

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 April 16, 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:

Kevin Duffy, Budget Review Office
Joe Schroeder, Budget Review Office/Energy Specialist
George Nolan Counsel to the Legislature
Renee Ortiz, Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Christopher Kent, Director of Real Property Acquisition
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Ginny Suhr, Aide to Leg. Vilorio-Fisher
Michael Kaufman, Vice Chair to CEO
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Debra Alloncius, Legislative Rep for AME
Rebecca J. Wiseman, Cornell Cooperative Extension
Laurie Mickaliger, Cornell Cooperative Extension
Tom LaGuardia, Chief Deputy Commissioner of Public Works Department
Margo Myles, Town of Huntington
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:06 PM)

CHAIRPERSON VILORIA-FISHER:

Good afternoon everyone and welcome to today's EPA meeting. Please join us in the Pledge.

(SALUTATION)

(PRESENTATIONS)

CHAIRPERSON VILORIA-FISHER:

Thank you. We have a couple of presentations today on our agenda. And the first one being Becky Wiseman. There you are. Cut your hair. Nice to see. Come on up. Nice to see you, Becky. It should be on. It's the top -- push it towards you.

We'll just wait a minute -- we'll just wait until we have a few members at the horseshoe so that you're just not talking to me. I know a lot about the Agricultural Stewardship Program.

You know, Becky, before you begin I wanted to mention that I was speaking about the stewardship program at a task force meeting that I had last week. Ginny, was that the Invasive -- it was the Homestead Assist Task Force, you know, where we're trying to get residential use of pesticides and fertilizers decreased as we have with the stewardship program. So I talked about how successful we've been with the voluntary program. Of course, it's an audience that's more easily captured when you're talking about the farmers, but we've got to get everybody on board lowering the levels.

Okay. I'm just waiting for more members of the committee to please come to the horseshoe. Okay. We have -- Legislator Kennedy is here, Legislator Horsley is here. Okay.

MS. WISEMAN:

No problem waiting. I actually thought we would be toward the end of today's meeting so this is a delight.

CHAIRPERSON VILORIA-FISHER:

Right off the bat.

MS. WISEMAN:

Thank you. Good afternoon, Legislator Fisher. Thank you so much for having us from the Ag Stewardship Program come to speak with you. First of all, I just want to thank you for initiating the Agriculture Stewardship Program a few years ago and for your continued support of it and how that you've -- you are sort of our speaker -- support speaker across the county.

CHAIRPERSON VILORIA-FISHER:

Your cheerleader.

MS. WISEMAN:

Yes, our cheerleader and we want to thank you for that.

You came to our working group meeting in January. And at that particular time spoke about having us speak here for the EPA Committee and requested that perhaps we could bring up and have one of our technicians speak on a demonstration project. So today I'll begin by saying my name is Becky Wiseman. I'm the Coordinator of the Agricultural Stewardship Program here in Suffolk County. And I brought with me today my technician Laurie Mickaliger who will be speaking on a particular demonstration project.

Before she speaks I just wanted to give you an overview for those of you who aren't familiar with the Agriculture Stewardship Program and also wanted to point out that I have handed out for you to look at to keep is our progress report for this past year. And also some brochures that I've included in that report. There's three pieces of paper that are stapled together. And that is what I will be speaking from here just briefly.

The aim of the Agriculture Stewardship Program is really to work in cooperation with the Long Island agricultural growers, the Cornell Cooperative Extension specialists in each of the commodity groups, the research lab out on Sound Avenue. And also Soil and Water Conservation District and the NRCS. We work in combination with them and cooperating with them. Cornell Cooperative Extension and Soil and Water Conservation and NRCS we meet monthly along with Dale Moyer our Program Director to look at our progress of the program and exactly what we're doing and how we can even do it better.

Our work is to provide a coordination of programs for education on farm demonstration projects and cost share initiatives that will reduce the run-off and leaching of nitrogen, fertilizers and agricultural pesticides into our ground and our surface waters. That's our primary objective.

And then I just wanted to go over briefly with you what some of those objectives entail which is our educational program which includes the AEM worksheets, a New York State combination, compilation of questions and answers that is a voluntary and confidential assessment of the best management practices in fertilizer and pesticides on farms.

Another kind of educational program we provide is the workshops and conferences throughout the year. You will see more about them in that little red booklet that I passed out. We also have a web site and resource information on that web site which is always and currently being updated so it's much more interactive. We also do newsletter and updates in the Suffolk County Ag News. For your information on the second page of that three page stapled pieces of paper --

CHAIRPERSON VILORIA-FISHER:

I don't see that three page here. Do you?

MS. WISEMAN:

No? It wasn't inside the book.

CHAIRPERSON VILORIA-FISHER:

I thought I was the only one missing it. Thank you.

MS. WISEMAN:

Sorry about that. Did everyone get that? No?

CHAIRPERSON VILORIA-FISHER:

I don't believe so but you know what I'll --

MS. WISEMAN:

Here they come.

CHAIRPERSON VILORIA-FISHER:

Oh, they're coming.

MS. WISEMAN:

Thanks.

CHAIRPERSON VILORIA-FISHER:

And one for Legislator Losquadro.

MS. WISEMAN:

Great.

CHAIRPERSON VILORIA-FISHER:

Becky, just before you go on I just want --

MS. WISEMAN:

Sure.

CHAIRPERSON VILORIA-FISHER:

Because we do have a couple of Legislators here who weren't here when I presented this resolution.

MS. WISEMAN:

Right.

CHAIRPERSON VILORIA-FISHER:

And I just wanted to let you know some of the benefits of this. We put this together for a number of reasons. Number one, there is a state AEM which is the Agricultural Environment Management; right? And we tried to go along with those lines. It's a voluntary program where farmers join this initiative voluntarily to decrease their use of fertilizers and pesticides and to have better irrigation practices to conserve water also.

We made the commitment on the part of Suffolk County to put in the budget lines of technicians who would work with these farmers who came on board. And because they've been working with the technicians to do these worksheets and to be on board and lower -- find ways to reach those goals that we had, they are also able to access -- and stop me if I say anything wrong along the way -- access state and federal monies as well. So we've been able to parlay whatever investment we've made on the county level to ways of reaching out and getting some, I guess, the mixing pads; is that what they're called?

MS. WISEMAN:

Right.

CHAIRPERSON VILORIA-FISHER:

There have some -- is that the EQUIP money? Is that -- am I using the wrong --

MS. WISEMAN:

It's -- I have -- I'll speak to that in just a minute.

CHAIRPERSON VILORIA-FISHER:

Okay, good. But anyway that was where it came from. And we have to give a great deal of credit to the farmers who have been willing to come on board voluntarily to not add contaminants to our eco system and our water supply.

MS. WISEMAN:

That's a good synopsis. And I think that one of the reasons why we've been so successful at this was the foresight to combine it within the Cornell Cooperative Extension which is seen as an educational facility. And there's already cooperating work between farmers, growers and ag staff.

If you see on the second page you'll be able to witness the increase in the number of demonstration projects where we go right on the farm and we work with them to decrease their nitrogen level such as the control release fertilizers. We monitor the impact of soil health. I have a whole list of demonstration and research projects that we are working on. The little red booklet will go into more detail of that so you have more detail account of how it's transpired.

But you will see when I began in 2005 working with the growers we had 20 projects on the farm. Last year we had 63 projects that we were working with in every commodity group which includes the greenhouse, sod, tree fruit nursery, vegetable, vineyard and on the research site itself. Last year we had 63. And this year we are looking at 77 on farm projects which is really phenomenon, the kind of increase that we have.

One of the advantages of doing the agricultural environmental management worksheets, and as you see to date, we have 93 participants who have completed the worksheets. Cornell Cooperative Extension does the worksheets with growers. Also Soil and Water Conservation District. And in addition NRCS. Any time one of the farmers or growers is applying for a cost share initiatives, which is on the third page -- I'll tell you a little bit about cost share initiatives. Actually that's on the first page. You can see an attachment which is the last page. But we have the Equip Program which is a federally funded program. It's for environmental quality improvement.

Any time there are federal funds involved, of course, it's competitive. And so you never know if you're going to get the amount of money that you are hoping for. We had sixteen grower applications in 2007 which would have amounted to \$306,246 in cost share initiatives. And what transpired is that the -- we were only able due to funding, that's all, to be able to fund the first six in a row. And so there were six growers that were pre-approved for \$102,409. Those funds go toward everything from, say, irrigation to waterways, greenways on property, all about reducing run-off.

Then we also have the New York State non point source abatement fund that comes out of the New York State. There were \$10 million in that fund. We were able to get one grower funded for \$180,000. That will be a pollution upgrade at a Long Island duck farm.

Another one that Legislator Fisher was speaking about is the New York State DEC fund that has been -- that is being funded through Soil and Water Conservation District here in Suffolk County. We have approximately \$500,000. \$400,000 of that money was set aside specifically for -- by the State DEC for funding of agricultural chemical mixing pads or facilities. We have had -- so that will be \$400,000 once and only once. We're very grateful for that. In addition there is extra money that is coming in through fines that then gets sent back into the support of agriculture, which is a wonderful innovative process. So right now we have 15 growers participating in that. Three hundred letters have been sent out announcing the funding. And we're -- there is great enthusiasm among growers to participate in developing this project.

So that gives you really a brief overview. And what I wanted today was to have one of our staff speak to you about a particular project because, you know, we can -- we can go about encouraging and providing all of the education that we could possibly provide agricultural leaders. But it takes leaders in the ag industry to step forward and say I'm willing not only to do the AEM worksheets, but I'm also willing to have you come on my farm and demonstrate to me and our family the agricultural practices that could help us reduce our amount of pesticides and nitrogen. So it's those innovative leaders. And thankfully we have 77 of them this year stepping forward. We're very busy. I have to tell you, we'll all be out there planting.

So now I'll turn it over -- unless you have any questions? Okay. Thanks. I'll turn it over to Laurie Mickaliger who is going to talk about a particular project.

MS. MIKALIGER:

Hi. Hi. As Becky said my name is Laurie. I am a technician of the Ag Stewardship Program. Currently I am working in both greenhouse and nursery projects. And for about seven months of my life last year I spent working on this bio control project. It was in order to reduce pesticide usage. And as a result I would like to say firsthand we cut down pesticide applications by seven in one greenhouse, which means he did not apply any chemicals to a 27,000 square foot growing facility worth of poinsettia crops. So off the bat we did have success and we're continuing with him this year as well as two additional growers.

Just to give you a little background into the projects, it was -- it came out of the result of pesticide resistant pest being introduced into greenhouses. In 2004 white flies in Arizona became resistant to any chemical known that controls them especially {menacopla}. So what growers started doing is they started over spraying. They would double the amount of chemical used. They would make multiple applications in order to control this. What ended up happening is they did some research and found out that it's a strain resistant to this chemical. So they're not controlling it at all. And as a result within two years because we now ship so much interstate and nation wide that the white fly is present in 22 states. Long Island is a special case because chemicals that can control it and even other parts of the state are not allowed here because of our water. They have such a high leachable rate that they're not used.

So what happens is we have no defense against this pest. And this pest will cause great economic harm to any poinsettia grower. It cuts down on the salability of poinsettias by spreading diseases. It also reduces quality of the poinsettias which ultimately the growers -- the purchaser are you guys -- are not going to want to buy these Long Island grown poinsettias.

So as a result we invested time and effort into researching different controls. We found a bio control which is a miniscule wasp about the size of a pinhead. And what we do is we release them in the greenhouse on a weekly basis to control this white fly. The scouting takes about three hours. The release takes about three hours; so it's four hours total in one week just for one facility. And it's not the whole facility. It was a third of this facility of time and effort into controlling this pest without the use of chemicals. And we were successful to do it. We were way under threshold. Threshold is two. We are at point two. So it was just something absolutely wonderful.

The only problem is the cost. There is a cost difference of seven cents a square foot, which doesn't sound like much but when you have a poinsettia crop, you don't have much room for loss and gain with your costs. It's kind of -- you kind of make that bare minimum just to cover your costs on them. And growers are kind of hesitant to go into towards the bio control just because of that cost difference.

So what we did is we did all the work. We funded the costs for the growers to say, hey, listen, it does work. And our grower's a little hesitant because it's a seven cent increase. But he's started looking at the benefits. Oh, look, my employees don't have to be subjected to any pesticide applications. I don't need to come back at six o'clock and spray on a Saturday night so Monday morning we can all go to work. The employees don't have to worry about, well, can I go into this greenhouse, can I not? Is it restricted entry? He's started coming out with all these different benefits that are just not on the surface. And he actually said it was worth it.

We also had another grower that we recently spoke to that said the cost -- I can do the extra ten cents in his case. They were very willing to do it. The only thing is, it's not their normal practice. They need the support behind it. They need us to show how to do it because this was originally modeled off of studies out of Massachusetts and Cornell. So what we're doing is we're taking the research gained at all these colleges and we're trying to apply it to the grower level so they can actually use it.

So I do have a handout I can give you guys. It goes over the basics of just different price costs. You see there's a price difference. Pesticides, yes, are cheaper by a little bit but we're trying to get the growers to, yes, realize that the cost is different.

CHAIRPERSON VILORIA-FISHER:

You also have the bugs with you, Laurie?

MS. MICKALIGER:

I did bring them.

CHAIRPERSON VILORIA-FISHER:

Laurie travels with her bugs. What are the wasps called, Laurie?

MS. MIKALIGER:

They're a {aremicus mundas}. I'll bring them up for you guys. It's just little wasps on the cards. You'll be amazed once you actually see how large this is.

CHAIRPERSON VILORIA-FISHER:

While Laurie's coming up to pass these out, there was a question when I attended the Ag Stewardship meeting where someone says, well, are you introducing a species here that could then be a different problem? And what Laurie explained to us was that their life cycles are both parabolic -- a bell curve.

MS. MICKALIGER:

Yeah, life cycles don't last on these.

CHAIRPERSON VILORIA-FISHER:

Well, you can't talk when you don't have a mike because then the steno can't get you. That's it.

MS. MICKALIGER:

Okay. It ended up being that these are actually nationally occurring wasps that you will find in warmer climates such as Arizona, California. Any place where poinsettias naturally grow outside and you won't kill them because it's so cold, you'll be able to find these wasps. They're super small so you really won't see them. But they're there. And the wasps have such a short life cycle that if the conditions aren't great for them, they're not going to live. They're just going to die as soon as they get outside. They don't have that ability. And as you can see there's --

CHAIRPERSON VILORIA-FISHER:

And they ran out of food after they ate the --

MS. MICKALIGER:

They run out of food. That's the thing. They live on the white flies. They're not going to go out and eat your gardening bugs or ticks or anything. It's just the white flies. And once they run out of food, that's it for them. So it's a very short life cycle.

CHAIRPERSON VILORIA-FISHER:

Are there any questions for Laurie or Becky? I have to tell you sometime, you know, as Chair of Environment Committee I go to these meetings sometime. But I think that it was really a lot of fun. I felt as if I was listening to -- because the technicians all seem to be quite young or maybe I'm just getting old, but I felt like I was at a science fair. They're very enthusiastic. They're excited about their work. They're doing ground breaking work. They're helping us. You know when in the past month where we heard so many people politicizing the whole Vector Control thing and how bad the County is and, you know, what the County is doing to our environment, you need to go to groups like this who are doing good work in Suffolk County to try to mitigate the offenses to the environment.

So thank you, Laurie, for the work you do. Thank you, Becky. I really appreciate you coming down. No questions? Okay. We're just passing the show and tell materials around. Thank you very much. Okay. We're still passing bugs around.

While we're doing that, I'm going to introduce Joe Schroeder. Thank you very much. Joe is actually going to be speaking with us today again giving us as difficult as it may sound, Dan, because you have been here since the beginning of this, I think, a little thumbnail sketch on LEED. The reason I asked Joe to do that is because the Fourth Precinct is going to be underway. And as you know that is going to be our first LEED project.

LEG. LOSQUADRO:

Through the Chair, when is that going to be commencing?

CHAIRPERSON VILORIA-FISHER:

I don't have -- do you have the date of the ground breaking? Right now it had to go through CEO. And that's why it's before us. But I just wanted to give -- I'm not sure of the date, Dan. But I know that Legislators Kennedy, Horsley and D'Amaro were not here when we had all of the discussion on LEED. And if you happen to pick up a -- the LEED guidelines, how many pages would LEED be? About -- it's one of those thick book things. So it would be -- well, yeah, in Babylon you're doing a lot with LEED now. Yeah, people have gotten used to it. By the way, it is LEED and not LEEDS. There's no "s" on it. Okay, Joe go ahead.

MR. SCHROEDER:

Thank you. Good morning, Legislators. As Legislator Viloria-Fisher said, this is just a brief overview. I'll be glad to entertain any questions you might have.

The Leadership and Environment -- Energy and Environmental design is a building ranking system that was developed by the US Green Building Council, a non-government entity. It's a consensus group of industry professionals that has over the years evolved several iterations of this standard. And the LEED program essentially focuses on five key areas. Sustainable site development, water savings, energy efficiency, material selection and indoor environmental quality. And most of the focus of these various areas is not just limited to project costs and project impacts, but the impacts associated with the great cradle to grave aspect of all the materials and activities related to a particular project.

Since 2001 according to the LEED website, they have about 5,000 registered projects around the world. All but about a hundred of those occurred in the US and Canada. There are about 2000 projects currently in the pipeline; registered projects. And in New York State that would be a little more than 300 projects. And those are completed and ongoing projects.

Each of the five areas is assigned a total number of points. And there are several sub groups within these five major categories where a design team and construction team could accrue points towards the certification status of their particular projects.

In the sustainable sites area it's 14 possible points, water efficiency five points. And you can see the others there. 17, 13 and 15 respectively for a total of 69 possible points. That's important to note because there are four different levels of ranking within the LEED system. There's the certified level which you would attain if you accrued between 26 and 32 points. The silver ranking status 33 to 38 points. Gold and again platinum would be the maximum.

The LEED 2.1 project check list, and I'm noting specifically 2.1 here of the several iterations of the LEED standard, the County and resolution 126 of '06 adopted LEED 2.1 for all projects, new building projects over a million dollars and new renovations building projects of over a million dollars with a few minimal exceptions.

As you can see, and this is the actual project check list, within the major categories there are several areas wherein -- and there's very proscribed activity here. This is largely left up to the design team to obtain the desired results from each of these categories. But within each of the main categories there are several areas where the design team can accrue points. It makes it very easy for a design team as we discovered through our evaluation process with Public Works to achieve a certified level. And with somewhat greater effort they could receive -- accrue enough points to achieve higher levels of ranking.

I won't go into the details of this unless you have specific questions on it. But, you know -- well, for instance in the materials and resource area, there are points given for recycling building materials from a remodeling project as opposed to going out and buying new materials. This helps in terms of solid waste management programs. It also helps reduce energy consumption and pollution

associated with the manufacturing of new building materials, delivery of those materials. And so just to point that out as a for instance there's a number of different ways here where abiding by the standards that they've adopted here that we could achieve a higher level of building efficiency, if you will.

CHAIRPERSON VILORIA-FISHER:

Thank you, Joe. Also, Joe, I should note again for members of the Committee who weren't here when I first introduced this legislation, when it was first introduced, there was some concern on the part of the Commissioner of the Department of Public Works. And by the time we actually came to the point where we were passing the legislation, he said there have been so many advances in how we look at building that many of the LEED check list is met by simply best management practices in the industry; in building and in those practices. So he really -- but in the few years it took to finally pass this, everyone else was catching up with these practices.

MR. SCHROEDER:

Right. And there are a number of other different systems out there that are adopted. And one of the advantages of the County adopting this system is that the state has encouraged LEED in its -- when the Governor -- Governor Pataki -- former Governor passed his executive order 111. New York City is looking at LEED for not only municipal buildings but for all private development there. Local towns on Long Island including the Town of Babylon have decreed that LEED will be used for new commercial development within the township. And by adopting a standard that developers and builders are aware of, it sort of minimizes the amount of fudge factor in the bidding process so the people know exactly what you're talking about instead of having your own standard that may be different from your very next door neighbor's standard.

CHAIRPERSON VILORIA-FISHER:

Yes, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Just a quick question. Joe, I recall when we were talking about the Fourth Precinct that I wanted to make certain -- or I wanted to be aware, cognizant of what the cost aspect would be associated with going forward and using LEEDs, but I think I recall that by adopting the standard, there was an increased out of pocket costs to construct. But there was a greater return in savings on the out years over the life of the building so that it would --

MR. SCHROEDER:

In the life cycle -- yeah, that's the desired outcome, yes.

LEG. KENNEDY:

And is that what we're seeing at this point as far as the standard that we're implementing?

MR. SCHROEDER:

I can't speak specifically for the Fourth Precinct project. Perhaps maybe we can get a better idea --

CHAIRPERSON VILORIA-FISHER:

Well, part of what the charge in the resolution that I had introduced that resulted in the Fourth Precinct being built according to LEED standards is to do an evaluation so it really is serving as also a pilot and a cost benefit evaluation. However, because these practices have become more and more wide spread, there is less additional costs. Much less than when I first introduced this five years ago. And so we expect that in the cost benefit long -- you know, life of the building there will be an aggregate savings.

LEG. KENNEDY:

Thank you, Madam Chair. And the reason that I'm asking that is, is because you pointed out that there are some levels of government, I guess, who have embraced this. I know in my own town there's talk about a fairly large scale library expansion project that's going to be going forward

probably within the next six months involving four different facilities \$26 million bonding initiative coming forward. And it occurs to me that I probably should be speaking to somebody on the library board to see whether or not they're investigating or supporting or promoting a LEED standard for the expansion of the new construction. But --

MR. SCHROEDER:

Now would be the time, yeah.

LEG. KENNEDY:

But it's a true statement at this point with use of this that -- what is it? An additional five percent that's added to a project? Ten percent? Do we have an idea? Tom LaGuardia's here. Tom, do you know? Pardon me, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Yeah, through the Chair.

LEG. KENNEDY:

I'll fish anybody up. You know that.

CHAIRPERSON VILORIA-FISHER:

Make sure your mike is on, Tom, please. Tom and I go way back on this project.

MR. LaGUARDIA:

As part of the resolution we're required to evaluate the exact cost difference. And that's in the process of being done right now. We expect to bid this process either late spring, early summer, the Fourth Precinct. We'll be out to bid. And before that we'll have complete cost identified and we'll be making a presentation to the Legislature as required by the resolution. I believe, Legislator Fisher, you asked Commissioner Anderson to make a presentation in May. That presentation will include some preliminary information on where we are on the Fourth plus a whole overview of what the Department of Public Works is doing in the energy field.

CHAIRPERSON VILORIA-FISHER:

And we wanted to do our own evaluation because in years past it was a 5% differential, but I think at this point there is some projects where there's no differential and so we wanted to do our own evaluation with --

LEG. KENNEDY:

So you're going to be able to give us, then, some of what the actual. You will have costed it out without LEED standard, cost of with LEED standard and so you'll have a comparison to the initial outlay. Plus you'll also model the cost for operation for the facility for whatever; 20 or 30 year cycle?

MR. LaGUARDIA:

Yes, Legislator Kennedy. That's our plan.

LEG. KENNEDY:

And do the comparison?

MR. LaGUARDIA:

Yes.

LEG. KENNEDY:

And we'll have that in May?

MR. LaGUARDIA:

No, we won't have all the information. We'll have the preliminary information. We'll have our

budgets pretty well in place so we should be able to give you some general information on what the cost difference is. The life cycle cost information will come in the following months.

LEG. KENNEDY:

Okay. All right. Thank you, Madam Chair. Thanks, Tom.

CHAIRPERSON VILORIA-FISHER:

Are there any other questions? Yes, Legislator Horsley.

LEG. HORSLEY:

I'll just do this very quickly. Joe, the differences -- I just don't know it -- I should know this -- between LEED and Star is -- do you know what the -- which program they are, who sponsors which and what is the better goal?

MR. SCHROEDER:

Yeah. Energy Star is actually an EPA program. It's a government sponsored program. It's much more limited actually in scope of analysis and in its approach than the LEED's process is. LEED is a much more comprehensive; includes things like commissioning during the design process and through and beyond and after the completed project.

LEG. HORSLEY:

The architectural complications.

MR. SCHROEDER:

Right. Right. It also calls for a much more integrated approach to the design process on the part of the various specialty areas in the design teams. Like you might have a mechanical engineer designing the HVAC system. You have a lighting engineer designing your lighting and, you know, your architect designing your -- your interior designer designing your office layout and what the LEED process calls for is for all those people to be in the same room at the same time on several occasions to talk through and work through the different design criteria. And I don't know if you want to add anything to that.

CHAIRPERSON VILORIA-FISHER:

You know what? Legislator Horsley, with the Energy Star Program we are optimizing the HVAC. You know, you talk about your energy; use of energy to heat and to cool your home, your thermal --

LEG. HORSLEY:

It doesn't go to the building itself?

CHAIRPERSON VILORIA-FISHER:

But in LEED --

MR. SCHROEDER:

It's limited to the building though. This goes actually much beyond the building itself.

CHAIRPERSON VILORIA-FISHER:

Because here we're talking about other environmental impact. For example, you can get points for sighting next to -- near public transportation. Your use of materials that don't have the same out gassing components. I don't think that Energy Star really addresses that.

MR. SCHROEDER:

Energy Star is an indoor air quality issue that's pretty much confined to the duct work and testing of the duct work. It doesn't really specify or call for low emissions materials.

LEG. HORSLEY:

So would we say that LEED is the more aggressive?

MR. SCHROEDER:

Yes.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. HORSLEY:

The more up to date? Because I've heard for years Star and --

MR. SCHROEDER:

Well Energy Star is an ongoing program. It's to date but this is a much more aggressive approach, yes.

CHAIRPERSON VILORIA-FISHER:

And more comprehensive, I think.

MR. SCHROEDER:

Yes.

LEG. HORSLEY:

Good. Thank you.

CHAIRPERSON VILORIA-FISHER:

Energy Star doesn't refer to water use either. Irrigation practices where -- I don't think Energy Star uses -- I mean in terms of --

MR. SCHROEDER:

Well, in terms of faucets; low flow faucets and toilets and shower heads and things like that. But not -- not for outside irrigation and things like that.

LEG. HORSLEY:

With just the brick in the toilet.

CHAIRPERSON VILORIA-FISHER:

Putting a brick in the toilet, he said. Okay. Are there more questions? Okay. Thank you very much, Joe. Thank you, Tom, for coming up.

CEQ RESOLUTIONS

Jim Bagg, if you could come up for the CEQ resolutions, please. That way we can get you back to your office and all that busy stuff you have to do over there. Go ahead.

MR. BAGG:

Okay. The first **CEQ resolution is 17-07. It's a ratification of recommendations for legislative resolutions laid on the table on March 6, 2007 and March 20th, 2007.** It's fairly pro forma. It outlines recommendations for Type II Actions or any other requirements under SEQRA.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amato, seconded by myself. All in favor? Opposed? **CEQ resolution 17 is approved. (Vote: 5-0)**

MR. BAGG:

The next resolution is the **(18-07) is the proposed relocation of the Suffolk County Police**

Department, Fourth Precinct in the North County Complex in the Town of Smithtown.

Project involves the construction of a 35,000 square foot LEEDs police Fourth Precinct building with an associated 118 off street parking spaces on 3.18 acres in the Hauppauge North County Complex Center. An emergency generator will also be installed. Council recommends that it's an unlisted action that will not have a significant impact on the environment for the following reasons. One, the proposed action will not exceed any of the criteria in Title Six NYCRR section 617.7 which sets forth threshold for determining significant effect on the environment as demonstrated in the Environmental Assessment Form.

Two, the proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and code.

Three, the parcel does not appear to suffer from any severe environmental developmental constraints, no poor soil properties, no high ground water and no unmanageable slopes.

Four, the facility is to be hooked up to an existing sewage treatment plant which has the capacity to handle the increased load.

Five, the project will be in conformance with Article Six, Seven and Twelve of the Suffolk County Sanitary Code.

Six, according to the LEED version 2.1 summary chart in the EAF, the project will obtain at least 28 points or more which will rank as certified in compliance with Suffolk County resolution number 126 of 2006.

And, seven, all necessary New York State DEC permits will be obtained.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to approve by Legislator Kennedy, seconded by Legislator D'Amaro. All in favor? Opposed? **CEQ resolution 18 is approved. (Vote: 5-0)**

MR. BAGG:

The next resolution number **19-07 is the proposed IR number 1131-2007 appropriating funds in connection with planning for the restoration of wetlands.** Council recommends that this is a Type II Action pursuant to SEQRA because it involves planning.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to approve by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **CEQ resolution 19 is approved. (Vote: 5-0)**

MR. BAGG:

CEQ resolution number 20-07 is proposed acquisition of land for open space preservation purposes known as the Terrells River County Park addition, Mahfar & Associated property in the Town of Brookhaven. Council recommends that it's an unlisted action pursuant to SEQRA that will not have an impact on the environment for the following reasons. None of the criteria pursuant to SEQRA will be exceeded. And the property will be dedicated to the Suffolk County Department of Parks, Recreation and Conservation for hamlet park purposes.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **CEQ resolution 20 is approved. (Vote: 5-0)**

MR. BAGG:

CEQ resolution number 21-07 proposed acquisition of land for active and passive recreational purposes known as the Tuthill Point Marina property in the Town of Brookhaven. Council recommends that it's an unlisted action pursuant to SEQRA that will not have

an impact on the environment for the following reasons. None of the criteria within SEQRA will be exceeded. And the undeveloped property will be used for open space preservation and park purposes. And the developed portion for park purposes.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **CEQ resolution 21 is approved. (Vote: 5-0)** Thank you.

MR. BAGG:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Jim, I read in the newspaper there are two members of the CEQ who have said that they are resigning CEQ. I haven't seen anything in written form from those two members or -- actually there are two regular members and there are several CAC members. I believe two -- have you received letters of resignation from any of those parties?

MR. BAGG:

No. I did call the two CEQ members up and made a recommendation that they forward a letter of resignation to the Presiding Officer in the Legislature because you appoint them. One member, Mr. Potente, said he would do that. The other member was reluctant to do so.

CHAIRPERSON VILORIA-FISHER:

Okay. So then what is the status of that member if she has announced that she is resigning but hasn't in fact submitted a letter of resignation?

MR. BAGG:

That would be a legal question. I have no idea.

CHAIRPERSON VILORIA-FISHER:

But -- so she's still a member of --

MR. BAGG:

I assume, yes.

CHAIRPERSON VILORIA-FISHER:

She's still a member of CEQ.

MR. BAGG:

Remains a member in good standing until such a time where they've been replaced or she's missed four CEQ meetings. And then we can assume she has resigned or vacated the position.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, I consider that an answer what you just said. Thank you very much, Jim.

MR. BAGG:

It would be preferable for them to send in a letter of resignation.

CHAIRPERSON VILORIA-FISHER:

Make it a cleaner process.

MR. BAGG:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. And I'll ask Counsel about that at another point. Thank you.

TABLED RESOLUTIONS

To the agenda. **IR 2240, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund for the Toppings Farm property, Town of Brookhaven. (Romaine)** Do you have anything to say about this? We had tabled it last time.

DIRECTOR ISLES:

Right.

LEG. VILORIA-FISHER:

But we weren't -- just a brief reminder because it's been a while. But I think that it was that we didn't have a sponsor or the Town of Brookhaven hadn't been partnered.

DIRECTOR ISLES:

Right. I believe the property's located along the north side of the west side of County Road 51. It is a wooded parcel. It's called the Topping Farm property. It is not a farm. It is a little less than nine acres. County Planning has reviewed it. We came up with a score of 13 points. It's not adjacent to any other county property. It's not a parcel we would recommend to you. I believe the sponsor indicated he thought there was an interest in a partnership with the Town of Brookhaven. I don't believe he has received anything. We certainly haven't seen any indication of that. That may not change our point of view either, but fundamentally as far as the County acquisition, it does not appear to meet the County criteria.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. LOSQUADRO:

Just very quickly.

CHAIRPERSON VILORIA-FISHER:

Sure. Let's make a motion then we'll talk on the motion. Okay?

LEG. LOSQUADRO:

That's fine.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to table, seconded by Legislator Horsley. On the motion Legislator Losquadro.

LEG. LOSQUADRO:

Sure. I just want to ask I know there was another parcel but this -- was this one that we were considering some adjacent properties as well or no?

DIRECTOR ISLES:

Well, there is a parcel adjacent which is known as Dreams Come True Farm. And there was a resolution approved to consider that for a farmland PDR develop acquisition. Subsequently there was also a resolution put on the piece to do an acquisition which was withdrawn by Mr. Romaine, I think, right around the time that the PDR was being considered.

Secondly, as you go a little bit further to the south on County Road 51 at the intersection with Manoridge Road or Eastport Manor Road, there was a parcel that the Legislator put in for active recreation. And I believe that was approved. Yeah. And that's actually -- so we have three pieces

in this area. One active recreation which is a sod farm. One is a PDR for Dreams Come True. So the subject parcel, the Toppings Farm parcel, would be the only open space for conservation purposes. And here again just looking at it in terms of the County's open space criteria, it scored 13.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table and a second. All in favor? Opposed? **IR 2040 is tabled. (Vote: 5-0)**

IR 2433, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program St. James Protestant Episcopal Church property, Town of Smithtown. (Nowick) Now we tabled this because originally when it was put here -- when it was laid on the table by Legislator Nowick there had been another piece that we thought would make it contiguous or closer to the Deepwells. That's no longer true so we'll continue to table it. I haven't heard from the sponsor.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to table, seconded by Legislator Kennedy -- no, not by Legislator Kennedy. I was wondering why you were so excited about picking up that mike. Legislator D'Amaro. On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. I'm going to recuse myself from this vote.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. There's a motion to table and a second. All in favor? Opposed? **IR 2443 stands tabled. (Vote: 4-0-0-0-1. Legislator Kennedy recused)**

IR 2441, a Charter Law strengthening legislative oversight of real property donations and transfer of development rights. (Stern) There has been a request by the sponsor to table it. I will make a motion to table, seconded by Legislator Losquadro. All in favor? Opposed? **IR 2441 is tabled. (Vote: 5-0)**

IR 1018, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund property of Grace Presbyterian, Town of Brookhaven. (Caracappa) And I believe that this is the one that we're not certain of the -- of the use? Was that one of the problems with that? And there was a problem with the ownership?

DIRECTOR ISLES:

Yes. And the method of the acquisition. We brought out at the last meeting of this Committee that there were at least one prior -- there was at least one prior resolution authorizing planning steps on this parcel. So it seemed a little puzzling as to why there would be a second resolution put into -- seek planning steps again. You had directed or at least I had received that indication from this Committee that I should contact the sponsor, which I did do.

Spoke to the sponsor last week. And he indicated to me that he's changed the nature of this acquisition in that he would like to proceed with this as a full County acquisition with the idea that there would then be an agreement with another entity, a Little League or a school district or something like that to actually come in and then operate it. So unlike, let's say the old -- we now call it the old Greenways Active Recreation Program, we had a formal partner, what he's suggesting

is that since the two ball fields are already there, they need some work but they're there, behind the Grace Presbyterian Church, that he feels that if the County were to purchase it we can enter into an agreement with, here again, this third party to run it.

I asked if he had spoken to the Parks Department about that. And he indicated he did. I then sent an e-mail to the Parks Department administration to -- not that I'm questioning the Legislator's point, but I just wanted to get verification and also make sure we're all understanding, communicating the same thing. As of this time I haven't received anything back from Parks. I'm sure they're reviewing it.

But that's by way of background. So fundamentally where this originally was going to be a partnership and a formal Greenways type method, what he has suggested is that he feels it has merit as a County acquisition, but with a license agreement with some entity to be determined, as I understand it, to operate it later on. So that's what we've been able to accumulate since the last meeting.

CHAIRPERSON VILORIA-FISHER:

Okay. But we don't have the name of the entity at this point?

DIRECTOR ISLES:

He didn't. He indicated that there may be some possibilities with the school district in the area. But he wasn't specific about -- this entity would be ready to do it or not do it; at least to me anyway.

CHAIRPERSON VILORIA-FISHER:

Okay. Maybe I'll try making a call and speaking with the sponsor as well. But I think for now I'm going to make a motion to table. Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1018 is tabled. (Vote: 5-0)**

IR 1020, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Lenzer property, Town of East Hampton. (Schneiderman) I believe that this didn't get a very high rating.

DIRECTOR ISLES:

The rating we identified for this property --

CHAIRPERSON VILORIA-FISHER:

Eight points.

DIRECTOR ISLES:

-- is 14 points.

CHAIRPERSON VILORIA-FISHER:

14 points. Okay.

LEG. LOSQUADRO:

Through the Chair.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

This was sort of a building lot --

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

-- limited access if I remember correctly?

DIRECTOR ISLES:

Right. On a flag lot?

LEG. LOSQUADRO:

Yeah.

DIRECTOR ISLES:

Coming off a cul-da-sac.

LEG. LOSQUADRO:

Yeah. That's the one. I remember.

DIRECTOR ISLES:

Yep, you do.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1020 is tabled. (Vote: 5-0)**

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 the watershed study of Lake Panamoka.

(Romaine) Now I understand that there was just a meeting of the Water Quality -- I always get their name confused. Review Board.

MS. MEEK-GALLAGHER:

Yes, there was. And this was not voted on because the full application was not received ahead of time. So what we're going to be letting and actually we've let Legislator Romaine's Office know is that there needs to be a full application filed. It really should come from the town or at least be done jointly with the town at a minimum. Usually in these cases where it's a non-county project per se, it is the municipality that fills out the application and get it in. And what we'll do is just not hold another meeting until we know that that application has been submitted so that it will get voted on.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. In that case I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

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

LEG. LOSQUADRO:

On the motion.

CHAIRPERSON VILORIA-FISHER:

On the motion Legislator Losquadro.

LEG. LOSQUADRO:

What do you anticipate that the time frame for the next meeting being held is?

MS. MEEK-GALLAGHER:

Probably mid-June. Assuming that the application is in in time.

LEG. LOSQUADRO:

I'm just thinking of our schedule if that could come back before us before we break for July; probably not, which means we wouldn't be able to address it until August. So it's unfortunate we're not going to be able to address this earlier in the year. I think Legislator Kennedy had a comment.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Well, I was going to bring that point up similar to what Legislator Losquadro has spoken about; having just gone through the process when the Water Quality Committee was in DPW and having had the opportunity to go ahead and have an approval, and still working now with a project almost 15 months after Water Committee approval, time does really make a difference here.

Also, I was going to ask Madam Commissioner about just notification of my office about when the next committee meeting is. Because I do have two projects in the Town of Smithtown that are joint ventures with the County that are ongoing at this point; and the possibility of another project being brought forward as well so --

MS. MEEK-GALLAGHER:

Okay.

LEG. KENNEDY:

Once you have the meeting date set --

CHAIRPERSON VILORIA-FISHER:

When did you say the next meeting --

MS. MEEK-GALLAGHER:

Well, I would just say, I would think, you know, possibly mid-June. That would give us a little bit more time to get notification out for the application to get in. But probably we should then if there's other applications that want to be submitted -- normally we send out notification to the members of the committee, one of whom is the Presiding Officer of the Legislature. But we could certainly send out the notice more broadly.

LEG. KENNEDY:

I would appreciate it certainly.

MS. MEEK-GALLAGHER:

Yeah. We're in the transition period of DPW is still chairing the committee. But all the staff and support have been transferred to DEE. So there's -- we're working out those kinks.

LEG. KENNEDY:

So do we have -- through the Chair, Madam Chair, so do we come to you now, Madam Commissioner, for completion of these projects? In particular I have one contract that's just about ready to go ahead and have full execution.

MS. MEEK-GALLAGHER:

Yes. Yeah, you can -- you can come to me and it actually will be legislation being introduced to change that last piece so that the Chair personship of the Water Quality Review committee is transferred over to DEE as well so then all of the responsibilities are within one department and it makes -- it'll make it easier in terms of communication and the whole process moving forward.

CHAIRPERSON VILORIA-FISHER:

And you'll be notifying members of the Legislature as to the calendar?

MS. MEEK-GALLAGHER:

Sure.

CHAIRPERSON VILORIA-FISHER:

Okay. That would be helpful because that way we can anticipate when items would be coming before the committee -- the Review Board so that we can anticipate approval times.

MS. MEEK-GALLAGHER:

Right.

CHAIRPERSON VILORIA-FISHER:

Okay. Yes, Legislator Horsley.

LEG. HORSLEY:

On the issue, you know I've -- we've been discussing this issue.

CHAIRPERSON VILORIA-FISHER:

Sponges or rocks and socks and blocks.

LEG. HORSLEY:

All sorts of things. But the latest -- the latest from Babylon Village, I got a message that you had -- said that someone was supposed to have appeared to have presented that project in front of you the other day? Was that true?

MS. MEEK-GALLAGHER:

Well, that it would -- there were just a lot of questions on the application. And since there was no one there to address the questions --

LEG. HORSLEY:

They didn't know that they had to be there. That was the -- because I mentioned it to them and they said what?

MS. MEEK-GALLAGHER:

Yeah. Well -- yeah, normally I guess there would be either the sponsor or a member from the municipality there to defend it. But again you're dealing with two people, Commissioner Anderson and myself who have never been through this before. So trying to figure this out. Probably, you know, we got to figure out how to make it move more smoothly the next time. We tried to pull this together quickly because of this particular resolution and --

LEG. HORSLEY:

As you figure this out, you're going to walk us through the figuring outs?

MS. MEEK-GALLAGHER:

Well, I think it probably would -- I think it probably would be beneficial at a future committee meeting date to provide, you know, a brief overview of the process as it works now.

LEG. HORSLEY:

Okay.

CHAIRPERSON VILORIA-FISHER:

That would help. So there's a motion and a second to table. All in favor? Opposed? Okay. Resolution is tabled. **(Vote: 5-0)**

Carrie, I'm glad you're there for the next one.

MS. MEEK-GALLAGHER:

Yes. I'm available to answer any questions. Certainly we would --

CHAIRPERSON VILORIA-FISHER:

I just want the legislation in front of me.

MS. MEEK-GALLAGHER:

Yeah.

CHAIRPERSON VILORIA-FISHER:

Thank you. I lost my place here. Okay. I just wanted to clarify some issues regarding this wetland restoration. **(IR 1131 appropriating funds in connection with restoration of wetlands) (County Executive)** When we discussed this issue at prior meetings, we had talked about a couple of impediments to passing it at that time. One being that we had not yet voted on the findings. The legislative resolution on the -- the SEQRA resolution and the findings. At this point we have now passed that.

The second impediment that we saw was that we had not yet established a -- the Stewardship Committee. And I began to draw up a resolution establishing the stewardship committee -- the Wetlands Stewardship Committee.

Subsequent to that discussion I had some discussion was the -- with Jim Bagg and also with -- with Commissioner Meek-Gallagher regarding the ability to go ahead and set up the Wetlands Stewardship Committee. And you have the Commissioner or the County Executive's Office has the ability through the EIS, I guess, through the study to set up the stewardship committee. And so the Commissioner and I were talking about how that would be set up and implemented. So if you could just take it from there, Carrie, and talk a little bit about the stewardship committee and then go into this resolution, please.

MS. MEEK-GALLAGHER:

Sure. The stewardship committee would be comprised of 18 members. And they would very -- it would be County Exec, Legislature, the estuary program representatives, DEC, DOS. And the idea -- and for non-profit members. And then if a -- down the road a project were going to be in a particular municipality that town or village would be able to have a representative. The idea being that this will be the oversight committee essentially to make recommendations to the Legislature on any future wetlands projects.

For the first three years it essentially will be helping to oversee the development of the wetlands management plan, the strategy which was outlined in the FGIS for the Vector Control long term plan. And would be notified -- there are 15 best management practices recommended in the plan. The stewardship committee would be notified of BMP's one through four if they were going to happen, have review of the additional BMP's five through 15 that are supposed to have -- considered to have more major impacts.

So the process would be that someone would want to do some type of wetland stewardship activity, restoration, et cetera, implement one of the best management practices. It would be sent to -- they would make an application to the stewardship committee which is supported by a technical work group. The stewardship committee would then make a recommendation similar to the way that CEQ works now; recommendation to the Legislature although it would actually go to CEQ and this committee first and then be seen by the full Legislature.

So there are a whole series of layers of review and approval that would be necessary before anything would actually move forward. And the idea we'd -- I mean we'd like to get the stewardship committee up and running sooner rather than later.

And in addition what we need kind of on a parallel track is to get the funds appropriated. There's a capital project for \$500,000 -- capital program for \$500,000 to develop this wetlands stewardship strategy. So for, you know, the next three years we would planning, studying, coming up with indicators of wetlands health, doing some initial assessment of the health of the tidal wetlands in Suffolk County. And then designing or planning for some implementation projects, you know, pilot projects that we might want to pursue after the wetland stewardship strategy had already been adopted. So for this first round for this year where we're requesting \$220,000 to actually work then with Nature Conservancy -- bring on board Nature Conservancy and Cornell Cooperative Extension to develop this wetlands strategy for us.

CHAIRPERSON VILORIA-FISHER:

Before we get into the actual resolution I just did want to point out one concern. I think it might have been voiced by one of the members of this committee or perhaps a Legislator called me privately that one of the categories of the stewardship membership is listed as a trustee, I believe it's called or -- I don't remember the category.

MS. MEEK-GALLAGHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

But it has to be a little bit broader because some towns have trustees and not council members and so it should be a broad enough category so that it covers those townships that have trustees and not council members.

MS. MEEK-GALLAGHER:

Okay. Yeah, we can clarify that.

CHAIRPERSON VILORIA-FISHER:

So we want to make sure that that's very clear so that all towns have the same type of representation on the stewardship committee when we need to reach out for the local municipalities.

MS. MEEK-GALLAGHER:

Okay.

CHAIRPERSON VILORIA-FISHER:

Are there questions on this particular legislation; the appropriating funds in connection with restoration of wetlands?

LEG. KENNEDY:

Yes, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you. A couple of different things that, I guess, I'd just like to go ahead and make sure I understand on the record. I've spoken about this resolution before. I've expressed some concern, Madam Chair. I know some of the -- we talked about some of those other conditions, some of which have now occurred. Nevertheless, this resolution speaks about our county oversight and operation and governance of actions in 17,000 acres of tidal wetlands. Are those all county-owned properties or are those --

MS. MEEK-GALLAGHER:

No.

LEG. KENNEDY:

Okay.

MS. MEEK-GALLAGHER:

Some of those --

LEG. KENNEDY:

Let's begin at the beginning then. If you can, explain to me what makes up that 17,000 acres?

MS. MEEK-GALLAGHER:

It's a bunch. It's county, it's state. It's a whole variety of ownership.

LEG. KENNEDY:

Town, village?

MS. MEEK-GALLAGHER:

Yes; there's ownership across the board.

LEG. KENNEDY:

Stony Brook Harbor, maybe, Nissequogue River, those areas?

MS. MEEK-GALLAGHER:

Yes.

LEG. KENNEDY:

Yes. Okay so we're -- we're looking at establishing a committee here then that is going to exercise recommendations and make decisions that are going to impact folks at various levels of jurisdictions and ownership of the underlying property?

MS. MEEK-GALLAGHER:

Yes, but it would be only for county projects that we would have direct oversight. We would hope that other entities would take advantage of the committee and the committee process, but we can't require them to do that.

LEG. KENNEDY:

So if a village wanted to dig a pond in a marsh and they were going to do it on their own, they'd do it that way. But if it was going to be us digging a pond in a village marsh, then this committee would hear it.

MS. MEEK-GALLAGHER:

Right. And DEC has jurisdiction over almost all wetlands. So everything has to then get DEC and SEQRA approval depending on the level of the impact of the project proposed.

LEG. KENNEDY:

So then to what extent will this committee influence any action?

MS. MEEK-GALLAGHER:

It would influence any action that the County of Suffolk would want to take.

LEG. KENNEDY:

Subject to what DEC would want to --

MS. MEEK-GALLAGHER:

Right, on its own property.

LEG. KENNEDY:

Okay, now I'm even more confused.

CHAIRPERSON VILORIA-FISHER:

It's very confusing.

LEG. KENNEDY:

I --

MS. MEEK-GALLAGHER:

A county sponsored project --

LEG. KENNEDY:

Yes.

MS. MEEK-GALLAGHER:

We can control what we can do on county land. But we can't necessarily control what's going to happen on non-county land.

LEG. KENNEDY:

So Kenny's Beach out in Southold, that's a county park; right? That leads out to the sound, it's got some wetlands and different things like that. In other words if Health Department wanted to go dig a pond out there, we could do it and we wouldn't need DEC approval?

CHAIRPERSON VILORIA-FISHER:

Oh, yes, we would.

MS. MEEK-GALLAGHER:

No. You still need DEC approval. You still have to go through SEQRA and DEC.

MS. FISCHER:

Always.

MS. MEEK-GALLAGHER:

Yeah. Very rarely can you do anything in wetlands.

LEG. KENNEDY:

I'll yield because obviously --

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro would like to weigh in. Yes, go ahead, Legislator Losquadro.

LEG. LOSQUADRO:

I just want to interject a question there. So, obviously I'm not following along too well there. That last statement you made that we can control the actions on our land; but of that 17,000 acres there's towns, state, village, etcetera. What do we do on those? Do we need approval by the land holder, the town, the village, the state whoever it is?

MS. MEEK-GALLAGHER:

I believe so.

LEG. LOSQUADRO:

Yeah, right?

CHAIRPERSON VILORIA-FISHER:

Michael Kaufman, who's the Vice Chair of CEQ, seems to feel that he knows the answer to that question.

MR. KAUFMAN:

May I approach?

CHAIRPERSON VILORIA-FISHER:

Only if you call me Your Honor.

MR. KAUFMAN:

Yes, ma'am, Your Honor.

CHAIRPERSON VILORIA-FISHER:

Go ahead, Mike.

MR. KAUFMAN:

Thank you. I happen to be here on another matter.

CHAIRPERSON VILORIA-FISHER:

Michael Kaufman, go ahead.

MR. KAUFMAN:

I'm Michael Kaufman. I'm Vice Chair of CEQ. I've been involved with this for the last four years and I understand the jurisdictional aspects. They're rather confusing to say the least.

This particular project that the County has undertaken deals with about 17,000 acres of wetlands. Not all of those wetlands are owned by the County. There are, as Commissioner Gallagher just said, a number of wetlands that are owned by different municipalities and also private agencies. You have TNC out there. Peconic. Land Trust has some wetlands, etcetera.

This particular 17,000 acres that we're talking about were further subdivided in the plan itself. I believe the subdivisions were about 4,000 acres that were not going to be touched according to the plan. There was about a further -- I think -- I'm forgetting the numbers a little bit but there were about 5,000 acres more that were going to be considered. And there were about 9,000 acres -- and again my math may be a little bit off -- there were about 9,000 acres that were listed as a priority remediation. In other words, these were the areas that the County considered under the plan to have the most impact in terms of needing marsh restoration and or vector control in one way or another. Those are the areas that the County was going to be looking at.

So right off the bat you've got a relatively large chop out. For example, as Legislator Kennedy pointed out, the Nissequogue River and Stony Brook Harbor are two areas that are considered in the plan; however, they will not be subject to any restoration efforts or any other activities at this point in time. They were definitely chopped out. And there are maps out there talking about that. So basically there's a primary focus and a secondary focus in there.

Second off, as Commissioner Gallagher was trying to say, DEC has ancillary and also independent jurisdiction over any projects that will be undertaken as part of this. In other words, the County has -- let's say County proposes a project. It has to go through the towns, whichever town it is in. It has to deal with the local landowner, etcetera. But DEC also exercises independent jurisdiction, an independent oversight over anything that goes on.

As I like to say it takes two to tango in this particular situation. You have to get the county project approved at county level. And that county project is also subject to DEC scrutiny and jurisdiction. So if the County approves something and DEC says no, the project does not happen. That's part of the layered aspect of SEQRA control that CEQ was very successful in having in place inside the plan.

So to answer Legislator Kennedy's questions, if a project comes up, let's say it's in Accabonac some place, you talk to the local landowner. Only if the local landowner wants to have the project done and gives its permission will this project go forward. Only if the local town gives its permission as

part of its land use authority, say the town owns it, will this project go forward. The County in no way shape or form has any ability to force reconstruction of marshes or rehabilitation of marshes which is the word I like to use. County has no authority to do any of this. It has to have full agreement from the various stakeholders before anything can occur. And then again it has to go through the regulatory process.

CHAIRPERSON VILORIA-FISHER:

Thank you, Mike. Does that answer the question a little bit better?

LEG. KENNEDY:

To a certain extent, yes, Madam Chair, because it does articulate the various levels of participation. And I am familiar with DEC and its overall control over activities. But then I guess what I would do is, is I would pose the question back to the other -- to the other way. What then will this Committee do cognizant of the fact that we have at least a bi-level approval and perhaps more level approval that's got to go on through various agencies? What in fact will this Committee's role then be?

MS. MEEK-GALLAGHER:

Well, there are two things going on here. One is that for the first time there'd actually be a strategy for managing, protecting, preserving the wetlands in Suffolk County. Right now there is no strategy. There's no studies that have been done. We don't know what the indicators of wetlands health are. We don't know how to assess them. This would be putting something in place that would then allow us to through the committee structure as projects are proposed in wetlands to ascertain whether they meet the criteria of this plan of the strategy and whether they should be recommended to CEQ, this Committee, to the Legislature as a project that the County should undertake.

LEG. KENNEDY:

Makes sense. I mean to have some actual planning, I guess, going forward or some assessment. I guess the only other thing that I'd ask then and then I'll yield, Madam Chair, thank you once again, you've been very indulgent as always, how does this Committee then work with, interact with or what is the role with CEQ in this Committee? That I don't understand.

MS. MEEK-GALLAGHER:

Well, we would be making recommendations to the Legislature. So those recommendations would go through CEQ first before coming to you. So it would still have that level of review.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER:

It wouldn't even go to CEQ until it went -- especially if it was the BMP's.

LEG. KENNEDY:

It wouldn't get to us before it went to CEQ.

CHAIRPERSON VILORIA-FISHER:

And it wouldn't get to CEQ before it went to -- through the Stewardship Committee.

MS. MEEK-GALLAGHER:

Right. Exactly. And, I'm -- you know, I'll just add this is strongly supported -- I mean this was one of the recommendations of CEQ that was included. It's strongly supported by, you know, a wide diverse group of environmental organizations who understands the -- would like to see marsh health and wetlands health be a paramount objective of the County.

LEG. KENNEDY:

Okay, last question, then, Madam Commissioner. What does the \$220,000 actually get then? What do we -- what are we going to get for that?

MS. MEEK-GALLAGHER:

That'll get us -- that'll get us the wetlands strategy. So that's to hire consultants to actually go out, develop, look at best practices from around the country in the area of wetlands management and protection, come up with indicators of wetlands health that are relevant to Suffolk County, determine ways that we can actually go out and assess -- go out and start assessing the health of wetlands to we'd see which wetlands are in most need of some type of preservation, protection, rehabilitation in some sense. And then start doing some conceptual planning, design work for pilot projects. That's what the \$220,000 gets you.

LEG. KENNEDY:

Okay. All right, I'll yield. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Actually that does lead to another question which is we've spent quite a bit of money already on the plan.

MS. MEEK-GALLAGHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

And millions of dollars.

MS. MEEK-GALLAGHER:

Right.

CHAIRPERSON VILORIA-FISHER:

And thousands of pages. And many, many, many hours. How --

MS. MEEK-GALLAGHER:

-- will that information be used?

CHAIRPERSON VILORIA-FISHER:

And how much value is added by adding this other \$220,000 to that plan?

MS. MEEK-GALLAGHER:

The -- why that's actually why the developing a stewardship strategy is will be less expensive than it would be otherwise if your were starting from scratch because there is already a lot of work that was developed; a lot of research done and a lot of good information that was provided for the development of the long-term plan and FGEIS. So basically they'll just be building on that. But it will be then to specifically look at only wetlands in the sense of wetlands and marsh health; not with respect to vector control. That's the big difference.

CHAIRPERSON VILORIA-FISHER:

Okay. And this is a plan but it's -- we in CEQ called it a Type II Action; yes?

MS. MEEK-GALLAGHER:

Right, because it's going to be studies, research, planning. It's not going to be any actual --

CHAIRPERSON VILORIA-FISHER:

No implementation. It's a broad plan but without any implementation.

MS. MEEK-GALLAGHER:

Right.

CHAIRPERSON VILORIA-FISHER:

Okay. I just wanted to clarify that on the record. Okay. Any other questions regarding this resolution? Do we have a motion? I don't remember if we -- it's been so long. No. I'm going to make a motion to approve. Is there a second?

LEG. HORSLEY:

Sure.

CHAIRPERSON VILORIA-FISHER:

Okay. Seconded by Legislator Horsley. All in favor? Opposed? **IR 1131 is approved. (Vote: 5-0)** Thank you, Madam Commissioner.

MS. MEEK-GALLAGHER:

Thank you.

LEG. LOSQUADRO:

Spend it wisely.

MR. KAUFMAN:

May I withdraw?

CHAIRPERSON VILORIA-FISHER:

Thank you for your help, Mike.

Okay. **1144 (a local law to prohibit the sale, introduction and propagation of invasive, non-native plant species)** as the sponsor I'll make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. And just for your information I've had a number of meetings with people in the County, with advocates on both sides. And what I'm going to be doing is probably withdrawing this resolution because I want to make so many changes. I will be folding in the Advisory Board into the same resolution so that it's perfectly clear what role the advisory board will have vis-à-vis the do-not-sell list. And so I think everything will be clarified. And we'll be taking the management list which is our internal list for, you know, plantings used by DPW, Parks and separating that out of the do-not-sell-list. That doesn't have to be in that -- in the legislation. That's a management issue.

So there's a motion and a second to table. All in favor? Opposed? **IR 1144 is tabled. (Vote: 5-0)**

IR 1166, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Zoumas property, Town of Riverhead. (Romaine) I believe that was 37 -- it was rated at 37 points? No? Yes.

LEG. D'AMARO:

Yes.

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. I can't remember why we tabled it. I'm sorry. It's a rough Monday today. I'm trying to look at notes. Oh, this had been -- hadn't this had a previous planning?

DIRECTOR ISLES:

It had a previous planning step resolution --

CHAIRPERSON VILORIA-FISHER:

Under Greenways.

DIRECTOR ISLES:

Under Greenways, right.

CHAIRPERSON VILORIA-FISHER:

Okay. So I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Yes, it had a previous -- I'm looking at the notes. It had been Community Greenways Program for Active Recreation IR 1513.

DIRECTOR ISLES:

I don't think that was the reason for tabling it last time, but Greenways is now expired, yeah.

CHAIRPERSON VILORIA-FISHER:

That's right. Thank you very much. A little whispering in my ear. Okay. All right. It was the group with which I think we were partnering that was -- there was a question about that. Okay.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

All right. I'm going to make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1166 is tabled. (Vote: 5-0)**

IR 1174 (authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Manorville property, Town of Brookhaven) (Romaine)

Planning, I think, you had some issues with this, 1174?

DIRECTOR ISLES:

The resolution that was presented at the last meeting was for an acquisition under Active Recreation.

CHAIRPERSON VILORIA-FISHER:

Right.

DIRECTOR ISLES:

We indicated at that point that we felt, number one, that a good portion of the property should be preserved for open space. Number two, a portion of the property could be used for -- is used for farmland. And we felt that that continuation of that would be a higher priority than Active Recreation.

CHAIRPERSON VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

We did communicate that concern to the sponsor. And we understand from legislative Counsel before today's meeting, he indicated that there was a corrected resolution coming in.

There is one other point, though, I just thought of, Mr. Legislative Counsel, after we spoke that I should also put on the table. And that point is that on farmland, it would have to go to the Farmland Committee which actually meets next week so we could put it on the agenda for that. It's something you and I did not talk about because it didn't occur to me at that point. But other than that we're in agreement with it.

MR. NOLAN:

I was just going to say that we -- if it has not been amended, it will be amended today to reflect that it's going to be open space and/or farmland.

CHAIRPERSON VILORIA-FISHER:

Okay. So we'll table it.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

And if the resolution does include farmland, then it will go before the Farmland Review. So I will make a motion to table 1174, seconded by Legislator D'Amaro. All in favor? Opposed? **1174 is tabled. (Vote: 5-0)**

IR 1241, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Boatyard Vistas, Inc. Property, Town of Brookhaven. (Schneiderman)

DIRECTOR ISLES:

Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Okay. I'm just looking at my notes. Oh, this is the one with the bulk head and the dredge spoil and -- go ahead, Mr. Isles.

DIRECTOR ISLES:

We had indicated at the last presentation we wanted to have the opportunity to look at the site. We did have a site inspection scheduled for last Thursday and with the County Parks Department as well as with the sponsor. Unfortunately we had to cancel that due to weather conditions. And we are in the process of re-scheduling that meeting. And the importance of that is that this is obviously not a straight open space acquisition. It's a parkland acquisition. It raises -- number one, I think Parks Department should be involved in that process.

Number two, it does potentially put pressure on the County park system in terms of expanding the small parks and so forth; not to say it shouldn't be done, but just saying it should be done with eyes open with both Planning as well as certainly Parks Department being involved with that. Since this one is so unique, we felt that a site inspection was critical to making that assessment.

CHAIRPERSON VILORIA-FISHER:

Okay. And you scheduled that? You've re-scheduled?

DIRECTOR ISLES:

Yeah, we have scheduled for Thursday. And after getting soaked in Nassau County and coming back here to go to this meeting, I'm getting a cold anyway, we put it off 'til hopefully sometime next week.

CHAIRPERSON VILORIA-FISHER:

Okay. Good. So for now we'll take that. So I'll make a motion to table 1241, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1241 is tabled. (Vote: 5-0)**

IR 1247, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Yaphank property, Town of Brookhaven.

(Browning) This is already on the Master List. I spoke about this with Legislator Browning. She asked me to make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1247 is tabled. (Vote: 5-0)**

We've done the CEQ resolutions.

INTRODUCTORY RESOLUTIONS

IR 1261, authorizing planning steps for acquisition of land under the New Suffolk County Drinking Water Protection Program, the Reiter property, Town of Southold. (Romaine)

DIRECTOR ISLES:

We are circulating an aerial photograph and a rating form for this project. The parcel's outlined in red. The parcel is currently improved with a restaurant, a parking area, bulk heading. It is a -- it's a dredge spoil site essentially on Pipe's Cove in the Town of Southold. We did actually do an inspection of this property about two weeks ago because here again it was another one of these unique pieces. The County is seeking to acquire the adjoining property to the east, which is undeveloped wetlands as part of the master list. There was a reasonable question to be raised about potentially including this parcel.

Upon inspection of the property by the Department of Planning, we are recommending that you not approve this acquisition due to the extensive development that exists on this property. It's not a case where the property is essentially pristine with just some minor improvements. The property is extensively filled, modified, bulk headed and developed that at least based on the criteria of the County Open Space or Park Development Program, we feel would not be suited to County participation at this time.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

The property to the east that's on Master List Two it looks like --

DIRECTOR ISLES:

Yes.

LEG. LOSQUADRO:

It's single line not cross hatched.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

And the property that's just to the northwest that's also on Master List Two, but specifically to the property right to the east, you said that this property was not pristine because of all the improvements. Is the property to the east that's on Master List Two, is that also a dredge spoil site? That looks like it was filled.

DIRECTOR ISLES:

It has --

LEG. LOSQUADRO:

It has a tan tone to it.

DIRECTOR ISLES:

It does have some disturbance to it so we actually looked at that when we were out there two weeks ago looking at this particular site.

LEG. LOSQUADRO:

But is part of that site built up from dredging? It looks like it.

DIRECTOR ISLES:

It does appear that it has some dredge spoil on it. What it does not have is bulk heading. It does. So it appears to -- the edges seem to be okay at this point. There is no bulk heading or that kind of land form modification. So in terms of comparing one to the other --

LEG. LOSQUADRO:

They're very different.

DIRECTOR ISLES:

They're different enough. Here again, that's why I want to go out and actually look at it. This one perhaps would need a little cleanup, a little regrading, it would be perfectly fine for the one in Master List Two. The other one is here again much more substantial, bulk headed, sanitary systems, buildings, parking lots. If there were incidental improvements, it would be one thing but they're not.

LEG. LOSQUADRO:

Thank you.

DIRECTOR ISLES:

You're welcome.

CHAIRPERSON VILORIA-FISHER:

Thank you. I'm making a motion to table.

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Yes. I heard a voice.

LEG. LOSQUADRO:

John.

CHAIRPERSON VILORIA-FISHER:

Okay, let me just get a second, John.

LEG. KENNEDY:

Sure.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. On the motion Legislator Kennedy.

LEG. D'AMARO:

I don't want to second it.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry. Okay. Would anyone like to second the tabling motion?

LEG. HORSLEY:

I'll second it.

CHAIRPERSON VILORIA-FISHER:

Legislator Horsley.

LEG. HORSLEY:

Sure.

LEG. KENNEDY:

Thank you, Madam Chair. My questions go, Tom, to, I guess, philosophically trying to understand sometimes some of the different facets associated with the Drinking Water Protection Program. And in particular looking at a restaurant which, I don't know, is it a going concern at this point? Is it operating or is it vacant? It's operating.

DIRECTOR ISLES:

Still operating.

LEG. KENNEDY:

Okay. So it's got a fairly substantial net work, I guess, of septic tanks that must be leaching and operating. There on the north fork, the aquifer, I think, is fairly fragile at this point and is impacted in a number of areas with intrusion and also with a variety of different taints. I know the Temec -- the Temec bills are out there. The union carbide operations are and several of those areas out there as well; right?

DIRECTOR ISLES:

On farmland.

LEG. KENNEDY:

Which may not come all the way here, to the beach area. I guess my question goes to this. Where do we begin to philosophically reconcile under the Drinking Water Protection Program when we're looking at a parcel such as this? Which clearly we would take a large scale septic system out of operation, I would imagine. We wouldn't buy it and continue to operate it as a restaurant, I wouldn't think.

DIRECTOR ISLES:

I wouldn't think so either.

LEG. KENNEDY:

Okay.

DIRECTOR ISLES:

In terms of that question I think it really boils down to question of priority. And the first priority that we've identified is -- would be undeveloped lands, those lands that if they were developed would further degrade the Peconic estuary, the groundwater supply and so forth.

So if it comes down to developed or undeveloped lands, we would always go towards undeveloped lands that are environmentally sensitive, that are essential to or important to groundwater recharge both for coastal, surface water protection as well as drinking water protection. The domain of buying developed properties is one that we think is, you know, a county policy; should be done with extreme caution. And there may be cases that it does make sense. It does -- there may be occasions where there is adaptive re-use such as historic structures perhaps.

But we have undeveloped, privately owned vacant land that is environmentally sensitive, and we have a lot of it in the County still, and limited resources is always the case, that should certainly be the priority. Perhaps when we get caught up with that we can go back and clean up some of these borderline pieces that are marginal. I'm not even saying this one is marginal. And in taking down those and restoring the environment might be considered. But this is not one that we would feel in the priority of acquisitions in Suffolk County that this would be a high priority.

LEG. KENNEDY:

I hear what you're saying. I appreciate your articulating the philosophy. I guess the only other thing that I'll ask then is, is -- maybe I need to ask this of legislative Counsel. In the Drinking Water legislation, the priorities that are laid out, the elements that are laid out, is this -- is preservation of the aquifer through acquisition a principal that's laid out? And is there waiting that goes on through the different types of categories that are authorized? I don't know. Maybe I'm not, you know, phrasing the question in a proper way.

DIRECTOR ISLES:

Perhaps if I could just not interrupt the conversation, just add one factual point to your question, sir, would be the Second Resolve clause of this resolution indicates that it's in a special groundwater protection area. It is not. That was a mistake.

LEG. KENNEDY:

Oh, it is not.

DIRECTOR ISLES:

Maybe to make that clear it is not.

LEG. KENNEDY:

Okay. Well that does.

DIRECTOR ISLES:

There was a misunderstanding, then.

LEG. KENNEDY:

No, that does help as far as, you know, understanding. But I guess I still have that question for George; just a general question.

MR. NOLAN:

I haven't looked at it lately but I'm sure this is an acquisition that legally could be done under the program. It probably fits within the parameters but it just is not -- you know, we could do it legally, I guess. Planning is saying it's not from a policy standpoint when you're setting priorities a good purchase.

LEG. KENNEDY:

Well I -- and I appreciate that. And I appreciate what's being articulated by Planning. But my question to you is, is are the various categories in the resolution, are they prioritized or are they each equally areas under which we can act?

MR. NOLAN:

I think it's -- I think it just describes what the allocation of the different -- of the programs.

LEG. KENNEDY:

Okay.

MR. NOLAN:

And I don't think there's any priority set as to which has -- a certain amount of money is going for each element under the program.

LEG. KENNEDY:

Okay. Last question back to you, then. 2.2 acres of raw land, right now if it were to be developed, what would Health Department authorize as far as, I guess, the maximum type of -- as a matter of fact in Southold it would only be one single family residence, two acre zoning; correct?

DIRECTOR ISLES:

A lot of Southold is two acre zoning.

LEG. KENNEDY:

Most of it is.

CHAIRPERSON VILORIA-FISHER:

Mike's not on? I can't hear you.

DIRECTOR ISLES:

Sorry. Much of Southold is two acre zoning.

LEG. KENNEDY:

Right. So you'd get a septic configuration that could accommodate a single family residence with three bedrooms, four bedrooms, one or two bathrooms; relatively small septic system.

DIRECTOR ISLES:

Well, the -- I believe the property is zoned commercial. In which case as the commercial use --

LEG. KENNEDY:

No. Now, that's my point. I'm going to go to this one. We talk about preserving as a policy virgin land first or undisturbed land. And in Southold town two acres would be at a maximum developed at only at single family residence with a relatively small septic system; correct?

DIRECTOR ISLES:

Yeah, unless we were to find two acres that zone commercial. I mean depending on what we're comparing here, apples to apples or whatever it may be.

LEG. KENNEDY:

Virgin land to this.

DIRECTOR ISLES:

So certainly if we compare it to two acres of residential zoning, we'd have 300 gallons per acre which would probably be less per dwelling which would probably be less than a commercial use. But I think that's kind of structuring the question in a very --

LEG. KENNEDY:

My point being just that with acquisition of this, the amount of septic flow that you would eliminate might at the end of the day be far more than you would keep out of development by acquisition of just virgin land only.

DIRECTOR ISLES:

Okay. Well, I understand that point. Keep in mind, too, that the criteria of the County's program includes protection of wetlands, habitat values. So protection of a natural resource of groundwater is one criteria. And it's extremely important here on Long Island in Suffolk County.

But there are many other dimensions to why the County expends hard earned taxpayer dollars to protect open space and critical environments and natural resources. So the comparison of sanitary

flow, and nitrogen loading is one aspect of that, it's certainly important that we shouldn't diminish the importance of those other aspects of what makes a good environment for the people of Suffolk County for the life of Suffolk County and so forth.

So not arguing with your point but looking at it in a broader sense, here again, our target is on undeveloped land that's threatened; that if developed would further compromise those things that we -- you as the Legislature has declared to be important public policy in Suffolk County on open space and resource protection.

LEG. KENNEDY:

Okay. Thank you. Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

We have a motion and a second to table. All in favor? Opposed? Okay. **1261 is tabled. (Vote: 5-0)**

IR 1264, approving planning steps for the acquisition of farmland development rights, 10 parcels in Huntington, Riverhead and Southold, total 206.44 acres. (County Executive)

Okay.

DIRECTOR ISLES:

Okay. As indicated this is a proposed planning steps resolution. It's six farms. We are making a point that we are doing a correction to the resolution regarding the number of acres. It's actually 300 acres, not 200 acres. We made a mistake on that. All of these farms have been reviewed by the County Farmland Committee and have been recommended to you. If you have any questions, we'll do our best to answer those.

CHAIRPERSON VILORIA-FISHER:

Do I have a motion? Motion to approve.

LEG. LOSQUADRO:

Do we have any documentation?

DIRECTOR ISLES:

The resolution has -- includes the list of the parcels.

MS. FISCHER:

We usually don't -- we usually don't make aerials of farmland because they all -- kind of look the same.

LEG. LOSQUADRO:

I understand, through the Chair, but this is --

CHAIRPERSON VILORIA-FISHER:

Go ahead.

LEG. LOSQUADRO:

This is -- I was kiddingly saying before I guess we gave up on the master list moniker. But when we're dealing with a larger number of parcels like this, in this case totalling 300 acres, just, you know, I'd like a little more information on where exactly they're located. So if you can just give me a moment to look through the -- to look through the resolution if you would.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator Losquadro, my recollection is that for the farmland isn't this usually how we get it, with the listing of the farms?

DIRECTOR ISLES:

Right; four times a year.

CHAIRPERSON VILORIA-FISHER:

Yeah. Usually we get these resolutions for farmland. It's a little different than the open space acquisition presentations. Did you say that there was a correction on the total number of acres?

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Just for your information number eight is the corrected -- where the correction needs to be made. And it's -- it's showing 87.4 acres but it's actually 187.5 acres.

CHAIRPERSON VILORIA-FISHER:

Oh, so it's not an additional parcel. It's that --

MS. FISCHER:

No, it's that there was an error in the amount of acreage shown --

CHAIRPERSON VILORIA-FISHER:

Is that considered a Scribner's error leaving out the one?

MS. FISCHER:

It's the same lot, same everything.

CHAIRPERSON VILORIA-FISHER:

100 acres or --

MS. FISCHER:

We put in a corrected copy going through.

CHAIRPERSON VILORIA-FISHER:

Oh, you put in a corrected copy on that?

MS. FISCHER:

Yes.

DIRECTOR ISLES:

It may not have gotten to Legislative Counsel yet but -- we just did it last week, yeah.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. KENNEDY:

Madam Chair, can I ask about the one on Pulaski Road?

CHAIRPERSON VILORIA-FISHER:

Sure.

LEG. KENNEDY:

The {Amsler} family partnership on Pulaski Road, that's not the same parcel that Legislator Nowick just put in, the {Richter} Orchid?

MS. FISCHER:

Yes, it is.

DIRECTOR ISLES:

Yes, it is, yeah.

LEG. KENNEDY:

It is. I thought so. Because there's only one farm there on Pulaski Road.

MS. FISCHER:

Yes, that's it.

DIRECTOR ISLES:

So that went to the Farmland Committee same meeting actually it went there. And that's why it's here today.

LEG. KENNEDY:

So the committee approved it then for -- this is just for acquisition of the development rights?

CHAIRPERSON VILORIA-FISHER:

Yes.

DIRECTOR ISLES:

This is a planning steps resolution to start the process to consider an acquisition of development rights. It would have to come back to you for actual acquisition of course.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy, that happened with the farmlands in my district also where I had put in a resolution. But they were listed in one resolution with the other farmlands.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Because it comes out quarterly.

LEG. KENNEDY:

Quarterly, right. Did Legislator Nowick know this? I mean was she aware of this; you had some contact with her or --

DIRECTOR ISLES:

I know she was talking to Mr. Fedelmen in my office. Or I believe her office was. She had put this in last year.

LEG. KENNEDY:

Yes, I recall.

DIRECTOR ISLES:

And it did not -- the committee did not recommend it. And then it came in again this year. And so what changed between last year and this year -- well, actually the reason it changed is that it ended up qualifying for an agricultural district. And so this property is now in an agricultural district which actually gives it more points than the Farmland Committee rating system. So that's why when the Farmland Committee looked at it a second time recently they said, well, it meets the points now, the criteria that they used. And at this point they are recommending it.

LEG. KENNEDY:

Okay. All right. Thank you.

CHAIRPERSON VILORIA-FISHER:

Ginny, you can come back into the auditorium. It was somebody here who had a question. Sorry. There was somebody in the audience who had a question. My aide went out to the lobby. She thought there was somebody out there.

Okay. I've made a motion to approve.

Ginny, right next to Mike Kaufman, there was somebody who had a question.

Do I have a second?

LEG. KENNEDY:

I'll second it.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Kennedy. All in favor? Opposed? **1264 is approved. (Vote: 5-0)**

Okay. **IR 1271, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program for the Stein property, Doxsee's Creek addition. (County Executive)** Did you have information for us on that? Oh, this is acquisition. Oh, I was going to say this seems very familiar, Doxsee's Creek, okay. All right. I'll make a motion to approve.

LEG. LOSQUADRO:

This is 12-5-E?

CHAIRPERSON VILORIA-FISHER:

It's 12-5-E, yeah.

LEG. LOSQUADRO:

Can I make the motion?

CHAIRPERSON VILORIA-FISHER:

Yeah, you can make the motion. Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? **1271 is approved. (Vote: 5-0)**

IR 1272, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Open Space Component for the Froehlich property, Mastic/Shirley Conservation Area II. (County Executive) Again, this is authorizing acquisition. Motion to approve by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **1272 is approved. (Vote: 5-0)**

IR 1278, donation and dedication of certain lands now owned by the Westmoreland Farm, Inc to the County of Suffolk. (County Executive) And it's five acres at no cost. Okay. Take it. Legislator Horsley motion to approve, seconded by Legislator Losquadro. Is that on the Westmoreland property?

MS. FISCHER:

This is another piece that --

CHAIRPERSON VILORIA-FISHER:

Okay. All in favor? Opposed? **1278 is approved. (Vote: 5-0)**

Lauretta, is this the piece that we just voted on?

DIRECTOR ISLES:

Yeah.

CHAIRPERSON VILORIA-FISHER:

Thank you. Sorry, I preempted you on that. I just went ahead. Did you want to say something about it, Tom?

DIRECTOR ISLES:

It's a great acquisition. It's on Master List Two. The County has purchased other properties in this immediate area. And we would recommend the acceptance of the donation.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, very good, thank you.

IR 1291, to extend the -- oh, did you have a question on it, Legislator D'Amaro? Okay. Okay. Okay. Yeah, they always do the phase two.

IR 1291, to extend the deadline of the Homestead A-Syst Task Force. (Viloria-Fisher) I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1291 is approved. (Vote: 5-0)

IR 1304, authorizing the planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks fund, Richter's Orchard property, Town of Huntington. (Nowick) Is this what we were just talking about? This is in that farmland list.

MS. FISCHER:

(Shaking head yes)

CHAIRPERSON VILORIA-FISHER:

So we should table this because we've already voted on it as part of the list or not?

DIRECTOR ISLES:

Well, it is included in the list. It's however you want to handle the resolutions.

CHAIRPERSON VILORIA-FISHER:

Well, if we vote to approve this --

DIRECTOR ISLES:

It's a duplicate then at that point, yeah. I'm not sure if there's going to be a co-sponsorship.

CHAIRPERSON VILORIA-FISHER:

Okay. George, can we -- what should we do with this?

MR. NOLAN:

You can table it. It's redundant.

CHAIRPERSON VILORIA-FISHER:

You know what? I'm going to make a motion to table this and let Legislator Nowick know that it was part of the farmland list and maybe she could decide to be a co-sponsor on that one. Okay. Second?

LEG. D'AMARO:

I'll second it.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Oppose? **1304 is tabled. (Vote: 5-0)**

IR 1305, authorizing planning steps for the acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks fund, Jill Estates property, Town of Huntington. (Stern)

DIRECTOR ISLES:

Madam Chair, I just want to point out that we do have a representative from the Town of Huntington here today, Margo Myles; if you'd like her to join us. Okay. Give her a seat here.

Just by way of background -- sorry. By way of background this has been before you several times in the past. County Planning Department had concerns with a single county acquisition of this property. It's a former right-of-way, I believe, of 231 of what the state had proposed at that point.

Since that time to bring you up to date is that there have been extensive discussions with the sponsor as well as with the Town of Huntington. The Town has contacted us and indicated an interest in proceeding with the County on this. With your indulgence I'd like to perhaps ask Ms. Myles to just comment on what the Town's interest is on this one rather than speaking for them.

CHAIRPERSON VILORIA-FISHER:

Thank you. And I was trying to get Ginny to find you back there because I saw you waving so I don't know if you ever connected. But thank you for coming. Go ahead, Ms. Myles.

MS. MYLES:

I had only wanted to tell you that Legislator Nowick was well aware of that other resolution. We had been working with them.

The Jill Estate's property is approximately 20 plus acres. It was part of the former plan Northport/Babylon Expressway. This parcels runs all the way between the Northern Service Road of the LIE up to Vanderbilt Parkway. Just a little bit east of our Dix Hills Park we own another parcel that's very similar that was part of the same right-of-way which extends from Northern State Parkway almost down to Vanderbilt. It connects with the LIPA right-of-way right there for a short stretch.

So we're looking to acquire this with the County. I have a town board resolution. We've already scheduled and held a public hearing. And our resolution authorizes our planning steps as well as an offer of matching capital. So we're hoping this could be a 50/50 acquisition. We intend to maintain the woodland as passive parkland with community trails. This is an area that is identified on the Long Island non-motorized transportation plan as a potential off-road route. And we'd very much like to use it for just bicycle and pedestrian passage as a trail corridor.

CHAIRPERSON VILORIA-FISHER:

Okay. We have something that is a little similar to this in my district where Assemblyman Englebright has been working a number of years on trying to establish a bike/pedestrian trail. And --

LEG. LOSQUADRO:

And mine, too.

CHAIRPERSON VILORIA-FISHER:

And it's just -- it's really hard to move forward on this. You know, it's a walking trail, you have better success. But just as a caveat with a bicycle trail we have found it very difficult because -- well, we've run into a number of problems with the terrain having some -- some inclines and, you know, ADA compliance because of the incline and -- you know, just -- you know, yeah, ATV. They'd have no problem with the inclines. But then again those people whose backyards border on it might have a little bit of a problem. But, you know, I just wanted to say that it's a good effort but good luck.

MS. MYLES:

Our first plan is to just have a pedestrian pathway. And then in time if we can extend it, we would like to do that. Our public hearing we had overwhelming support. And also Legislator Stern sent letters out into the community basically to try to ascertain if there was community support for this for trails purposes. And he got some very heavy support so.

CHAIRPERSON VILORIA-FISHER:

Is there any availability for parking on either end of this?

MS. MYLES:

Not -- on the southern end there is a town street that taps up against the property. And that could --

CHAIRPERSON VILORIA-FISHER:

That little triangle there?

MS. MYLES:

Ah, no, I'm sorry, I don't recall the street name.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. MYLES:

But there is a town road that taps -- that ends in the property that could potentially be used for access.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. Legislator Losquadro has a question.

LEG. LOSQUADRO:

Thank you. And just to continue on the same theme, there's a federal program called Rails To Trails; is similar to what Legislator Viloría-Fisher was talking about. Project in my district pre-dated my tenure. And I've been in office, I guess, three and a half years now. And we're still working on it.

MS. MYLES:

Is that the LIPA corridor?

LEG. LOSQUADRO:

Yes.

MS. MYLES:

Yeah, we're working on one, too.

LEG. LOSQUADRO:

So, it's a very burdensome process, but good luck with this one being that it is, you know, somewhat undisturbed property if you could just put a walking path through it for the moment, you know, to allow some usage for the public. But the -- the problem of access, I think, is something I've been speaking to our Parks Department on that regarding a couple of properties in my district. And access and parking is a significant concern. I'm not sure where you would -- where you would do that here off the service road, perhaps. I'm not sure.

MS. MYLES:

No, we would come in off the town road, not --

LEG. LOSQUADRO:

Okay. The only other question I have and I guess this would go to Planning, Real Estate, and this would be something that we would look at in the appraisal process. But due to the shape of this parcel and its width, I think that the yield is going to be a very significant concern when trying to ascertain a value and what type of improvements would have to be made for access onto this parcel. And I don't really think that yield would be as significant for a 20 acre parcel as one might first think. And I think that's going to affect value significantly but we'll leave that up to the appraisal process.

DIRECTOR ISLES:

Right. And we would communicate with the town to find out what the yield determination is and so forth before proceeding with an appraisal.

LEG. LOSQUADRO:

Well, it's why I was mentioning it with the town representative here. So I think that bears a very close look due to the configuration of this property. Thank you.

DIRECTOR ISLES:

We agree.

CHAIRPERSON VILORIA-FISHER:

Okay. I need a -- I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro motion. Oh, I'm sorry. Make that Legislator D'Amaro's motion and I'll second it. Okay? All in favor? Opposed? **IR 1305 is approved. (Vote: 5-0)**

If there is no other business -- if there's no other business, our meeting stands adjourned. Thank you. Bye, bye.

MS. MEEK-GALLAGHER:

I would just like to introduce Chris Kent who started April 9th so he'll be attending regularly these meetings. And you'll be able to direct questions to him regarding the properties.

CHAIRPERSON VILORIA-FISHER:

Welcome. Good luck.

**(THE MEETING CONCLUDED AT 3:00 PM)
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