

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 May 7, 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:

William J. Lindsay, Presiding Officer
George Nolan Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Jim Bagg, Chief Environmental Analyst/Department of Planning
Christopher E. Kent, Department of Real Estate
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Gilbert Anderson, Commissioner of Department of Public Works
Tom LaGuardia, Chief Deputy Commissioner, DPW
Mike Monaghan, Principal Engineer
Joe Schroeder, Energy Specialist/BRO
Javed Ashraf, Energy Specialist/BRO
Justin Littel, Aide to Leg. D'Amaro
Linda Burkhardt, Legislative Aide
Seth Squicciarino, Aide to Chairperson
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Debra Alloncius, Legislative Rep for AME
Bert Seides, Ketcham Inn Foundation
Robert Beuhler, Boatyard Vistas
Dorothy Sweney, Boatyard Vistas
Thomas Gulbransen, CEO
Richard Machtay, CEO
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

(THE MEETING COMMENCED AT 1:05 PM)

CHAIRPERSON VILORIA-FISHER:

Good afternoon. Please join us in the Pledge of Allegiance.

SALUTATION

CHAIRPERSON VILORIA-FISHER:

We have two cards and one piece of correspondence. The writer did ask that I read his letter into the record and so I shall do that before we open the podium to the public who have arrived here. This is from James Campbell who is a member of the East Moriches Property Owners Association.

CORRESPONDENCE

Introductory resolution number 1241 is a planning resolution for the acquisition by County and the Town of Brookhaven of certain parcels located on Harts Cove in East Moriches. These parcels are surrounded by water on three sides and are barely above the level of the bay. They are adjacent on one side to the town's public boat ramp and a small beach used by families in the summer owned by Suffolk County. On the other side, they are adjacent to marshlands owned by the town. At a meeting of our association early this year, the owner's representative announced that the owner is willing to sell. The parcels subject to the resolution are ideally suited for open space and/or public use. The East Moriches Property Owners Association has been active for more than a quarter century promoting the interests of property owners in East Moriches. We have approximately 600 members and our communications go to at least 100 other residents. Our Association strongly supports the acquisition of the property subject to introductory resolution number 1241. We would be pleased to report to our members and other residents that the resolution introduced by Legislators Romaine and Schneiderman has been moved forward by your committee. Please make this letter a part of the record of the hearing. Thank you."

PUBLIC PORTION

Okay. Our first speaker is Robert -- I'm not sure if that's Beuhler?

MR. BEUHLER:

Yes, it's Beuhler.

CHAIRPERSON VILORIA-FISHER

Okay. You have five minutes, sir.

MR. BEUHLER:

Okay. My name is Robert Beuhler, and I live at 19 Maple Ave in East Moriches, which is right up the street from the beach that is in question here.

I think the idea of Boatyard Vistas building eight or nine homes on this four acres of land is very ridiculous because they'd have to have their own internal sewage system. And having a sewerage system so close to a private or a public beach is really a ridiculous idea.

A picture is worth a thousand words. And just a few weeks ago we had a nor'easter. And so on April 16th in the morning at 9:30 I went down to a neighbor's house and she allowed me to go up on her deck. And so I took a panoramic view of the beach area in question and also the Nickerson Boatyard property.

And so what I'd like to do is give this give to the committee and they can keep this. And what it shows is that Maple Avenue is on the right side of the composite picture and Maple Ave is completely flooded as you can see, several feet deep. And the parking area out at the end is completely

submerged. And then the Nickerson Boatyard property is completely flooded in the center of the picture.

So this amount of water does get overrun, I would say two or three times a year, because we've had other northeasters. But this land is very sensitive environmentally; so I would urge the public acquisition of this land. Any questions?

CHAIRPERSON VILORIA-FISHER:

Thank you, sir. Thank you for coming here. Is there anyone who has a question? Thank you again. Our next speaker is Dorothy Swezey.

MS. SWEZEY:

My name is Dorothy Swezey and I own the marina directly next door to Nickerson's Boatyard that's in question. And I think I want to make a point for the boaters involved in this issue. There are a lot of commercial fishing people that live in East Moriches. They make their living going out all winter long catching clams or fishing, going offshore and they use that boat ramp. They don't rent space from me. The public uses that boat ramp. And I think if there was a -- if that property was developed I think it would definitely discourage people that cannot afford to keep their boats at marinas from going down there.

There is a very, very big traffic problem in the summer with trailers trailering boats. And I think that if it was developed I think the people that were interested in buying houses they would have a problem with all the traffic on that road. So I think it's best for the community overall if Suffolk County would purchase that property even in cooperation with Brookhaven Town.

CHAIRPERSON VILORIA-FISHER:

May I just ask you a question?

MS. SWEZEY:

Sure.

CHAIRPERSON VILORIA-FISHER:

Has there been a presentation by the developers before the town? At what point is their development? Do you know if they'd made application?

MS. SWEZEY:

Actually, I'm a little confused about that issue to be honest with you. I hear different rumors. I'm not exactly sure where they were except that I know there has been a problem with the DEC. I'm sure of that.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll ask Planning about that.

MS. SWEZEY:

Yeah, it's a --

CHAIRPERSON VILORIA-FISHER:

Thank you very much.

MS. SWEZEY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Thanks a lot for coming down. Any other questions? Okay. Thank you, Ms. Swezey.

MS. SWEZEY:

I'm sorry, can I just add one more thing?

CHAIRPERSON VILORIA-FISHER.

Sure thing.

MS. SWEZEY:

I have a whole bunch of petitions that were signed in our area.

CHAIRPERSON VILORIA-FISHER:

Okay. Can you please give them to my staff? Thank you very much. The next speaker is Bert Seides. Hi Bert.

MR. SEIDES:

Good afternoon. It's a pleasure to be here. I'm here to speak about the purchase acquisition of the Siyoun Mahfar property. It's a five acre parcel directly across the street from the historic Terry catchment restoration sight. It's a restoration site that's being developed and has been ongoing for 17 years. We have been looking after the five acres for the potential use of it and purchase by the

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CHAIRPERSON VILORIA-FISHER:

Bert, I'm sorry to interrupt you; I was distracted. Can you tell me which resolution you're referring to? I'm sorry.

MR. SEIDES:

This is the Siyoun Mahfar five acres.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you.

MR. SEIDES:

Bellview Avenue and Montauk Highway in Center Moriches.

CHAIRPERSON VILORIA-FISHER.

Thank you.

MR. SEIDES:

And we would like to see a relationship between all our cultural features in the Moriches centered around this five acres. And we would in the future like to see the development of a visitor center similar to the Walt Whitman Visitor Center. To show our community off now we have difficulty. We don't have appropriate facilities to accommodate them. And as our community is growing this would make a wonderful future facility.

Any questions you might have I'm happy to answer. I've been -- hopefully this acquisition will go through. We've been looking after it like I said for ten years and please support it.

CHAIRPERSON VILORIA-FISHER:

Thank you very much, Bert. Thanks for coming down. Okay. Is there anyone else from the public who wishes to address the committee? Okay. There being none we move to a presentation by Joe Schroeder on -- oh, who's doing it? Oh, DPW, I'm sorry. I was looking at you, Joe. I just -- I think LEED, I see you; it just goes together. Okay, come on up please.

I asked DPW to come down and talk with us regarding LEED because during the three years that I was debating passage of this legislation, my colleagues who are sitting with me now were not members of the Legislature at that time. And so I was hoping that you could play a little catch up here. And I know that you're both from Babylon who really -- where it's really moved very quickly.

Green buildings have moved very quickly so that's a great thing. But I give it to you, gentlemen.

COMMISSIONER ANDERSON:

Chairman Viloría-Fisher, members of the Environmental Protection Committee, thank you for the opportunity to provide this presentation. Oh, I'm sorry, Gilbert Anderson, Commissioner of Public Works. Again, thank you for the opportunity to provide this presentation on the status of the County's Leadership and Energy and Environmental Design Program, otherwise known as LEEDS.

Under our program our facilities and design and construction division undertakes to improve, and when we're doing new construction, construct County facilities in accordance with the leadership and energy and environmental design green buildings rating system. The system was developed by U.S. Green Buildings Council and provides a list of standards for environmentally sustainable construction.

LEED was created to accomplish the following: Define green buildings by establishing a common standard of measurement; promote integrated and whole building design practices; Recognize environmental leadership in the building industry; stimulate green competition; raise consumer awareness of the green -- benefits of green building; and transform the building market. I'm going to now turn the presentation over to Chief Deputy LaGuardia and thank you again for the time.

CHAIRPERSON VILORIA-FISHER.

Thank you, Gil.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Good afternoon. I want to thank the committee for allowing Public Works to come and make a presentation on what the department alone with our partners in the Department of Energy and Environment are doing in the area of energy savings and cost savings associated with those energy savings.

We have a presentation that we did not provide to. We're going to e-mail it to you later. I'd prefer -- it had -- the presentation has a lot of detail in it that you may be interested in later. I'm going to gloss over some of it but it will be there and available for you probably this afternoon. It will be e-mailed out to each member of the committee.

CHAIRPERSON VILORIA-FISHER:

And we're saving paper.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

And we're saving paper.

CHAIRPERSON VILORIA-FISHER:

How green of you.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Today I'm going to talk in several different areas. At the last committee meeting, Joe Schroeder gave you a little more detailed presentation on LEEDS, which Commissioner Anderson just updated you again. We'll go through a couple of the items on it. We're going to talk a little bit about the legislation, a little bit of discussion of LEEDS, a little bit about our energy performance contracts. We'll discuss a little bit of how capital project 1664 plays into the energy conservation that we do here in the County. We'll talk about emerging technologies to some demand side management initiatives that we're working on, how LIPA's been helping us out with rebates. We'll talk a little bit about green choice and then at the end we'll have a little summary of the savings.

CHAIRPERSON VILORIA-FISHER:

Okay.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

The Legislature has been very important in this energy conservation project. There's been several resolutions over the last several years having to do with the LEED Pilot Program, Vivian, that you did, actual LEED for the rest of our buildings, emissions controls. You helped us with some funding for solar. Next slide please.

Green power resolutions. The gist of this is that the County Exec is -- is energy savings is almost one of his most important issues. And along with the initiatives that the Legislature's doing, I believe that Public Works along with the Department of Energy and Environment has been doing a pretty good job about promoting energy conservation in the County.

LEED, the Commissioner just went over with you what LEED is. The resolution basically says that we should have a goal of trying to get to the certified level on a point rating system between 26 and 32 points for every project, renovation or new construction that's over a million dollars. And the first project that's part of that is the Fourth Police Precinct. We expect to be get somewhere between the 26 and 31 points right now. That's still being worked on. And as part of that pilot project we're going to try to identify exactly what the additional costs are to move to a LEED building. The industry says 10%, 5%, 0%. We're going to try to quantify that for you and tell you exactly what our costs are on the Fourth Police Precinct. That is a 38,000 square foot building. It's going to be done with LEEDS standard 2.1. And you can see all the different points. And again we're going to provide that to you, that we expect to get.

In addition we have another interesting thing. LIPA has funded a 40 to 50 kw solar project at the Fourth Police Precinct. That's also going to help get us our LEED certification. And it's \$600,000 they're providing; so it's saving the County quite a bit of money. And as you can see -- Javed, go to the next slide -- we expect about eight percent of the building power to be supplied by the solar. So it's going to be a very good project. Next slide, please.

Scully Estate. That's the Environmental Interpretive Center. It was created so by resolution of the Legislature. We're in the process of renovating it right now. We've done about the first \$2 million worth of work. And that will be a fully LEED certified -- that will be our first fully LEED certified building. We will get -- we've already paid the consultant to do all the work and to pay all the fees to get it certified. That project has several unique functions being it's a historic building; it's on a very ecological sensitive site. It's about 80 acres almost all of which are wetlands.

So we're going to attempt working with Suffolk County Health Department to put in a unique sewage treatment system that actually uses the plants to biologically degrade the effluent. We're working with the Health Department on that right now. We've put high efficiency furnaces in there already. We've protected -- we put special storm windows in to protect the existing historic windows. And there will be several other unique things that we do in that building to be -- at which time in about a year from now I believe it will open as an interpretive center. Next slide.

Future LEED projects: We have a million dollar plus renovation at the Board of Elections. That will be a LEED project. We're just starting the RFP for that project. Capital project 3013 is expansion of the Sheriff's Enforcement Division. That is now in design and will also be LEED. Again, it's another renovation.

Capital project 4003 is the construction of a new, approximately 30,000 square foot environmental health lab that will be constructed in Yaphank. That will be a very unique project because to make a lab LEED's certified will be a difficult job, but that is a large enough project that will also be considered.

Capital project 5736 is the Airport Terminal Building at the airport. That will be LEED's. And then the Tier II homeless shelter, if that moves forward, will also be large enough to be LEED certified. Next slide, please.

Energy Performance Contracts: New York State under Article 9 of the Energy Law allows us to proceed with energy improvement projects at County buildings and pay for them out of the operating savings. In other words there's no capital outlay. We've done several of these projects now. We're in the process of doing them. We've completed -- next slide, please. Police headquarters, we're saving over \$200,000 a year. And it was at no capital outlay. And on the slide you can see that the -- we spent \$2.25 million doing that. And we're saving 1300 tons of CO₂, SO₂ and NO_x are also listed there for your information. This is --

CHAIRPERSON VILORIA-FISHER:

Can we just go back to that a second?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Sure.

CHAIRPERSON VILORIA-FISHER:

I was finished looking at it. I'm sorry. Okay. Thank you, sorry.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Not a problem. Next slide please. We've already awarded a second contractor to do a similar project at the ME Building. That project has been just started. The chillers have arrived onsite. The new chillers -- they will be operational very shortly. We expect this to be a \$5.8 million project, again, at no capital costs to the County. And all of the costs will be paid for out of the energy savings. We're expecting to save approximately \$450,000 a year. So this is an excellent way the County is using to retrofit our buildings. Yes?

LEG. LOSQUADRO:

If you could just outline what -- specifically what a couple of those retrofit items were in police headquarters and proposed with the ME/DA building? I heard you mention the chillers, but what other retrofit items have we done?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Lighting is probably the key item that saves us the most money in the shortest period of time. Generally lighting has a three year payback. It's a very significant savings. And what that allows us to do is we try to leverage the lighting save back -- savings such that we can do other things like changing out windows.

LEG. LOSQUADRO:

Right.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Javed, do you want step up and list all the other things we did at police headquarters, quickly? Javed Ashraf is our new Energy Engineer. He's been with us --

MR. ASHRAF:

Yes.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

-- a couple of years now.

MR. ASHRAF:

Yes, at any building, medical examiners and district attorney's building the measures that we are implementing is to replacing old chillers with new water cooled highly -- high efficiency chillers. We are replacing the lighting. We are installing occupancy sensors. We are also retrofitting the fume holds. Because all the fume holds they take 100% outside air and they exhaust all the air. So we are trying to control the flow of air that will make the building more energy efficient. We are installing premium efficiency motors on pumps and chill water pumps, condenser water pumps, fan

motors. We are putting in vfd's; variable frequency drives that will save energy when we use the air handlers. And then there are small retrofit items like weatherstripping some of the doors and that kind of stuff.

LEG. LOSQUADRO:

Okay. Thank you.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Next slide, please. One of the other ways we're proceeding is also an energy performance contract but the Legislature asked us to work with NYPA back several years ago. NYPA has a similar program. The only disadvantage with NYPA is they charge a pretty hefty hidden consultant fee, let's call it. And it costs us a little bit more money than if we do it ourselves. But with our staffing, it makes sense to work with everybody. So we brought NYPA in Yaphank County Center. You can see they've done approximately \$3 million worth of work over the last couple of years. We're just completing the project. And we expect savings on the order of \$250,000 a year. They also come with pretty good financing. NYPA is financed by the state. It's an independent authority so in the end even though their administrative costs are high, we still do pretty good with them. And we're proceeding with other project with NYPA. Next slide, please.

NYPA also helped us out in the Bergen Point Water Treatment Plant. That project is out to bid. And we expect to spend about \$1.2 million upgrading five of the buildings down at Bergen Point with energy saving features, again, air conditioning, lighting, all the different categories. And we expect to save about \$145,000.

Next category where the County is proceeding with energy conservation is the County Exec and the Legislature have been good enough over the years to fund capital project 1664. That's our energy conservation capital fund. Through that we're working in two different areas. We're also doing a similar projects to energy performance contract but rather than going to out and doing an RFP to bring in an independent engineer or using NYPA, we're hiring design consultants through the traditional RFP function that we do in DPW.

What that really does is it reduces the cost of a project to us by about 15%. That's about the fee that these outside companies like NYPA or the other energy performance companies add. We pay our consultants about ten. They pay about 25% in fees. We bypass all that by using 1664 and hire independent consultants and it's a similar process. The consultant will review all the energy performance items in the building, do an energy report. They'll work with my engineers to decide the best way to upgrade the building.

And we find that to work very well. And the other way we're doing it is, I have enough staff that we're doing all the small projects in-house. Javed and Mike Monaghan, who's my principal engineer, are doing the in-house designs, the change-outs, small lighting change-outs, small boiler change-outs.

Next slide please. Why don't we go through them. First major in-house project we're doing with that is the Farmingville Health Center. It's about a 17,000 square foot building. We're just about complete with the design. They've been several iterations gone through Mike and Javed. And that will be bid in June sometime. We expect to spend about a half a million -- sorry -- about .9 million dollars and save about \$25,000 a year. Here's the case where the savings don't look that great. But what we did is we leveraged the high price savings with window changes, things that -- changing out windows on the building tends to be a 20 year payback. It's a very long payback. So we're leveraging the lower level stuff.

If we were using a traditional energy performance contract, some of that -- those items would have fallen off the table. But since I have capital money, we're going to be able to use that money to do some of those other items that we wouldn't traditionally do. And we're still going to save a reasonable amount of money. So this is a very good project and a very good way to save energy.

Next slide, please.

In addition as I said, we've done several -- and I'm going to go very quickly through these -- we've done several in-house projects over the last year alone where we're saving significant amount of money with a very reasonably small outlay. And you can see the simple payback on some of these is very quickly. For instance, this is -- the overall project was 67,000. We're going to save over 12,000 a year. A little over five years, we'll start gaining money by this retrofit and look at the CO2 savings, 30 tons of CO2 a year. So very good small project. Next slide, please.

CHAIRPERSON VILORIA-FISHER:

Can I just interrupt you for a second?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Sure, Vivian.

CHAIRPERSON VILORIA-FISHER:

When you're switching fuels from oil to gas. And you're estimating the cost savings over a period of time, how much of the differential in the fuel costs do you insert into the formula when you're determining your cost savings over a period of time? Or do you have the kind of systems that are bi-fuel or --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We have a combination of both. Most of these smaller projects are single fuel sources. But the larger buildings are dual fuel --

CHAIRPERSON VILORIA-FISHER:

They are.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

-- because we get a very substantial gas -- reduction on gas rate for dual fuel facilities.

CHAIRPERSON VILORIA-FISHER:

Okay.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

For these facilities I don't know the exact -- what Javed does is he works with both KeySpan and LIPA. And he finds their exact daily costs. We have all the oil contracts. We know all the oil costs. And then he goes back and he does a -- audit of what was done. And for instance, Javed, just talk a second about special patrol because you audited those costs.

MR. ASHRAF:

Yes. At special patrols we -- what we did was we had an oil fired boiler that heated the entire space including the helicopter hanger. And it was in bad condition and not very efficient to begin with and plus the cost of oil is almost like \$2.25 a gallon.

So what we did was we brought gas service to that building. There was no gas service to that building but there was gas across it to emergency services. And instead of just putting in a traditional gas fired boiler, which is probably 78, 80% efficient, we put in a condensing boiler, which is more like 95, 96% efficient. And we put in infrared heaters, gas fired infrared heaters in the helicopter hanger, which is very efficient.

And so when you take the differential, the fuel consumption based on existing and then fuel consumption or gas consumption based on what we put in, the fuel is not converted into million btu's, a million btu's of oil, a million btu's of gas. And then we take the price of natural gas from gas and the price of oil that we pay. And that's how we calculate the savings. And then there's some

maintenance costs savings associated with it That I have not included in here because the equipment was very old. Over the life cycle it does add up to a significant amount of money.

CHAIRPERSON VILORIA-FISHER:

Okay. And the part of my question, which I don't think you really have gotten to it, just right now with the cost of oil being what it is, it's favorable to have gas; to use gas. But in extrapolating our future savings, when you are doing that, are you inserting into the formula, you know, the fluctuations that might be occurring?

MR. ASHRAF:

For future savings, now let's say the life expectancy of the boiler is, let's say, 25 years. And we forecast what's the life cycle savings will be going 25 years from now, we use an escalation factor on both the fuels; gas and oil. And we normally use an escalation factor of about three percent a year for fuel cost and about three percent a year or two percent a year on maintenance side.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. ASHRAF:

And that's how we then calculate the life cycle cost.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Javed.

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER.

Who's --

LEG. KENNEDY:

Over here. Can suffer another question on this? I'm just curious when you're going ahead and you're assembling the assessment and you're looking to try to achieve certain energy outcomes, specifically talking about what happens with the fluctuation between the two fuels, there is especially in Manhattan but even, you know, further west, many of the larger commercial facilities will site dual function power plants as you know; so that when you hit a certain price segment or degree, the operator converts and runs from oil to gas or visa versa, to achieve collectively economically the best outcome for them. But where does that compare with our outcome to achieve in energy requirement? Are the two of them related?

MR. ASHRAF:

Okay.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Let me answer that, Javed. John, most of our larger facilities are dual fuel. The larger facilities have very large boilers in them that are capable of burning either fuel relatively efficiently. The big difference tends to be in the large boilers when we're burning gas the maintenance drops significantly. That's well known in the industry.

And there are all sorts of formulas out there that some of the bigger companies use that actually plug in the savings with maintenance versus the daily price. Some people do this on a daily basis, they switch back and forth. We don't have the maintenance staff to do that, to switch everyday. What we do do though is we get a significant savings through KeySpan on their interruptible rate by being -- having our facilities available to switch on as needed basis from gas to oil.

LEG. KENNEDY:

So when we negotiate, we don't do firm contract, we do interruptible? And then we elect if they need to go ahead and put product elsewhere, that we drop back and we go to oil?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

That's correct.

LEG. KENNEDY:

Ah, ha. Okay. What does that do --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

That's the large facilities. I believe it's over 5,000 decatherms. I'm not sure what the current number is. Is that correct, Javed? 5000?

MR. ASHRAF:

{ Inaudible }

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Any building that's, let's say the size of the police -- large police precinct --

LEG. KENNEDY:

Sure.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

-- around there is where the break off is. There or below you stay on a firm gas or oil.

LEG. KENNEDY:

Right.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Above that, you do dual fuel.

LEG. KENNEDY:

Does that do anything as far as driving your objective to achieve a particular energy savings or percentage?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

No, we don't calculate that in. That's a separate savings to us when we get a reduction in our gas prices.

LEG. KENNEDY:

Okay.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

This is --

LEG. KENNEDY:

I'll yield.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

-- pure energy savings.

LEG. KENNEDY:

All right. I'll yield.

CHAIRPERSON VILORIA-FISHER:

Thank you. Go ahead.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Next slide, please. We're going to go through five or six of these real quickly. They're all similar types of jobs. They were all done in-house.

CHAIRPERSON VILORIA-FISHER:

And we'll try to control ourselves and not interrupt.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

You're welcome to interrupt. It's faster that way actually at the end, I won't be here for an hour.

Marine Bureau, 122 tons of CO2 a year. Project costs, \$40,000. I'm going to give you round numbers. Annual savings almost 20 -- two year payback and we're going to save 122 tons. The next slide, please.

Materials Testing Laboratory. Again, simple boiler upgrade, 3,000 in savings. This was a little more expensive to do. Estimated project costs was 38,000, but we're still saving 24 tons. Again, paid out of 1664, our capital fund for energy improvements. Next slide.

Let's talk a little bit about emerging technologies. The County has been very active over the last ten years of trying to support mostly KeySpan and LIPA in providing buildings platforms for emerging technologies. Next slide, please.

Micro-turbine Demonstration Project at the ME building. We're on our second piece of equipment. First piece of equipment failed terribly. It was a Swedish micro-turbine. Basically a micro-turbine is a small aircraft engine put in a housing. It runs relatively efficiently especially if you use the waste heat for any use. And then in the ME building we're using it to heat their hot water, which they have a large hot water demand.

The second unit is a capstone unit, it's a more traditional unit in the United States. And it seems to be performing very well. It's up most of the time. At the end of this project we'll get a report from KeySpan. And we'll have a choice of either to keep the micro-turbine or have them remove it. But again, this is an emerging technology. There are a few people in the country that are using these for base units as a more traditional unit but not many. It's still a little bit expensive and it still has some issues with it.

Next, Fuel Cell Demonstration. Right at your own Legislative building here, we are on the second generation. We just finished the test for the second generation of fuel cells. We're awaiting from -- the report from LIPA. The first fuel cells we put in show that they were not economically viable, but the second generation is -- just finished the test and we believe we'll get better results. But this is probably the future of distributed power; is fuel cells. The Navy's using them in much larger sizes. Still very expensive technology though.

CHAIRPERSON VILORIA-FISHER:

Question, Bill Lindsay.

P.O. LINDSAY:

Are we going to get another set of fuel cells here?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

There's some talk. Javed has just been talking with LIPA about a next generation hydrogen run fuel cell for an UPS backup. Do you want to talk about it, Javed?

MR. ASHRAF:

Yes. As far as these fuel cells that we had here at the Leg building, LIPA is not going to do a third demo project with us. But they have indicated their interest in doing GenCore, which is a hydrogen

-- it works off hydrogen. You have cylinders that runs off -- and it is in lieu of UPS, uninterruptible power source. So you don't need all that batteries in case power goes off at least they have the GenCore product that will power these systems that need UPS. So we are negotiating with LIPA right now and hopefully we'll do a project with them soon.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

And that is a fuel cell. GenCore is a fuel cell. Fuel cells generally run -- they run on hydrogen and they have to put -- if they're running on natural gas or some other product, they have to have some type of piece of equipment that does the conversion. Running it directly on hydrogen, in this case they put special storage bottles there, you could -- it would come up to speed very quickly and you could use it for an uninterruptible power supply. So that would be the next test. But again it's another fuel cell that we're willing to provide a platform for them to advance the industry. Next slide, please.

Almost everybody's aware we did a very small 5kW photovoltaic system at Citibank Park. We're coming to the end of that test program. I believe LIPA wants to remove it. We're still in negotiations with them. But it was very successful. Fly balls were the only real problem we had. We broke the cells four or five times.

Photovoltaic, all right, we talked a little bit earlier about this project. This is a NYSERDA funded project. Normally we don't get any benefit from NYSERDA on Long Island but through a legal case that was held that was statewide, there was funding made available. Javed did a very good grant application to them. They funded about 50% of the solar installation that we're putting in police headquarters. Those panels are on order. The installation will be starting very shortly. Javed, what was that size of that? Was it 40kW system in the end?

MR. ASHRAF:

Well altogether it will be --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Speak in the microphone please.

MR. ASHRAF:

-- about 52kW but 40 for police headquarters and then we have another 3kW at the Cornell Cooperative Extension farm. So --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

As part of the grant process we needed to provide a platform so that the public could see solar panels. So what we decided to do was put a little demonstration project in addition to putting them on the rooftop of police headquarters, demonstration right at Cornell where they have thousands of kids coming every year. So that process is underway right now. And as you can see we're going to save 34 tons of CO2. It still costs about \$700,000, so the County's funding about two-thirds of the project.

LIPA has also offered \$600,000 for us to provide another solar system at -- and we've chosen to put it on the new Fourth Police Precinct. That's a new building under construction so it made sense to us not have to go in and modify the steel on the roof and do all those other things that we'd have to do in an a retrofit building. So it's going to be as part of the Fourth Police Precinct and that system is also going to be somewheres between 50 and 60kW.

LEG. KENNEDY:

Madam Chair? Just a quick one on that. Tom, what do they have now as far as the expected life, useful life for a system like this? What do you get out of cells; ten years, twent years, five years?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Cell life should be about twent years without any problem at all. It should actually last longer.

LEG. KENNEDY:

Okay. Thank you.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Wind Turbine, there was legislation asking DPW to do an RFP for wind turbine. The RFP has been completed. And we're working with the one responder to do a study on placing one or more wind turbines in the Yaphank area, someplace in the area of the farm. We expect in the next couple of weeks to award that and start -- we'll report to you what the study says.

CHAIRPERSON VILORIA-FISHER:

Legislator Horsley has a question.

LEG. HORSLEY:

Tom, just a quick question. Noticing how much carbon we've saved in tons, not the wind turbine, have you added them all up? What kind of numbers are we are looking at?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We'll save that to the end.

LEG. HORSLEY:

Oh, okay.

CHAIRPERSON VILORIA-FISHER:

That's the big bang.

LEG. HORSLEY:

Suddenly I started to realize this is starting to add up.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

It is adding up.

CHAIRPERSON VILORIA-FISHER:

It's becoming real pounds, huh?

LEG. HORSLEY:

Yeah, absolutely. Okay. I'll wait anxiously.

CHAIRPERSON VILORIA-FISHER:

Stealing his thunder.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Another area that we're working is demand side energy management. I mean, almost everything we're doing is demand side and energy management. We're cutting down demand for electricity. But this is a little unique because it also helps to stabilize the grid and it's saving the County -- we're getting payments from the independent system operator, New York State Independent System Operator, under their ICAP program where we make our generators on certain peak days that they call and last year they didn't call any, we're saving -- and it varies every month; so over four months we've saved over -- we've gotten rebate checks of almost \$200,000. We expect to get somewhere between 350 and 450 a year by just making our generators available when the grid needs to be stabilized.

CHAIRPERSON VILORIA-FISHER:

So you're way ahead of your estimates?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Yes, right now. But this is a fluctuating market. So as the market changes every month, Javed, they bid every month, right?

MR. ASHRAF:

Yes. The clearing price, we get the clearing price from the demand of respond provider every month. And we just received a check last week for month of March. I think all together, this slide is slightly dated, I think our revenue so far has been 270 or 275,000. So --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We hope it will only go up. Next slide, please. As I said earlier, LIPA as -- through their rebate program, which of course they're forced to promote through the state, has been very generous to us. We've saved over \$830,000 in rebates. That money generally goes back into the general fund so it's a very good revenue source for the County.

Just a couple of words on the Green Choice Program. We recently joined the Green Choice Program. We have 15% of the building's inventory on it now. That means the entire H. Lee Dennison Building, the entire William H. Rogers Building and the entire Skilled Nursing Facility all are being provided with the attributes of green power. That's at a cost to us of approximately \$86,000.

LIPA also provided municipalities with a \$30,000 rebate to support this program. So this is an important program. When you talk about energy savings, it's easy to say we want them to be paid for but sometimes we have to pay too. And the attributes of this are very good. Next slide, please.

As you can see, we expect to save 8,700,000 pounds of CO2 by participating in this program.

LEG. HORSLEY:

That's not bad.

CHAIRPERSON VILORIA-FISHER:

Reduce that footprint.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

That's correct. Next please. Some of the future things we're going to do: We're going to continue to work on the demand side management. That's whether it's getting us rebates or reducing our lighting costs. We're going to continue to invest in the renewable and emerging technologies. The GenCore System is a prime example. Or if anybody else comes forward with a technology we think we can provide a platform for, we have the space to do it.

We're going to expand our work with NYPA. Javed's looking at another ten buildings to give them. That will be moving along.

We're going to put our Cogeneration System in the John J. Foley Skilled Nursing Facility. That's about the only facility where Cogen really makes any sense. We got the heat load and the 24-hour a day operation.

We're going to look at the jail after that. That may be a good application too.

CHAIRPERSON VILORIA-FISHER:

You're anticipating my question.

LEG. HORSLEY:

The new jail.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We're going to look at it.

CHAIRPERSON VILORIA-FISHER.

Good.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

But we're not sure yet where that's going to go.

LEG. HORSLEY:

The new jail?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

The new jail, yes. We're going to issue another RFP in house for the criminal courts building in Riverhead to do an energy performance contract. And we're going to look at some options for buying natural gas. In the past we've looked at this. And for the very small savings that we get, hasn't been worth the risk. There is some risk when you buy your own. But the market continually changes so we're going to look. Next slide, please.

MR. ASHRAF:

That's it; the end.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

What happened to the slide that I have with the overall savings?

LEG. KENNEDY:

Madam chair?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Sorry.

LEG. KENNEDY:

While you guys are looking, let me go back, Tom, and ask something you had on the previous slide. What is a power marketer? You talk about the possibility of exploring purchase of natural gas through it. What is a power marketer?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

There are several entities now that you can buy your gas supply from. And you could always do that for a very longtime. Electricity is the same way. And we'll look through -- excuse me.

LEG. KENNEDY:

Well, when we looked at real power that we were always told about the inability to go ahead and get onto the local grid, I mean, that was always, you know, the panacea out there. Getting {NYNA} power or things like that, you know, for up in Canada, yeah, it was dirt cheap. But everybody always said you couldn't bring into a grid down here on Island. Is gas similar like that? You can buy Texas gas and it's dirt cheap or what?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

It's not dirt cheap. But you can buy gas from other marketers. And there is some potential savings, but it also comes with risk because now you don't --

LEG. KENNEDY:

KeySpan's going to strangle you getting it in.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

They don't strangle you but there's charges. And as the market fluctuates -- but again we're just starting to look into it, John, but in the past when we looked into it the savings was so minute --

LEG. LOSQUADRO:

Yeah, John?

LEG. KENNEDY:
Oh.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:
-- that it wasn't worth it.

LEG. KENNEDY:
I'll yield.

CHAIRPERSON VILORIA-FISHER:
Legislator Losquadro.

LEG. KENNEDY:
My colleague knows a little about it, I guess.

LEG. LOSQUADRO:
No, I was just going to ask there's a finite amount of capacity in the high pressure interstate lines, correct?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:
That's correct.

LEG. LOSQUADRO:
So you have -- I guess that's why the difference is somewhat negligible because you can only put so much through the lines. Is that the reason why we're not seeing a larger difference in the price even with different marketers?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:
Well, part of it is they charge to use their pipes. KeySpan --

LEG. LOSQUADRO:
Right.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:
-- put the pipes in, they got to charge. But if we reduce our load from KeySpan and somebody else picks it up, it doesn't really increase the gas supply.

LEG. LOSQUADRO:
Right.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:
But they're still going to have to pay all the taxes and all the other supports. And in the end, the last time we looked at it, the difference that they could even play with was like one to two cents. It was so small that the risk to the County of not -- now KeySpan tells us they're never going to cut us off from gas. But if we're not really their paying customer, who gets gas first? So Javed's going to be --

LEG. LOSQUADRO:
Sure.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:
-- looking at it again and see where we go.

LEG. LOSQUADRO:

Makes perfect sense. Thank you.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

And I'm apologizing, we lost one slide with the -- oh, sorry that is the total. That's the total. That's the -- I'm thinking that was the --

CHAIRPERSON VILORIA-FISHER.

That was your big finish.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

That's the finals. 17,000 pounds of CO2 from just the Green Choice Program, 8 million from our all our projects, electric savings almost 8 million kilowatt hours, oil savings 17,000. So I think we're doing a reasonable job. Any more questions?

CHAIRPERSON VILORIA-FISHER:

Looks like you're doing a good job with this. Thank you. I did have a question actually for either you or the Commissioner. If we were to go to certification of the -- the actual LEED certification of the Fourth Precinct because right now the legislation doesn't call for certification but to be certified, you know, level rather than the actual certification, do we get any additional help from LIPA if we actually go to certification?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We've just been told possibly yes. That wasn't true not too long ago.

CHAIRPERSON VILORIA-FISHER:

I know, when we first talked about it, it was wasn't true.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

It was not true but we were just told that they may kick in an extra \$100,000. We're in discussions with them now --

CHAIRPERSON VILORIA-FISHER.

Well --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

-- which would drive the project differently.

CHAIRPERSON VILORIA-FISHER:

Very good, very good. Okay. Well, and we'll continue to see greater and greater savings as we move more of our vehicles into alternative fuels and -- right? Put a smaller, smaller footprint on our global warming.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Thank you. Anytime you'd like us to come back and update you again, we'd be glad to do so.

CHAIRPERSON VILORIA-FISHER:

We appreciate it. And we'll be getting this electronically in our offices?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

Either today or tomorrow morning Javed will take care of that.

CHAIRPERSON VILORIA-FISHER:

Okay. Yeah, I really want this document. It's got some important information. Thank you very much. Are there any questions from the committee? Okay. Thank you again, very helpful. Oh, wait, I did have another question, I'm sorry. And it came out of Legislator Horsley's committee. He had a special meeting on energy, new alternative energy sources.

Are you looking at these tidal turbines that we heard so much of at that -- about at that meeting? Is there any possibility that those will be a reality in the near future? Because it seems to have a low impact environmentally and seems to be an energy producer. But some of them seem very experimental and some of them seem to be almost ready to go on line?

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We have not looked at them. It's probably a little bit beyond what our general capabilities is to look at a major project like that. I mean, we're working on a pretty good sized project at the County level but that's a significantly large project, probably on the order of hundreds of millions of dollars. Nothing that we would normally look at. But if you would like us to do some research --

CHAIRPERSON VILORIA-FISHER.

Well, these are just --

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

-- we'd be glad to.

CHAIRPERSON VILORIA-FISHER:

-- these are private entities who would be -- just as you're looking at wind turbines, there were a number of private entities that presented their concepts to us. I'm concerned about it in a couple -- for a couple of reasons. Number one, where would they catch the tidal flow? And a lot of them were looking at the race and that's a very important fishing area for the County; for our commercial fishermen. And -- don't say the barge. Broadwater -- that's the same place Broadwater is looking at their fleets coming in, but they would be providers of energy. And I thought that would be another place to buy green energy.

CHIEF DEPUTY COMMISSIONER LaGUARDIA:

We would be glad to start to look at it but we have not 'til today.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you very much. Any other questions? Okay. Thanks again, gentlemen.

LEG. HORSLEY:

We're getting a copy of this, by the way?

CHAIRPERSON VILORIA-FISHER.

Yes, electronically.

LEG. HORSLEY:

Great. Thanks, Tom.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. All right. We will be going to the agenda. We're going to take a couple of resolutions out of order because we do have people here who have come here to come before us. Just those two, Seth? Okay.

INTRODUCTORY RESOLUTIONS

I'm going to make a motion to take IR 1363 out of order, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1363 is before us. (Appointing member to the Council on Environmental Quality Thomas C. Gulbransen) (LINDSAY)** It's on page four. And Tom Gulbransen, if you could come up please and join us. This is appointing Mr. Gulbransen to the CEO. Have a seat here, Tom. Okay.

MR. GULBRANSEN:

Good afternoon.

CHAIRPERSON VILORIA-FISHER:

Good afternoon. Thank you very much for being here. That was interesting, wasn't it? As you know, we have a resolution before us appointing you as a member of CEQ. And I'm going to ask you first to tell us a little bit about yourself and why you'd like to serve on the Council. And then we will open it up to questions from the committee.

MR. GULBRANSEN:

Again, my name is Tom Gulbransen. I reside in East Setauket, New York. I'm an elected public official at the village level, serve as an Environmental Conservation Commissioner in the Village of Old Field. And professionally I'm a ecologist, Regional Director of {Patel} Memorial Institute where we do a lot of restoration and studies, coastal work, Jamaica Bay, things like that, New York Harbor.

So I have a professional interest in the area of environmental management preservation conservation and have been advocating environmental protection since about 1972. So I look forward to the opportunity to do that on behalf of the County. Are there questions I can answer?

CHAIRPERSON VILORIA-FISHER:

Thank you, Tom. Are there any questions? Legislator Losquadro.

LEG. LOSQUADRO:

Yes, I'm sorry. It was to Counsel. I know we've had -- the County Executive has stipulated a number of restrictions on who can serve and who cannot on various boards. To Counsel, does the applicant's current position preclude him from serving in this capacity?

MR. NOLAN:

Could I just clarify what position you hold with the village?

MR. GULBRANSEN:

In the Village of Old Field? I'm an elected Trustee and the Deputy Mayor. And as a Trustee I'm also assigned the responsibility as Environmental Conservation Commissioner to lead the Environmental Committee's review of applicants in the village.

MR. NOLAN:

Well, I'm looking at the requirements for CEQ members. I think that might be a problem for the Planning Commission.

LEG. LOSQUADRO:

Okay.

MR. NOLAN:

But I don't see anything in the section of the charter regarding CEQ members that would prohibit him from serving.

LEG. KENNEDY:

Madam Chair? Can I follow on that question just for a moment?

CHAIRPERSON VILORIA-FISHER.

Yes, Legislator Kennedy. Go ahead.

LEG. KENNEDY:

Thank you very much. Thank you for appearing before us, sir. And as a matter of fact it sounds like particularly having direct experience, I guess, with implementing projects, Jamaica Bay, I mean it's

been an extensive remediation effort that's gone on there with some of the New York City septic system outflow and some of the, you know, decades of pollution that have gone on there. So I know it's been a challenge. And I know that it's actually been restored to a certain extent to be a viable habitat now for some, you know, shellfish and fisheries. That notwithstanding I'll go to Counsel now and say, George, at the very least, this gentleman would have to recuse were the village associated with lead agency status as far as any SEQRA type of an issue or if there was a linked venture, wouldn't he?

CHAIRPERSON VILORIA-FISHER:

It wouldn't be in CEQ.

LEG. KENNEDY:

If we have a water quality initiative, a 477 initiative or something to that effect where we have a collaborative venture.

MR. NOLAN:

I never liked to put myself in the position of making that type of determination. I don't have all the facts but I would say that if there was a matter involving the village where he's an elected official, he probably would want to recuse himself from those particular votes.

LEG. KENNEDY:

Okay. As long as, you know, we go forward with that type of an understanding. Certainly there's always something where board members may have a particular, you know, conflict or issue or something and there's that understanding, that's fine. Thank you.

MR. GULBRANSEN:

I agree with that, yes.

CHAIRPERSON VILORIA-FISHER:

And, Tom, based on your background and your expertise, you are very familiar with SEQRA and/or the state -- what is the federal version of SEQRA?

MR. GULBRANSEN:

NEPA?

CHAIRPERSON VILORIA-FISHER:

NEPA, thank you.

MR. GULBRANSEN:

NEPA, National Environmental Policy Act.

CHAIRPERSON VILORIA-FISHER:

Thank you. It just wasn't coming to me. But you do know how it's determined and you know how to arrive at that determination through objective means and --

MR. GULBRANSEN:

Yes.

CHAIRPERSON VILORIA-FISHER:

-- what it encompasses.

MR. GULBRANSEN:

As I tried to explain during our earlier conversations I'm comfortable with examination of the scientific and the ecological matters and concerns and trying to weigh that with some of the other understandable political or public pressures. I would not purport to be an attorney or of sufficient expertise to handle all of the legal angles that can be taken by applicants in that regard. So I have

part of the SEQRA covered well. And part of it I would have to rely on others to assist.

CHAIRPERSON VILORIA-FISHER:

Well, on CEQ we look to not get too entangled in the legal angles as CEQ members. We leave that to our Law Department and our Counsel.

MR. GULBRANSEN:

Great.

CHAIRPERSON VILORIA-FISHER:

I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1363 is approved. (Vote: 5-0)** You know it will be coming before the full Legislature on Tuesday but you don't have to attend that meeting unless you so wish.

MR. GULBRANSEN:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Congratulations, Tom. Thank you.

LEG. HORSLEY:

Thank you for the service.

CHAIRPERSON VILORIA-FISHER:

I'm going to make a motion to take IR 1411 out of order. Oh, I didn't call the vote, did I?

LEG. HORSLEY:

Yes, you did.

CHAIRPERSON VILORIA-FISHER:

Did I call the vote? Okay. Sorry. IR 1411 out of order. It's on page five.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

That's seconded by Legislator D'Amaro. All in favor? Opposed? Okay.

Appointing member to the CEQ, Council on Environmental Quality, Richard Machtay. It's on page five. It's IR 1411. Okay. Good afternoon, Mr. Machtay.

MR. MACHTAY:

Good Afternoon.

CHAIRPERSON VILORIA-FISHER:

Thank you for being here. And as I said to Tom, you'll tell us a little bit why you want to subject yourself to this? And then if Legislators have questions, I'm sure you'll be happy to answer them. Go ahead, Mr. Machtay.

MR. MACHTAY:

I guess I was foolish enough to retire. And then without having a plan -- and is it not working? Am I working?

CHAIRPERSON VILORIA-FISHER.

You just have to get closer to it, that's all.

MR. MACHTAY:

Okay. I retired and I guess I didn't have a plan for what I was going to do when I retired so now I play in my garden and I go to meetings whenever I can to try to participate, try to help. People keep volunteering me for things, like this particular thing.

I started with the Town of Huntington in 1979. I was an environmentalist. In 1981 I started working with SEQRA. In 1988 I became the Director of Planning and Environment. And I was that until December 31st, 2005. I've been trying to keep my finger in things and know what's going on. And I work with the town attorney. I just consulted as expert witness in a court case a small subdivision. And that's about it. And I think I would enjoy doing this and I think that I could lend some interest and some professional help to whatever they are doing.

CHAIRPERSON VILORIA-FISHER:

Well, based on the questions that you heard retirement is a great job with regards conflicts of interest. We don't have to worry about that.

MR. MACHTAY:

I get to work in my garden a lot.

CHAIRPERSON VILORIA-FISHER:

Sounds good to me. Are there any questions?

LEG. HORSLEY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER.

Yes, Legislator Horsley.

LEG. HORSLEY:

I just want it known that I've known Richard for a good couple of years now. And he's always been a professional asset to Huntington as well as to Babylon Town because he does come over the border every so once in a while. And I can't imagine a better person for this position.

CHAIRPERSON VILORIA-FISHER.

Thank you. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Thank you for expressing a desire, Mr. Machtay. I know that you've got many decades of experience as you outlined.

One of the things I guess that I would ask, I'd ask you how you might handle projects that may be coming forward particularly associated with what we now call the Sagtikos corridor. As you know, the area of Commack Road, that's the dividing line between Huntington and Smithtown, Babylon area, is going to have and continues to have some focus on it about potential transportation solutions because it's a somewhat condensed area; clogged area.

Up to this point or when you were still with the town, were there projects or initiatives there that you were involved with making planning decisions that would impact where you're at now or are they two separate issues?

MR. MACHTAY:

There were a couple of projects as you know that the Town of Huntington took exception to --

LEG. KENNEDY:

Yes.

MR. MACHTAY:

-- and I gave testimony at a public hearing in the Town of Babylon. But first off, I have to worry for five years about the Ethics Code in the Town of Huntington. I have certain restrictions according to that. Two years I have certain restrictions and then it goes further for five years. So I'm forbidden from consulting on any project that I had anything to do with in any way for five years. Forbidden for two years for working for anybody that had a project before me while I was with the town.

LEG. KENNEDY:

Sure.

MR. MACHTAY:

The two years, I still have another six or eight months for that. And I've been strictly holding to that. Attorneys have called me and I say to them, I'm sorry, you know. In fact I was called on a very big job and I petitioned the Town of Huntington Ethics Committee for a dispensation and they refused to give it to me. So --

LEG. KENNEDY:

So that being said it sounds like notwithstanding just normal, I guess, arms length decision making that we look for here in CEQ, you got your own set of constraints that might cause you to recuse or not necessarily express a voting opinion on a SEQRA matter associated with that area at least for a while.

MR. MACHTAY:

At least for the next two or three or four years, yeah.

LEG. KENNEDY:

I see. Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

I just to want to clarify that I think that that particular code provision might prevent you from consulting.

MR. MACHTAY:

Yes.

LEG. D'AMARO:

And, you know, perhaps being as a paid consultant even; but acting as a member of the Suffolk County CEQ, even if it were a project in Huntington, I would have to go back and check but I don't believe it would preclude from voting on those issues.

MR. MACHTAY:

I would have to ask for an opinion on that myself.

LEG. D'AMARO:

I don't blame you but I don't think they would.

CHAIRPERSON VILORIA-FISHER:

Thank you very much. Motion to approve by Legislator Horsley.

LEG. HORSLEY:

Yes.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **Motion is approved. (Vote: 5-0)** And as you heard me say earlier it will come before the full Legislature on Tuesday. You can come if you choose but you don't have to.

MR. MACHTAY:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thank you and welcome aboard. Thank you for your service.

CEQ RESOLUTIONS

We will now go to the CEQ resolutions. Mr. Bagg. Jim, before we begin, how many actual vacancies do we have right now in CEQ?

MR. BAGG:

I believe there are three.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. BAGG:

With one outstanding. An individual said they had resigned but I believe the Legislature's not received A letter of resignation.

CHAIRPERSON VILORIA-FISHER.

Yeah, that's not a vacancy yet.

MR. BAGG:

Right.

CHAIRPERSON VILORIA-FISHER.

Because that hasn't been made official. Okay. Thank you, Jim.

MR. BAGG:

Sure.

First resolution before you is **CEQ resolution number 22-07**. It's the **Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Noyack County Greenbelt Addition - Franco et al. Property in the Town of Southampton**. Council recommends that it's an unlisted action with a negative declaration. None of the SEQRA criteria will be exceeded and the undeveloped property will be used for open space preservation and passive park purposes.

CHAIRPERSON VILORIA-FISHER:

Motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **22-07 is approved. (VOTE: 5-0)**

MR. BAGG:

Now all the other acquisitions have the same reasons associated with them so I just will let you

know what the recommendation is. The next resolution number **23-07** on the Council of Environmental Quality is for the **Proposed Donation of Land for Open Space Preservation Purposes Known as the Westmoreland Farm, Inc property in the Town of Shelter Island.**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number **24-07** is for the **Proposed Acquisition of Land in Partnership with the Town of East Hampton for Open Space Preservation Purposes Known as the Acabonac Harbor County Park Addition, Mary Louise E. Dodge Family, LLC Property in the Town of East Hampton.**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

Next resolution CEQ resolution number **25-07**, **Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Carlls River County Park Addition, Soliman & Pizzo Property in the Town of Babylon.**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number **26-07** is for the **proposed Acquisition of Land for Open Space Preservation Purposes Known as the Rose Breslin Associates, LLC Property in the Town of Brookhaven.**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number **27-07** is **proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area Addition, Parbus Property in the Town of Brookhaven.**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number **28-07** is **proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area II Addition, Estate of Persico Property in the Town of Brookhaven.**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ number **29-07** is for the **proposed Planning for Improvements to the Vector Control Building, Yaphank County Center, Yaphank, Town of Brookhaven. Council recommends that it is a Type II Action pursuant to Title 6 NYCRR part 617.5c(20) and (21) and (27).**

CHAIRPERSON VILORIA-FISHER:

Anybody have any questions? Okay. Same motion, same second, same vote. **(VOTE: 5-0)**

MR. BAGG:

CEQ resolution number **30-07 is proposed Replacement and Expansion of the Yaphank County Center Wastewater Treatment Plant Effluent Filters, Town of Brookhaven.** The action involves the replacement in-kind along with a duplication of the existing footprint adjacent to the existing denitrification filters on the sewer treatment plant site in Yaphank. Council recommends that it's a Type II Action pursuant to Title 6 NYCRR part 617.5c(1),(7) and (20) because it involves routine or continuing agency administration and management concerning the replacement of the structure in-kind on the same site as well as expansion of a facility involving less than 4,000 square feet of gross floor area.

CHAIRPERSON VILORIA-FISHER:

And did you say what kind of action it was? I couldn't --

MR. BAGG:

Type II action.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry. I didn't hear that. Okay. Any questions? Same motion, same second, same vote. **(VOTE: 5-0)**

MR. BAGG:

The next resolution number **31-07, Proposed Drainage Improvements on CR80, Montauk Highway at Doane Avenue - Town of Brookhaven.** Project involves the expansion of an existing positive stormwater drainage system by installing additional leaching basins on the south side of CR80 as shown in the EAF in order to alleviate a severe and dangerous flooding problem.

Council recommends that it's an unlisted action that will not have a significant impact on the environment for the following reason. None of the SEQRA criteria are exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter or Code. The parcel does not appear to suffer from any severe environmental developmental constraints, no poor soil properties, no high groundwater, and no unmanageable slopes. The recharge basin area will be landscaped with indigenous species. The existing severe and dangerous flooding problems will be alleviated and traffic safety will be improved.

CHAIRPERSON VILORIA-FISHER:

Jim, I thought we added something in the resolution about the inches of rain. I remember the discussion, but we didn't add that in? Perhaps there was an answer that satisfied the Council?

MR. BAGG:

I think that the project does include the --

CHAIRPERSON VILORIA-FISHER:

Is it a two inch rain event?

MR. BAGG:

Yes, but they will exceed that to three inches.

CHAIRPERSON VILORIA-FISHER:

Okay, all right. Thank you. Same motion, same second, same vote. **(VOTE: 5-0)**

MR. BAGG:

Now the next resolutions, two resolutions, are really Historic Trust recommendations. The Council on Environmental Quality is also the Suffolk County Historic Trust.

So CEQ resolution number **32-07, Historic Trust recommendation concerning the Homan-Gerard House, Town of Brookhaven**, is a recommendation concerning the County owned property dedicated to the Suffolk County Historic Trust known as the Homan-Gerard House in Yaphank in the Town of Brookhaven.

This house is dedicated to the Suffolk County Historic Trust. It is on the national and state registers of historic places. It was built in circa 1760, which is probably one of the oldest structures we have in the Suffolk County Historic Trust. And the Council recommends to the Suffolk County -- Suffolk County Legislature and County Executive that the County allocate the necessary resources and funding to stabilize and restore the Historic Trust designator Homan-Gerard House and associated structures in Yaphank and prepare a study of all County owned buildings and structures in the Yaphank Historic District. So that is a recommendation from the CEQ regarding that structure.

CHAIRPERSON VILORIA-FISHER:

Okay. Question by Legislator Horsley.

LEG. HORSLEY:

Yeah, I was just wondering, what kind of condition is it in?

MR. BAGG:

Actually the pictures that were sent out, the structure needs some stabilization in the basement but it actually is in not that bad of condition.

LEG. HORSLEY:

Wow. That's great.

MR. BAGG:

And it is a nice landmark piece. The County owns a number of historic structures in that particular area and it would be a nice area, you know, in the future to encourage, you know, school children to come and view historic buildings, that type of thing.

LEG. HORSLEY:

Cool. I like it.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

Actually these don't --

CHAIRPERSON VILORIA-FISHER:

They don't require our vote.

MR. BAGG:

-- don't really require resolution. It would really be up to individual Legislators if they want to pursue this. It's not required under SEQRA.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. BAGG:

The Next resolution is --

CHAIRPERSON VILORIA-FISHER:

Wait a minute then, then backtrack. So someone should introduce a resolution or will that probably

come from the County Executive?

MR. BAGG:

Well, it could be either way.

CHAIRPERSON VILORIA-FISHER.

Okay.

MR. BAGG:

I mean, that's just a recommendation of the Council to the Legislature and the County Exec's Office and if anybody wants to pursue it -- it's, you know, for them to do.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Jim.

MR. BAGG:

Next resolution is CEO resolution number **33-07, Historic Trust recommendation concerning the Lamotte Cohu Estate, Gissa Bu/The Lodge, Shinnecock Hills, Town of Southampton.** It concerns the acquisition and dedication of the Lamotte Cohu Estate, Gissa Bu, otherwise known as The Lodge in Shinnecock Hills, Town of Southampton, to the Suffolk County Historic Trust.

This was presented to the Historic Trust Committee and then the Council. This house is eligible for listing on the Federal and State lists for historic preservation. The Council recommends to the County Legislature and County Executive that the County purchase the Lamotte Cohu Estate Gissa Bu/The Lodge, and dedicate it to the Suffolk County Historic Trust pursuant to Section C18 of the Suffolk County Charter.

They further recommend that the Historic Trust dedication, if it takes place, be assigned to the functional and museum use categories and the archeological, architectural and preservation of neighborhood atmosphere and preservation of trees and shrubs categories are set forth in the Historic Trust Manual as adopted by the Suffolk County Legislature.

CHAIRPERSON VILORIA-FISHER:

Thank you, Jim. Yes, Legislator Losquadro.

LEG. LOSQUADRO:

Is this that viking style lodge?

CHAIRPERSON VILORIA-FISHER.

Yes.

MR. BAGG:

Yes. I believe there --

LEG. LOSQUADRO:

Yeah, all the woodworks. Okay.

MR. BAGG:

-- has been a planning steps resolution that has been --

CHAIRPERSON VILORIA-FISHER.

It's very interesting.

LEG. LOSQUADRO:

Yes.

MR. BAGG:

-- approved by the Legislature.

LEG. LOSQUADRO:

Okay, very good.

MR. BAGG:

So the Council, you know --

LEG. LOSQUADRO:

I just wanted to make sure it was the same one that I was thinking of.

MR. BAGG:

-- is going the next step further and saying if the County acquires it, it should be dedicated to the Historic Trust.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you very much. But I could imagine having great nightmares if I camped outside of that place, and lots of heads, you know, interesting. Okay. We will go now to the agenda. If Planning can come up.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

We begin with our tabled resolutions. **2433, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (St. James Protestant Episcopal Church property)(Town of Smithtown). (Nowick)** Is there a motion?

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by Legislator Horsley.

LEG. KENNEDY:

On the motion I recuse, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Okay. All in favor? Opposed? **IR 2433 is tabled. (VOTE: 4-0-0-0-1 Recused: Legislator Kennedy).**

IR 2441, Adopting Local Law No. -2006, A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights. (Stern) Is there a motion?

LEG. D'AMARO:

Motion to table. It needs a public hearing.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator Losquadro for public hearing. Seconded by Legislator -- did I say Losquadro instead of D'Amaro?

LEG. D'AMARO:

You did. Whatever.

CHAIRPERSON VILORIA-FISHER.

I'm sorry. D'Amaro.

LEG. LOSQUADRO:

I'll second it.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **2441 stands tabled. (VOTE: 5-0).**

As I get tired I confuse the names. Okay.

IR 1018, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Property of Grace Presbyterian Church), Town of Brookhaven (SCTM No. 0200-392.00-03.00-017.000). (Caracappa) Is there a motion?

LEG. D'AMARO:

Motion to table. Public hearing.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro makes a motion to table.

DIRECTOR ISLES:

Madam Chair?

CHAIRPERSON VILORIA-FISHER.

Let me just a second and then we'll talk on the motion.

DIRECTOR ISLES:

Sure.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER.

Seconded by Legislator Horsley. Mr. Isles.

DIRECTOR ISLES:

Just one point of information I want to bring to your attention in your consideration of this. This was the one where there was an original resolution to acquire under Greenways as a partnership.

CHAIRPERSON VILORIA-FISHER.

Right.

DIRECTOR ISLES:

There was then the second resolution put in for planning steps.

CHAIRPERSON VILORIA-FISHER.

Yes.

DIRECTOR ISLES:

We were kind of puzzled as to why there would be a second resolution. At the last meeting I indicated to you that in our conversation with the sponsor's office they indicated that they intended to proceed with a license agreement for a partner --

CHAIRPERSON VILORIA-FISHER.

Right.

DIRECTOR ISLES:

-- that they had talked to the Park's Department about that. Since the last meeting I did speak to the Commissioner of Parks who indicates that he is in general concurrence with that idea. So I just wanted to pass that along to you in your consideration. That's all.

CHAIRPERSON VILORIA-FISHER:

Okay. So Legislator Caracappa has a group with whom there's going to be a licensing agreement and Commissioner Foley is on board.

DIRECTOR ISLES:

Here again, I don't know the details. I think he has the expectation of having an agreement with the group. I think he some ideas and he indicated he had spoken to the Park's Department. I then contacted Commissioner Foley to verify that and to make sure we're -- I'm understanding it correctly and he indicated that he feels that this site would be worthy of acquisition given the demand for parks in that area. So --

CHAIRPERSON VILORIA-FISHER:

Okay. If we could have a conversation with Legislator Caracappa --

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER.

-- because this expires in June. Legislator Losquadro.

LEG. LOSQUADRO:

Would it be possible to do a discharge without recommendation on this and bring it to the floor so Legislator Caracappa could explain this to not only us but the rest of our colleagues?

CHAIRPERSON VILORIA-FISHER:

Well, what I'd like to do is if -- I think I'd like to speak with him, table this and it would still be alive for the next cycle. We can vote it out. Do we meet before June 5th?

LEG. LOSQUADRO:

We're okay time wise on this?

CHAIRPERSON VILORIA-FISHER.

Pardon me? I'm just trying to get an answer as to whether it -- we would --

LEG. D'AMARO:

Yeah, it's not expiring.

CHAIRPERSON VILORIA-FISHER:

It's not, okay.

MR. NOLAN:

It was laid on the table in February so it's timely.

CHAIRPERSON VILORIA-FISHER.

I'd rather speak with Legislator Caracappa, get the -- feel more satisfied with the responses and move it out next month. Okay. If he has -- because I don't know what the group is, I don't want to put that kind of pressure to have put all of that together before Tuesday if he doesn't even have a group in mind yet.

LEG. LOSQUADRO:

Okay.

LEG. D'AMARO:

Is the public hearing closed on this bill?

CHAIRPERSON VILORIA-FISHER:

There's no public hearing.

LEG. D'AMARO:

There was none. Oh, all right.

LEG. LOSQUADRO:

It's planning steps.

CHAIRPERSON VILORIA-FISHER:

It's just that it changed programs. It's planning steps and I'll give Joe a call.

LEG. LOSQUADRO:

If you could, please, if this is something that the Park's Department is now in agreement on.

CHAIRPERSON VILORIA-FISHER.

Right.

LEG. LOSQUADRO:

And I think Commissioner Foley was exactly right in discussing the need in an area such as Legislator Caracappa's district that's very built out --

CHAIRPERSON VILORIA-FISHER:

Well, that's why I'd like to talk with him.

LEG. LOSQUADRO:

-- a need for an additional active use parkland. So, thank you.

CHAIRPERSON VILORIA-FISHER:

And I'd like to speak with him regarding the whole Middle Country sustainable planning that they're doing there and whether this is a part of that. Okay. So there's a motion and a second to table 1018. 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) (SCTM No. 0300-126.00-01.00-014.025). (Schneiderman) Is there a motion? Were you about to say something?

DIRECTOR ISLES:

The only point of information is Planning Department has recommended that you disapprove this on the basis that it does not rank high enough on the County scoring system. It is a flag lot at the end of a cul-de-sac with very limited access and not adjacent to other County parcels.

The only point of information I wanted to convey to you different from the last meeting is I did receive a letter from the town Preservation Director indicating that the town would agree to management of the property. They do not indicate that they would participate in the acquisition however, so Planning's position remains unchanged.

CHAIRPERSON VILORIA-FISHER:

Okay. Is there a motion?

LEG. D'AMARO:

Motion to table.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? **IR 1020 stands 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 a watershed study of Lake Panamoka (CP 7152). (Romaine) Did it go before the committee?

DIRECTOR ISLES:

I believe it was tabled at the Water Quality Committee. Commissioner Gallagher, I think -- if you have more detailed questions.

CHAIRPERSON VILORIA-FISHER:

Okay. You have questions for Commissioner Gallagher? Commissioner Gallagher, if you might.

COMMISSIONER GALLAGHER:

Yes. It was tabled at the meeting. Well, there was no application actually sent into the Water Quality Review Committee so there's nothing to review other than the resolution. So -- and we're working with Legislator Romaine's office to set up a date to meet to further discuss it and figure out how to get an application in. Once we know that that's moving forward we'll set a date for the next Water Quality Review Committee so we make sure that this doesn't happen a second time.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Commissioner.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table. Is there a motion to table?

LEG. D'AMARO:

I'll make one if there's not.

CHAIRPERSON VILORIA-FISHER:

Okay. Did I give you a motion to table, Renee?

MS. ORTIZ:

No.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion by Legislator D'Amaro to table, seconded by Legislator Losquadro. All in favor? Opposed? **IR 1050 stands tabled. (VOTE: 5-0)**

IR 1144, Adopting Local Law No. -2007, A Local Law to prohibit the sale, introduction and propagation of invasive, non-native plant species. (Viloria-Fisher) I'm going to make a motion to table that.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

And just for the information of the members of the committee, I have made substantive changes in

that so it will be going back to public hearing because of those reasons. So we'll be seeing it in public hearing again. So there's a motion to table and seconded by Legislator Losquadro. All in favor? Opposed? **1144 stands tabled. (VOTE: 5-0)**

IR 1166, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Zoumas property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000). (Romaine)

Okay. Tom, any new information on this?

DIRECTOR ISLES:

We have nothing new on this.

CHAIRPERSON VILORIA-FISHER:

Because this is a duplicate, isn't it?

DIRECTOR ISLES:

No.

LEG. D'AMARO:

No. I think we're waiting for an audit.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. It was another problem with that.

LEG. LOSQUADRO:

If I could just say under the Multifaceted Program, maybe to Counsel, we do not need the name of a private organization that we would partner with?

MR. NOLAN:

No. Well, not at this stage.

LEG. LOSQUADRO:

Okay. I know there was some speculation as to if there was a private group we might partner, you know, work out a management agreement with. But under the new program, under multifaceted, that's not a requirement of this program and if there is a group out there that may or may not be suited to manage this, either a public/private partnership, we could look to PAL if we were successful in acquiring it. We have number of options here.

The point is this is just outside of my Legislative district, but very familiar unfortunately with the development pressure along this corridor. And this is just east of an area that is very well developed now in the Wading River area and I know is under development pressure.

So I would ask my colleagues to move this planning steps resolution out so we can have our Real Estate Department take a look at this, get some appraisals and hopefully get into the process of making an offer to this land owner, well, even just get to the point to see if they're interested in selling it to us. If we continue to delay this I fear this is going to fall into that sprawl that this area is currently undergoing. So I ask my colleagues to please move this out and I'll make a motion to approve this planning steps resolution.

CHAIRPERSON VILORIA-FISHER:

Okay. Actually the problem with that is that you're right, there's not a compelling reason to name a group, but a group is named in this resolution. There is a group that's named --

LEG. LOSQUADRO:

Okay.

CHAIRPERSON VILORIA-FISHER.

-- to manage and have the active portion of this and that group is currently still being audited by the Comptroller's Office, and that's the problem with this.

LEG. LOSQUADRO:

Could an amended copy be filed to remove that, to keep it in compliance with the Multifaceted Land Preservation Program? The filing deadline, being that this committee is on Mondays now, the filing deadline is five o'clock. Could that be amended to remove that organization's name and discharge this? The process, however streamlined we have made it, is still a fairly lengthy one and as I said, being familiar with the development pressure on that parcel in the surrounding area, I would like to see this moved out.

MR. NOLAN:

Well, yeah, you're right. The amending deadline is until five o'clock today. We could amend it. It would be eligible under the seven day rule for a vote on Tuesday. In the meantime, I'd also double check to make sure on the multifaceted you don't have to name a partner. I don't believe you have to, but I would double check that.

LEG. LOSQUADRO:

To my understanding you do not. And if my colleagues were not satisfied with any of the -- I mean, it's a pretty simple amendment. It would just be to remove that group as a listed organization. But of course, you would still then have the option either not to approve it, table it or fail it at the General Meeting.

LEG. D'AMARO:

I have a question.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Legislator Losquadro, if you know, why was this organization or group included? Was there a specific reason for that? In other words, if there -- maybe there is no other group that would come on board or would qualify.

LEG. LOSQUADRO:

Well, not being the sponsor --

LEG. D'AMARO:

Yeah, it's hard to say.

LEG. LOSQUADRO:

-- I can only speak to the fact that this organization is sort of an umbrella organization for many sports teams and --

CHAIRPERSON VILORIA-FISHER.

In that area.

LEG. LOSQUADRO:

-- in that area, about nine sports teams and represent almost 10,000 children athletes throughout that entire North Shore community. So they seemed the logical choice because of the significant volunteer base obviously at their disposal. They do a lot of work in organizing the maintenance of existing facilities that they're using now at schools and at town facilities. But as we all know with budget shortages those are drying up rapidly.

As I said, they are a logical choice because of the number of parents and children in that -- as part of that umbrella organization but there are other possibilities out there, the most obvious being the PAL. They manage another very large facility in -- where's their big football facility?

CHAIRPERSON VILORIA-FISHER:

Isn't it in Rocky Point?

LEG. LOSQUADRO:

No. That's not PAL. I'm thinking of their football facility. But the point being there are other -- there are countywide organizations that are -- potentially could organize this.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to discharge without recommendation. Legislator --

LEG. D'AMARO:

Oh, okay.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry, were you still in questioning?

LEG. D'AMARO:

No, I just wanted to clarify. So if we discharge without recommendation there's sufficient time before five o'clock today to amend the bill --

LEG. LOSQUADRO:

Yes.

LEG. D'AMARO:

-- to remove, I guess, the organization that's named specifically.

MR. NOLAN:

We could do that. We'll work with Legislator Romaine's office to try to make that amendment before five o'clock.

CHAIRPERSON VILORIA-FISHER:

Okay. And Mr. Isles, if I recall the ranking on this, the rating on this was 30 -- higher than 30 points or around 30 points?

DIRECTOR ISLES:

It was 37 points.

CHAIRPERSON VILORIA-FISHER:

37 points?

DIRECTOR ISLES:

It was 37 points. The issues -- I think it dealt with some issue on the comptroller, I guess with this organization.

CHAIRPERSON VILORIA-FISHER:

Right.

LEG. LOSQUADRO:

Right.

DIRECTOR ISLES:

And then the question that Legislative Counsel just raised or pointed to which was does an organization have to be named under Multifaceted Stage II. I'm not sure of the answer to that.

CHAIRPERSON VILORIA-FISHER:

Okay. So that's -- those are the questions that are hanging out there --

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

-- that would need to be addressed but we can do the discharge without recommendation based on the fact that it did rate high and there seems to be a commitment to remove that name --

LEG. LOSQUADRO:

Yeah.

CHAIRPERSON VILORIA-FISHER:

-- from the resolution and if there's no problem with the program not having a named entity, then we can move ahead with it on Tuesday.

DIRECTOR ISLES:

Right. On that I would have to defer to the County Attorney on our side.

CHAIRPERSON VILORIA-FISHER:

Okay. Will you let me know before Tuesday the answer to that question?

DIRECTOR ISLES:

Sure.

CHAIRPERSON VILORIA-FISHER:

Thank you.

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay, so there's a --

LEG. LOSQUADRO:

I'll second that motion.

CHAIRPERSON VILORIA-FISHER:

All right. There's a motion to discharge without recommendation and a second. All in favor? Opposed? **1166 is discharged without recommendation. (VOTE: 5-0)**

Okay. **IR 1174, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Manorville property, Town of Brookhaven. (Romaine)** And this was one that had had 30 points, but there was a problem with what it was going to be used for, What we were going to do with this property, wasn't there?

DIRECTOR ISLES:

Well, initially there was a problem with the use of the property whether it be for active recreation or farmland. The parcel is split between a wooded piece that is recommended for open space.

CHAIRPERSON VILORIA-FISHER:

And farm.

DIRECTOR ISLES:

And a farm piece. We understand the resolution's been amended to use it for farm purposes. At the last meeting we also pointed out that this needed Farmland Committee review, which has occurred. And the Farmland Committee has recommended the farmland component of this.

CHAIRPERSON VILORIA-FISHER:

Okay. And I think Counsel wants to weigh in on that.

MR. NOLAN:

The resolution was amended to include both components.

DIRECTOR ISLES:

Right.

MR. NOLAN:

To give you guys the flexibility.

DIRECTOR ISLES:

That's true, yes. Okay.

CHAIRPERSON VILORIA-FISHER:

Okay. So then where do we go with that, Tom, can you just explain that again?

DIRECTOR ISLES:

So the parcel is half farm essentially and half woodland. We would recommend that the County consider an acquisition at this stage, planning steps appraising the property with the understanding that the woodland would be purchased in full fee, perhaps with the town, perhaps not with the town. And the farmland would be a development rights purchase for the purpose of maintaining a farm on that part of the property. So at this point we have no objection to the resolution.

CHAIRPERSON VILORIA-FISHER.

Okay. Is there a motion?

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Losquadro. Seconded by myself. All in favor? Opposed? **1174 is approved as amended. (VOTE: 4-0-0-1 Not Present: Legislator Kennedy)**

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

(Schneiderman) And we heard some speakers who came before us this morning talking about the property. And there were others -- there were some other questions regarding dredge spoils --

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER.

-- and a site visit remediation. So can you update us on that, please?

DIRECTOR ISLES:

Yes I can. Since the last meeting of this committee, the Planning Department, myself, as well at Lauretta Fischer, and the Park's Department, Commissioner Foley, as well as Deputy Commissioner Bellone, and as well as the Legislative Aide to Mr. Schneiderman's office, did inspect this site. We walked the site, we looked at it very carefully.

We also looked at another site I'd like to bring up as well that's somewhat related to this. Based on the site inspection we did, speaking on behalf of the Planning Department in consultation with the Park's Department, our feeling and our findings are that this would not be a site that we would recommend for County acquisition. And the reasons for that are as follows.

Number one, immediately adjacent to the property is a boat launching ramp and parking area operated by the Town of Brookhaven. And in addition, directly on the opposite side of the inlet is also a rather large open space owned by the Town of Brookhaven. We feel in looking at the existing pattern of ownership and dominance of town holdings in this location that if this is considered for public acquisition, that it would much more logically be an acquisition in the town's hands.

Further, we found that the County's interest at this point in terms of a County park development and so forth at this location would be very limited. Here again, not adjacent to County parkland and so forth.

As a tangent to this we also, here again, with Legislative Aide to Mr. Schneiderman as well as Park's Commissioner and Deputy Commissioner, there's an item coming on the agenda a little bit later on, the Tuthill Marina site. We're going to be recommending some additional acquisitions there that we feel will help to expand and improve the County's presence more logically in this area versus in a fragmented fashion that this would represent.

So based upon the site inspection and the other work done by the two departments and in consultation with at least the Legislative Aide of the local Legislator, County Planning's recommendation at this point is to not recommend planning steps for this parcel at this time.

CHAIRPERSON VILORIA-FISHER:

And Tom, there was testimony that there's quite a great deal of use of the Brookhaven Town property there but that's not in peril. That's right -- that's owned by the town.

DIRECTOR ISLES:

Right, at the end of the road in the little parking area. And certainly we would be happy to discuss this with the town as part of, you know, part of our discussions with them that suggesting that they take a close look at this and perhaps even talk to the Legislator and maybe work on ideas for that.

CHAIRPERSON VILORIA-FISHER.

Okay. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER.

Seconded by Legislator D'Amaro. All in favor? Opposed? **1241 stands 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) It's already on Master List II.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER.

So I'll make a motion to table.

LEG. D'AMARO:

I'll second the motion. And also on the motion, if we could just be -- on Master List II, can you just give us a sense of where we're at with the property? Has the appraisal been done? Has the owner

been contacted, what have you?

DIRECTOR ISLES:

It's our understanding that it's in the appraisal process at the present time.

LEG. D'AMARO:

Right.

LEG. LOSQUADRO:

So we had a favorable response, then, as potential interest from the seller?

DIRECTOR ISLES:

That's my understanding is that.

LEG. LOSQUADRO:

Okay.

DIRECTOR ISLES:

And we wouldn't do the appraisal --

LEG. LOSQUADRO:

Yes, of course.

DIRECTOR ISLES:

-- unless we had that response as far as I know.

LEG. LOSQUADRO:

Yeah.

DIRECTOR ISLES:

And according to Real Estate their advice to us is that it is in the process as we speak.

LEG. LOSQUADRO:

Thank you.

DIRECTOR ISLES:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table and a second. All in favor? Opposed? **1247 is tabled. (VOTE: 5-0)**

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

DIRECTOR ISLES:

Okay. We had discussed this at the last meeting as well. And this is a parcel that's located in Town of Southold, actually in the Hamlet of Southold, and it's a parcel that is currently improved with a restaurant and a parking lot as well as some bulkheading. The County is proceeding with the potential purchase of the parcel to the east, which is on Master List II. And there had been an interest in potentially -- I think by the local Legislator in having the County consider the acquisition of this parcel as well.

We were actually interested in this in terms of the County Planning Department as a possible waterfront access site. We did go out and look at this site carefully. Based upon both the site

inspection and our general work in this area, the final analysis at this point in terms of a drinking water acquisition or a park acquisition, given the extent of investment in the property, given the extent of site modification, the fact that it's filled and bulkheaded and so forth, we feel at this time that this is not an acquisition we would recommend for planning steps and would focus instead at this time on undeveloped properties as much as possible.

But here again it was a close call in the sense that perhaps expanding where the planning steps was and that's why we did the site inspection, which we don't do everyday. But that's our recommendation. And --

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to table. Seconded by Legislator D'Amaro.

LEG. KENNEDY:

Madam Chair, on the motion.

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Thank you. Tom, just a couple of follow-up questions, I guess, about this parcel. Not having it in front of me, refresh my recollection. It's the south shore or north shore, out east?

DIRECTOR ISLES:

It's on the North Fork. It's actually on the south shore of the North Fork.

LEG. KENNEDY:

So it's on the Peconic?

DIRECTOR ISLES:

Yes.

LEG. KENNEDY:

Out in Southold Town?

DIRECTOR ISLES:

Yes.

LEG. KENNEDY:

It's got boat slips adjacent to it or is it just bayfront?

DIRECTOR ISLES:

It's a bulkheaded frontage along the bay, Pipes Cove.

LEG. KENNEDY:

Is there an access ramp here? Boat ramp?

DIRECTOR ISLES:

Yeah, I don't believe there's a boat ramp.

LEG. KENNEDY:

No boat ramp. The restaurant itself, is it -- it's shut down but still functional or --

DIRECTOR ISLES:

It was open the day we were there.

LEG. KENNEDY:

Oh, is that right?

DIRECTOR ISLES:

Yeah. I'm not sure if it's viable or not but there is a structure there.

LEG. KENNEDY:

I'm looking at the picture, thank you, Madam Chair. I'm just -- I guess I'm struggling a little bit with what sounds like a philosophy that the department is articulating as far as it's focus given finite resources. But I do know from time to time we do look at improved parcels, you know, witness some of the things that I've brought through and that some of my colleagues have brought through. I'm wondering whether or not you've given this parcel that same sufficient wide set of thinking, to see whether it fits in for the purposes of acquisition.

If we don't buy it somebody else is going to buy it, they're going to continue to run it, they're going to operate it with septic systems immediately adjacent to the Peconic. We're going to continue to have the leaching, we're going to continue to have the nitrate action in, you know, put into our inventory. At least we've got some control over it. That's just some of my thinking.

DIRECTOR ISLES:

Yeah, there's no question that if we were to buy it and close the restaurant or the retire the property it would reduce nitrogen loading into Peconic Bay. But I don't think that's enough in itself to justify County investment in the property. I think it has to have other County purposes to it. Because in that line of thinking we would start buying up all the coastal properties, tearing them down, and restoring the wetlands. Here again, as your charged with in terms of making those choices of County policy, the policy primarily has been focused on protecting undeveloped properties of critical resources and so forth.

But in terms of your point about taking the broad perspective, I like to think that we do attempt to do that and here again the example I'll point to is one that's coming up a little bit later on in the agenda, pardon me, it's associated with one that's coming up on the agenda. In the Eastport area there's a marina that's now being sold. It's adjacent to property we're buying. I inspected the property with the Park's Commissioner and the Legislative Aide. And where normally we wouldn't recommend buying a former marina, this is a case where I think there's such a paramount County interest that may be achieved here beyond just reducing nitrogen loading but also expanding existing County holdings, providing waterfront access in an area that has very limited waterfront access, we do think there are cases where that is warranted and should be considered.

Generally speaking, we think we should be careful on that and should avoid that. So this is one of those cases where it wasn't just let's look at an aerial photograph and make a determination. We went out there, I followed up with a conversation with the Legislator and after weighing all of that and what we think, and we're only recommending policy to you, we feel that this does not meet that task in terms of having that other County purpose to it and we respectfully, you know, give you our opinion on that.

LEG. KENNEDY:

Well, I appreciate that. The sponsor's a resourceful Legislator, I'm sure he'll explore some other options.

DIRECTOR ISLES:

Okay.

LEG. KENNEDY:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro has a question on the motion.

LEG. LOSQUADRO:

Yes. Is the resolution for the entire parcel? To my understanding recently the restaurant was supposed to be cut out of that? Or is it a single tax map? It it a single tax parcel?

DIRECTOR ISLES:

Yeah, and it wouldn't be -- it would be pretty difficult to cut out the restaurant because they need to -- it also needs parking --

LEG. LOSQUADRO:

Right.

DIRECTOR ISLES:

-- for the restaurant and sanitary system space and it's not that big of piece either --

LEG. LOSQUADRO:

Right, right.

DIRECTOR ISLES:

-- to begin with. So I think that would be impractical.

LEG. LOSQUADRO:

Okay.

DIRECTOR ISLES:

Thank you.

CHAIRPERSON VILORIA-FISHER:

There's a motion and a second to table. All in favor? Opposed? **It stands tabled. (VOTE: 5-0)**
Okay. We go to SEQRA determinations.

*****P.O. LINDSAY INCLUDED FROM SEQRA RESOLUTION 1328 - 1394*****

IR 1328, Making a SEQRA determination in connection with the proposed relocation of the Suffolk County Police Department 4th Precinct in the North County Complex, Town of Smithtown. (Pres. Off.)

A motion to approve and place on the consent calendar by Legislator Lindsay. Seconded by myself. All in favor? Opposed? Okay. **1328 is approved and placed on the consent calendar. (VOTE: 6-0)**

1329, Making a SEQRA determination in connection with the proposed I.R. No. 1131-2007, appropriating funds in connection with planning for restoration of wetlands. (Pres. Off.)
Same motion, same second, same vote. **(VOTE: 6-0)**

1330, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Terrells River County Park addition Mahfar and Associates property, Town of Brookhaven. (Pres. Off.) Same motion, same second, same vote. **(VOTE: 6-0)**

1331, Making a SEQRA determination in connection with the proposed acquisition of land for active and passive recreational purposes known as the Tuthill Point Marina, Town of Brookhaven. (Pres. Off.) Same motion, same second, same vote. **(VOTE: 6-0)**

IR 1356, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Pindar Vineyards LLC property) Town of Southold.

(Romaine)

DIRECTOR ISLES:

Based on the introduction of this resolution it was presented to the Farmland Committee at their last meeting on April 24th. The Farmland Committee has recommended the parcel for the County's program.

CHAIRPERSON VILORIA-FISHER:

Okay.

P.O. LINDSAY:

Can I ask a question?

CHAIRPERSON VILORIA-FISHER.

A question by Legislator Lindsay.

P.O. LINDSAY:

Are we buying the whole vineyard or just the development rights?

DIRECTOR ISLES:

It would be the development rights. And typically if there's a winery on the property that would be excluded, the actual production part of the property.

CHAIRPERSON VILORIA-FISHER.

Right.

P.O. LINDSAY:

How many acres is that, Tom? It's must be a huge parcel, no?

DIRECTOR ISLES:

It's almost 23 acres and this is part of their holdings. It's not the entire thing. This property was actually included in the Greenway's Farmland Program in 1998 which expired and hence the need for a new resolution.

CHAIRPERSON VILORIA-FISHER:

All in favor?

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER.

Yes. Whose voice?

LEG. KENNEDY:

Over here.

CHAIRPERSON VILORIA-FISHER.

Mr. Kennedy. Sorry.

LEG. KENNEDY:

Thank you. Follow-up question on that. Tom, with the development rights, so here we have, you know, a world renowned vineyard that has been out there and actively marketed and may or may not be in play commercially. We're stepping in and we're acquiring the development rights for the vineyards only, the areas where the grapes are grown?

DIRECTOR ISLES:

Exactly. Where the grapes are grown and ancillary facilities, maybe a barn or a pump house or something like that.

LEG. KENNEDY:

Okay.

DIRECTOR ISLES:

That's what the Development Rights Program would purchase.

LEG. KENNEDY:

Do we -- does the owner then have the ability to transfer the balance that he holds in private hands with the ability for a subsequent holder to be able to continue to farm the property?

DIRECTOR ISLES:

Yes.

LEG. KENNEDY:

Do you have to -- we have to consent to that sale?

DIRECTOR ISLES:

No.

LEG. KENNEDY:

No kidding?

DIRECTOR ISLES:

No, we don't.

LEG. KENNEDY:

So he could decide to sell it to somebody from, you know, Saddam Hussein, and we could be in title and then we would hold the development rights for a subsequent holder.

LEG. LOSQUADRO:

He is no longer with us.

LEG. KENNEDY:

Whatever.

LEG. LOSQUADRO:

Vivian?

CHAIRPERSON VILORIA-FISHER:

Okay. You'll take it? I won't because I was thinking -- I was going to jump right into this one. Tom, would you mind if we jump into this and I'll let Dan take a shot?

DIRECTOR ISLES:

Sure. Your pleasure.

LEG. LOSQUADRO:

Legislator Viloría-Fisher and I were looking back and forth at each other, having been on ETRB since its inception. This, without muddying the waters at all for real estate negotiations, this is finally an opportunity to use the much higher value of the agricultural development rights of a vineyard to our advantage because the residual development value will be lower. When we look at properties when we're buying those development rights, agricultural values are generally somewhat steady on properties that we see. But when we look at vineyards, the vine stock itself, being that it has to take a certain period of time to mature, actually has a much higher value than just a regular

agricultural rights.

So in this case I would anticipate that the development rights that we would be purchasing would actually be considerably lower since it is active vineyard stock on that property.

CHAIRPERSON VILORIA-FISHER:

And maybe to have further discussion we should do it off the record.

LEG. LOSQUADRO:

Yeah.

CHAIRPERSON VILORIA-FISHER.

And we can speak --

LEG. KENNEDY:

Nor do I want to know the particulars of this deal. No, my point is actually truly for my own edification as to whether or not once we acquire a portion of a going concern, the balance of which remains in private hands, do we then become a partner to a subsequent unknown party without consent? That's my question. Well, how do we say no? You just said we sell --

CHAIRPERSON VILORIA-FISHER.

Well --

LEG. KENNEDY:

-- without consent.

CHAIRPERSON VILORIA-FISHER:

Actually it is without consent that they can sell it to somebody else. They don't need our consent.

P.O. LINDSAY:

But the point, if I might --

CHAIRPERSON VILORIA-FISHER.

Sure, Legislator Lindsay.

P.O. LINDSAY:

We're not partners. All we're doing is we're saying to the property owner, you can continue to farm this forever, just as long as you don't try to develop it. You can't develop it. And if you don't want to farm it, whoever wants to take over and farm it in the future, that's your business. You can't build on it.

LEG. LOSQUADRO:

If I may --

LEG. KENNEDY:

I appreciate that, Mr. Chair, and thank you for pointing out that point again. I guess the only issue that I'm asking for -- and it'll be just one of those many mysteries in life that I live with, huh? That we spend considerable amount of money and yet once we do that we stand there having been successful in neutralizing the development pressure, but any succession of subsequent owners can go on to run the enterprise in a variety of ways.

CHAIRPERSON VILORIA-FISHER:

But those enterprises have to be within the parameters of the rules that are set by Ag and Markets and by our own agreement when we purchase the development rights.

LEG. KENNEDY:

I beat this dead horse enough. I'll yield.

LEG. LOSQUADRO:

If I may just --

CHAIRPERSON VILORIA-FISHER:

Okay. But two people are chafing at the bit to bite and I think that -- -

LEG. KENNEDY:

Well, get at it.

CHAIRPERSON VILORIA-FISHER:

Losquadro was first, D'Amaro was second.

LEG. LOSQUADRO:

All I was going to say was my point to the higher agricultural rights on vineyard land is that I couldn't see a reason why someone would want to come in and plow those vines under or take them out of there because the value is in the vine stock. It's not as though you were doing row cropping and now you would want to do a nursery. This is an established product. So I would anticipate that even if it was another owner it would mostly likely continue in its role as a vineyard. That was my point to the value of the agricultural land.

LEG. D'AMARO:

Can I go?

CHAIRPERSON VILORIA-FISHER:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Director Isles, is there a review by your department on this and a recommendation and a -- the rating, you know. I'm sorry I forgot the word rating.

DIRECTOR ISLES:

The method we use for farmland is we make a review for the Farmland Committee and present that to them. And then they make their recommendation and pass it on to you. So historically we don't provide you with a copy of their recommendation although certainly we'll be happy to do so. This one did score pretty high, I think it was a 15 and the scale of the Farmland Committee is zero to about 22 or so. So it was the quote, unquote passing grade is usually around a nine or a ten so it was well above that. But certainly, Mr. D'Amaro, if you'd like a copy of that I can make that available to you.

CHAIRPERSON VILORIA-FISHER:

Okay. Do we have a motion yet on this? I'm sorry, Madam Clerk, do we have a motion?

MS. ORTIZ:

No.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

All right, so if the County acquires after going through this process the farmland development rights, is that accurate?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

Okay. And then those rights are transferrable to other property, correct?

DIRECTOR ISLES:

No.

CHAIRPERSON VILORIA-FISHER.

No.

LEG. D'AMARO:

No, okay. That's my first question.

DIRECTOR ISLES:

Okay.

CHAIRMAN VILORIA-FISHER:

No, that's a different program.

LEG. D'AMARO:

Okay. That's fine. And what's -- is it consistent -- you had talked before about the policy of targeting or having a preference for undeveloped parcels.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

Is this the acquisition of an operating for-profit, the development rights from a vineyard consistent with what the County policy has been?

DIRECTOR ISLES:

I would say that this is consistent for the County's farmland policy, which is rated on a different set of criteria and standards and it looks at such factors as soil types, contiguity to other preserved farmland. There are perhaps five or six key criteria that go into rating County farmland, and as I said, this one rated pretty high. It's actually on the eastern edge of a large farm belt that extends pretty far to the west actually. So it is a large track of farmland.

LEG. D'AMARO:

Thank you.

LEG. KENNEDY:

All right, I'll make it fast on this one.

DIRECTOR ISLES:

It's okay.

LEG. KENNEDY:

Just one other question, I guess, here and I recall some of our recent conversations about the importance when we take planning steps and the costs that we incur by virtue of making that decision. Now there we talked about generally vacant parcels, some of the improves, we've talked about things like that. What would you estimate is the planning steps and in particular the appraisal process associated with this? This is a somewhat unique venture, isn't it?

DIRECTOR ISLES:

As far as appraising development rights, I know it wouldn't consider that to be unique. As Mr. Losquadro has said, you know, they'd have to factor in all the information on this property and whether the vines weigh into that, it would have to be determined. But as far as the actual process, it's pretty straight forward, at least from what I've seen. I don't think this would be too different from the formula and the method and the process that Real Estate uses.

LEG. KENNEDY:

Does the appraisal differ by crop? I mean, we buy, you know, cucumber fields, potato fields, cauliflower --

DIRECTOR ISLES:

Yeah.

LEG. KENNEDY:

Is this any difference because it's high end grapes?

DIRECTOR ISLES:

It's beyond my expertise and I can't comment on that. But I think the point made earlier is that in the ETRB we are seeing as part of the appraisal information that's presented to us the ag value, what is the value of the land once you take away the development rights. And there may be reason to believe that if there's substantial agricultural investment that may reflect on a higher ag value, which then means the development rights would be less than what we normally pay. It's getting beyond my expertise so I'd rather -- I should not speak on it anymore.

LEG. KENNEDY:

Yeah, I'm struggling with this relationship, too. I'll yield.

CHAIRPERSON VILORIA-FISHER:

Okay. Good. Okay, I'm going to make a motion to approve, seconded by Legislator Losquadro. We sit on ETRB, we're very comfortable with this. All those in favor? Opposed? **1356 stands approved. (VOTE: 6-0)**

1357, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Toppings Farm property) (Town of Brookhaven). (Romaine)

CHAIRPERSON VILORIA-FISHER:

This went before the Farm Committee?

DIRECTOR ISLES:

This is actually not a farm, so it's --

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry.

DIRECTOR ISLES:

The name is Toppings Farm, but it's not a farm. It's a wooded parcel along County Road 51. This is a parcel that had been before the committee previously. Planning rated the parcel at 13 points and if you have any questions we'll do our best to answer those questions.

CHAIRPERSON VILORIA-FISHER:

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

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro.

LEG. KENNEDY:

Madam Chair, on the motion.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. KENNEDY:

Just one quick question. It was before the committee previously? What was the disposition on a previous reso? What action was taken?

MS. FISCHER:

It expired.

LEG. KENNEDY:

I'm sorry?

MS. FISCHER:

It expired.

LEG. KENNEDY:

The previous resolution just died a natural death.

DIRECTOR ISLES:

We believe so.

LEG. KENNEDY:

So here it is again.

DIRECTOR ISLES:

It was under 2240 of 2006 was the prior resolution.

LEG. KENNEDY:

Fine, and I'll get the comments on that. Thank you.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table and a second. All in favor? Opposed? **1357 is tabled. (VOTE: 6-0)**

IR 1360, Designating June as "Prescribed Fire Awareness Month" in Suffolk County. (Browning)

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro, seconded by myself. And a few years ago I thought I saw something like this in Parks. I was wondering why it was in this committee. But -- okay. There's a motion and a second. All those in favor? Opposed? **1360 is approved. (VOTE: 6-0)**. We've already passed 1363.

**IR 1364, Appointing member to the Council on Environmental Quality (Maria Brown).
(Pres. Off.)**

P.O. LINDSAY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER.

And I believe Legislator Lindsay has comments on this.

P.O. LINDSAY:

I would like the committee to consider discharging this without recommendation because Miss Brown couldn't be here today. She's a high school Earth Science teacher and she had tests today or something. But I'd like to see if I could get her to be at the meeting next Tuesday. I've talked to her about it and she's going to try and be here Tuesday to address the whole body to see -- before we could approve her. But I think she's quite an interesting woman that has a lot of knowledge that she could add to the whole process.

CHAIRPERSON VILORIA-FISHER.

She can't come on Tuesday?

MR. NOLAN:

She has to come before the committee.

P.O. LINDSAY:

She has to come before the committee? She can't do it at a --

MR. NOLAN:

She's got to go before the committee according to the Charter.

P.O. LINDSAY:

Okay.

CHAIRPERSON VILORIA-FISHER.

Okay. So we have to table it then.

P.O. LINDSAY

Well, you could either table it or maybe you would want to consider convening a short meeting of the committee?

CHAIRPERSON VILORIA-FISHER:

In the morning -- the morning of the --

P.O. LINDSAY:

Or during the break?

CHAIRPERSON VILORIA-FISHER:

So we could table it for now and until our next meeting and we could have a meeting on Tuesday.

P.O. LINDSAY:

That's up to you guys, yeah.

CHAIRPERSON VILORIA-FISHER.

Counsel?

MR. NOLAN:

The Charter says they have to come before the Legislative committee that's considering it. It's got

to come before the committee. She has to appear.

CHAIRPERSON VILORIA-FISHER:

Okay. But as to the question that the Presiding Officer just asked regarding our ability to meet on that morning?

P.O. LINDSAY:

You could absolutely table this now --

CHAIRPERSON VILORIA-FISHER.

Yeah --

P.O. LINDSAY:

-- and call a special meeting to interview her.

MR. NOLAN:

We have to table it and figure out --

CHAIRPERSON VILORIA-FISHER.

We could table it and just call a meeting then. Okay. I know that AP exams are going on probably this week and that's why she can't be here, although she had indicated to me that the school district was very supportive of her being on CEQ and that they would be giving her the time to attend the meeting. So that's not a reflection on her ability to attend CEQ meetings, but this is AP exam week. As a former AP exam teacher, I --

P.O. LINDSAY:

I mean, if you want to just table it and have her come in the next cycle that's fine, too.

CHAIRPERSON VILORIA-FISHER:

Yeah, we have to table it now and then we'll talk about reconvening. Okay. I'll make a motion to table, seconded by Legislator Lindsay. All in favor? Opposed? **IR 1364 is tabled. (VOTE: 6-0)**

IR 1366, (Appointing member to the Council on Environmental Quality (Stephen Brown) (Romaine)). Steve Brown is not here either. I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **1366 is tabled. (VOTE: 6-0)**

LEG. LOSQUADRO:

Very quickly.

CHAIRPERSON VILORIA-FISHER.

Yes.

LEG. LOSQUADRO:

Was Mr. Brown invited to come today?

CHAIRPERSON VILORIA-FISHER:

Yes, he was and I believe he's out of town.

LEG. LOSQUADRO:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER.

I spoke with my Aide. Seth, is that correct? Yes. Okay.

IR 1393, Authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Gazza property - Pine Barrens Core (Town of Southampton) (SCTM Nos. 0900-310.00-01.00-002.000 & 0900-310.00-01.00-005.000). (Co. Exec.)

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Do we have information on this? No?

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

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

LEG. KENNEDY:

Madam, on the motion.

CHAIRPERSON VILORIA-FISHER:

On the motion, yes.

LEG. KENNEDY:

Do we know anything about this?

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

It's about 1.1 acres.

DIRECTOR ISLES:

Right. It's in the Pine Barrens core in the Dwarf Pine Plains area in the Town of Southampton.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. KENNEDY:

Close to the airport?

MS. FISCHER:

Yes.

DIRECTOR ISLES:

Yes.

DIRECTOR ISLES:

Probably north of the airport.

LEG. KENNEDY:

All right.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? **1393 is approved.**

(VOTE: 6-0)

IR 1394, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Gazza property - (Pine Barrens Core (Town of Southampton) (SCTM Nos. 0900-198.00-02.00-019.000,

0900-243.00-03.00-017.000, 0900-243.00-03.00-024.00 and 0900-280.00-02.00-082.000). (Co. Exec.)

And that's another small parcel. It's five acres.

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA-FISHER:

There's a motion to approve by Legislator Losquadro. Same motion, same second, same vote on this one. **(VOTE: 6-0)**. Okay.

IR 1395, Authorizing the acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(B)] - for the Sekora Trust property - Pine Barrens Core (Town of Southampton) (SCTM Nos. 0900-215.01-01.00-003.000, 0900-215.01-01.00-005.000, 0900-215.01-01.00-007.000, 0900-215.01-01.00-009.000, 0900-215.02-01.00-004.000 and 0900-215.03-01.00-005.000). (Co. Exec.)

This is a -- six parcels totaling three and three quarter acres?

DIRECTOR ISLES:

Yep.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

This is in the Hampton Hills area of the County and set in the Town of Southampton, north of Sunrise Highway.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. LOSQUADRO:

Same motion.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote on 1395. **(VOTE: 5-0)**. Moving right along.

IR 1396, Approving the renewal of Agricultural District No. 3 in the Towns of Huntington, Smithtown, Islip and Brookhaven subject to the required subsequent approvals of the State of New York. (Co. Exec.)

DIRECTOR ISLES:

I'd like to request a tabling on this.

CHAIRPERSON VILORIA-FISHER:

Okay. We need to table that?

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

I'll offer a motion to table, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to table by Legislator D'Amaro and --

LEG. LOSQUADRO:

I'll second, but I just have a question.

CHAIRPERSON VILORIA-FISHER:

Okay. I have questions, too.

LEG. LOSQUADRO:

The recommendation for tabling is based upon?

DIRECTOR ISLES:

There is some questions that came up legally in terms of the process of the renewal as it relates to what's called the open enrollment period, so we now have two things going on with the ag programs in New York State. So until we get that sorted out, and we want to be clear that we're proceeding correctly.

LEG. LOSQUADRO:

As far as the dates of eligibility that people have to enroll, what's the -- because I remember hearing this once before a couple of years back.

CHAIRPERSON VILORIA-FISHER:

A couple of years ago and the timeliness with people being able to enroll.

LEG. LOSQUADRO:

Right. That we were passing it at a time of year where people would only have a very short window, if I remember correctly. Is this a similar circumstance?

DIRECTOR ISLES:

The specific circumstance to my knowledge is that we have the overall renewal of the district, which is every eight years and then we have the annual open enrollment periods, which is every year. And the question has now come up because State law was amended only recently to allow these annual open enrollment periods and there is a question in terms of the renewal of ag district three as it relates to the recently added in parcels from the open enrollment period.

And the specific problem as well is that the process for renewing an ag district is lengthy and complex. We brought over a flowchart to show you today. The process for the open enrollment is a lot faster and expedited. So what happens, you have these things going on at the same time. We're not saying that it's a problem, but we just -- we want to be certain that we don't have a problem with the renewal as it relates to the open enrollment parcels. We just have to make sure they all fit together correctly.

LEG. LOSQUADRO:

Will holding up the renewal cause -- I'm not sure what the time frame for the open enrollment is, but will delaying this renewal cause any hardship to those who seek to enroll in this -- I guess this year. I'm not sure what the time frame is for the open enrollment.

CHAIRPERSON VILORIA-FISHER:

If I recall there's a problem with the tax -- the taxing, wasn't that one of the problems?

DIRECTOR ISLES:

Yeah. It will not have any adverse affect on any of the current farmers within the program, anything that's under consideration here. The benefits that they would get would be that the tax benefit and -- which they can get independently as well, and also the right to farm benefits. So all those property owners that are enjoying that benefit, the ag district automatically continues those benefits

until such time as the district is renewed or the district is abandoned. So they're not going to lose anything.

LEG. LOSQUADRO:

What about those who seek to enroll as new applicants and those who are seeking, you know, tax relief for this enrollment period, those who are not currently in the program?

DIRECTOR ISLES:

Okay. This enrollment period began earlier this year. There was an open enrollment period in January and a referral then to the Ag Protection Board so that one is now in process but that hasn't caught up with this other district renewal. Part of the problem with the annual open enrollment period now is we're getting these overlapping processes occurring.

And so as far as anyone who applied in January this year to come into the district, they're not at the point of -- the Legislature hasn't held a hearing on that and so forth. They're not at the point of being eligible to be considered anyway so they're not affected by this. The only one that are affected are those that are in the district originally or those that were added in 2006 or 2005.

LEG. LOSQUADRO:

Being that this is an expansion of somewhere in the neighborhood of 130 acres, is there anyone in that 130 acres who could have applied in January with the anticipation of this being expanded that would be closed out of this?

DIRECTOR ISLES:

No, because they --

LEG. LOSQUADRO:

Or it had to be in the previous -- they would -- until we expanded they couldn't apply?

DIRECTOR ISLES:

Right. So that extra 130 acres --

LEG. LOSQUADRO:

Is that correct, 130 acres?

DIRECTOR ISLES:

Two things with that. One, if they're in that 130 acres then they're part of this process, they're enjoying the benefits as it is now. And here again, they will be included in the renewal if their renewal's approved. Just so you know, too, in terms of the numbers is that --

LEG. LOSQUADRO:

I don't want to cut you off but --

DIRECTOR ISLES:

Okay.

LEG. LOSQUADRO:

How could they be enjoying those benefits if they're not currently in the agricultural district? I'm talking about right now it's 1784 and they're looking to expand it to 1917. So that approximately 130 acres that we would be looking to expand it by, is there anyone within that 130 acres that does not enjoy the benefit now, would we be closing anyone out of that process?

DIRECTOR ISLES:

Okay. Let me --

LEG. LOSQUADRO:

Or could they not apply until we expand?

DIRECTOR ISLES:

Okay. Let me do the best -- my best to answer that. Two ways I'm going to do that. One is to explain what's happening with ag district three, and then secondly is to ask our planner who's been doing the day to day of this to come up, Carol Walsh.

But just so you know, ag district three has originally incorporated parts of agricultural district two. So the County originally had seven agricultural districts, we now have four. And what's happened is they've been compressed down so essentially ag district three now includes the western part of the County and there are certain efficiencies in that in terms of the renewal process and so forth.

So when we look at the comparison of numbers between the increase of the ag district, you have to know that there's some consolidation of other parcels that are folded into that, and here again I'll just ask Carol to come up. But -- she's the one that's actually been doing the renewal, so your question is, is there anyone who's proposed to be in the district who's not in the district that may be adversely affected by a delay?

LEG. LOSQUADRO:

Right. If that 130 acres is currently part of another ag district that's now being consolidated --

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

-- into district three --

DIRECTOR ISLES:

Which is my understanding.

LEG. LOSQUADRO:

-- that's a different story.

MS. WALSH:

That's a good question and I don't have the answer to that question, not with me. I believe that there may be some people who in the original renewal are not in the district right now. So they would not be receiving the benefit of that. However, they should have been included in the open enrollment period so then they will have the benefit. Everyone who's in this resolution, even if it's tabled today, will still have the benefits of the agricultural district.

LEG. LOSQUADRO:

Provided we eventually pass it?

MS. WALSH:

Well, provided, yes. Well, not -- you don't have to pass it, you just can't disband it. If you don't disband it, it exists.

DIRECTOR ISLES:

It automatically continues on, even if it's --

LEG. LOSQUADRO:

Would that be at the 1784 acres, not the expansion? I'm assuming that 130 acre expansion would have to be at our discretion.

MS. WALSH:

Yes. That additional 130 acres came in in the open enrollment period. So that was approved by the

New York State Department of Agriculture.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. It's under that, okay.

DIRECTOR ISLES:

So there are two things we have going on. One is the collapsing of two districts into one, and then secondly these open enrollment periods opening up. So we've got several things -- several tracks happening at the same time.

CHAIRPERSON VILORIA-FISHER:

And you're trying to line them up.

DIRECTOR ISLES:

Right. And it's not easy.

CHAIRPERSON VILORIA-FISHER:

Well, by virtue of the dialogue it's not easy.

LEG. LOSQUADRO:

No.

CHAIRPERSON VILORIA-FISHER.

Okay. We do have a motion and a second to table. All in favor? Opposed? Thank you. **1396 is tabled. (VOTE: 5-0)**

1397, Authorizing acquisition of Farmland Development Rights under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Farmland component for the estate of Grigonis property - (Town of Southold) (SCTM Nos. 1000-055.00-01.00-005.001 and 1000-055.00-02.00-008.005 p/o) (Co. Exec.)

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA-FISHER:

I don't see any problem with this.

LEG. D'AMARO:

I'll second the motion and also I had a very quick question.

CHAIRPERSON VILORIA-FISHER:

I'm going to make a motion to approve and you're seconding it?

LEG. D'AMARO:

Dan did.

CHAIRPERSON VILORIA-FISHER.

Oh, did you make the motion? I didn't hear you.

LEG. LOSQUADRO:

Yeah.

LEG. D'AMARO:

Yeah.

CHAIRPERSON VILORIA-FISHER.

Okay. There's a motion to approve and a second. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Can you tell me when the planning steps commenced on this acquisition?

DIRECTOR ISLES:

It commenced in 2005. It was under resolution 877 of 2005 and it was part of Master List II.

LEG. D'AMARO:

Okay. Thank you.

DIRECTOR ISLES:

You're welcome.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? **1397 is approved.**
(VOTE: 5-0)

1398, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks Fund - Hamlet Parks component - for the Siyoun Mahfar and Associates, L.P. property - (Town of Brookhaven - SCTM Nos. 0200-859.00-02.00-001.000 and 005.000). (Co. Exec.)

LEG. D'AMARO:

Madam Chair, I'll offer a motion to approve with a question also.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll second that motion and there's a question on the motion by Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Director Isles, once again, when did the planning steps commence on this particular acquisition?

DIRECTOR ISLES:

Just give me one moment. This was approved under resolution 331-2003.

LEG. D'AMARO:

All right. And can you tell the committee how much we're purchasing, what acreage and also at what cost?

DIRECTOR ISLES:

Yes. Okay. The acquisition includes a total of five acres of land that is directly adjacent to Terrill River County Park to the east. The proposed or the acquisition cost is \$1,650,000.

LEG. D'AMARO:

So it's expensive acreage as compared to some of the other acquisitions that we've seen here, generally speaking.

DIRECTOR ISLES:

Relatively, yeah. This is across from the Ketcham's Inn. I believe there was testimony earlier today about the synergy and the cooperative working arrangement with the Ketcham's Inn Foundation to manage this property as a cultural center.

LEG. D'AMARO:

It's being acquired under the Hamlet Parks Component, Farmland Preservation and Hamlet Parks Fund, is that correct?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

So after we close on this property the County owns it. What if anything is done with it?

MS. FISCHER:

We put together an overview on it. I can hand it out. Of the ideas and thoughts and themes that we have for this site. It's basically the following. the main theme of this site is to enhance the historic, environmental and archeological and cultural characteristics of this area by creating a cultural center to educate, inform and provide experiences to enrich our understanding of its rich history.

And we have four bullets here to explain what we're trying to accomplish. The first is to create a visitor center for use as a cultural museum and community focal point to promote the historic significance of this site and its surrounding area including the Ketcham Inn Historic site to the north, the {Kaylor} Town Park to the northeast and Camp Paquatuck as well as the -- being as it is in a historic district. It was originally part of the {Havenson} Ketcham Estates and was primarily used as farm field and pasture. The use of this site will be to preserve the historical significance of this area as a farming community. The importance of its native inhabitants and the development of this area by its earliest settlers dating back to the 1600's.

The existing two buildings on the site will be rehabilitated for possible use as a visitor center, cultural museum and information center and gift shop in conformance with the historic significance of the area.

We also would like to create a rural street scape along Montauk Highway incorporating its historical landmarks and uses including the restoration of the pasture, board fences and the maintenance of the pasture farm field on the side.

We would also like to create a small scale for bandshell for community uses in the future such as theatrical performances and musical concerts in a similar theme to the Village of Westhampton gazebo on Main Street as a community focal point that fits into the historic view shed of the site.

We would also like to provide additional access to the adjacent Terrell's River County Park by providing an entrance way via Belleview Avenue off of Montauk Highway, increase parking and environmental education experiences that can be linked to the existing trails within the Terrell's River County Park at a 50 acre environmentally sensitive passive park on Moriches Bay.

LEG. D'AMARO:

Thank you. So is the town participating in the acquisition of the property?

MS. FISCHER:

No. This was purely a County acquisition with a partnership agreement with the Ketham Inn Foundation.

LEG. D'AMARO:

So is it the Foundation --

MS. FISCHER:

A non-profit organization.

LEG. D'AMARO:

Thank you. Is it the Foundation that's going to be implementing and constructing and picking up the

cost of everything you just informed the committee, the proposed use of the site?

MS. FISCHER:

Yes, generally. There might be some larger uses of the site that may have to be considered by the County. Obviously our involvement with any kind of development of it would be critical. But at this point our involvement with the Ketham Inn Foundation would be that they maintain and improve the site.

LEG. D'AMARO:

But we already own the entire park it's adjacent to; is that correct?

MS. FISCHER:

Correct, yes.

LEG. D'AMARO:

So to spend the \$350,000 an acre here just so -- and we do have a partnership with this not-for-profit entity that's going to be developing this site for a park use in effect.

MS. FISCHER:

Yes. For all county residents, yes

LEG. D'AMARO:

Right. But, you know, so it's really not part of preservation per se --

MS. FISCHER:

No.

LEG. D'AMARO:

-- as the park that it's attached to?

MS. FISCHER:

No. It's considered --

LEG. D'AMARO:

And it's under a different program.

MS. FISCHER:

Right. It's considered as a hamlet park because of its location along Montauk Highway and its connection in this historic district.

LEG. D'AMARO:

What are the criteria to determine or recommend whether or not we need to spend that -- these funds for a hamlet park in this area?

DIRECTOR ISLES:

That's a good question. It's not an easy answer. And we do do ratings on the hamlet parks and so we do try to identify some criteria that we think should be considered such as, you know, we don't think hamlet parks should be on environmentally sensitive land so this is previously used so it's not environmental sensitive. It should have good access. It shouldn't be hopefully be at the middle of a dead end road somewhere.

This one has an ancillary benefit, here again, adjacent to the County park, which is a preserve for conservation purposes; and that if we can. Provide improved access and better parking to facilitate better public access to both this site as well as the adjacent Terrell's River site. I have to say, here again, as the -- having developed suggestive rating forms for farmland, for open space, for active parkland, this is the more difficult one to do. This one's a little more -- but a lot of it's done often

with community and local participation, with the hamlet parks we've done in the past. And this would seem to be consistent with that in terms of it's a very visible location in a historic district opposite an important historic building next to a County Park, some of the considerations for this.

LEG. D'AMARO:

And I missed in the presentation, I apologize, is there a historic building on this site or only adjacent to the site?

MS. FISCHER:

No. There are two buildings on the site but they're not historic per se. There's one residence and a garage but it's not a garage -- an active garage, a commercial garage. And the use of those buildings would be for a cultural center use and museum kind of approach where you can have moving museum art work brought in on a regular basis.

LEG. D'AMARO:

So we heard a presentation at the beginning of this committee by the LEED implementation that we're saving a million dollars a year and we're going to spend \$1.65 million on five acres for a hamlet park. I just in my mind, I question whether that should really be a priority for that kind of expenditure.

MS. FISCHER:

It does meet the criteria of the program, the SOS Hamlet Parks Program. And the intent was to create these types of parks in downtown areas and this is what it's trying to accomplish.

LEG. D'AMARO:

I certainly don't question that it meets the criteria. I question the price.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

The value of the land is reviewed very carefully by our -- we have outside appraisers. And then it is reviewed by the entire panel of the Environmental Trust Review Board. And I know that everyone on that board was comfortable that this was the value of this land. That being said, this is going to add to the holdings of a County park. So I think this is a very worth while investment for the County and has been stated many times by myself and others. The investment we make into the open space and our parkland pays us back dividends in our tourism economy and in many other areas throughout the County and our economy as a whole. When people come, they go to restaurants, they go to stores, they purchase gas here, people from outside the County. And it spreads the burden out on those who are non Suffolk residents.

So I think that's important to keep in mind when we look at the investment that we make while sometimes sizeable because of the value of land in Suffolk County is important to maintaining the overall quality of life and tourism economy that we enjoy.

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Just a couple of, I guess, brief follow-up questions and certainly something that Legislator Losquadro alluded to and yourself, Madam Chair, both as members of ETRB, knowing that in essence it's a body that deliberates confidentially; however, having been able to attend it on a couple of my own matters, it's been my experience that when a -- we get this close to go ahead and look at an offer, land is usually being marketed out there in a variety of different ways with competing interest looking at it. But for our acquisition of this, I have to believe that it was there listed with the potential to be developed into at least three, four, five upscale properties, I would imagine. Is that the case? Does anybody recall with this? Nobody recalls.

LEG. LOSQUADRO:

Highest and best use.

CHAIRPERSON VILORIA-FISHER:

Yeah, it's highest and best use. We don't really get --

LEG. KENNEDY:

Highest and best use goes so far and then there's what's real out there in the world and what a developer will pay.

LEG. LOSQUADRO:

Absolutely.

LEG. KENNEDY:

Exactly. So it seems that this continues a philosophy that we've all embraced as a body previously; nevertheless I think Legislator D'Amaro reiterates a point that we continue to struggle with on a regular basis as we make each acquisition. The prices are going up and up and up. And it costs us a lot to go ahead and preserve whatever it is we seek to do be it a historic district, preservation of a river, all of those steps we continue to go ahead and have to dig deeper and deeper into our pockets to do. Nevertheless, I guess it's the reality of life at this point.

LEG. D'AMARO:

If I could just --

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, and the reason why I asked at the outset when the planning process or the planning steps were passed, is I think you stated 2002 --

DIRECTOR ISLES:

2003.

LEG. D'AMARO:

2003. I can almost guarantee you that the cost of this property has gone up at least threefold if not more during that time. So whenever we pass planning steps, we say, well, it's just planning steps, you know, we get another bite at the apple, we get to question it, we get to look at the price, we get to look at the use. And again, you know, we are all in a position of making very difficult choices every day on how to spend taxpayer money.

And so is five acres at \$1.65 million really something that even though we did the planning and even though it took three or four years to get through process, do we want to go ahead and implement and make the expenditure? And looking at the tax map, looking at the aerial view, we already own a large here track of land here. In my mind I don't see the real added value other than general

argument you could make to adding anything but I don't disagree with Legislator Losquadro's comments at all. But what I do take issue with is, you know, we have to say no at some point and set some priorities. So I don't think I'm inclined to support this.

CHAIRPERSON VILORIA-FISHER:

Okay. I am inclined to support it because I do see the added value. We have a County park where this piece of property is in the upper -- the northern corner of it. And it's very close to the Ketcham Inn and the Ketcham Inn Foundation, if I'm saying the name of the Foundation correctly, has been very active. I've been hearing their name. They've come before us with various projects. And I believe that they provide an introduction to the historic aspect of that area of Suffolk County, which is critical as Legislator Losquadro said to the -- some of the tourism the people getting out there and enjoying our County parks. Because we do have a large County park that's not there only for the preservation of the environmental quality but also for its vistas and for its use by County residents.

And this I think would be another access or gateway to that County park so that it can be enjoyed by more people in Suffolk County. So I believe I already made a motion to approve. But I do see the added value that this gives to the residents of Suffolk County to our park and an important addition to the good work that the Ketcham Inn Foundation has been doing over these many years. There are people who I met over the years because of their active participation at Ketcham Inn and the work that they're doing in historic preservation and historic education, that I think adds a great deal of value in people of Suffolk understanding why we would save all those acres adjacent to this.

LEG. LOSQUADRO:

If I could.

CHAIRPERSON VILORIA-FISHER:

Dan.

LEG. LOSQUADRO:

I would just say that, number one, this is dedicated money to preserve open space. And in the year that the voters passed the SOS bond for \$75 million by a 70% vote, which all of us as elected officials know is a landslide, the voters in Brookhaven at the same time approved a \$100 million bond by the same percentage, by 70% of the vote. So voters in Brookhaven Town in that year voted for \$175 million of bonds to put on top of their already significant tax burden because they wanted to see open space preserved. This is dedicated funding towards preserving open space. So I understand your point of prioritization of funding, but I don't think it really is pertinent to this because this is money that is dedicated to preserving open space.

MS. FISCHER:

And specifically hamlet parks, so there's a smaller pot of properties that fit into this category.

CHAIRPERSON VILORIA-FISHER:

And I specifically put that in the bill and that was a big part of my conversation regarding that bill because in western towns very often you don't have the large tracks of land. And you want neighborhoods or projects where they're looking at a hamlet park situation.

LEG. D'AMARO:

And if I could just, you know, again Legislator Losquadro makes a very valid point and I don't disagree with what he said. But I don't think that a 70% margin was included in that was to abdicate our responsibilities or to ignore our responsibility or to ignore our responsibility to judge them case by case. And, you know, when I look at the bang for the buck that we're getting in this particular acquisition it doesn't add up in my mind.

CHAIRPERSON VILORIA-FISHER:

And very often, Lou, when Dan and I sit in the ETRB we say, why are we spending money on this. And we should look at when comes to acquisition. So I agree with you that we do need to look at it.

I happen to think this is a good piece. There's a motion and a second to approve. All in favor? Opposed? Okay. Note the opposition. **1398 is approved. (VOTE: 4-1-0-0 Opposed: Legislator D'Amaro)**

1399, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for 41 Pine Aire and Tuthill Point Associates property Tuthill Point Marina (Town of Brookhaven) (SCTM Nos. 0200-946.00-03.00-010.002, 0200-950.00-01.00-001.000 and 0200-946.00-03.00-020.001.(Co. Exec.)

LEG. LOSQUADRO:

This is a -- I'm sorry, through the Chair.

CHAIRPERSON VILORIA-FISHER.

Yes.

LEG. LOSQUADRO:

This is a 50/50 split?

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

Is that correct?

CHAIRPERSON VILORIA-FISHER.

With the Town of Brookhaven.

LEG. LOSQUADRO:

Very good. Thank you.

MS. FISCHER:

This is a 50/50 split, but we're physically splitting the parcel into two portions, one being the County and the other being the town.

CHAIRPERSON VILORIA-FISHER:

Yes, I recall that. Yeah, we did split it physically. I'm going to make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro.

LEG. D'AMARO:

On the motion.

CHAIRPERSON VILORIA-FISHER.

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Madam Chair. Just very quickly. Again, Director Isles, can you tell me when the planning steps were passed or began and also what is the acreage at what cost?

DIRECTOR ISLES:

The planning steps resolution was passed under resolution 767-2005, so it was passed

approximately two years ago. The resolution indicates that the acreage for the total property is 26.56 acres. And the cost to the property is -- the County portion, let me just get the exact numbers here, yeah, \$3,160,640 as representing a 50% share with the town paying the other half of that.

LEG. D'AMARO:

It was 26 acres at 3 million -- 3. -- what was that?

DIRECTOR ISLES:

The total acreage is 26 and a half, 26.56 acres.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

The total price is 6. -- \$6,321,280, half of which the County would pay. So the County share is a little over 3 million; the town's share is equal.

CHAIRPERSON VILORIA-FISHER.

It's 238 an acre.

LEG. D'AMARO:

All right. And, okay. Thank you.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? **1399 is approved.**
(VOTE: 5-0) We have already acted on 1411.

IR 1416, Conforming the Suffolk County Water Quality Review Committee and Restoration Program to the County Department of Environment and Energy. (Co. Exec.) Explanation please, Counsel.

MR. NOLAN:

Well, this regards the Water Quality Review Program that's under the Drinking Water Program. And back in 1999 the Legislature enacted a resolution setting up the Water Quality Review Committee to oversee and make recommendations regarding various water quality projects. And DPW has been basically administering that program since that time.

This resolution would replace them with Department of Environment and Energy. They would administer the Water Quality Program. The Commissioner of that department would become the head of this committee. And the only other change is up until this time there's been a representative Cornell Cooperative Extension on the Water Quality Review Committee. That person would be removed and replaced by the Commissioner of Environment and Energy to serve as chairman, as I mentioned earlier.

CHAIRPERSON VILORIA-FISHER:

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

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro.

LEG. LOSQUADRO:

Just on the motion, I just want to clarify with Counsel.

LEG. KENNEDY:

On the motion.

CHAIRPERSON VILORIA-FISHER:

On the motion. Okay.

LEG. LOSQUADRO:

So the Commissioner of Public Works, I'm just looking at the bill, still does remain --

MR. NOLAN:

Yes.

LEG. LOSQUADRO:

-- on the committee just not in the role as chairman?

MR. NOLAN:

Right. And Department of Public Works would no longer be administering that program. It really comes under Environment and Energy from this point forward if this resolution is approved.

LEG. LOSQUADRO:

I'll defer to Legislator Kennedy.

CHAIRPERSON VILORIA-FISHER.

And, Legislator Losquadro, you remember there were also some discussions a few years ago about the role of Cornell Cooperative being on this board?

LEG. LOSQUADRO:

Yeah.

CHAIRPERSON VILORIA-FISHER.

And sometimes they're considered by the board and so I think this really cleans it up.

LEG. LOSQUADRO:

I'll defer to Legislator Kennedy.

CHAIRPERSON VILORIA-FISHER.

I hadn't even seen that. Legislator Kennedy.

LEG. KENNEDY:

Madam Chair, I'm going to ask if we have anybody here, either Commissioner Gallagher or if we have somebody from Public Works because I have just over the last week had the good fortune, I guess, to work with DPW and the groundwater quality folks to have final execution on the 477 project that we started some 12, 13 months ago here when we first had folks coming from Smithtown.

CHAIRPERSON VILORIA-FISHER:

I don't see the Commissioner but I see someone from her office.

LEG. KENNEDY:

My concern is is that --

CHAIRPERSON VILORIA-FISHER.

Okay. Not, Ben, but --

LEG. KENNEDY:

Okay.

MR. ZWIRN:

I'm just saying -- the Public Work's Commissioner's still on the committee.

LEG. KENNEDY:

Again, it's not so much my issue or question as to membership on the committee. It's who's going to do the work? I know the DPW unit that actually dealt with contract preparation, review, execution, movement, project, budget assembly, worked in great detail with the Town of Smithtown engineer.

MR. ZWIRN:

That's not going to change. I don't believe that's going to change just because the chairman of the committee is changing.

LEG. KENNEDY:

Well, then I'm confused. Because I thought that what the resolution purported to do was is to take the function out of DPW in Yaphank and bring it here to Commissioner Gallagher.

MR. ZWIRN:

But they work together, I mean, it's not as if one is working independent of the other. They work together, I mean they --

LEG. KENNEDY:

If -- well, Ben, if you're telling me that the folks that are doing the day to day out there in Yaphank going to keep at it, I'll be happy to support this.

MR. ZWIRN:

Yeah, I think that's -- I believe that is the case. Because the bodies are where the bodies are.

LEG. KENNEDY:

Well, the bodies are where the bodies are and the bodies that are there are going to continue to have involvement on the day to day --

MR. ZWIRN:

Yes.

LEG. KENNEDY:

-- with assembly, preparation and management and execution associated with the process.

MR. ZWIRN:

Right.

LEG. KENNEDY:

Excellent, fine. As long as that's there, that's great.

CHAIRPERSON VILORIA-FISHER:

Well, it speaks in the resolution to the coordination of activities among the Department of Public Works, Environment and Parks.

MR. ZWIRN:

Yeah, contrary to public, you know, contrary to public belief.

LEG. KENNEDY:

I thought -- okay. But I thought I heard earlier that there was a representation that the function was essentially moving from Public Works over to the new department. I must be mistaken.

CHAIRPERSON VILORIA-FISHER:

It says the supervision.

MR. ZWIRN:

Right.

CHAIRPERSON VILORIA-FISHER:

The supervision.

MR. NOLAN:

The law presently --

CHAIRPERSON VILORIA-FISHER.

It says provides, administer, and implement. It does say implement. I'm sorry, George.

MR. NOLAN:

No, I was just going to say that presently the law says the Department of Public Works is designated to administer this program. This changes it to Environment and Energy.

LEG. KENNEDY:

Well, okay so we're saying here then basically what we've heard from the administration is notwithstanding the plain language in the resolution, some of the functions are going to remain with Public Works; is that correct?

CHAIRPERSON VILORIA-FISHER.

The execution, right?

LEG. LOSQUADRO:

If I can just point out the -- sorry, if I can point out the final on the, what is it, third page, B, the Department of Environment and Energy it's changed from Public Works shall provide staff support to the committee. Previously it said that Public Works would provide staff support to the committee and now it does change to say Environment and Energy.

MR. ZWIRN:

Well, the staff support will be provided by DEE but, I mean, with the running of the committee, the work that's done internally --

CHAIRPERSON VILORIA-FISHER:

What we're trying to get at, Ben, is who's going to go out there and do --

MR. ZWIRN:

It's going to be the people --

CHAIRPERSON VILORIA-FISHER.

-- the work?

MR. ZWIRN:

-- that are -- well some of those people are in the DEE budget, the field people, they're doing the work now. The Public Work's role will still be what it's been continuously because that's where the --

-

CHAIRPERSON VILORIA-FISHER.

Did the storm remediation projects that we look at etcetera?

MR. ZWIRN:

Right. There is staff in both DEE and Public Works that do work out in the field. They will continue to do that work. What you're doing is changing --

LEG. KENNEDY:

And again, Madam Chair, but my questioning before and certainly, you know, Mr. Zwirn's made the representation on the behalf of the administration, which is fine for me. The folks that have been doing this all along --

MR. ZWIRN:

Right.

LEG. KENNEDY:

- as far as getting mutually acceptable language and the contract work with the town engineer for a scope of work, execution amongst all the parties --

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy, may I interrupt you because I think it would be wiser to table this and discuss it with the Commissioner being here or the Commissioners being here. And that way we can get the answers on how they plan to execute the projects that come out of this committee.

LEG. KENNEDY:

Okay. If it pleases the Chair, sure.

CHAIRPERSON VILORIA-FISHER:

I'd be happy to table it.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER.

Because neither one of the Commissioners is here.

LEG. LOSQUADRO:

I'll second that.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER.

Okay.

CHAIRPERSON VILORIA-FISHER:

So I will change my motion to a tabling motion, seconded by Legislator Losquadro. All in favor? Opposed? **IR 1416 is tabled. (VOTE: 5-0)**

IR 1417, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - Soliman and Pizzo property - Carlls River watershed addition (Town of Babylon - SCTM No. 0100-083.00-01.00-144.000). (Co. Exec.)

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER.

Motion to approve by Legislator D'Amaro, seconded by Legislator Kennedy?

LEG. KENNEDY:

Well, I'll be happy to second.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry.

LEG. KENNEDY:

No, no. I'll be happy to second for purposes of discussion, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

But I assume you have question.

LEG. KENNEDY:

Well, I think I'm going to ask the department to give us some of the similar particulars associated with this parcel as far as dimensions, price and let's look at time frame.

DIRECTOR ISLES:

This was on master list II, two, yes. As approved on resolution 877-2005. It is a parcel located obviously along Carlls River in the Town of Babylon. The County has extensive holdings in this location. And this is consistent with the County's pattern of seeking to add in additional undeveloped properties to expand the watershed holdings. This is a relatively small piece .09 acres for \$15,000 at the end of a developed road directly adjacent to other lands on the master list that are recommended for the protection of Carlls River.

LEG. KENNEDY:

Sounds like a bargain, but is there any direct access to this parcel or would be from adjacent properties?

DIRECTOR ISLES:

There is direct access to a road that is in front of the property.

LEG. KENNEDY:

Okay.

DIRECTOR ISLES:

Obviously the appraiser took into consideration the value when they appraised it at 15,000 as probably not being buildable, but unless it's consolidated with an adjacent piece but there is -- it is definitely a road on a parcel on a road, an open improved road so it does have access and frontage.

LEG. KENNEDY:

Okay.

LEG. HORSLEY:

How much road do you have --

CHAIRPERSON VILORIA-FISHER:

I have the map here if you'd like to look at it, Legislator Horsley.

DIRECTOR ISLES:

That's a good question, Mr. Horsley, I'll get it for you.

CHAIRPERSON VILORIA-FISHER:

And, Mr. Isles, if I could just add that this is part of a matrix of pieces that we've been looking at to protect the Carlls River area here. Okay. So I have the map if you'd like to look at it. You could see all that green there? And the piece we're looking at is this little red piece there.

LEG. HORSLEY:

Very good.

CHAIRPERSON VILORIA-FISHER:

So it's just part of the configuration along the Carlls River watershed area.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Okay. Are there any other questions? There is a motion and a second. All in favor? Opposed?

Motion carries. **(VOTE: 5-0)**

IR 1418, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Mary Louise E. Dodge Family Limited Liability Company property - Accabonac Harbor addition (Town of East Hampton SCTM No. 0300-039.00-14.00-016.000). (Co. Exec.)

LEG. LOSQUADRO:

50/50 split again?

CHAIRPERSON VILORIA-FISHER:

Yes, it is. There's a resolution from East Hampton. It is a partnership with East Hampton.

MS. FISCHER:

This is a 50/50 --

CHAIRPERSON VILORIA-FISHER:

Yes.

MS. FISCHER:

-- partnership with the Town of East Hampton. This was on our master list II.

CHAIRPERSON VILORIA-FISHER:

Okay. And it doesn't look like a lot of money here. Well, it's all relative.

MS. FISCHER:

It's virtually half tidal wetland, very low lying area in Accabonac Harbor.

CHAIRPERSON VILORIA-FISHER:

And it's one and three quarter million dollars to the County, right?

DIRECTOR ISLES:

Right.

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. And the size is?

LEG. LOSQUADRO:

Eight acres.

CHAIRPERSON VILORIA-FISHER:

Eight acres.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

And this is under the Drinking Water Protection Program? Is that correct?

MS. FISCHER:

Yes. The new Drinking Water Protection Program under the subcategory wetlands tidal and freshwater wetlands.

CHAIRPERSON VILORIA-FISHER:

And it's right by the water.

MS. FISCHER:

It's a beautiful piece on a harbor that we've been trying to acquire properties probably over the last twenty years or more.

CHAIRPERSON VILORIA-FISHER:

Did we already make a motion? Did anybody make a motion?

LEG. D'AMARO:

I'm just curious again, when did we start the planning process on this one?

MS. FISCHER:

This was on master list II in 2005.

LEG. D'AMARO:

Okay. Thank you.

LEG. LOSQUADRO:

I'll make a motion.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? Motion carries.
(VOTE: 5-0) Okay.

IR 1419, Authorizing acquisition of land under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund - Open Space component for the Franco, Conner, Jacobs, Smyth and Habib property - Noyack Greenbelt (Town of Southampton - SCTM No. 0900-030.00-01.00-048.000).(Co. Exec.) And this is nine and a half acres?

MS. FISCHER:

Yes, almost.

CHAIRPERSON VILORIA-FISHER.

No, is that correct?

MS. FISCHER:

This is in south fork SGPA?

CHAIRPERSON VILORIA-FISHER.

It is.

MS. FISCHER:

-- on master list -- this was on master list II, 2005.

CHAIRPERSON VILORIA-FISHER:

Is this correct, 592,000?

MS. FISCHER:

Yes.

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Yes. I'll second that motion.

MS. FISCHER:

It's primarily landlocked and that's one of the considerations for the value.

LEG. D'AMARO:

What it -- I'm sorry I didn't hear you? Landlocked?

MS. FISCHER:

Landlocked.

LEG. D'AMARO:

Yeah.

MS. FISCHER:

Primarily adjacent to other County holdings.

LEG. D'AMARO:

Primarily.

MS. FISCHER:

I mean, sorry --

LEG. HORSLEY:

It is such a deal.

MS. FISCHER:

-- shouldn't have said that. It is landlocked. Sorry.

LEG. D'AMARO:

I knew what you meant.

CHAIRPERSON VILORIA-FISHER:

But it is adjacent to other County properties.

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Adjacent to, yes.

CHAIRPERSON VILORIA-FISHER:

Okay. We have a motion and a second. All in favor? Opposed? **IR 1419 is approved. (VOTE:**

5-0)

IR 1420, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the Parbus property - Mastic/Shirley Conservation area (Town of Brookhaven - SCTM No. 0200-983.50-01.00-060.000). (Co. Exec.) And that's a very small piece. Yes? Or is that?

MS. FISCHER:

Yes, this is a -- almost less than a tenth of acre. This again is on master list II in the area that we're trying to consolidate our holdings in this floodplain area.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **IR 1420 is approved. (VOTE: 5-0)**

IR 1422, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - Open Space component - for the estate of Persico property - Mastic/Shirley Conservation Area II (Town of Brookhaven - SCTM No. 0200-983.40-07.00-012.000). (Co. Exec.)

And this is a quarter acre?

MS. FISCHER:

Yes, approximately. And again, it's on master list II in Mastic/Shirley.

CHAIRPERSON VILORIA-FISHER.

Okay. I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER.

Seconded by Legislator Losquadro. All in favor? Opposed? Motion carries. **(VOTE: 5-0)**

LEG. D'AMARO:

Vivian?

CHAIRPERSON VILORIA-FISHER.

Yes.

LEG. D'AMARO:

Can I ask a question?

CHAIRPERSON VILORIA-FISHER.

Legislator D'Amaro has a question.

LEG. D'AMARO:

Yeah, on all of these authorizations to acquire that we're passing here today, when we're voting yes on the resolution, is the County already in contract?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And has it been executed by the seller?

DIRECTOR ISLES:

I'll defer. The answer is yes but it's a conditional contract. But I --

CHAIRPERSON VILORIA-FISHER:

Janet Longo's coming up to help with that.

MS. LONGO:

By the time we come back to the Leg for the authorizing resolution --

LEG. D'AMARO:

Right.

MS. LONGO:

-- we've already got a contract signed by seller and quite frankly we've already had the appraisals done naturally. The survey's done, the title ordered, the environmental assessment done. So we're ready to --

LEG. D'AMARO:

So it's a contract that's contingent upon approval --

MS. LONGO:

Yes.

LEG. D'AMARO:

-- final approval by the Legislature passing.

MS. LONGO:

All of our contracts are subject to approval.

LEG. D'AMARO:

When is it -- when does it become acceptable to release the appraisal?

MS. LONGO:

Right after the authorizing resolution is passed by the full Leg we record the appraisals and the reviews here at the Clerk of the Leg

LEG. D'AMARO:

After it's signed by County Executive?

MS. LONGO:

Yes.

LEG. D'AMARO:

Okay. At that time I would like to request the appraisal on the property included under 1398, that resolution.

MS. LONGO:

They're all here. The streamline resolution that was passed, our streamline --

LEG. D'AMARO:

Right.

MS. LONGO:

-- process requires us to file them all here and we do. And I think it --

LEG. D'AMARO:

Oh, I'm sorry, you said with the Clerk the Legislature?

MS. LONGO:

They're filed here at the Clerk of the Legislature.

LEG. D'AMARO:

Say no more. Thank you.

LEG. KENNEDY:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. KENNEDY:

Janet, can you -- just one other quick question. It seems that we are -- you folks are to be commended to get it to this point because I know how long it takes. But having just gone through an agenda where it seems like we are closing on a substantial amount of property, we got the money in the bank?

MS. LONGO:

Yes.

LEG. KENNEDY:

Is the money there?

MS. LONGO:

Everything that we are in contract with --

LEG. KENNEDY:

We're good for everything that we're -- okay.

MS. LONGO:

Yes. Everything that I had accepted offers on and that we're in contract with, we absolutely have money to purchase.

LEG. KENNEDY:

Okay. Thank you. Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Thank you.

LEG. KENNEDY:

I'll guess what I'll ask is since it seems that we're going along at a good pace, maybe at the next meeting we can get something from BRO or somebody to status us?

CHAIRPERSON VILORIA-FISHER:

Actually, I've spoken about that with Commissioner Gallagher --

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER.

-- that we set up a schedule of reports as to the status of all of our programs.

LEG. KENNEDY:

Okay good, thank you.

LEG. HORSLEY:

Quarterly?

CHAIRPERSON VILORIA-FISHER:

We had spoken about trying to do it quarterly but at this point we're already into May so I'll talk about that with her, how long it would take to put together a presentation. Because we have a number of programs outstanding, negotiations, balances, and so we want to take a look at the big picture. You're absolutely right, we need to look at that periodically. I don't want to be surprised at the end of the year.

MR. ZWIRN:

If I might, Madam Chair?

CHAIRPERSON VILORIA-FISHER.

Yes.

MR. ZWIRN:

I just -- in regards to what Legislator Kennedy has brought up, what we are finding, and I don't want to speak for Janet, but we are finding that in a softening real estate market and the fact that we have gone at such a rapid pace and we have used up a great deal of the funds, we are now finding, and we may be coming back to look for some offsets to buy some additional properties, which in -- prior to now we had no hopes of getting at all. But now that the program has been so successful we have found, and I think there's one that I read about in the newspaper, one where they dropped the price almost \$5 million from a \$12 million firm offer, they're now willing to accept, I think, between 7 and \$8 million. We're are finding that more and more often.

So at some point we may very well be coming back and asking for your support to buy some more of these properties with money that we have, we may have to transfer around a little bit.

CHAIRPERSON VILORIA-FISHER.

Okay.

MR. ZWIRN:

But I just want you to know that you are raising a good point and we are getting to that threshold.

CHAIRPERSON VILORIA-FISHER:

Thank you, Ben.

LEG. KENNEDY:

Good. Thank you.

CHAIRPERSON VILORIA-FISHER:

Let's move -- okay.

MEMORIALIZING RESOLUTIONS

Memorializing resolution 17, memorializing resolution requesting United States Congress extend the pilot program for alternative water source projects. (Romaine)

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. All in favor? Opposed? **Memorializing 17 is approved. (VOTE 5-0)**

Memorializing resolution 18, memorializing resolution requesting United States Congress to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (H.R. 569). (Romaine)

LEG. HORSLEY:

Motion.

CHAIRPERSON VILORIA-FISHER.

Very important.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER.

Motion by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? **Motion approved. (VOTE: 5-0)**

Memorializing Resolution 19, Memorializing resolution requesting United States Congress to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds (H.R. 720). (Romaine) We need that. I'll make that motion.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **Motion is approved. (VOTE: 5-0)** If there is hopefully no further business, we stand adjourned.

**(THE MEETING CONCLUDED AT 4:01 PM)
{ } DENOTES SPELLED PHONETICALLY**