:**

Okay.

**LEG. KENNEDY:**

All right, I'll yield, Madam Chair.

**LEG. D'AMARO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

There's a motion and a second.

**LEG. D'AMARO:**

Motion and second. I'll call the vote. All in favor? Any opposed? Abstentions? Motion carries and the resolution's approved. **(Vote: 5-0)**

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Lou.

**LEG. D'AMARO:**

You're welcome.

**CHAIRPERSON VILORIA-FISHER:**

Okay. **Next IR 1078 authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Watson Avenue Wetlands property, Town of Babylon. (Horsley)** Legislator Horsley, what's your pleasure?

**LEG. HORSLEY:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Oh, and this is on the Master List.

**LEG. HORSLEY:**

There you go.

**DIRECTOR ISLES:**

This was not on the Master List but it's right next to the land that is.

**LEG. HORSLEY:**

It's close to the Master List.

**CHAIRPERSON VILORIA-FISHER:**

I see. Okay. I'll second the motion. And there's a question on the motion by Legislator Losquadro.

**LEG. LOSQUADRO:**

Yes. I see we have a large number of parcels there that were on the Master List that we're hoping to acquire. Do we have any indication of -- did we get a response back from a letter of interest that we sent out on those? Are we proceeding forward with any of those acquisitions in the surrounding area?

**DIRECTOR ISLES:**

It's on Master List I so we would have. I think we'd have to research that. I don't know if they know that off the top of their heads. You know, a lot of times it's a matter of opportunity. It may be that we have an interested seller at one time and then we don't. Or it could be that they're not interested but six months from now they may be. We always like to have it if it's worthwhile.

**LEG. LOSQUADRO:**

I'm very familiar with that process. I was just curious because obviously the value here is in the assemblage of these parcels to preserve that wetlands. So I was just wondering if we had a response back as to whether or not we had an interested seller for the adjacent parcels.

**MS. FISCHER:**

Just to the north the piece outlined in green, we already do own that; but the others as you said are still out there for acquisition.

**LEG. LOSQUADRO:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yeah. You know, acquisition is important. And notwithstanding what we heard about earlier regarding the expense associated with planning steps, I think each one of us knows the importance as we identify lots in our community. But if I'm to read this map correctly, more than 50% of the mass associated with this lot is wetlands. What is the likelihood that something like this would be able to be improved?

**DIRECTOR ISLES:**

I think it's very likely.

**MS. FISCHER:**

Very doable. Yeah.

**LEG. KENNEDY:**

It is likely notwithstanding the fact that a back section is still deemed wetlands; that it's possible to go ahead and get a building permit on it?

**MS. FISCHER:**

Yes.

**DIRECTOR ISLES:**

In my experience, yes. Because there's an upland portion that's fronting along the paper street. And keep in mind that wetlands line is a regulatory line. It's not an automatic confiscation line. So in my experience since the back third or 40% of the property is wetlands, the front 60% would be eligible development. Also looking at the nature of the surrounding lots, it appears that this is consistent with the nature and character of the area so it's not something where it's substantially below the minimum lot size. I think it would be a very good candidate for development.

**CHAIRPERSON VILORIA-FISHER:**

Because they can restrict it to upland development.

**LEG. KENNEDY:**

Madam Chair, I strive for consistency. And I recall we had these conversations many times in Ways and Means on the other side. But if this is the opinion it's developable, absolutely. Okay.

**CHAIRPERSON VILORIA-FISHER:**

I'd like to know this. Regarding the cost of the planning process, when you're looking at a series of lots that have been identified in the Master List, and now we're adding an additional piece, can these be treated as a group? Can we incorporate this new piece with the others when we're going out for appraisals and planning steps so that we're not incurring additional costs with this additional piece?

**MS. FISCHER:**

Yes. You just combine whatever's owned by one individual and try to do an appraisal on that particular one. But we have done that in the past where we clumped them together and do them at the same time; it helps.

**CHAIRPERSON VILORIA-FISHER:**

Well, we've seen them clumped together even when you have actually the same family but they've checker boarded in order to, you know, manipulate whatever they're doing. So actually this could save us a little bit if we add it to this aggregate. Janet, you can't do it from back there.

**MS. FISCHER:**

If we have interested sellers, then we can do the appraisals obviously.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you. There is a motion to approve and a second. All in favor? Opposed? **1078 is approved. (Vote: 5-0)**

1098 has been approved out of order.

**1104, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes**

**Known as the Emerald Estates addition -- that Emerald Estates keeps popping up, doesn't it -- Burr property, Town of Huntington. (Lindsay) I'll make a motion to approve and place on the consent calendar, seconded by Legislator D'Amaro. All in favor? Opposed? 1104 is approved and placed on the consent calendar. (Vote: 5-0)**

**IR 1106, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space component for the estate of Weisz property, Amsterdam Beach Addition II, Town of East Hampton. (County Executive)**

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by Legislator Losquadro.

**LEG. KENNEDY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Kennedy. All in favor? Opposed? **1106 is approved. (Vote: 5-0)**

**1107 authorizing the acquisition of land under New Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund Open Space component for the Dutchman Mooring LLC property, Greens Creek addition, Town of Islip. (County Executive) Motion? I'll make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? IR 1107 is approved. (Vote: 5-0)**

**IR 1108, authorizing acquisition of land under the SOS Farmland Preservation and Hamlet**

**Parks Fund Open Space component for the Grausso property, Seatuck Creek Watershed, Town of Southampton. (County Executive)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator Kennedy? Was that you? Who's voice? Losquadro. Seconded by myself. All in favor? Opposed? **IR 1108 is approved. (Vote: 5-0)**

**IR 1109 authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program Open Space Preservation Program for the Patterson property, Saw Mill Creek, Town of Riverhead. (County Executive)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? **IR 1109 is approved. (Vote: 5-0)**

**IR 1110, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space component for the McLaughlin property, Mastic/Shirley Conservation area II, Town of Brookhaven. Motion by myself, seconded by Legislator Losquadro. All in favor? Opposed. IR 1110 is approved. (Vote: 5-0)**

**IR 1111, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program Open Space Preservation Program for the Burr property, Emerald Estate, Town of Huntington. (County Executive) Motion by Legislator D'Amario, seconded by myself. All in favor? Opposed? IR 1111 is approved. (Vote: 5-0)**

**IR 1112, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space component for the Fuld, the Brookdale Hospital Medical Center and Buzen property, Pine Barrens Core, Town of Southampton. (County Executive) Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? IR 1112 is approved. (Vote: 5-0)**

**IR 1113, authorizing the acquisition of land Farmland Development Rights under the Suffolk County SOS Farmland Preservation and Hamlet Parks Fund, Farmland component for the Manor Lane Vineyard LLC property, Town of Riverhead. (County Executive)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion By Legislator Losquadro, seconded by Legislator Kennedy. All in favor? Opposed? **IR 1113 is approved. (Vote: 5-0)**

**1131, appropriating funds in connection with restoration of wetlands (County Executive)**

**LEG. LOSQUADRO:**

Explanation.

**CHAIRPERSON VILORIA-FISHER:**

Commissioner Meek-Gallagher.

**COMMISSIONER MEEK-GALLAGHER:**

Yes. Hi. This would authorize it for this year \$220,000 for us to start on an innovative and comprehensive, the first of its kind ever undertaken in Suffolk County, management strategy for our approximately 17,000 acres of tidal wetlands. It's a collaboration between Department of Environment and Energy, Department of Health Services, Department of Public Works and also Planning and Parks as key partners in the effort.

**CHAIRPERSON VILORIA-FISHER:**

Now I was hoping to have the findings and the recommendation for the FGEIS to be in this committee. It's in the Health Committee.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

But that does not preclude us being able to pass this here in this committee. And we will have the FGEIS in the Health Committee.

**COMMISSIONER MEEK-GALLAGHER:**

That's correct. Even though this came out as one of the recommendations in the long term plan or as part of the long term plan, it's separate. And we actually are trying to keep wetlands -- the Wetland Stewardship Program will be under DEE as the lead partner as opposed to being part and parcel of the Vector Control with the paramount goal being wetlands and tidal marsh health.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And this is very critical. Some of you heard this morning Mr. McAllister was referring to CEO recommendations not being incorporated in the findings. And indeed one of the most important recommendations that was made by CEO was that the Department of Energy and Environment be the primary oversight of our wetlands and our marshland management. And certainly this is an important component of that recommendation. And that was reflected in the findings. So I will make a motion to approve. I know that there are questions. Is there a second to the motion?

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. Where to begin with this? One of my biggest concerns with what I've seen come out of the whole initiative associated with the marsh management and Vector Control, and I saw the eleven recommendations, was in particular those recommendations that originally had been identified associated with the active marsh management by and through the ponding. We heard a lot about what went on at Wertheim as far as their example there. I'm not convinced that that was anything that was really reflective of much major success. And I personally am extremely concerned, and I'll say flat out, I do not want to see this County move in any way, shape or form towards artificially creating ponds and marshes. I don't think it makes sense. I don't think it's something that's gone on for the 50 some odd years I've lived here or the 47 that I've been in marshes. And I don't think that it makes -- I think it's the antithesis of good environmental management. And certainly I wonder when we come under a committee that's looking towards stewardship and management of 17,000 acres to embrace that kind of a plan. So my first question is will this in any way support that?

**COMMISSIONER MEEK-GALLAGHER:**

Not necessarily. And actually to address your concerns, part of the -- to address all those concerns,

one of the reasons that his was recommended was to address those concerns so that we could first actually -- part of the program would be to come up with what are indicators of marsh health. And then assess the actual health of the marshes that we have. And then to identify possible preservation and restoration priorities. And from those develop pilot projects. And one of the requirements of DEC is that we do three years of pre-implementation monitoring so there would be nothing happening for the first three years other than this type of research going on out in the marshes. And everything would have to go through the Stewardship Committee which is only advisory to the Legislature. So the Legislature would actually still be approving any projects that would be implemented.

**LEG. KENNEDY:**

Which is important that, of course, we always have that overall oversight. But I find that as the volume of information that anyone of us is expected to go ahead and be conversant with on any given day increases by leaps and bounds. And so we rely on more and more on advisory committees to go ahead and do ground level investigation and research and then present items to us.

As a matter of fact what we've just seen with CEQ is an oddity, if you will, in that we got a range of recommendations but no coherent consensus. So here we are now going through this process. And certainly Madam Chair spent many, many, many hours directed on this so she knows what we're looking at. But the Stewardship Committee then, how is it made up, who would it be comprised of, who's going to appoint the members, and what is it that we'll ultimately see coming back to us? Because this would embrace that concept, wouldn't it? The Stewardship Committee?

**COMMISSIONER MEEK-GALLAGHER:**

Well, there's -- yes, the Stewardship Committee would be made up of policy level people. And there would be a work group -- a technical work group that would actually provide a lot of the scientific information and technical information. The Stewardship Committee, and I do have actually a one pager that I could circulate to everyone that's a draft overview of what the Stewardship Committee would be comprised of and what their charges are, but it would have tentative membership, estuary membership from the estuary programs. So a Long Island Sound Study representative, a Peconic Estuary Program representative and a South Shore Estuary Reserve Program representative.

From the State: DEC Region I, DEC Bureau of Marine Sciences and the New York State Department of State, non-governmental organizations. Two appointed by the County Legislature and two appointed by the County Executive. And then representatives from the County. Someone appointed -- the County Legislature, the Presiding Officer or his or her designee, the County Executive's designee, the Department of Environment and Energy, myself will serve as chair, CEQ, Department of Health Services, Department of Public works, Department of Planning, Department of Parks. And when a town -- when a project is proposed within a town, the town would be able to have representation one supervisor and one trustee representative.

**LEG. KENNEDY:**

What about villages? Because obviously villages have many, you know, much area around the sound and the south shore with wetlands in them as well. Is there any representative from villages?

**CHAIRPERSON VILORIA-FISHER:**

Actually that's included, Carrie, because if you -- when you look at local representation, you have town representative based on project location and trustees representative, meaning village trustees based on project location.

**LEG. KENNEDY:**

Is that village trustees, Vivian, or is that the east end trustees?

**CHAIRPERSON VILORIA-FISHER:**

When we've -- where is --

**COMMISSIONER MEEK-GALLAGHER:**

Mr. Dawydiak's here.

**CHAIRPERSON VILORIA-FISHER:**

Yeah. I believe, Walter, that when -- the inference for me was that it was village trustees when it said trustee. Well, it says town representative and then a separate heading is trustees.

**MR. DAWYDIAK:**

Walter Dawydiak, Chief Engineer for the Health Department. It's actually not set out whether it's town or village trustee. In the case of the east end, Legislator Kennedy, it could be the town or it could be the village. These by-laws haven't been set in stone. They're subject to working out with the Department of Environment. It's possible that we could have town and village representatives.

The resolution that's before us today is really to appropriate funding for the technical program, which is related to the Stewardship Committee but is still somewhat independent.

**LEG. KENNEDY:**

Okay. Then I'm -- then I'm even further confused that I usually am and that's usually pretty confused. Have we created the Stewardship Committee yet or not?

**COMMISSIONER MEEK-GALLAGHER:**

No, we have not yet.

**LEG. KENNEDY:**

Okay. So we're being asked to appropriate money for a group that doesn't exist yet?

**COMMISSIONER MEEK-GALLAGHER:**

No, for a program.

**LEG. KENNEDY:**

I'm sorry?

**COMMISSIONER MEEK-GALLAGHER:**

For the County to carry out a wetlands stewardship program. The Stewardship Committee would be a component of that program so you're authorizing funds for us to initiate this program. And then as part of the program we would set up a Stewardship Committee, a work group.

**LEG. KENNEDY:**

Who's going to spend the money? Who's going to spend the money?

**COMMISSIONER MEEK-GALLAGHER:**

The money would actually be spent on a consultant to put together the work plan to go out and develop these indicators of marsh health, to assess the health, to develop priorities for restoration, to -- and then to identify or propose potential pilot projects.

**CHAIRPERSON VILORIA-FISHER:**

And in the meantime we have work on developing putting the stewardship group together because they can't implement any of the program until it goes through that oversight of the Stewardship Committee.

**LEG. KENNEDY:**

Which makes me want to be inclined on this one, Madam Chair, to make a motion to table because I'm a little concerned with what we're seeking to do as far as incumbering funds, while it seems we're still looking at creating a body that's going to actually be advisory; notwithstanding the fact

that this is in order to solicit a consultant of which I'm not always a big fan of either as everybody knows.

**COMMISSIONER MEEK-GALLAGHER:**

We do -- well, the good thing is that it would be a lot cheaper for us to hire a consultant. We can do it for a lot less money than if we had to hire all the staff necessary to carry out the program.

**LEG. KENNEDY:**

But that's just it, Madam Commissioner, because I was going to ask about your department's ability to go ahead and embrace and implement many of the items that have been laid out here. We talk about the wisdom, I guess, of having Vector Control and Marsh Management move under the newly created department. And I agree.

**COMMISSIONER MEEK-GALLAGHER:**

Not Vector Control.

**LEG. KENNEDY:**

I'm sorry, not Vector Control, but -- but the coordination associated with that. However, the department as I understand it at this point is essentially yourself and a few other staff.

**COMMISSIONER MEEK-GALLAGHER:**

Well, actually it's 66 positions, 56 of which are filled.

**LEG. KENNEDY:**

That have all been assembled and under your direct control?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. KENNEDY:**

And does that group of 56 have the ability, then, to take on this new function?

**COMMISSIONER MEEK-GALLAGHER:**

Well, not in and of themselves; but that's why this along with many other county projects have to be a collaboration between departments because it doesn't make sense to constantly -- it wouldn't be efficient to go out and constantly hire someone as a particular project came up when you already have expertise in other departments such as Department of Health Services and Department of Public Works and Planning and Parks that can contribute the expertise to manage and implement a project -- a program like this.

**LEG. KENNEDY:**

I admire your desire to go ahead and maximize efficiencies. All of us crave that and seek it. However, from where we sit we all know that each one of these departments you speak of is equally burdened by trying to meet their current work loads and to just go ahead and gather staff. I'm going to yield because I think I've monopolized more than your time than is fair, but I'm going to reiterate, Madam Chair, I do have some concern about the timeliness of this. So I let my motion to table stand.

**LEG. LOSQUADRO:**

I'll second that motion.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion and a second to table.

**LEG. D'AMARO:**

All right. On the motion, this is appropriating funds for a study or a consultant rather to conduct a study for management purposes; is that correct? Is that what we're looking to do?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

How long do you anticipate that process to take?

**COMMISSIONER MEEK-GALLAGHER:**

Well, within three years we would have developed a comprehensive management strategy for all of the wetlands -- tidal wetlands in Suffolk County.

**LEG. D'AMARO:**

But that's working along with this new steering committee that you're putting together?

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

Correct. What I'm saying, though, is this a preliminary first step that needs to occur with a consultant prior to coming to the steering committee?

**COMMISSIONER MEEK-GALLAGHER:**

No, we actually are in the process of -- I have a draft letter for the steering committee. And we've been drafting up possible members for the steering committee that would fit. So I don't think that we'd have to do one -- have one happen before the other.

**LEG. D'AMARO:**

Does the steering committee then work with the consultant or is the consultant doing an independent task and then issuing a report to the committee?

**COMMISSIONER MEEK-GALLAGHER:**

There would be -- it would be -- there would be interaction throughout the process. At least that's how I envision it working.

**MR. DAWYDIAK:**

The Stewardship Committee is a contractor to the County so the Department of Environment, Health and Public Works would be managing the consultant and we'd bring the work back to the Stewardship Committee.

**LEG. D'AMARO:**

Go ahead.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Then that's sort of exactly reenforces the point Legislator Kennedy was making; was if they're supposed to work with this committee that has not yet been formed, why would we be appropriating the money before forming the committee?

**COMMISSIONER MEEK-GALLAGHER:**

Because it takes a very long time to go through the RFP process in the County.

**LEG. LOSQUADRO:**

That's the first explanation that I've heard.

**COMMISSIONER MEEK-GALLAGHER:**

Okay.

**LEG. LOSQUADRO:**

And thank you for being forthright when it comes to that. It's something we've known for quite sometime. It's good to hear someone else acknowledge it. But even so, I mean we're talking to Mr. Dawydiak. We're talking about making changes to the language to make sure we have proper representation. I just don't see us at a point yet where I'm comfortable enough that we can even pass a piece of legislation regarding this steering committee to go forward with authorizing bonding our money here.

**COMMISSIONER MEEK-GALLAGHER:**

Okay. Well, I guess -- and maybe this is what Legislator D'Amaro was asking. If we don't know that the funds are going to be appropriated, there's really no point in pulling together a steering committee because we won't have a program for them to oversee or help us implement. Is that --

**LEG. D'AMARO:**

Well, my question was this. If there's a capital project in the budget --

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

-- a line item.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

-- with the funds there waiting to be appropriated --

**COMMISSIONER MEEK-GALLAGHER:**

Correct.

**LEG. D'AMARO:**

-- to retain the consultant to begin the process of funding a wetland management and restoration project.

**COMMISSIONER MEEK-GALLAGHER:**

Correct.

**LEG. D'AMARO:**

So what you're trying to do is be pro active, I would assume?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

And get this process moving?

**COMMISSIONER MEEK-GALLAGHER:**

Yes, exactly.

**LEG. D'AMARO:**

Because why form the steering committee and then wait six months while the RFP is being drafted? You're just trying to get everything moving at the same time? Is that what you're trying to do?

**COMMISSIONER MEEK-GALLAGHER:**

Right. We want to make sure the program -- the appropriations are -- that the appropriation is approved so that while the RFP process is occurring, we can be getting the Stewardship Committee together and have the first meeting.

**LEG. D'AMARO:**

How long -- let's say we approve this Tuesday and it's signed by the County Executive. Now you've appropriated the \$220,000. How quickly will you assemble the steering committee?

**COMMISSIONER MEEK-GALLAGHER:**

We're hoping to have a meeting by the end of April.

**LEG. D'AMARO:**

Okay. Well before you would be completed with the RFP process, I would assume, for the hiring of the consultant?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

Okay. So that -- at least that would be started and it would be a month and a half along?

**MS. MEEK-GALLAGHER:**

Right. And it would give us a chance to adopt by-laws and get the steering committee educated about the issues that they would be making decisions on.

**LEG. D'AMARO:**

Right. So, in other words, just why wait at this point? It's your intention to go forward with the steering committee?

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

The only hitch here might be -- I'm asking Counsel about this because I had -- had the intention of introducing legislation to form the Stewardship Committee; either it would come from the -- from the Executive or from the Legislature. And I was talking to Counsel about putting that together. And it might be difficult to get that all finished in the time line that you're saying. I mean we could start it right away and lay it on the table but it wouldn't be finished by April, I don't think. We have two meetings in March actually.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, you have two meetings in March.

**CHAIRPERSON VILORIA-FISHER:**

But Counsel is saying that it would have to be by resolution.

**COMMISSIONER MEEK-GALLAGHER:**

For form the committee.

**CHAIRPERSON VILORIA-FISHER:**

To form the committee.

**COMMISSIONER MEEK-GALLAGHER:**

Okay. It couldn't just be an administrative -- okay. We weren't aware of that.

**LEG. D'AMARO:**

What's the question?

**MR. BARRY:**

At any time you create a committee -- no, anything like this needs a resolution. I mean we're giving away some of our authority. It has to be clear and concise. And if it's done through just administrative work, that's not -- that's not the Legislature, you know, authorizing it. It would have to be authorized by the body itself.

**COMMISSIONER MEEK-GALLAGHER:**

Okay. I guess there was some confusion because since -- it's still just an advisory body, it wasn't -- you'd still have to vote on everything but --

**MR. BARRY:**

But we're -- we as a Legislature are creating an advisory body to do work that we as a body wouldn't do. So we're actually telling the board, okay, you do this work. So we have to make that clear and concise in a resolution.

**COMMISSIONER MEEK-GALLAGHER:**

Okay. This is my first time going through the committee formation process so --

**CHAIRPERSON VILORIA-FISHER:**

And you know what? This was very complex. And I had thought that it was codified because it was part of the FGEIS and the plan, et cetera. But as I'm looking at it, I'm saying wait a minute, we have to do a resolution on this identifying, you know, its charge, the makeup, etcetera. But we'll try to get on that quickly.

**COMMISSIONER MEEK-GALLAGHER:**

Okay. And we'll provide any assistance necessary.

**CHAIRPERSON VILORIA-FISHER:**

Is there another question? Were you still waiting, Dan, from before?

**LEG. LOSQUADRO:**

No.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. KENNEDY:**

No, the only -- Madam Chair, I mean the only thing that I would just add to the points that I've made, and, I think, you know, everybody's heard both sides of this is that I would feel that the Wetland Stewardship Committee would be critical to guiding you and assisting in the parameters associated with the RFP. I'm struggling to embrace this notion of moving forward with the economic ability to retain a consultant; and in some respects almost then pulling together the assemblage of experts after that initiative has been set out. Notwithstanding the fact that the consultant is then going to come back to try and ultimately guide us or advise us working in conjunction with the committee. I'm really struggling to follow the logic there. And perhaps maybe it's just, you know, a linear form of thinking. I feel more comfortable with the fact that we have gone through the legislative process to establish the committee to appoint the individuals who would do the advisory aspect associated with creating the RFP and having the funding then put there with that body in

place.

**CHAIRPERSON VILORIA-FISHER:**

Okay, John, if I might, the -- perhaps the charge of the Stewardship Committee is not that -- has not been clearly enough stated, which is not the charge to create the plan but to oversee the implementation of the plan. And what the monies here are earmarked to do is to have a consultant who will, I guess, create the plan. And then the implementation on this case by case basis, just as we saw earlier, you know how the Farmland Committee oversees how the farmer uses that agricultural land where we have a stake in that land, there's a very complex list of best management plans. And there are a number of levels of those best management activity plans and those activities. And the level of activity triggers certain oversight issues that have to occur. If it's a level one plan which is just, let's say, hand clearing of a culvert, that doesn't have to go through the Stewardship Committee because there -- in the long-term plan for which we've paid -- yes?

**LEG. LOSQUADRO:**

Could I just interrupt one second? Ms. Zielenski? I'm sorry, I wanted to wait until the end of the program, but I do have a question for you. I'm sorry I came in late so I hate to have to ask you not to leave but I do have a question for you.

**CHAIRPERSON VILORIA-FISHER:**

So, as stipulated in this very comprehensive long term plan, the Stewardship Committee plays an oversight role. The Stewardship Committee is not creating the plan. The plan comes back when there's an activity that's triggered by the plan; then the stewardship committee refers that -- it's kind of a clearing house almost where the plans comes to them and the Stewardship Committee receives the early notice and then directs -- says if there's SEQRA required or New York State permit is required, you know. But it goes through that Stewardship Committee as a first step. Okay?

So that's why this is logical because we have to have something in place. We have to begin that RFP process for the consultant. We have to have a framework. And then as we go to the individual activities, then there's the judgement made by that Stewardship Committee. So this is logical. It is logical if you're looking at the overview plan that we've worked on with thousands of pages and million of dollars.

**MR. DAWYDIAK:**

Madam Chair, if I could just expand?

**CHAIRPERSON VILORIA-FISHER:**

You could probably say it a lot more succinctly than I did.

**MR. DAWYDIAK:**

Thank you. There are really two functions of a stewardship committee. One is project review and approval. And the other is overseeing the long term plan. And it's really only the second that's at issue over here.

Legislator Kennedy, you raise the issue of how we can be appropriating money for something that we don't know enough about. Well, the good news, this part of the long term plan is that we know an awful lot about how to measure environmental conditions in wetlands that was really a major piece of what the long term plan was about at the Wertheim National Wildlife Refuge as well as the 2000 acres of other wetlands. The 21 primary study area is where we looked at vegetation, hydrology, water quality, biota, fish, birds, benthic species. So what we've done is, this group of people really are already essentially assembled by virtue of the long term plan. The Federal Fish and Wildlife Service, the federal EPA, the State Department of Environmental Conservation, the State Department of State, local groups like Nature Conservancy and Cornell Cooperative Extension, all of these agencies have come together and crafted the types of monitoring that need to be done over the next three years in the 17,000 acres. This is how we came up with the cost estimate. This is how we came up with the work plan. And a work plan is assuming non-profits and quasi-governmental agencies. It's possible that a private sector firm can do it more cheaply. We

really, really doubt it. But what we're doing here is hopefully leveraging staff years by appropriating this funding to implement this work plan.

So, again, this work plan has gone through committee review and agency review with the experts. And we're comfortable that irrespective of how long it takes the Stewardship Committee be formed, irrespective of how their statutory regulatory charge for private review shakes out, we know the technical work that needs to be done in the wetlands. We know how to do it. We know what the cost is. And the County is committed to getting that done. Bringing stakeholders to the table would be a lot easier and more productive if they're aware that there's a county commitment to fund this. And that's why we're here today. So I hope that's helpful by way of background.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

If the -- if we approve this resolution and that process begins with an RFP, is it -- does the capital project itself contemplate this committee or is this something that we are superimposing over the capital project? I mean to put it in --

**MR. DAWYDIAK:**

No, the capital program is written very generally in terms of wetland restoration planning so it's a dependant.

**LEG. D'AMARO:**

So we may down the road in fact choose not to create a Stewardship Committee?

**CHAIRPERSON VILORIA-FISHER:**

No, you can't.

**LEG. D'AMARO:**

Why?

**CHAIRPERSON VILORIA-FISHER:**

We can't choose not to create because the recommendations that we're going to be voting on in the Health Department and all of the long term plan includes a stewardship committee. So we don't have the option of -- I mean, am I wrong? You're all furrowing your brows.

**LEG. D'AMARO:**

Wait a minute. Just so -- if I may --

**CHAIRPERSON VILORIA-FISHER:**

Did you say we could choose not to choose it? No, we can't.

**LEG. D'AMARO:**

My understanding is we're appropriating \$220,000 from a capital project in the capital budget for a specific purpose. And you're going to -- if those funds get appropriated, you can go through your department, issue the RFP, retain the consultant to start putting this program together. But down the road it's going to require further action by the Legislature to create a committee. Now, if the Legislature chose not to create that committee, where do we go?

**COMMISSIONER MEEK-GALLAGHER:**

Would it just revert to the Legislature to approve projects?

**MR. DAWYDIAK:**

I think that you're onto something, Legislator D'Amaro. We crafted this resolution or we requested

that it be crafted relatively independently because we're aware of the fact that the Vector Control Impact Statement Stewardship Committee may take sometime to complete. I mean we're hopeful that it'll all be wrapped up very quickly. But this resolution is a dependent. I think that we can get going on this plan and conduct this plan totally independently and irrespective of the actual presence of a stewardship committee. I mean they will in fact be related. But the way the resolution is drafted, if for some reason it takes three years for the Vector Control Plan to be completed, God help us, this could be underway and get done, I believe, without the presence of a stewardship committee.

**COMMISSIONER MEEK-GALLAGHER:**

From a legal stand point.

**LEG. D'AMARO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

But from a good faith with the public's stand point as you heard the baykeeper speaking here earlier, I think that -- and the transparency about how decisions are made, I don't think it would be wise on our part not to have a stewardship committee. Everything would be -- then it would be on the shoulders of the Legislature to approve each and every project without benefit of having that public layer of scrutiny before it comes to you for approval.

**LEG. D'AMARO:**

I'm not debating that issue at all. All I'm trying -- I'm just trying to make a point that this is really an independent appropriation of this whole creation of a plan and a stewardship committee in all of that. This is something that's already in the budget for appropriating the funds to start the RFP process. And then you're going to go further and put this committee together and trying to put all the pieces together. That's what you're doing?

**COMMISSIONER MEEK-GALLAGHER:**

Yes, that is correct.

**LEG. D'AMARO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Sorry. I was asking Counsel about that because it was so clear in our SEQRA determination that there would be a stewardship committee. And it is a legislative resolution, but we're -- we don't have to compel ourselves to do it.

**LEG. KENNEDY:**

Madam Chair, if I can add, and that's another reason why I'm going to sit here and perhaps while I appreciate the explanation that you've given and the understanding, and certainly few here in this auditorium can speak with more definitiveness than yourself as far as what the intention's been with the process, with CEQ; that notwithstanding my understanding of the process, and I guess Counsel's going to advise me, we are yet to go ahead and actually adopt what it is are the range of recommendations and other items that have come to us for the FGEIS. So this is an extremely fluid state that we sit on here right now. And I think it's really presumptive to go ahead and say that we'll have a Stewardship Committee in place. I don't know how all 17 others are going to go ahead and act.

**COMMISSIONER MEEK-GALLAGHER:**

Right. But this resolution is separate from that.

**LEG. KENNEDY:**

But it speaks extensively about what the Stewardship Committee will do and where it's going to go.

I'm looking at the -- I'm looking at the reso here.

**CHAIRPERSON VILORIA-FISHER:**

You know what? I think it probably would be just as well to hold it for one cycle; table it for one cycle. I'll work with Counsel to put in the resolution for the Stewardship Committee. We'll have voted on the SEQRA resolution in the Health Committee. It'll be out of that committee and before the full Legislature on Tuesday. And so then there will be a better -- a higher comfort level of putting things in the right order. Because to tell you the truth, I felt that having done that SEQRA that is before the Health Committee, that we were compelled to have this Stewardship Committee.

I understand your lack of comfort in having this before us without having the Stewardship Committee codified in a resolution. Even if we don't have anyone appointed, I think we should have -- I understand your concern. And I respect that. And we'll let this be tabled for one cycle. And I will be happy to work with Counsel on putting in that stewardship. And I appreciate your input in that.

Okay. There's a motion and a second to table. All in favor? Opposed? Okay. It'll be tabled for one cycle until we get our ducks in a row. **(Vote: 5-0)**

**1132, accepting a donation of real property for Open Space purposes, a Suffolk County Department of Health Services Board of Review Transfer of Development Rights. (County Executive)** Mr. Minei, are you going to speak us on this or are you just here in case we have a question?

**MR. MINEI:**

Hoping not to speak.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Laretta? Ms. Fisher.

**MS. FISCHER:**

This is a parcel of property point 57 acres that is proposed to be donated to the County as part of the Suffolk County Department of Health Services Board of Review Transferred Development Rights approval. The piece that we're acquiring is in our Beaver Dam Creek headwaters area that we've been amassing properties within. They're both within zone -- hydro geologic zone six within the Town of Brookhaven.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion. Okay. It's within the same hydro geological zone, you said; right?

**MS. FISCHER:**

Yes, same hydro geologic zone six.

**CHAIRPERSON VILORIA-FISHER:**

Yes, it says there's a Board of Review decision on this.

**LEG. D'AMARO:**

Do we have a copy of the decision?

**MS. FISCHER:**

Yes. Actually I have a copy of the Board of Review determination. Would you like that?

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator D'Amaro's asking for that.

**MS. FISCHER:**

Sure.

**MR. MINEI:**

While you're reading it, maybe I will add the questions that came up last fall was that the packages before you on these donations were not complete. And between Legislator D'Amaro and my staff, we came up with a format hopefully that satisfies the questions of the property the County is getting as free donations, the potential impact, if at all, on groundwater quality, and the net increase of housing. So the package you have before you that includes, in this case, two letters, one from Laretta suggesting that the property is of significance and the County desires it, and then a subsequent letter from her Supervisor, Tom Isles, that says it's in the Beaver Dam watershed, and we definitely want it; and then coupled with the charts and the determinations as you follow the history for the Board of Review determination.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to approve, seconded by Legislator Losquadro. Are there any questions on the motion?

**LEG. D'AMARO:**

I just want to --

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Just give me one second.

**CHAIRPERSON VILORIA-FISHER:**

Sure.

**LEG. D'AMARO:**

Okay. I'm all right.

**CHAIRPERSON VILORIA-FISHER:**

Okay?

**LEG. D'AMARO:**

Yep.

**CHAIRPERSON VILORIA-FISHER:**

All in favor? Opposed? **1132 is approved. (Vote: 5-0)**

Okay. **1144, adopting a local law to prohibit the sale, introduction and propagation of invasive, non-native plant species.** I'll make a motion to table for public hearing.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. There's a motion to table. All in favor? Opposed? **1144 is tabled for public hearing. (Vote: 5-0)**

**IR 1157, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Marine Inc property, Town of Babylon. (Horsley)** Legislator Horsley.

**LEG. HORSLEY:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Let us take a little look at it here.

**LEG. HORSLEY:**

Oh, please.

**CHAIRPERSON VILORIA-FISHER:**

As much as we like you --

**LEG. D'AMARO:**

For discussion purposes only --

**LEG. HORSLEY:**

It's got a 54 rating, by the way, guys, just to keep that --

**LEG. LOSQUADRO:**

44.

**LEG. HORSLEY:**

54.

**LEG. D'AMARO:**

No, 44.

**LEG. HORSLEY:**

Then it's wrong on something else then.

**CHAIRPERSON VILORIA-FISHER:**

It's 44. You're inflating.

**LEG. D'AMARO:**

Oh, my God, this is the boat yard.

**LEG. HORSLEY:**

What is it rated?

**DIRECTOR ISLES:**

44.

**CHAIRPERSON VILORIA-FISHER:**

So what are we going to do with this?

**LEG. KENNEDY:**

Do we get to talk yet? What's going on here?

**CHAIRPERSON VILORIA-FISHER:**

What are we doing?

**DIRECTOR ISLES:**

The matter's been reviewed by the Department of Planning based on the information --

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry. Tom is trying to talk to us. It's been a long meeting, Mr. Isles.

**DIRECTOR ISLES:**

I didn't have my mike on. As you can see in the aerial photograph the property's along the south side of Montauk Highway in the hamlet of Copiague, in the Town of Babylon. It is proposed for acquisition for planning steps only at this time for multifaceted active parklands component. We've done some investigation in County planning just to get more information about it since it is a little unusual being a developed site. It is our understanding that the property is proposed for public acquisition in concert with the Town of Babylon wherein apparently the Town will come in and manage a public park facility including a museum.

So our quick review of this and certainly in terms of the rating it came up pretty high. In terms of the visibility for parkland purposes certainly it's strategic in terms of its views down the canal and so forth. Some of the concerns we would have would be given the fact that it's developed property, would be the issue of the status of the building, the costs of renovating that building, any issues with lead paint and asbestos and so forth.

The issues with the marina in terms of what's the condition of that, who's going to take care of doing any capital improvements to the marina, what is the overall plan for the operation of the facility. So in a nutshell, since it is late, location in a very densely developed community in Suffolk County where the Hamlet Park Program, which this is not specifically under but I take it as being in that same idea as an active parkland, is seeking to provide opportunities for these strategic public spaces in a water front community to accentuate the views and so forth. So we have no quarrel with that. I think the issues we would have would be the details in terms of it's an ambitious proposal. There are substantially very expensive cost factors with this. And we would want to fully explore those as this were to move forward. I don't speak for the sponsor, though.

**LEG. HORSLEY:**

Okay. I could go on for quite a while on this but I won't. But what the answer to most of those questions are, the Town of Babylon. Okay. Town of Babylon. We are -- the goal is for the County to purchase it and the Town of Babylon would do the remediation, the improvements, building the park and whatever. This you may have saw was in the paper, guys. It was the old -- what was called the American Venice.

**CHAIRPERSON VILORIA-FISHER:**

Oh, this is the Venice.

**LEG. HORSLEY:**

This is the Venice thing. And it was a development in the 1920's where they actually recreated San Marco, I believe, in Italy.

**CHAIRPERSON VILORIA-FISHER:**

San Marco.

**LEG. HORSLEY:**

There you go, San Marco, how did I do? Where they actually had gondolas. And that little island you see where you come off the building out into the middle of the -- into the canal, you'll see that little square. That was where there was a gazebo in Italian-esq architecture. And I've got pictures for your guys and all sorts of things. You're going to love it.

**CHAIRPERSON VILORIA-FISHER:**

We love it already. Any other questions? Legislator Kennedy.

**LEG. KENNEDY:**

Well, I applaud my colleague for his creativity. But I guess the appraisal process, when we commission an appraisal, do we have the ability to have an appraiser do a commercial appraisal of a going concern? And would that actually factor into what the fair market purchase price would be associated with this?

**CHAIRPERSON VILORIA-FISHER:**

On some comps.

**LEG. KENNEDY:**

I don't recall that we've ever tried to value a going business when we've sought to acquire, have we?

**MS. ZIELENSKI:**

We have always -- we have always appraised based on highest and best use. If the highest and best use is commercial property, that's the way it's appraised.

**LEG. KENNEDY:**

Well, but -- isn't that different from not what it's zoned as, but as to the actual fact that it is an operating boat yard?

**MS. ZIELENSKI:**

Highest and best -- highest and best use includes legal use. If it is in a anti zoning use, that would be taken into consideration. If it is appropriate to the zoning, the highest and best use of the property is what's considered in the appraisal.

**LEG. KENNEDY:**

So this is within the realm of our ability to go ahead and appraise it out as far as a going business at this point? Okay. That was one question.

Would we wind up doing in this case like most commercial properties have at the very least a phase one environmental assessment if not a phase two; because in all likelihood, where you got a going boat yard that's been operating for many decades, you're going to -- almost guaranteed to have petroleum product issues associated with oils, fuels, diesel and things like that.

**MS. ZIELENSKI:**

Yes. The answer to your question is we do a phase one on every property that we're contemplating purchasing. And we do a phase two when the phase one indicates that we should. In a case like this where there's a history on the property, where the Legislator mentioned the word remediation, we would probably take the risk of ordering a phase one prior to the appraisals so that the appraiser could have the benefit of whatever problems the property may have.

**LEG. KENNEDY:**

Okay. Good.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I would also want to -- I have a couple of questions. Number one, since we're on the subject of the appraisals, the condition of the -- you know, as Legislator Kennedy was alluding to, this isn't just highest and best usage. The condition of the sheeting on the bulk heading, the docks, things of that nature that would go along with that usage and would have to be repaired or replaced to ensure that continuing use, all of that would have to be factored into -- taken into account, would it not? There would be -- I don't envy the appraisers who would get this one.

But that notwithstanding, as far as an acquisition for County purposes, the County would buy the land. And, Legislator Horsley, if you will, where is the benefit to the County or to the County residents on this? It looks like a rather small marina. And if the County were to acquire this, the Town of Babylon would then do whatever work was necessary to bring it into compliance with the sea standards and get it operational again. It seems relatively small. It seems to me for tax

purposes this is something we would probably want to see stay on the tax rolls for the residents in that area. I don't necessarily see where the benefit to the residents of the County would be to buy this underlying land and then have the Town of Babylon manage it. There just doesn't seem to be an extensive enough use here for County involvement.

**LEG. HORSLEY:**

Well, okay. Let me -- since you're asking me -- to drag me out into this issue, to start talking about it, this is, and I view it as, as much as historical park and a number of other different avenues. It is, I believe, an economic development issue. This is -- this piece of property is between literally on the dividing line between the Village of Lindenhurst and the hamlet of Copiague. It's got a long historic background and a whole community was built around where this property is.

The town has committed themselves through the supervisor and the town board to -- to bring this parcel back to its original glory. And where this will not only bring tourists in the future but as well as it'll bring a lot attention to this down town area which is frankly tired. If you take a look at the Montauk Highway area that this surrounds, as you could see from this, look across the street. It's got a -- it's got an area that needs to be revitalized. And I think this could be the key to renovating this whole area of Montauk Highway. I think this is an excellent purchase not only to bring back our history, our Italian American history, Mr. Losquadro --

**LEG. LOSQUADRO:**

Tugging at the heart strings, are we?

**LEG. HORSLEY:**

That was so -- that was -- 1920's in this area where literally Marconi was involved with it and there was a whole long history which I will be glad to share with you; that I think this is -- this is -- this is going to be a key to revitalizing this area for our county. And I think its -- I think it's an absolutely important acquisition.

**LEG. LOSQUADRO:**

I would, if this moves forward, this will be a very interesting discussion in the Environmental Trust Review Board as to the manner by which this was appraised and how we're going to ascertain a value on this for a continuing use such as this. So very interesting.

**LEG. HORSLEY:**

Let's go at it.

**CHAIRPERSON VILORIA-FISHER:**

If this moves forward, I'm going to get you one of those hats and a striped shirt. Sorry. On a more serious note, Legislator D'Amaro has a --

**LEG. D'AMARO:**

I don't know how serious, but I'm trying to -- this is in a program Active Parkland; is that the --

**DIRECTOR ISLES:**

That is a sub component of the Multifaceted. Multifaceted is amalgam of many different programs; capital programs.

**LEG. D'AMARO:**

So when the smoke clears, the County will own the property. The town is anticipated to be managing or running and improving the property for public access. You had mentioned a museum? Do you know what the intention --

**MS. FISCHER:**

Obviously the historic value of the property has been alluded to. And they are -- the town is moving forward in trying to identify this as a historic place with the state. And there's a number of

components that would be part of the site plan of this property including a gazebo, including using the buildings to some degree for a museum community center. I did get an indication as well that this would be open to all county residents. That would be required as part of this program. But the improvements and the maintenance would be held with the Town of Babylon.

**LEG. HORSLEY:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

There is a motion to approve and a second. Yeah, lou seconded it. All in favor? Opposed? **Motion is approved. (Vote: 5-0)**

Before we adjourn, there was a question for Ms. Zielenski by Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Again, I apologize for being late here today. I would have asked this question at the outset. But I have an article that I've had for a little while now from February 7 from Newsday talking about the Lewis Oliver Dairy Farm in Northport. Is there a contract on this that I'm unaware of because I didn't see anything on the agenda today.

**MS. ZIELENSKI:**

Not at this time.

**LEG. LOSQUADRO:**

Then I remember when the Environmental Trust Review Board first came into being, we had a number of discussions. And a number -- a couple of Legislators who are no longer on this body were severely chastised and criticized in the media for putting dollars forward prematurely. And I have an article here from February 7 saying the town and the county are going to split the 1.646 million dollar cost of the two acre site. And the town is throwing in an extra \$54,000 for the two structures on the property and the animals. That's really good of them that they want to buy the cows and the goats. But why is this information public? Does this in any way represent a price that we are negotiating? Could this damage our negotiation process?

**MS. ZIELENSKI:**

I can answer that. This particular parcel was being negotiated by the Town of Huntington. We provided our approved value to the Town of Huntington for negotiation purposes. The Town of Huntington made the offer -- apparently made whatever negotiation they chose and put out a press release accordingly. At the time that that press release was put out, we had not been contacted that our dollar value had been accepted. We had not had an opportunity to tell them that their resolution alluding to purchase of structures was inappropriate and that we could not partner with them if that were the case.

**LEG. LOSQUADRO:**

We're going to have to start putting clauses together. And anyone we partner with, we're going to have to have them sign off on confidentiality agreements because this is absurd.

**MS. ZIELENSKI:**

It's always difficult when we're dealing with a town who has to have a town board resolution that includes the dollar value prior to our being able to have an authorizing resolution. That's always an issue. But in this particular case since the town had the authorization to do the negotiation, they went and ran with the ball.

**LEG. LOSQUADRO:**

This is -- and working through our process and through your department we have had great success and with good reason for keeping our negotiations and these dollar figures out of public scrutiny during that process. And it's very disappointing to see one of our townships -- one of our oldest

townships go and do something like this for a press hit. This is extremely disconcerting and something that we're going to have to follow up on. Not to mention the fact that as you said the additional money that they're talking about putting into this would preclude us from even partnering with them in the first place. So I was -- I was resting assured that the County didn't have anything to do with this; but I wanted some clarification on this matter because when I saw this, I was extremely disturbed.

**MS. ZIELENSKI:**

It was very distressing to us as well.

**LEG. LOSQUADRO:**

Well, we as a body are going to have to look into this and find a way to deal with this because as far as I'm concerned now this process is tainted. So thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

To follow-up on that, is it possible, Pat, when -- we understand that the town boards sometimes have to vote. Is it possible to ask them to go into executive session when we're still in negotiations?

**MS. ZIELENSKI:**

It's difficult for them because part of their process is that transparency of what their intentions are for their voting public. What we normally try to do is time their -- time our situation to theirs. If we've done the negotiation and we have an acceptance of an offer prior to their resolution, we can be ready to go directly to contract as their town board is meeting. And then it all sort of comes out at the same time. This one was unique because the town had asked that they do the negotiations as our partner.

**LEG. LOSQUADRO:**

Thank you.

**MS. ZIELENSKI:**

But we do not have a contract at this time.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

If there are no further matters or if there is no one who needs to make any more comments, the meeting stands adjourned. Bye, bye. Have a safe trip home.

**(THE MEETING CONCLUDED AT 4:57 PM)  
{ } DENOTES SPELLED PHONETICALLY**