

**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 June 4, 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:**

Presiding Officer William J. Lindsay  
George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk  
Kevin Duffy, Budget Review Office  
Alicia Howard, Legislative Aide  
Joe Dujmic, County Executive's Office  
Thomas Isles, Director of 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  
Gil Anderson, Commissioner of Public Works  
Seth Squicciarino, Aide to Legislator Vilorio-Fisher  
Justin Littell, Aide to Leg. D'Amaro  
Linda Bay, Aide to Minority Leader  
Linda Burkhardt, Legislative Aide  
Paul Perillie, Aide to Majority Leader  
Debra Alloncius, Legislative Rep for AME  
Walter Dawydiak, Health Department  
Rick Brandt, Newsday  
Joe Gergela, Long Island Farm Bureau  
Charla Bolton, Suffolk County Planning Commission  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**MINUTES TRANSCRIBED BY:**

Denise Weaver, Legislative Aide

**(THE MEETING COMMENCED AT 1:03 PM)**

**CHAIRPERSON VILORIA-FISHER:**

Will all members of the EPA Committee please come to the horseshoe. Welcome to today's meeting. Please join us in the Pledge of Allegiance led by Legislator D'Amaro.

***SALUTATION***

**CHAIRPERSON VILORIA-FISHER:**

We have one card. Joe Gergela, can you please come up?

**MR. GERGELA:**

Good afternoon, Madam Chairwoman and members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. And I'm here to speak to you on two separate resolutions that you have on your agenda.

First one is 1144, local law to prohibit sale, introduction and propagation of invasive, non-native plant species. I want to personally thank Legislator Fisher for working with me on this for quite sometime now. We had some concerns early on regarding impact on the horticulture industry. All of our concerns have been addressed. We are very pleased to support the legislation and urge the Legislature to go forward and approve that next week. I know it goes for public hearing at your next Legislative meeting; but just to let you know that we're okay and our issues have been resolved. And thank you very much for that.

**CHAIRPERSON VILORIA-FISHER:**

Joe, thank you for spending that time at my office working on this with me. It was very helpful.

**MR. GERGELA:**

My pleasure and I think we got a better bill. I think it meets what you want to do from a public policy standpoint and addresses the concerns of the domestic industry.

The other resolution I'd like to address is 1396. And that is to approve the ag district number three in the towns of Huntington, Smithtown, Islip and Brookhaven. I don't know how much the Legislature knows about agricultural districts, but here on Long Island we have five ag districts. Extremely important to the agricultural industry for a number of reasons. Number one, is really our protection as farmers for right to farm comes with the ag district's law.

There are other benefits for farmers to be in an agricultural district including reduced assessments. If they keep their land in farming, they get a reduced property tax assessment, protection from ad valorem, special district taxes and a number of things. This is extremely important. And we ask you to support this resolution and move it forward.

The reason I felt it was important to speak to you about it is that there has been some concerns raised with a particular farm operation in the Town of Brookhaven, in the hamlet of Brookhaven. And Agriculture and Markets out of Albany came down, met with a number of Legislators and town council people regarding that one operation. And Ag and Markets has determined that it is a valid viable farming operation under New York State statute. As far as we are concerned we backed that operator a hundred percent. And hopefully that will not be an issue as you have your meeting today. But anyhow we ask you to support the ag districts approval.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Joe.

**MR. GERGELA:**

Any questions? If not, I thank you for letting me speak.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. Joe, it's good to hear from you as always as a matter of fact. And I'm pleased to hear that there's harmony on the invasive plant species legislation because I do think that it's legislation that goes in the right direction. And I commend Madam Chair for all her efforts as well as reaching out and working for a good bill for everybody.

Ag districts in Smithtown. I'm just curious, I know specifically about the benefits that farmers have from my former life out in the Clerk's Office and specifically with the importance of filing the maps so that the assessors do have the ability to give those reduced assessments and also some of the other tax breaks the farmers have. Does the district in Smithtown reach down into my area or is it all primarily up north?

**MR. GERGELA:**

Well, because of the change in agriculture over the last 20, 30 years, and there's not that many farms in Smithtown or Huntington in certain areas, the Ag District's Law doesn't have to be in a given town. This ag district includes all of Brookhaven, all of Smithtown, all of Huntington so that any farmer that wants to be in the district is -- gets that protection no matter where they are all located. So it's kind of a catchall for Brookhaven west.

**LEG. KENNEDY:**

That is a little different because I have a distinct recollection on those geographical maps that we used to have, which actually outlined particular operations. So that seems like a plus, a benefit now that there's some more flexibility.

**MR. GERGELA:**

Right. And there's also a statutory change that allows landowners who are not currently in a district, there's an annual review period which is new to the statute a couple of years ago. So once a year any farmer or landowner is able to get into the district, which helps with the right to farm protection and other things.

**LEG. KENNEDY:**

And that criteria for inclusion is in the statute itself?

**MR. GERGELA:**

That's correct.

**LEG. KENNEDY:**

If we have start-ups in the --

**MR. GERGELA:**

Yep. There's financial criteria, there's land criteria. And they have to meet that litmus test in order to get in it.

**LEG. KENNEDY:**

I should speak with you more about that. That's great. Thank you.

**MR. GERGELA:**

I'd be -- anytime, sir, where -- if you need me, I'll be there to talk with you.

**LEG. KENNEDY:**

Thanks so much.

**MR. GERGELA:**

Okay, thank you. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Joe, thank you very much. Dan?

**LEG. LOSQUADRO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Joe Gergela was here to talk about the farm districts legislation and also about 1411, which is the new agricultural districts. And he talked about the invasive species. And there's paperwork here on Gramma's Cottage, which was one of the issues involved in the ag districts.

We have with us today, Charla Bolton, who is here to be interviewed by us for her reappointment to the Suffolk County Planning Commission. So with the indulgence of the committee I would like to make a motion to take 1472 out of order.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? 1472 is before us. Ms. Bolton, if you could just come forward and have a seat please. You could sit down here.

**MS. BOLTON:**

Oh, okay.

**CHAIRPERSON VILORIA-FISHER:**

No, no, no, I'm sorry. Up here where there's a mike.

**1472, (To reappoint member of the Suffolk County Planning Commission (Charla E. Bolton) (Co. Exec.)** Okay. We'll just give everyone a minute to get to the right bill including myself. And I'm just going to brief -- how long have you served?

**MS. BOLTON:**

I've served for the past -- I believe it's four years.

**CHAIRPERSON VILORIA-FISHER:**

Four years.

**MS. BOLTON:**

Three or four years.

**CHAIRPERSON VILORIA-FISHER:**

And you've been able to get to the meetings without too much problem?

**MS. BOLTON:**

Oh sure; oh yeah. And I'm very pleased with the appointments that the Legislature has made, which has greatly revitalized the Planning Commission.

**CHAIRPERSON VILORIA-FISHER:**

Yes. And the meetings have been able to reach a quorum; have a quorum of members present?

**MS. BOLTON:**

There was a little struggle for a while. But I think as new members are appointed, it's becoming easier. We still need more, I believe.

**CHAIRPERSON VILORIA-FISHER:**

Okay, well, good. Thank you for that input. And can you tell us what particular kind of expertise do you feel you bring and has it been exercised?

**MS. BOLTON:**

Okay. I spent 30 years as a Planner with the Town of Huntington. And I'm a member of the American Institute of Certified Planners. I also spent the last probably 15 years to 20 years at -- in Huntington and also for the Society for Preservation of Long Island Antiquities. In the town I did cultural resource assessments and was involved in the environmental SEORA process analyzing impacts to historic and archeological resources. In the last five years I worked for SPLIA. And I was a preservation advocate for that organization. And as that it helped me greatly because I went all over Suffolk County so I'm now much more familiar with the County as a whole.

**CHAIRPERSON VILORIA-FISHER:**

And I've hope you've gotten a chance to visit the Sherwood Jane House. It's looking very nice there.

**MS. BOLTON:**

Oh, many times.

**CHAIRPERSON VILORIA-FISHER:**

The encampment was there this weekend.

**MS. BOLTON:**

Oh, okay.

**CHAIRPERSON VILORIA-FISHER:**

So good things going on there.

**MS. BOLTON:**

Just to let you know, I'm now retired completely. I'm retired from the town, I'm retired from SPLIA. And -- but I have held onto my various volunteer boards including, of course, the Suffolk County Planning Commission with your indulgence.

**CHAIRPERSON VILORIA-FISHER:**

That's great. Thank you. Are there any questions? Legislator Kennedy.

**LEG. KENNEDY:**

Yes. Thank you, Madam Chair. And thank you for your service and for being before us again. Obviously the expertise and the background that you bring to the board is extremely important. Each and every one of us has occasion to go ahead and sponsor planning steps reso's that oftentimes will include historic properties, historic buildings, the {Cumindinger} property most recently in Blydenburgh district is in my area, so it's something that all of us are very keenly focused on.

**MS. BOLTON:**

I forget one thing. I am also a member of the Suffolk County Historic Trust. And as such one of our properties is on the agenda today for dedication to the trust. And that's the Scully property, which we're very pleased to see.

**LEG. KENNEDY:**

I guess the question that I would ask you is or just talk a little bit about how you see the Planning Commission being able to assist, if it can, in the realities of taking historic properties and saving

historic properties and restoring historic properties. Because it is very often an expensive, complex, time consuming process.

**MS. BOLTON:**

I think from what I understand there was a great deal of difficulty with the Scully property. There was a -- an appropriate user offered in the very beginning as part of -- as part of the presentation to Suffolk County and the appointment -- I'm sorry -- and the acquisition of the property. And that was the Seatuck Environmental Association. And I think one of the problems was that the contract was not really suited to that type of organization. And I think there's been some difficulty with some of the properties in having an appropriate contract. Some people have characterized the contract that was offered in the beginning as something you would use for hot dog stands. So --

**LEG. KENNEDY:**

Well that's not the way it is any more with our County Attorney. I can assure you that there is a detailed complex and voluminous contract --

**MS. BOLTON:**

Yeah.

**LEG. KENNEDY:**

-- that gets put out to most -- any organization that's looking to partner with the County.

**MS. BOLTON:**

Some of the, you know, some of the property users are not really in a position to, you know, to sign contracts.

**LEG. KENNEDY:**

Fulfill their end of the -- No, I understand. I do understand.

**MS. BOLTON:**

So that has to be looked at.

**LEG. KENNEDY:**

As far as some balance?

**MS. BOLTON:**

Yes, because historic use, I mean properties of -- I'm sorry -- users of historic property are usually not-for-profits. They, you know, their budget resources are limited.

**LEG. KENNEDY:**

Well --

**MS. BOLTON:**

But they have the appropriate skills. And they can, you know. I understand the County obviously has a concern with seeing that the buildings are maintained.

**LEG. KENNEDY:**

But nevertheless your perspective is an important one. We do not want to frighten away good hearted volunteers or local not-for-profits --

**MS. BOLTON:**

Right.

**LEG. KENNEDY:**

-- with having to engage in this long complex legal process.

I'd just ask you to go ahead and also just speak very briefly, if you will, this is not a quiz process;

but there are so many other important issues that we have in a large perspective. Two of them that come to mind are the Sagtikos corridor and the transportation issues that need to be addressed there. And also just affordable housing needs for our County. Any thoughts on those areas?

**MS. BOLTON:**

When I was with the of Town of Huntington, I worked on a number of affordable housing proposals. And I think -- I feel very strong -- obviously there's a huge need for affordable housing. And my personal feeling is to the greatest degree possible those units should be, you know, mixed with other types of units. They shouldn't just be separate projects.

**LEG. KENNEDY:**

So from a Planning Commission perspective you would be comfortable supporting initiatives along those lines?

**MS. BOLTON:**

Absolutely.

**LEG. KENNEDY:**

Okay, okay.

**MS. BOLTON:**

I don't know what --

**LEG. KENNEDY:**

That's fine. Thank you so much. I appreciate you engaging in the dialogue. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Thank you very much. I'm going to make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **(VOTE: 5-0)** Thank you very much for your service and congratulations.

**MS. BOLTON:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

And of course this will go to the full Legislature on Tuesday but you won't have -- next Tuesday, but you won't have to be there. Thank you very much for coming.

**MS. BOLTON:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

And she is right about the contracts, yes. Okay, next on the agenda you can see that we have Commissioner Carrie Meek-Gallagher with us. And she'll be discussing the lands -- the County's Land Acquisition Program and our account balances, which we've asked that this become a regular part of our deliberations here in the EPAC meetings so that we know what our status is.

And I'm going to also ask for the cooperation of all committee members, there is a Stony Brook Estuary's meeting this afternoon in my district that I would like to attend. It begins at 3:00. I'm going to be getting there late probably but I -- if you could try to keep your questions and comments brief so that we could try to get out of here by three o'clock. Thank you.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, so Seth is passing out a copy of the current fund balance as of May 30th. And I think it's pretty self-evident when you look at it that essentially even taking into consideration the \$17 million offset, IR 1500, which will come up later in discussion and assuming that we're able to appropriate

all of the money coming in through Quarter Percent and Legacy Fund, we will -- as of -- everything in contract, in negotiation, accepted offers as of May 30, we're \$7.6 million underfunded right now.

Now again, this is a snapshot. It changes day to day so this was the most current. And that's why you'll see a change at every -- once a month we can, you know, present these to committee with an updated fund balance.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We're seeing a negative bottom line here.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

And how will that be reconciled, Carrie? How will be -- what kind of revenues will be coming in? And what kind of projections are there that we will be closing on most of these deals?

**COMMISSIONER MEEK-GALLAGHER:**

Well, I'll explain.

**CHAIRPERSON VILORIA-FISHER:**

I know it's two questions in one.

**COMMISSIONER MEEK-GALLAGHER:**

Right. And I'm going to defer to Janet Longo who deals with this on a day to day basis.

**MS. LONGO:**

There's \$30 million in negotiation. That 30 million doesn't mean that everybody's going to accept our offer. Those are just offers that we've made. Everything that we have in contract is in contract and that will all close hopefully this year. Everything we have in accepted offers should close hopefully this year. You know, some of them might go into next year depending if they need a subdivision or whatever. But the in negotiation, that's where we just, you know, we'll make the offers but we have no idea whether or not they'll be accepted.

**COMMISSIONER MEEK-GALLAGHER:**

However, we feel it's important to be fiscally responsible --

**MS. LONGO:**

Absolutely.

**COMMISSIONER MEEK-GALLAGHER:**

-- to carry those on our tracking sheet --

**MS. LONGO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

-- so that we aren't out there making, you know, more offers.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So then the second question, the revenues that are coming in to -- so that we can meet these obligations?

**COMMISSIONER MEEK-GALLAGHER:**

They're actually -- everything's accounted for that we anticipate coming in this year in the fund balance. It's shown -- yeah, you see anything noted in blue as not yet in but anticipated coming in

this year.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And --

**MS. LONGO:**

That's included. The blue is included in those numbers.

**COMMISSIONER MEEK-GALLAGHER:**

Right. It's included in the balance of accounts. So even with all that coming in, we still are -- if everything in negotiation accepts.

**CHAIRPERSON VILORIA-FISHER:**

Oh, so that \$7 million in the red includes that \$20 million Legacy Fund?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**MS. LONGO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

However, given -- I think given the time frame it usually takes even from a, you know, an offer is accepted, and, Janet, you know, back me up on this, but I believe that even if we did get most of those in negotiations as accepted offers, they probably wouldn't close until 2008 given that we're already in June.

**MS. LONGO:**

That's correct.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And then in 2008 what would be anticipated to come into the funds in the different programs?

**COMMISSIONER MEEK-GALLAGHER:**

We'll have 15 million in Legacy Fund.

**MS. LONGO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

We'll have 11.5 approximately in Multifaceted give or take depending on how much is needed for affordable housing out of that. And we can anticipate another -- I mean, I'm just going to assume that we'll get approximately the same amount in Quarter Percent, which would be another 22, 23 million almost.

**MS. LONGO:**

Right. And Farmland, too; the Quarter Percent --

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**MS. LONGO:**

-- Farmland is an additional --

**COMMISSIONER MEEK-GALLAGHER:**

Well, it was included, if I did 13 and nine. Right?

**MS. LONGO:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

That would be another 16 from the Farmland portion of the Quarter Percent?

**COMMISSIONER MEEK-GALLAGHER:**

I think it's --

**CHAIRPERSON VILORIA-FISHER:**

No?

**COMMISSIONER MEEK-GALLAGHER:**

-- more like nine, isn't this what's --

**MS. LONGO:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

Oh, nine is what's -- I see.

**COMMISSIONER MEEK-GALLAGHER:**

-- ten and 13, yeah.

**CHAIRPERSON VILORIA-FISHER:**

Oh, you added them already to give us 23 million from the two sources.

**COMMISSIONER MEEK-GALLAGHER:**

Right. I'd added them together.

**MS. LONGO:**

That's for this year.

**COMMISSIONER MEEK-GALLAGHER:**

So 23, say you get another 11 from multi-- say we get 11 from Multifaceted again.

**MS. LONGO:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

And 15 million from the Legacy Fund.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right. I think I saw other hands. And we're going to try to have brief questions. Okay?

**LEG. LOSQUADRO:**

Best of luck to you.

**CHAIRPERSON VILORIA-FISHER:**

I know, I know.

**LEG. KENNEDY:**

All right.

**CHAIRPERSON VILORIA-FISHER:**

John, please have a heart.

**LEG. LOSQUADRO:**

These are pretty complex numbers.

**LEG. KENNEDY:**

Okay. I'll try with simple yes, no's maybe. All right. Let's go back to the terms that we talk about as far where the items are. Or tell me specifically, an offer is made, is there -- what is the period of time in which the prospective seller has to either accept or to reject?

**MS. LONGO:**

Normally we make an offer with 60 days. We give them 60 days to accept or reject. Sometimes we go back if the seller doesn't necessarily object to our number but thinks maybe we didn't consider other information in our appraisal reports, we'll look at that so it kind of stays in an active status. If they say no, if they reject the offer, we take it off the table.

**LEG. KENNEDY:**

Obviously.

**MS. LONGO:**

If we're working with them and, you know, if there's a negotiation going on or something that keeps it, you know, that we hold it for a while, then we'll do that.

**LEG. KENNEDY:**

But out of -- if we look at the grand scheme of properties that we're trying to purchase, 60 days is essentially the rule. And that would be an exception as far as trying to further refine the terms of the offer?

**MS. LONGO:**

Right.

**LEG. KENNEDY:**

Okay. And in contract we're talking about standard Blumberg signed by both?

**MS. LONGO:**

Yes.

**MR. KENT:**

Not standard Blumberg, but --

**LEG. KENNEDY:**

Well, then -- okay. In other words -- but a real estate contract mutually executed.

**MR. KENT:**

Yes.

**MS. LONGO:**

These -- the in contract that's on this spreadsheet has been executed by the seller, the Director, the County Attorney and the County Exec's Office.

**LEG. KENNEDY:**

Okay. And just generally what are we talking about as far as the average time that it's taking us to go from fully executed contract to close?

**MR. KENT:**

About 90.

**MS. LONGO:**

About 90 days.

**LEG. KENNEDY:**

We are --

**MR. KENT:**

There's a provision in the contract itself that gives us 90 days to have surveys, to complete our due diligence prior to the closing; our conditions precedent to closing days, 90 days.

**LEG. KENNEDY:**

Are we going through some of the basics though at the time that we start to make the -- when are we ordering title? When is title ordered on it?

**MS. LONGO:**

We do -- as soon as I have a contract executed by the seller, and it comes back to Real Estate, that's when we order title, order a survey, order the Environmental Assessment and we get the ball rolling.

**LEG. KENNEDY:**

So it, we --

**MS. LONGO:**

So simultaneously we're working on all that stuff --

**LEG. KENNEDY:**

Sure.

**MS. LONGO:**

-- while the contract is going through our internal process and then to come back here for an authorizing resolution.

**LEG. KENNEDY:**

But we have more than ample time then for a seller to resolve any kind of minor issues that might be there as far as clearing up title objections or anything. That's not something that's delaying us once we get into the out period?

**MS. LONGO:**

Well, you know, sometimes it is. Sometimes -- this is real estate. Nothings ever easy or cut and dry. And, you know --

**LEG. KENNEDY:**

That's my line, Janet; that's not your line. I'm the one who's supposed to whine about real estate. All right.

**MS. LONGO:**

People -- often there are title objections that need to be cleared that take a long time. Sometimes there's encroachments by a neighbor that require a lot of work on everybody's part trying to get them cleared up. Sometimes the seller needs a subdivision from the town. That could take up to two or three years. We've closed on contracts that are four years old waiting for a subdivision from the town.

So there are so many variables. It's not just -- you can't just say it's cut and dry. But certainly if it were a perfect world and everything -- there's no problems, 90 days from the time we have a fully executed contract is when we could close.

**LEG. KENNEDY:**

I'll yield because Madam Chair's asked me to with one just, I guess, comment then if we will. We all know, or most of us know, that there are a lot of vagaries you're going to hit with any particular deal. But if we're trying to understand finances from these terms that we speak about, like executed contract and in fact we have a multi-year process still yet to go to achieve a land division or subdivision from a village board or something else like that, then that's going to have a different effect on the money that's tagged to that. Sure, we're going to have to spend it. But we may not spend it for another 36 months.

**MS. LONGO:**

Right.

**LEG. KENNEDY:**

Cognizant of what's going to go on with the local board.

**MS. LONGO:**

That's true and mostly it's the Farmland monies that get caught up in a subdivision that end up maybe taking longer to close than the Open Space. Open Space, most of them don't need subdivisions. Most of them; not all of them.

**MR. KENT:**

Yeah, whenever the seller's carving out land that it wishes to retain for its purposes, you're going to have possible subdivision delays.

**LEG. KENNEDY:**

I'll yield.

**CHAIRPERSON VILORIA-FISHER:**

You know, Legislator Horsley has a question. But before we go to him there are two columns that I just had a brief question regarding. For example, when we look at the Hamlet Parks Fund we're using 757,000. And because most of our acquisitions are not in that category, we will be bringing forward about a little over 5 million on that to next year. Is that correct? That's what will be the balance?

**COMMISSIONER MEEK-GALLAGHER:**

On SOS Hamlet Greens?

**CHAIRPERSON VILORIA-FISHER:**

SOS Hamlet.

**MS. LONGO:**

No. We have accepted offers on almost \$6 million; 5.7. Those are accepted offers. Those should close this year because we're -- that money expires this year so we're trying to --

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MS. LONGO:**

-- close everything we have in the SOS funding sources.

**CHAIRPERSON VILORIA-FISHER:**

Oh, okay. So, okay. All right. I saw the 757 at the bottom.

**MS. LONGO:**

That's the balance. That's what we have left in there that we have not spent.

**CHAIRPERSON VILORIA-FISHER:**

That's the balance left. Okay. And the South Setauket Woods, that's the balance left. But are you using that balance against what you wind up with at the far right corner? Because South Setauket Woods is very specific so that will still be there next year because you can only use it --

**MS. LONGO:**

For that.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MS. LONGO:**

Yes, right.

**CHAIRPERSON VILORIA-FISHER:**

And when you do have these negotiations under the 12 5-A, that's another program that uses money specific to that program, right?

**MS. LONGO:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

So it's -- although we might have more money coming in next year on the Quarter Percent, is that divided into the towns? Does that go to 12 5-E? No, right?

**MS. LONGO:**

No, that's a specific funding source that there's a specific dollar amount.

**CHAIRPERSON VILORIA-FISHER:**

And how is that replenished, Janet?

**MS. LONGO:**

I don't think it is replenished. The 12 5-E and D money has been there for a longtime.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**MS. LONGO:**

And we're trying to spend it whenever we find something appropriate.

**CHAIRPERSON VILORIA-FISHER:**

So what's going to happen with these negotiations that amount to \$64,000? The negative \$64,000 on the bottom line?

**MS. LONGO:**

Where are you seeing?

**CHAIRPERSON VILORIA-FISHER:**

The first column. Drinking Water Protection Program 12 5-A.

**MS. LONGO:**

Oh, Drinking Water. Oh, that will have been to be moved into New Quarter Percent.

**CHAIRPERSON VILORIA-FISHER:**

So you can move it into another program?

**MS. LONGO:**

Yes, yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I guess I didn't --

**MS. LONGO:**

I'm sorry, I was getting confused with the 12 5-D and E.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MS. LONGO:**

I consider this Old Pine Barrens money.

**CHAIRPERSON VILORIA-FISHER:**

Right, okay.

**COMMISSIONER MEEK-GALLAGHER:**

But the drinking water programs --

**CHAIRPERSON VILORIA-FISHER:**

That is -- so you can move it into Drinking Water?

**MS. LONGO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you, thank you. Legislator Horsley.

**LEG. HORSLEY:**

Yeah, mine is just an easy question. The amount available for future negotiation just as future negotiation, how do you determine those dollars? That just -- could you just give me a rough -- I'm not sure I --

**MS. LONGO:**

You take the top, the balance --

**LEG. HORSLEY:**

Right.

**MS. LONGO:**

-- subtract out what's in contract, what we have in accepted offers and what we have in negotiation. And that gives us the total projected expenditures.

**LEG. HORSLEY:**

Oh, you know what I think I was -- yeah, okay, I misunderstood it. I was just looking at future negotiation and I was wondering what -- if you were anticipating future negotiations --

**MS. LONGO:**

Well, we always anticipate future negotiations.

**LEG. HORSLEY:**

-- and I said, boy that doesn't make any sense. My accounting --

**COMMISSIONER MEEK-GALLAGHER:**

It just means what we have available.

**LEG. HORSLEY:**

Got it. I understand. Silly question. Sorry.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Are there are any other questions? Okay. Thank you, Commissioner. But I have another question about another issue.

**COMMISSIONER MEEK-GALLAGHER:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'd like to go to 1416 because there were members --

**COMMISSIONER MEEK-GALLAGHER:**

Oh, yes.

**CHAIRPERSON VILORIA-FISHER:**

-- of the Committee who had questions about 1416. I think particularly you, Legislator Losquadro. It was regarding the role of the Department of Energy and Environment and the Department of Public Works vis-a-vis these projects. And Commissioner Meek-Gallagher had explained it to me in a private conversation, but I asked her to come here and put it on the record so that everybody's comfortable with it.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, very -- let me try to make this very simple. There were two resolutions in 2006 that basically transferred -- there was 84 and 141 of 2006 that essentially transferred everything having to do with water quality improvement to Department of Environment and Energy. It transferred the staff, it transferred responsibility for supervising, administering and implementing the Water Quality Protection and Restoration Program and coordinating the work of Public Works and Parks under the Water Quality Protection and Restoration Program.

The one thing it didn't do, and probably was just an oversight, is it did not change the chairpersonship of the Water Quality Review Committee. And, therefore, it just seems to be logical that if all of the responsibilities and staff, support staff have been transferred into the Department of Environment and Energy, the chairpersonship should also be as opposed to having someone from another department just being brought in or having responsibility when they don't have the staff or the statutory responsibility for the program anymore.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Questions? Legislator Kennedy.

**LEG. KENNEDY:**

Thanks.

**CHAIRPERSON VILORIA-FISHER:**

And, Legislator Losquadro, you also had a question?

**LEG. LOSQUADRO:**

Yes, unless John asks it.

**LEG. KENNEDY:**

Nice to see you, Commissioner -- Commissioners. Once again, I, you know, I try to follow the KISS philosophy when I'm looking at these items. And you know that there is a contract that's taken a better part of year in order to go ahead and get executed. And congratulations it finally did get executed with our Streambed Remediation Program with the Town of Smithtown.

Nevertheless we had departmental personnel who reside out in Yaphank who worked with many of the particulars associated with crafting that contract and several of the exhibits that are critical, I guess, to the 477 projects and contracts. My question is is where -- is there a new person or persons that will be fulfilling that role with you, Carrie, or is that a contact or dialogue that's going to continue with Gil out in Yaphank?

**COMMISSIONER MEEK-GALLAGHER:**

Not yet. That person -- the administrator so to speak or the person responsible for overseeing this entire unit, that position's been vacant for about a year now. I am actively working with Civil Service interviewing candidates trying to get someone who meets the, you know, qualifications of the new -- we earmarked that position. It had always been, I guess, for a while a Senior Civil Engineer. However, Senior Civil Engineers don't seem to be particularly interested in administering this program because it's the administration side; not the design and implementation side. So we switched that to an Environmental Projects Coordinator title, which I think would be much more applicable, it's much more of a planning and environmental science background in it and management background.

So I am actively working on filling that position. And we will still continue to -- those people -- that person and the clerical support person who started today will be residing in Hauppauge. So they'll interface more with me on the administrative side. The rest of the Water Quality unit will remain out in Yaphank because they do need to work very closely on a day to day basis with Public Works. All of the stormwater remediation projects after they are approved get handed off essentially to Public Works to actually implement and oversee the construction and the work on the ground. So we work very closely together still. I work closely with Parks, Health Services, all the agencies that put projects in, you know, put applications into the Water Quality Review Committee.

**LEG. KENNEDY:**

Thank you. So then for the application that I'm working with the Town of Smithtown for right now, for stormwater re-routing for Old Nichols Road, the app is going to go to you?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. KENNEDY:**

But then the actual development of the contract that occurs following a project approval will still be done with the folks that work with that in Yaphank?

**COMMISSIONER ANDERSON:**

Correct.

**LEG. KENNEDY:**

Okay. As long as I know which place, you know, I got to go, that's fine. I mean, I -- from a policy perspective, if this helps in the grand scheme of things to have the program operate, you know, well and to keep a handle on what's necessary Countywide, I'm fine with that.

Again, my focus is how do I make sure that I know the portal I enter and then the place to go to because it is quite a process from approval with the Committee to actually -- the money flow vis-a-vis an executed contract.

**COMMISSIONER MEEK-GALLAGHER:**

Right. And we're working on -- I mean, Commissioner Anderson's new to this, I'm new to this. So we're working together very closely. His highway staff and my water quality staff to try to kind of streamline that or come up even with a flowchart in the process of how this can work more simply into the future. And one of the big hurdles has simply been the turnover in staff.

**LEG. KENNEDY:**

Okay. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. And as usual Legislator Kennedy is very thorough. But I just basically wanted to echo some of his concerns that this transition will be one that will be seamless; and that the expertise that has been generated by the individuals who have been handling these matters will continue to be utilized and keep them in a position where they would continue to work closely with DPW that, you know, wouldn't be an arbitrary transfer to Hauppauge. I think this makes for the best possible workflow.

And I am glad to hear that you're looking at ways to increase or improve the efficiency of this process because we've been frustrated many times where items, you know, have been delayed going before the Committee. Or then once they get to the Committee to move them past that phase of the process is, as has been referenced in the one that Legislator Kennedy just spoke about. And that's just one particular project but we've seen this in many cases. So I'm hopeful that this new administrative flow will help to improve the process so, thank you.

**CHAIRPERSON VILORIA-FISHER:**

Questions? Okay. While you are both still there I would ask the members of the Committee to look at resolutions 1484 through 1488 because those all use 477 account monies for a variety of projects.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, and I --

**CHAIRPERSON VILORIA-FISHER:**

And 1489. Did I miss one?

**COMMISSIONER MEEK-GALLAGHER:**

Through 1489, yeah.

**CHAIRPERSON VILORIA-FISHER:**

Yes, you're correct, and 1489.

**COMMISSIONER MEEK-GALLAGHER:**

And if I might, Madam Chair, I did want to ask -- request that 1484, 1485 and 1489 be tabled until they go through CEO.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Everybody have that?

**LEG. HORSLEY:**

1484, 85.

**CHAIRPERSON VILORIA-FISHER:**

And 89 have to go to CEQ.

**COMMISSIONER MEEK-GALLAGHER:**

And I did also ask, and I see that he's available, Walter Dawydiak from Health Services is -- will be available if you have specific questions on 1486, 1487 and 1488. Those were applications put in by the Department of Health Services.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Losquadro has a question.

**LEG. LOSQUADRO:**

In looking at these, one of the areas that we've been trying to refocus our efforts is making sure that that 477 money gets used for actual projects -- for the actual completion of projects. So I know many times when we look at these resolutions, and it says in connection with, is this planning, is this actual completion of these projects? Are these projects that are listed before us here ready to move forward? I know we're talking about tabling them unfortunately. I'd like to see some of these things move forward, but where are we with these projects?

**COMMISSIONER ANDERSON:**

1484 is ready for implementation.

**LEG. LOSQUADRO:**

Excellent.

**COMMISSIONER ANDERSON:**

That's an extension of an existing project that we have underway now. 1485 would be planning money at this point. Both of them again have to go through CEQ but, you know, that's the status.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Other questions regarding these projects? The reason I asked my colleagues to take a look at them, at least look at the titles and there are some that we will be tabling for a CEQ review, is that we have tried to be very circumspect regarding the use of 477 account monies. So that we're not raiding that program for construction projects or raiding that program for ongoing staff -- staffing and salary that would be ongoing. Because we're finding that we're reaching the point where -- of diminishing returns with the 477 account. It's not being replenished quickly enough for all of the projects that might be, you know, in the pipeline.

So if there are no -- there is another question. And I do -- and I will be going -- after Legislator Kennedy's question, I will be going to Budget Review for Mr. Duffy's input on these and the use of the 477 account regarding these because along with the balances that you just gave us regarding our open space and other acquisition balances, we have to keep a very close eye on our 477 account. We have a lot of challenges in storm remediation. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. With the Chair's indulgence I'm going to roll just a little bit further. 1489 talks about eelgrass restoration?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Expensive project.

**LEG. KENNEDY:**

Can somebody tell me just a little bit about that and how that comports with, I guess, the 477 program and where it may be at?

**COMMISSIONER MEEK-GALLAGHER:**

Well, actually as part of the funding -- as part of the resolution that was voted on the ballot initiative, the initial ballot initiative that was voted on, those types of activities, aquatic habitat restoration, it comes under that set, you know, set of categories. Eelgrass restoration is, in fact, one of the categories that was approved.

**LEG. KENNEDY:**

Yes. And --

**COMMISSIONER MEEK-GALLAGHER:**

Yeah.

**LEG. KENNEDY:**

-- I know the language was broad. And as a matter of fact 477 certainly restoration of aquatic habitats is an important part, maybe just for my own edification, eelgrass is basically a saltwater species. It's not something we usually see in freshwater areas, I think.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. KENNEDY:**

So is this something where we're doing Peconic Bay restoration?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. KENNEDY:**

Where is this going to be?

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, this is recommended by the Peconic Estuary Program. It's for -- it's actually recommended in Long Island Sound, Peconic Estuary and South Shore Estuary Reserve Programs. This would actually be to work in Long Island Sound, Gardiners Bay and Shinnecock Bay areas.

**LEG. KENNEDY:**

Walter, you want to chime in?

**MR. DAWYDIAK:**

If I can add on this? Yeah, the eelgrass -- Walter Dawydiak, Chief Engineer for the Suffolk County Health Department. This eelgrass transplanting research and demonstration work goes back at least ten years mainly through the Peconic Estuary Program. And what we've done is established the very extensive database of water quality parameters, which are necessary to support eelgrass. So if you'll notice the waters that are sited here tend to be eastern Peconics, eastern Long Island Sound and eastern South Shore Estuary Reserve where the water quality is best and most likely to sustain eelgrass.

Cornell has done a lot of research on transplants, seeds and shoots. And they've determined the best methods for transplanting. And they've done some small scale work on the order of fractions of acres. This one I think they're talking about ten acres or more. And the hope is that once you transplant an area that big, you'll have enough of a seed stock that it'll actually grow and repopulate a larger area. So this is really a larger scale implementation of what's been previously smaller demonstrations.

**COMMISSIONER MEEK-GALLAGHER:**

And it would take -- it would occur over three years. So the funding's not just for one year. It's funding for a course of three years of transplantation. And it's important, you know, provides important habitat for fish, for shellfish, lobsters.

**LEG. KENNEDY:**

No, certainly. As a matter of fact, an eelgrass was one of the victims of brown tide. But nevertheless as we've spoken about, there seems that we have an awful lot of different venues and competition for the 477 funding for a whole variety of different areas and methods --

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. KENNEDY:**

-- flooding and many different things. It occurs to me when we're looking at these projects or when the Committee is looking at these projects, does the Committee engage in a prioritization or a points type of a process similar to what we have with our planning steps?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. This project received a score of 92 out of a hundred.

**LEG. KENNEDY:**

It's a high score.

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. KENNEDY:**

Okay. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Okay, thank you. Important questions. And for those who are very interested in how the 477 monies are being used, these three projects will be discussed at CEQ. So I think it probably would be helpful to come to the CEQ meeting and listen to the discussion in depth. Who will be doing the presentation at CEQ on these three?

**COMMISSIONER MEEK-GALLAGHER:**

I believe the Cornell Cooperative Extension will be because they actually are the one's applying to do this. They've been doing the work.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

And, you know, part of it is that there's this history and all this information already in place so it's a project that's ready to go.

**CHAIRPERSON VILORIA-FISHER:**

Okay, good. Thank you. Mr. Duffy, these projects, I believe six of them, correct?

**MR. DUFFY:**

Correct.

**CHAIRPERSON VILORIA-FISHER:**

Are they, you know, if you add them up, they could come up being real money here.

**MR. DUFFY:**

Yeah. Well, what we came up with is that according to our 2007 operating review, at the end of 2007 the Water Quality Protection and Restoration Program assuming sales tax comes in as projected and expenses come in as adopted, we'll have a balance of 4,263,109.

**CHAIRPERSON VILORIA-FISHER:**

Four million?

**MR. DUFFY:**

4,263,109. The total of the six introductory resolutions that are presented here are 2,181,634. In addition to that there is still a resolution pending involving 477 money. It's resolution 1050-2007. With all of those having been adopted and expenses occurring as they occur, that will lead the estimated 2007 fund balance somewhere around \$2 million. What we had discussed in our operating report but still seems to be a concern is that the institutionalization of expenses has made the -- most of the money that's coming in is used to pay for that.

**CHAIRPERSON VILORIA-FISHER:**

In a steady stream, yes.

**MR. DUFFY:**

And very little -- yes, yes. Very little is being added to the fund balance each year. And once the fund balance is gone, and if revenue expenses more or less are equal, there's going to be nothing additional added.

**CHAIRPERSON VILORIA-FISHER:**

Right. And out of the quarter penny, how much do we get per year in the --

**MR. DUFFY:**

The Water Quality Protection?

**CHAIRPERSON VILORIA-FISHER:**

-- Water Quality Protection?

**MR. DUFFY:**

Somewhere around \$7 million.

**CHAIRPERSON VILORIA-FISHER:**

Somewhere about 7 million. And we're talking about looking right now at six resolutions that are over 2 million and one that's in the pipeline.

**MR. DUFFY:**

Yes.

**COMMISSIONER MEEK-GALLAGHER:**

The one in the pipeline's only 20,000.

**MR. DUFFY:**

It's 44,000, I believe.

**CHAIRPERSON VILORIA-FISHER:**

And in that --

**COMMISSIONER MEEK-GALLAGHER:**

Lake -- IR 1050 was asking for 20,000 from the County and with a \$20,000 match from the Town of Brookhaven because it's a town project.

**MR. DUFFY:**

Okay, okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay. But we have the institutionalized spending, which carries over from year to year. And what is the total in that category?

**MR. DUFFY:**

Okay. If you just hold on a second.

**CHAIRPERSON VILORIA-FISHER:**

Sure. Well, because we had -- it's recurring. We have some salaries that keep -- it's staff that goes on and on. And our staff is not institutionalized.

**LEG. D'AMARO:**

Yet.

**COMMISSIONER MEEK-GALLAGHER:**

Madam Chair, if I may just add while he's looking at. One of the things we did take into consideration when putting together the agenda for the Water Quality Review Committee and in what the Committee votes to approve is the available funding where they anticipate available funding. We want to make sure we don't put too many or approve so many projects that we would tap out all of the funding.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

Just in case sales tax revenues do not come in as projected.

**CHAIRPERSON VILORIA-FISHER:**

Good. I'm glad to hear that because that's really been a concern here as we look at these repetitive expenditures --

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**CHAIRPERSON VILORIA-FISHER:**

-- growing each year. We're concerned that we have no cushion for special projects that come up that we really need to spend the money on. Kevin?

**MR. DUFFY:**

Yes, on page 100 of our operating review we have a list of the recommended total operating cost, which equals 6,774,421 consisting of salary, 3,320,782; benefits 1,081,343; supplies 524,034; equipment 225,802; other expenses 21,250; and contracts 1,604,810.

**COMMISSIONER MEEK-GALLAGHER:**

Are all of those salaries and benefits for County employees or some of it for the salaries and benefits of --

**MR. DUFFY:**

They're the -- the salaries and benefits are County employees.

**COMMISSIONER MEEK-GALLAGHER:**

Okay.

**MR. DUFFY:**

Parks 39 people, {EVE} 20, Health they've been zeroed out.

**CHAIRPERSON VILORIA-FISHER:**

Okay, wait a minute, Kevin. So you're saying that we have recurring expenses of 6,774,000?

**MR. DUFFY:**

That is what was shown as being recommended in 2007.

**CHAIRPERSON VILORIA-FISHER:**

And we only get out of the Quarter Penny in 2007, we just got 7,522,000.

**MR. DUFFY:**

The revenue is 7,505,724.

**CHAIRPERSON VILORIA-FISHER:**

That really only leaves us a million dollars.

**MR. DUFFY:**

Yes, little over a million.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And we're being left this year with a fund balance of \$2 million.

**COMMISSIONER MEEK-GALLAGHER:**

If we approve these.

**CHAIRPERSON VILORIA-FISHER:**

If we approve these.

**MR. DUFFY:**

If you approve these expenses.

**CHAIRPERSON VILORIA-FISHER:**

Okay. If we approve these, we're left with a balance of 2 million. So bringing that forward we would only have a total of money for any projects being \$3 million.

**MR. DUFFY:**

Unless some of the expenses are reduced. If -- what had happened last year in 2006 there were estimated expenses of 6,251,267. Some of the positions were not filled. And if the position is not filled what would happen, that would go to fund balance.

As what -- the problem we're looking at is that when you prepare a budget and you recommend positions to be filled, the logic behind it is the positions will be filled. And those expenses will be incurred. That's what our concern is, that the positions, certain expenses, some of the contractual expenses, I believe there's a \$1 million contract that is carried over for several years, which I believe --

**CHAIRPERSON VILORIA-FISHER:**

Wait a minute, Kevin. If there's a 6,774,000 personnel expenditure, and then you're saying that --

**MR. DUFFY:**

No, no. I went through various categories. It's salary, benefits.

**CHAIRPERSON VILORIA-FISHER:**

Right. You said it was salary and --

**MR. DUFFY:**

Benefits.

**CHAIRPERSON VILORIA-FISHER:**

-- benefits.

**MR. DUFFY:**

Supplies, equipment, other is small in contract.

**CHAIRPERSON VILORIA-FISHER:**

Oh, so that includes that \$1 million dollar contract?

**MR. DUFFY:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right. Thank you. Because I said if you add a million to that then we're left with zero --

**COMMISSIONER MEEK-GALLAGHER:**

Yeah.

**MR. DUFFY:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

-- at the of the day. But you were including that kind --

**MR. DUFFY:**

That's assuming --

**CHAIRPERSON VILORIA-FISHER:**

-- those contracts.

**MR. DUFFY:**

-- all positions are filled.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. DUFFY:**

All expenses are occurred. And also assumes, too, that the revenue that we projected will all come in.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. DUFFY:**

And if you have a variance in either the expenses or the revenue, your bottom line will be different.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I think this is a -- I know that I asked everyone else to be brief, but we're going to have a lot of different resolutions that we'll be looking at including the extension, the Quarter Percent extension monies that we're going to be looking at and how that money is divided up into the different categories. And 477 is a big -- is a large piece of how we're looking at how that Quarter Percent money is being allocated. So thank you have you much for that information.

**P.O. LINDSAY:**

Can I just ask?

**CHAIRPERSON VILORIA-FISHER:**

Legislator Lindsay.

**P.O. LINDSAY:**

The resolutions before us, is not a recurring expense?

**CHAIRPERSON VILORIA-FISHER:**

No.

**P.O. LINDSAY:**

These are four absolute --

**CHAIRPERSON VILORIA-FISHER:**

These are not recurring. These are projects, yes.

**P.O. LINDSAY:**

-- programs that will benefit water quality in some form?

**CHAIRPERSON VILORIA-FISHER:**

Absolutely, yes.

**P.O. LINDSAY:**

I realize everybody's concerned about the ongoing expenses in terms of salaries and benefits, which was never envisioned that the 477 fund should be used for, but I think these are what we envisioned.

**CHAIRPERSON VILORIA-FISHER:**

We're not speaking against these at all.

**P.O. LINDSAY:**

Okay, okay.

**CHAIRPERSON VILORIA-FISHER:**

What we've been doing is exploring --

**P.O. LINDSAY:**

I came in --

**CHAIRPERSON VILORIA-FISHER:**

Right.

**P.O. LINDSAY:**

-- in the middle of the discussion.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**P.O. LINDSAY:**

I apologize. I just want to get that straight in my mind. Yeah.

**CHAIRPERSON VILORIA-FISHER:**

We're just trying to establish what our -- yeah.

**P.O. LINDSAY:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

We're just trying to establish how much we're spending each year on the recurring expenses to see what our balance will be because of conversations that we will be having regarding also the extension of the Quarter Percent Drinking Water money and the allocation of that. Budget Review did mention in a conversation at one point that we might look at how much money goes into our 477 account and that allocation. So we need to look at the big picture on all of our balances. Thank you very much. Kevin.

**MR. DUFFY:**

Could I just briefly talk about the three resolutions?

**CHAIRPERSON VILORIA-FISHER:**

Yes, please.

**MR. DUFFY:**

Because I did have some concerns about them. In number 1486, this involves Cornell. And basically it's improving the irrigation system, which is found to be inadequate. And my concern was that this is on the County farm which Cornell operates. I had some concern if Cornell is operating the farm, why are we paying to improve the irrigation?

Similar to 1487, which is to address a problem with cattle manure winding up in the water. Again, Cornell is operating the farm and we're doing an improvement to attempt to correct this problem.

And with 1488, which seeks 151,634 it talked about on page three that they would be providing a budget. Again, Cornell is involved with this. And the papers I received there was no budget. The concern relates back to when the County and Cornell got involved with the -- I guess it was the -- we talked about it in our report about the shellfish. We found and we thought that the contract that had been drawn between the County and Cornell left some detail to be desired.

As some of you Legislators may recall, that at the end of 2005 the Budget Office came in seeking an additional \$583,000 to pay for these contracts. We're concerned with these three items that they should be a high level perspicuity so that we don't have a situation like this. We're also concerned with the first two the --

**CHAIRPERSON VILORIA-FISHER:**

Kevin, can you just backup on the 1486? Because as I look at that, it's not just irrigation. It's also nitrogen leaching reduction.

**MR. DUFFY:**

But it's saying -- I'm looking at the backup that I'd asked for. And it says that the proposal, the existing portable irrigation system is insufficient and is only capable of servicing a small portion of the farm in any given time. The proposed irrigation outlined talks about correcting this. In reading this not having all the information that -- or there may be information I do not have, to me this was a concern that that's seems to be what we're looking to do, to correct the problem by improving the irrigation system.

And with 1487, it talks about paving and installing a drain because it says the existing installation of a drain on the south end of this area will catch water before it is contaminated by manure and silage runoff. The existing manure storage pad will be lengthened to meet the back of the barn and concrete. Curving will direct runoff into a 1,000 gallon storage tank. The pump will move polluted runoff from tank through two inch pc valve into an adjacent field where it will be spread out on a grass filter strip. What our concern there was if the Cornell is operating the farm -- the County owns the farm and Cornell is operating it, why are we making these expenditures?

**CHAIRPERSON VILORIA-FISHER:**

Isn't this equipment though that will remain on the farm? It would seem to me that these are capital improvements that will be able to sustain high water quality or water protection.

**MR. DAWYDIAK:**

I can actually answer that question if I could?

**CHAIRPERSON VILORIA-FISHER:**

Oh, Walter.

**MR. DAWYDIAK:**

We asked the same questions because we weren't entirely familiar with the farm operation. And Cornell does receive a budget for routine operation and maintenance. So like for a tractor or oil changes that would be pre-budgeted. Major capital infrastructure, the County property is not really within their purview. So they've identified these water quality needs. This is how we in Health came upon this.

Back when the farm became a model for AEM as part of the pesticide phaseout law, we began groundwater quality monitoring. And we detected elevated nitrates and pesticides in the groundwater prior to implementation of the pesticide phaseout. And the goal was to make this farm as environmentally sound as possible so we inquired with a number of County agencies. And we all determined that it's really DPW's responsibility to implement these projects. And DPW has graciously agreed to oversee this. Thank you again, Gil.

**CHAIRPERSON VILORIA-FISHER:**

And they are in accordance with our AEM best practices that we've looked at.

**MR. DAWYDIAK:**

Absolutely. The thing about agriculture and environmental management, if I could just have a moment is that Countywide an awful lot of time and money is being spent on private farms. Private farms do not qualify for state EPF for other state or federal grants, which is why the County has responsibility for this. Also, there's virtually no monitoring for private farms other than very limited monitoring. The Health Department's able to do -- part of the condition of AEM for private farmers is they enter this knowing that government is not going to be tracking their water quality. And this is an exceptional opportunity to demonstrate how improvements do reflect groundwater quality or affect groundwater quality and how improvements are reflected.

**CHAIRPERSON VILORIA-FISHER:**

Walter, you said they don't qualify for EPF but if we're looking to acquire farmland development rights, could -- we can access EPF monies?

**MR. DAWYDIAK:**

For Agricultural and Environmental Management, I don't know the answer to that question.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, no I'm not sure because again they're retaining the agricultural rights so I'm not sure -- and we're only purchasing the development rights. I don't know if that, you know, creates a problem --

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

-- for -- because we don't actually own the whole property.

**CHAIRPERSON VILORIA-FISHER:**

I see. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. Walter, so in other words Health Department testing at this point is determining that there is elevated nitrogen levels in those areas of the aquifer under the Yaphank area now?

**MR. DAWYDIAK:**

Yes. As of a couple of years ago under the farm it was in excess of ten milligrams for per liter, which is a drinking water standard. And we're going out and taking another round of sampling now that we've had a couple of seasons of pesticide free more environmentally friendly farming practices. But again in the absence of irrigation what tends to happen is you dose it with fertilizer, you dose it {trans yearly} with water and too much of it leaches. If you improve your irrigation, you can stabilize the system, fertilize more regularly and control your leaching so you'll have less lost to the groundwater of nitrogen.

**LEG. KENNEDY:**

Maybe this is running together in my head. The -- so there are two separate projects associated with the irrigation and then with the manure platform?

**MR. DAWYDIAK:**

Correct.

**LEG. KENNEDY:**

Wouldn't it make more sense to at least get more contemporaneous nitrogen measures out of the aquifer at this point? I don't know how many head of cattle are out there but, you know, farmers have been spreading manure in fields for hundreds of years.

**MR. DAWYDIAK:**

We are putting additional wells in closer to the manure pits. And we don't have results available. But I can pretty much guarantee they're going to be very, very high. It's a very concentrated area. It's going to be above the ten that we found in the general farm. How much above is a question. And that's what we're going to document. But we can say with certainty that it is causing a nitrogen leaching problem.

**LEG. KENNEDY:**

How long till you get results then?

**MR. DAWYDIAK:**

It'll probably be in the order of a month. Our well crews are dealing with a number of different priorities right now. But we'll have them before the project is implemented.

**LEG. KENNEDY:**

I would prefer to see them before the projects past to be honest with you, but nevertheless I'll yield to my colleagues. All right, thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And we're doing all this talking about something that we're going to tabling, but I think it's very important conversations. Okay. Any other questions about these while Mr. Dawydiak is up here? I know that we're not at that particular resolution now but, Walter, we'll wait 'til we get to that or -- which one were you going to speak on, Walter? I'm sorry.

**COMMISSIONER MEEK-GALLAGHER:**

Those three.

**MR. DAWYDIAK:**

I'm here to answer questions on 86, 87 and 88.

**COMMISSIONER MEEK-GALLAGHER:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

Oh, okay. The one's we've just been talking about. Perfect.

**COMMISSIONER MEEK-GALLAGHER:**

And, Madam Chair, these were the ones that I didn't request to be tabled. It was the other --

**CHAIRPERSON VILORIA-FISHER:**

Yes, correct.

**COMMISSIONER MEEK-GALLAGHER:**

-- three that I requested to be tabled.

**CHAIRPERSON VILORIA-FISHER:**

Right, right.

**COMMISSIONER MEEK-GALLAGHER:**

That were going to go before CEO. Because these have the correct SEQRA clause. We've already talked with the head of CEO to confirm that they had the correct SEQRA clause. And they're not construction projects in the same vein that the others are, so.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Then since these aren't the ones that we -- you're right. I had lost track of the numbers. Legislator Kennedy, although we may not have the latest and most definitive numbers, the best management practices that we tried to implement on a voluntary basis with all of our private farms, is that they try to have as little impact on the environment and our groundwater as possible. And, in fact they've been able to access federal and state monies to help them with these.

So certainly on our own farm we should do everything we can to mitigate nitrogen leaching and nitrogen load on that farm. And to try to mitigate all of that we need to have the right equipment and the right irrigation equipment, etcetera.

So I'm to go support these and I recommend support of these. I also, although I appreciate Budget Review's analysis, I believe that our contract as Walter, as Mr. Dawydiak has stated, is for the operation and maintenance of the farm. But I believe that these are capital and infrastructure improvements and we should be responsible for them because if Cornell were not running the farm we would still need these there, you know, long after their contract is over, if it's ever over, I don't -- so these will be something that will go with the farm, with the land. So I believe that this is our obligation. And it's certainly our commitment to have -- to conduct our farm in accordance with the AEM guidelines. Legislator Kennedy.

**LEG. KENNEDY:**

I agree with you, Madam Chair, that it's our responsibility and obligation in order to go ahead and preserve groundwater. Certainly I don't take any issue with that at all, nor do I disagree that it's our responsibility to go ahead and fund capital investments, infrastructure investments. That's not what we would look at in the contract I'm sure if we dragged it out; that a contract vendee would have the responsibility to do capital improvements.

Nevertheless, I'd still prefer to see what the groundwater measurements are now because I think

that, you know, much of what we've spoken about here is, is an ever dwindling resource of funding that is competing for -- or many, many projects competing for that source.

So I think we just need to have an additional level of scrutiny. And my concern would go only to that manure platform. The irrigation is -- I'd be happy to support but I'm probably going to ask at least table it or wait until we get the results on the groundwater testing.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Any other comments? Mr. Dawydiak.

**MR. DAWYDIAK:**

If I could just make one comment about the manure project. It was our expectation that it would be funded. And then we'd put the well drilling in, the wells in and then take samples. It's not a trivial thing. It's probably on the order of a week or two of staff time to get this done. That's honestly the reason we didn't do it is because we wanted to be sure that the money was in place.

The other issue is that there is an actual environmental health issue associated with this manure pit. This is a festering area where small children run about and have a tendency to want to hop in and play. It's just not good practice for a County property to have this sort of a situation and, you know, I hate to use the words time is of the essence, but we were really hoping to get that cleaned up before the end of this season at least before the kids start coming again in the fall.

**CHAIRPERSON VILORIA-FISHER:**

Before the kids start jumping in it.

**MR. DAWYDIAK:**

The animals seem to like the watering hole too, which can't be good for the animals. But they seemed to have survived, but we don't want to test it on children yet. So I understand that you have concerns. We'll do everything we can to assuage you.

**LEG. KENNEDY:**

We can go on and on.

**CHAIRPERSON VILORIA-FISHER:**

Do you want him to get more graphic? Okay. Thank you.

**MR. DAWYDIAK:**

Thank you. Were there any questions on 1488? Is that the one that there was no budget for? I kind of lost track of the numbers. We do have a budget for that one and --

**CHAIRPERSON VILORIA-FISHER:**

I think we have budgets for all of them.

**MR. DAWYDIAK:**

-- it wasn't attached. But it was part of the Quarter Percent application. It did go to the committee. Most of this money would go to Cornell University, not Cornell Cooperative Extension. This has been a high priority for a number of years both for the golf courses as well as for residences for the Peconic Estuary Program. And this one is pretty much ready to go. All of the golf courses have signed onto the nitrogen reduction challenge. We just haven't made good on our piece to provide the funding for it.

**CHAIRPERSON VILORIA-FISHER:**

I think it sounds good. Thank you. Okay. To the agenda. Thank you very much, Commissioners.

**COMMISSIONER MEEK-GALLAGHER:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. Dawydiak.

## CEQ RESOLUTIONS

And today acting as Jim Bagg, we have Laretta Fischer who is going to present the CEQ resolutions to us.

### **DIRECTOR ISLES:**

Laretta has the details. The first 11 items are land acquisitions and all are recommended as unlisted actions and negative declarations. But we have the details that Laretta can provide if you'd like them.

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

Okay. We're going to treat one through 11 as one resolution, land acquisition resolutions. 34 --

### **MS. FISCHER:**

34 through 44?

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

-- or 45?

### **DIRECTOR ISLES:**

44.

### **MS. FISCHER:**

44.

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

44? Okay. You're right, 44. Okay. Laretta, can you just --

### **MS. FISCHER:**

These are various acquisitions the County is pursuing. One being the first one on the Forge River a small piece on the Forge River Addition. The next one is Overton Preserve, a large piece on the northern section of that preserve area. Mastic Shirley there are three small parcels to be added to our holdings there. Bay Avenue property is in Brookhaven. We're doing a 50/50 partnership with the town on that one. The next one is another 50/50 partnership Airport County Preserve, Ross School, near the East Hampton Airport area in the south fork SPGPA. Emerald Estates Addition. This kind of completes our acquisition project for the Emerald Estates area in Huntington. Doxee's Creek, another piece along that stream corridor in Islip. Fresh Pond/Dikerson Creek, this is a 50/50 partnership with the Town of Shelter Island. And the Mills Pond property, this is a hamlet park acquisition in the Town of Smithtown.

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

Okay. I'm going to make a motion to approve **CEQ resolutions 34-07 through 44-07.**

**(34-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Forge River Watershed Addition - Peipman Property in the Town of Brookhaven)**

**(35-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Overton Preserve - T. & S. Builders, Inc. Property in the Town of Brookhaven)**

**(36-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area II Addition - Algieri Property in the Town of Brookhaven)**

(37-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the in Mastic/Shirley Conservation Area II Addition - Casto Property in the Town of Brookhaven)

(38-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mastic/Shirley Conservation Area II Addition - Graham Estate Property in the Town of Brookhaven)

(39-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Bay Avenue Property in the Town of Brookhaven)

(40-07, Proposed Acquisition of Land for Open Space Preservation Purposes known as the Airport County Nature Preserver Addition - Ross School Property in the Town of East Hampton)

(41-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Emerald Estates Addition - Coscia Property in the Town of Huntington)

(42-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Doxsee's Creek County Wetlands Addition - Drago Property in the Town of Islip)

(43-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Fresh Pond/Dickerson Creek - Lawnsdale LLC Property in the Town of Shelter Island)

(44-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Mills Pond Arthur H. Cotins Revocable Trust Property in the Town of Smithtown)

Seconded by Legislator D'Amaro. All in favor? Opposed? Approved. **(Vote: 5-0)**

45, Tom.

**DIRECTOR ISLES:**

Okay. The next one then is resolution number **45-07, (Ratification of Recommendations for Legislative Resolution Laid on the Table April 24th, 2007 and May 15th, 2007)**. This is a standard resolution by CEQ to recommend the SEQRA classification for those items presented to CEQ that were Legislative resolutions. So there is a resolve clause in the package. And it's per the attached list and memo from the Chairman, Larry Swanson.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **45-07 is approved. (VOTE: 5-0)**

**DIRECTOR ISLES:**

Item number -- the next item is item number **46-07 (Sewer District No. 3 - Southwest, Bergen Point Storage Building)** This is a proposed project to construct a storage building at the Bergen Point Sewer District number 3 in the Town of Babylon. It is a 40 by a 100 foot building for storage purposes. CEQ has been reviewed this and recommended it as an unlisted action with a negative declaration. I do note in the resolution from CEQ that they -- Town of Babylon, Chief Environmental Analysts, Mr. {Gero} was also involved in the presentation to CEQ.

**CHAIRPERSON VILORIA-FISHER:**

Yes, he was at the meeting.

**DIRECTOR ISLES:**

So there was participation at the local level as well.

**CHAIRPERSON VILORIA-FISHER:**

Yes. Motion to approve by myself, seconded by Legislator D'Amaro. All in favor? Opposed? I'm going to do same motion, same second on the rest of them. There's only one left. Oh, well, on the rest of it. **Approved. (VOTE: 5-0)**

**DIRECTOR ISLES:**

Okay. Last item is item number **47-07 (Dedication of the Wereholme Scully residence associated structures and property to the Suffolk County Historic Trust)** This involves property that was actually spoken of a little bit earlier with the Commission appointment of Commissioner Bolton. And this is property known as the Scully property in the Town of Islip in the Hamlet of Islip.

The CEQ Historic Trust has reviewed this and is recommending in a resolution before you that this be placed into the County Historic Trust. The property is on the national register of historic places. This is an action that would require approval by the Legislature and the County Executive to place it into the Historic Trust for Suffolk County.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(VOTE: 5-0)** Okay, on the tabled resolutions.

***TABLED RESOLUTIONS***

**IR 2441-06, (Adopting Local Law No. -2006, A Charter Law strengthening Legislative oversight of real property donations and transfer of development rights). (Stern)** At the request of the sponsor, I'm making a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **2441 is tabled. (VOTE: 5-0)**

**LEG. KENNEDY:**

Madam Chair, can I just get the Clerk to put me with the majority on that first --

**CHAIRPERSON VILORIA-FISHER:**

On the CEQ?

**LEG. KENNEDY:**

Thank you. Yeah, thank you.

**CHAIRPERSON VILORIA-FISHER:**

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)** I did speak with Legislator Caracappa and had he -- did he have a subsequent conversation with you, Mr Isles? Regarding --

**DIRECTOR ISLES:**

Not since the last meeting, no.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Dan, have you spoken with Joe?

**LEG. LOSQUADRO:**

Not regarding this, no.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'm going to have to table it 'till we clarify. So I'll make a motion to table. When's our next meeting, though?

**DIRECTOR ISLES:**

Two weeks.

**CHAIRPERSON VILORIA-FISHER:**

Two weeks, okay. Make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **Tabled. (VOTE: 5-0)** I'll give Mr. Caracappa a call because I thought he was going to speak with you regarding the partnership.

**DIRECTOR ISLES:**

Well, he and I spoke before the last meeting. And I reported that back to you. I also -- he indicated that there was a -- he had spoken to Commissioner Foley. I confirmed that with Commissioner Foley. Commissioner Foley indicated to me his support for the acquisition. And I think at that point there was just a question the Committee may have had regarding the exact partnership.

**CHAIRPERSON VILORIA-FISHER:**

Right. That's --

**DIRECTOR ISLES:**

But just to make it clear I did speak to Mr. Caracappa prior to the last meeting.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

But not after the last meeting.

**CHAIRPERSON VILORIA-FISHER:**

But there was the problem with the partnership as to who was going to be the active partners. Is that the problem? Am I -- yeah, this is active parkland, isn't it?

**DIRECTOR ISLES:**

No. This is under Hamlet Parks. Well, the only reason I make a difference is that Greenways requires a partner up front. Hamlet Parks doesn't necessarily require it.

**CHAIRPERSON VILORIA-FISHER:**

I think I'm -- well --

**DIRECTOR ISLES:**

Okay. Not to get it confused, yeah, further, yeah.

**CHAIRPERSON VILORIA-FISHER:**

Yeah, it's only two weeks.

**DIRECTOR ISLES:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

So we can work on that.

**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) Pardon?**

**LEG. LOSQUADRO:**

Is this the flag lot?

**CHAIRPERSON VILORIA-FISHER:**

Yeah. Motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1020 is tabled. (VOTE: 5-0)**

**IR 1050, Amending the (2007) Operating Budget to transfer funds from Water Quality Protection Fund 477 and amending the 2007 Capital Budget and Program and appropriating funds in connection with a watershed study of Lake Panamoka (CP 7152) (Romaine) And, Commissioner Gallagher.**

**COMMISSIONER MEEK-GALLAGHER:**

I just wanted to give you an update. We had a meeting last week with Legislator Romaine's office, the Town of Brookhaven, representatives from the Department of Health Services. And it's my understanding that Legislator Romaine will be introducing an amended copy. And that the Town of Brookhaven will be submitting an application to us in a timely fashion. And I reassured him that assuming that application does come in a timely fashion, we will hold off having another Water Quality Review Committee until we know that application is in so that it can finally get voted on by the committee.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Yeah, just a follow-up. Madam Commissioner, then should I follow that same type of protocol then in my own case where I'm looking to promote this partnering project with Town of Smithtown? Should we be reaching out to your office for kind of a pre-app meeting?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. I think that would be a good idea to make sure that they have the application information, the application form and understand what's required in any of the town/County partnership projects.

**LEG. KENNEDY:**

Okay. All right, thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to table, second by Legislator D'Amaro. All in favor? Opposed? **1050 is 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'll make a motion to table for public hearing, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1144 is tabled. (VOTE: 5-0)**

**IR 1241, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program Boatyard Vistas, Inc. Property, Town of Brookhaven. (Schneiderman) Motion to table by Legislator D'Amaro?**

**LEG. D'AMARO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Horsley. All in favor? Opposed? **IR 1241 is tabled. (VOTE: 5-0)**

**IR 1247, Authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program Yaphank property, Town of Brookhaven. (Browning)** At the request of the sponsor I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 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)** I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? Legislator on the motion, Legislator Losquadro.

**LEG. LOSQUADRO:**

Was this the property with the restaurant, the surrounding property?

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

Okay. I just wanted to refresh my memory on it. That's all.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All in favor? Opposed? **1261 is tabled. (VOTE: 5-0)**

**IR 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)** I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1357 is tabled. (VOTE: 5-0)**

**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.)** I have one question about that, Tom. It was something that Mr. Gergela said earlier about all the towns being in the districts. Now I thought when we had this agricultural districts, it didn't encompass the whole town.

**DIRECTOR ISLES:**

Agricultural district includes -- it doesn't include the entire town in the sense that every parcel in the town is not in the district but agricultural district includes properties that include properties in four western towns: Huntington, Islip, Smithtown, and Brookhaven. That's the overall area encompassed in ag district three.

And then within that are farm properties that have made application for inclusion in the ag district program --

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

-- and have gone through the review process to then be in the program itself.

**CHAIRPERSON VILORIA-FISHER:**

I see, okay.

**LEG. KENNEDY:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. KENNEDY:**

Then that compels me to have to follow-up, I guess, with Mr. Isles then. Unlike what the conversation we had before, so if I have a nursery or some other type of a agricultural use here in the 12th Legislative District in the southern part of Smithtown, we would still have to go through the application or nomination process for inclusion?

**DIRECTOR ISLES:**

Any farm property that wants to be in the district has to go through the same process to make application during the renewal period to come into the agricultural district. We contact all the properties that we can identify that are possible farms to see if they're interested. And if they are, they then fill out a form and send it back in.

In addition there's now as of the past two or three years an open enrollment period each January that the Legislature has established so an ag district exists for eight years. But once a year a farmer who perhaps was not originally in the district can petition to go into the district. So those are the two ways the properties can be included in the agricultural district's program.

**LEG. KENNEDY:**

Is there a physical map then maintained of all the properties that actually are included in this three town ag district at this point?

**DIRECTOR ISLES:**

Four town ag district --

**LEG. KENNEDY:**

Four town ag district.

**DIRECTOR ISLES:**

And the answer is yes.

**LEG. KENNEDY:**

Okay.

**DIRECTOR ISLES:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. KENNEDY:**

All right.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Lindsay.

**CHAIRPERSON VILORIA-FISHER:**

Were you done?

**LEG. KENNEDY:**

Yeah. No, I'm finished. Sure.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Lindsay.

**P.O. LINDSAY:**

So the farms are -- some of them are already identified, Tom?

**DIRECTOR ISLES:**

Yes, from previous --

**P.O. LINDSAY:**

Because this is a renewal, right.

**DIRECTOR ISLES:**

Exactly. From previous years they would then be contacted, confirm their interest in participating and then renew it.

**P.O. LINDSAY:**

Is there any way of getting one of those farms out of the program besides not approving the renewal of the program?

**DIRECTOR ISLES:**

Once they're in the program the only way to get out of the program is to convert it to development and to pay the back taxes for the time period you were in there.

**P.O. LINDSAY:**

The only reason I bring this up is, and I'm sorry she isn't here but Legislator Browning has had objections to one of the farms in her town.

**CHAIRPERSON VILORIA-FISHER:**

Actually we have information about that, that Mr. Gergela brought. There was an inspection by the New York State Ag and Markets. And we have a letter here from them stating that it is in fact run as a farm and that they didn't see a problem with it.

**DIRECTOR ISLES:**

Right. As far as New York State as they define agriculture they consider it to be a viable farm operation. Let me just make one other point.

**CHAIRPERSON VILORIA-FISHER:**

Sure.

**DIRECTOR ISLES:**

And we did from the administration side put in to have one parcel removed from the list of parcels that was incorrectly put in. I'm not sure if that's made it to Legislative Counsel yet or not, but I just wanted to make that point. So There should be a corrected copy within the past two weeks or so. And it was just a technical correction.

**MR. NOLAN:**

May 22nd.

**DIRECTOR ISLES:**

May 22nd?

**MR. NOLAN:**

Yeah.

**DIRECTOR ISLES:**

Okay. Then it's fine.

**MR. NOLAN:**

We didn't do it. It came over from the Executive.

**DIRECTOR ISLES:**

But it came over at least. Okay. Thank you.

**P.O. LINDSAY:**

Madam Chair, I just have one follow-up. What would happen if we don't approve this resolution?

**DIRECTOR ISLES:**

If we don't approve what?

**P.O. LINDSAY:**

This resolution.

**DIRECTOR ISLES:**

If you don't approve the resolution, as I understand it, the agricultural districts law, and I'll defer to the County Attorney on this, but automatically continues. So if someone's in the ag district and there's no action taken by the Legislature, then the ag district continues on. It doesn't automatically expire. So there's no action then it continues on as it was originally approved.

**P.O. LINDSAY:**

So only if we took a negative action, voting it down could have an effect on it?

**DIRECTOR ISLES:**

That's my understanding of it.

**P.O. LINDSAY:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

If we -- I think I brought this up last time but if we fail to take action on it, what about the other applicants who have filed to be included in the agricultural district? I know perhaps we have one that someone is concerned about, but how many other new applications do we have for other individuals who want their properties included in this agricultural district?

**DIRECTOR ISLES:**

Okay. I don't know the exact number. I can try to get that for you.

**LEG. LOSQUADRO:**

But it is more than one?

**DIRECTOR ISLES:**

I'm not sure of that. I would say that it probably is but let me get you an actual number and I'll try to do that now. Many of the properties they start off being in their district; or secondly they came into the district in the open enrollment period. So I don't think there's a big gap between parcels that are new to the district but I'll try to get you that answer.

**LEG. LOSQUADRO:**

Good. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Actually I'm going to make a motion to approve the amended copy. Is there a second?

**LEG. LOSQUADRO:**

1396?

**CHAIRPERSON VILORIA-FISHER:**

1396, yeah.

**LEG. LOSQUADRO:**

I'll second it.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? Opposed? **1396 is approved. (VOTE: 5-0)**

**IR 1416, Conforming the Suffolk County Water Quality Review Committee and Restoration Program to the County Department of Environment and Energy. (Co. Exec.)** We already discussed that. I'll make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? **IR 1416 is approved. (VOTE: 5-0)**

### ***INTRODUCTORY RESOLUTIONS***

These are the SEQRA. Okay, so I'm going to read them quickly and do same motion, same second, same vote if it's okay with everybody. Thank you, Dan.

**IR 1451, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Noyack County Greenbelt addition - Franco et al. Property, Town of Southampton. (Lindsay)** Motion by Legislator D'Amato, seconded by Legislator Losquadro. All in favor? Opposed? **1451 is approved. (VOTE: 5-0)** Oh, I meant to say consent calendar. Thank you.

**1452, Making a SEQRA determination in connection with the proposed donation of land for open space preservation purposes known as the Westmoreland Farm, Inc. Property, Town of Shelter Island. (Lindsay)**  
Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1453, Making a SEQRA determination in connection with 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, Town of East Hampton. (Lindsay).** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1454, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Carlls River County Park addition - Soliman & Pizzo property, Town of Babylon. (Lindsay).** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1455, Making a SEQRA determination in connection with the proposed donation of land for open space preservation purposes known as the Rose Breslin Associates, LLC property, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1456, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation Area addition-Parbus property, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1457, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation Area II addition-estate of Persico property, Town of Brookhaven. (Lindsay)** Same motion, same

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

**(IR 1458), Making a SEQRA determination in connection with the proposed planning for improvements to the Vector Control Building, Yaphank County Center, Yaphank Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1459, Making a SEQRA determination in connection with the proposed replacement and expansion of the Yaphank County Center Wastewater Treatment Plant Effluent Filters, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1460, Making a SEQRA determination in connection with the proposed drainage improvements on CR 80, Montauk Highway at Doane Avenue, Town of Brookhaven. (Lindsay)** Same motion, same second, same vote. **(VOTE: 5-0)**

**IR 1466, To reappoint member of the Suffolk County Planning Commission (Edward James Pruitt) (Co. Exec.)** Mr. Pruitt is not here so I'm going to make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1466 stands tabled. (VOTE: 5-0)**

Oh, I had a question about 1468. Somebody from the County Exec's Office? Ms. Longo, perhaps. I was a little confused about 1468. Is that the Gazza property?

**MS. LONGO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Where you said there was an amended copy.

**MS. LONGO:**

It's been amended. It was mistakenly put through -- this was originally reso 1394 --

**CHAIRPERSON VILORIA-FISHER:**

Correct.

**MS. LONGO:**

-- that got put through again --

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MS. LONGO:**

-- by mistake. It's been amended. The amended copy is correct.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Very good. All right, everybody got that? The original version of this was incorrect. It was a repeat. Okay. So I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **1468 is approved. (VOTE: 5-0)**

**1471, To reappoint member of the Suffolk County Planning Commission (Jesse R. Goodale, III). (Co. Exec.)** Again, Mr. Goodale is not here.

**MR. DUJMIC:**

Yes, that's correct. Joe Dujmic from the Office of the County Executive. He's unable to attend today

so we ask that it be tabled for one committee cycle.

**LEG. D'AMARO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion to table by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? **IR 1471 stands tabled. (VOTE: 5-0)** We voted on 1472.

**IR 1480, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program East Moriches property, Town of Brookhaven. (Schneiderman)** Okay, Mr. Isles.

**DIRECTOR ISLES:**

We circulated an aerial photograph. Indicates the parcel in question in red. It's actually two parcels on the west side of the map. Also indicated in the map were properties that are in the process of being purchased by the County and the town. The town is indicated in the purple; the County in more of the orange color. That's what known as the Tuthill Point Marina.

We did an inspection of the site with both Commissioner and Deputy Commissioner of Parks as well as with the Legislative Aide for Mr. Schneiderman. We did this at the same time we did Boatyard Vistas. The conclusion of that is that we felt and we previously reported to the committee Boatyard Vistas would be more of a town acquisition. We do feel in this case as far as rating in terms of the County's Active Recreation Program, that with the investment in the Tuthills Point Marina with the coastal location of this property, it's probably one of the last opportunities to buy significant waterfront parcel in the East Moriches area.

I'll also point out that the County is beginning to acquire quite a bit of land to the north of this area, also in partnership with the Town of Brookhaven in many cases. So as far as the rating for County active recreation purposes, the site rated at a 41. We will point out that that is an impact in terms of alternate capital costs that we'll be faced with, the improvement of this property. But as far as the locational aspects, as far as the use aspects of the County Planning Review and the consultation with the County Parks Department, the score was 41. And certainly if you have any questions we'll do our best to answer those.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. This is a going viable marina at this point? If I look at the photo that looks like a few boats and slip there, correct?

**DIRECTOR ISLES:**

When I was out there it didn't seem to be operating. It seemed to be closed.

**LEG. KENNEDY:**

Oh, it is.

**DIRECTOR ISLES:**

Yeah.

**LEG. KENNEDY:**

And is there any restaurant facilities or food service? Or is it --

**DIRECTOR ISLES:**

I would call it in poor condition. There is a building that looked like it was a restaurant or snack bar

at some point but it doesn't look like it's in useful condition at the present time. Now as part of the -- if this planning steps is approved the -- oftentimes it's part of the negotiation is the requirement for the demolition and removal of certain structures so that may be something that could come up on this one.

But here again just so you know what we saw, what I saw, anyway is that it's -- locationally it's a great location, it's a great opportunity for significant County marina facility and so forth. But down the road we are looking at some obviously capital cost or grants to make it available. It's not a turnkey operation that's ready for immediate use.

**LEG. KENNEDY:**

Marinas are always expensive ventures to run and the vessels that go in them are usually money pits. But that notwithstanding you point out that there are precious few places for our County residents to get waterfront access at all let alone berthing for boats. But obviously I can't help but wonder how we have this rating here when we just spoke about a resolution that Legislator Romaine had sought a little bit further out that was for a parcel adjacent to a marina with a restaurant. And there the department did not recommend going forward with it.

**DIRECTOR ISLES:**

Right.

**LEG. KENNEDY:**

And it had a much lower rating. We have this reso before us but obviously we strive for consistency so I'm just trying to understand the logic or the disconnect if you will.

**DIRECTOR ISLES:**

Right. We certainly face the same questions to ourselves in terms of consistency. We try to stick with these rating forms to provide that type of objective review.

I'll point out that the parcel in the First Legislative District was one where there was an operating restaurant that was the dominant use of the property. And I did inspect that one as well. So it's an operating restaurant with a parking lot and a minimal bulkheaded area and that's about it.

Whereas this one has, number one, the proximity to the significant investment by a partnership agreement with the County and town to the property to the east. And I think also in a location that is, as you mentioned earlier, too, that there's really not a large County presence of County parkland and waterfront access in this part of the Town of Brookhaven. And here again that's why I asked the Commissioner of Parks to join me in looking at this site because it is, you know, a significant impact to the County Parks Department to help in making that decision.

So given the, we think, probably limited impact to the buildings here again, probably demolitions and the fact that you've got a cove that's already cut in for the marina, there's already a presence there, it will need some improvement, no question about it. And then here again, using the criteria that are enumerated in the forms that we use, that the Legislature commonly uses, we did come up with a recommendation that is before you.

**LEG. KENNEDY:**

Just two other quick questions then I'll yield. The access into the cove there, do we have -- do we know if that's navigable or if it's silted in or do we know anything about it?

**DIRECTOR ISLES:**

We don't know precisely. We understand that the marina has been, you know, was used historically up until the recent past. You can even see in the aerial photograph the darkness in the waterway there --

**LEG. KENNEDY:**

Yeah.

**DIRECTOR ISLES:**

-- indicating that it's probably still open to some extent. Will it need some work? It possibly could. And I can't answer that fully at this time but we believe there's enough there with the breakwater, with the protection of the cove, that it's probably not that far off in reusable condition.

**LEG. KENNEDY:**

And if in fact we do have demo recommendations that would be a charge off against whatever offer was made to the seller, correct?

**DIRECTOR ISLES:**

It's my understanding that's how Real Estate would usually address these. It might be part of the negotiation but it's often the removal of derelict structures or debris and things of that nature.

**LEG. KENNEDY:**

Okay. Thank you. I'll yield, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. Are there any other questions? Mr. Isles, can you tell me as we look at the parcel, the east side of the parcels, I could see boats. And is that a trailer or a building?

**DIRECTOR ISLES:**

The white rectangle?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**DIRECTOR ISLES:**

That's a building.

**CHAIRPERSON VILORIA-FISHER:**

So that would require demolition?

**DIRECTOR ISLES:**

Here again --

**CHAIRPERSON VILORIA-FISHER:**

Most likely.

**DIRECTOR ISLES:**

-- there are a couple of buildings on this parcel. Some would appear to be eligible or candidates for demolition. Others I think would have to be accessed more completely by Parks Department and possibly Public Works to determine if there's a use or reuse option for those buildings. Obviously the boats that are stored here would be removed too. And I think most of them are not there now. The aerial photograph you're looking at is from 2004.

**CHAIRPERSON VILORIA-FISHER:**

Tom, if we were to acquire this, would we have a license agreement providing this with a private licensee?

**DIRECTOR ISLES:**

I don't think that's been determined at this point. Here again when I did meet on the site with Commissioner Foley, you know, we talk about marinas as being cost items but they're also revenue

producing too.

**CHAIRPERSON VILORIA-FISHER:**

Right.

**DIRECTOR ISLES:**

And whether it would be best for the County to just operate as a County operated marina or a license, to my knowledge has not yet been determined.

**CHAIRPERSON VILORIA-FISHER:**

I see. Any other questions? Okay. I'm going to make a motion to approve.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? Opposed? **1480 is approved. (VOTE: 5-0)**

**1483, (Appointing member to the Suffolk County Water Authority (Jane R. Devine) (Lindsay)** Ms. Devine is out of the country, can't be here today so I will make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **1483 is tabled. (VOTE: 5-0)**

At the request of the County Executive's Office, I am going to make a motion to table **IR 1484, (Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 36, South Country Road, (CP 8240.319) (Co. Exec.)** Well, actually it has to go to CEQ next week. That was the reason. Can't read my own handwriting. All in favor? Opposed? **IR 1484 is tabled. (VOTE: 5-0)**

**IR 1485, also has to go to CEQ. (Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 36, South Country Road, (CP 8240.319) (Co. Exec.)** I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **1485 is tabled. (VOTE: 5-0)**

**IR 1486, Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP 8710.115) (Co. Exec.)** It's a mouthful. There's motion to approve by Legislator D'Amaro, seconded by myself. Legislator Kennedy, did you have a question on this?

**LEG. KENNEDY:**

Just to make certain that I understand which one had to do with --

**CHAIRPERSON VILORIA-FISHER:**

This is not the one.

**LEG. KENNEDY:**

Okay, fine.

**CHAIRPERSON VILORIA-FISHER:**

This is the irrigation one.

**LEG. KENNEDY:**

All right.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So I'm calling the vote on this? It's a motion to approve. Okay. 1486, all in favor? Opposed? **IR 1486 is approved. (VOTE: 5-0)**

**IR 1487, Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with Suffolk County Farm Contaminated Runoff Abatement (CP 8710.116) (Co. Exec.)**

And this is the one with the manure platform, I believe. Yes. Okay. I'm going to make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro.

**LEG. KENNEDY:**

Again, Madam Chair, on the motion.

**CHAIRPERSON VILORIA-FISHER:**

On the motion.

**LEG. KENNEDY:**

I guess what I'm going to do is I'm just going to state that I'm going to oppose this but the only reason I'm in opposition is because I would prefer to go ahead and have contemporaneous data in front of us as far as the current status of the aquifer. And despite the fact that there's some urgency to keep kids from jumping in the manure pit, I think that we can have the Health Department furnish us with some info. So I'm going to oppose it.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. LOSQUADRO:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Yes, Legislator Losquadro.

**LEG. LOSQUADRO:**

Again, having only anecdotal evidence presented to us saying well a couple of years ago we looked at this, to not have that current data set before us, while I am always anxious to see 477 money get used for an actual project --

**CHAIRPERSON VILORIA-FISHER:**

Right.

**LEG. LOSQUADRO:**

-- instead of the, you know, the salary slush fund that we were discussing earlier, I just don't think we have enough information on this to move on it right now. So just my opinion.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Well, given that I've looked a great deal at best management practices and farm operations, I believe that best management practices dictate that we do have protection regarding the treatment of manure and having an area with manure that's just going into the ground. So I do

approve of this and I'll call the vote. There's a motion and a second to approve. All in favor?  
Opposed?

**LEG. LOSQUADRO:**

Opposed.

**LEG. KENNEDY:**

Opposed.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Please note the opposition. **1487 is approved. (VOTE: 3-2-0-0 Opposed: Legislator Losquadro and Legislator Kennedy)**

**1488, Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with fertilizer nitrogen reduction - residential and golf course (CP 8710.117) (Co. Exec.)** Is there a motion?

**LEG. LOSQUADRO:**

Which one was this?

**CHAIRPERSON VILORIA-FISHER:**

This was the one that Mr. Dawydiak was speaking about last regarding the golf course nitrogen reduction. Would you like him to come back up for questions?

**LEG. LOSQUADRO:**

No, that's all right.

**CHAIRPERSON VILORIA-FISHER:**

Did you have a question, John? I'll ask him to come back up.

**LEG. KENNEDY:**

I just wanted him to go ahead and refresh my recollection with it because we spoke about so many of them. Not to delay the committee but just if you can Walter, quickly.

**MR. DAWYDIAK:**

Thank you. The east end golf courses have signed onto the golf course nitrogen management challenge whereby Cornell University would come to each and every golf course, develop a nitrogen management plan, which is implementable. We are monitoring data from a number of these golf courses so again we could track some of the changes and improvements.

The other piece of this is to settle the controversy about most appropriate nitrogen fertilizer application rates. Roughly half of the nitrogen which seeps into groundwater in Suffolk County is attributable to fertilizer, the other half from the septic systems. It's manageable, it's preventable, it doesn't need to happen. Much of this can be averted by reducing fertilizer application rates and improving timing. But we don't have good local documentation so we believe that instead of four pounds per a thousand square feet it could be ratcheted down to one to two pounds per thousand square feet but we need somebody to develop very specific recommendations based on type of lawn, type of soil, age of lawn, that sort of thing.

So before we can float this with the industry and with County residents we need somebody to do a study for us and develop very specific recommendations about methods and rates of application. So that's the other piece of this, so it's golf course and residential.

**LEG. KENNEDY:**

Okay. It is but in both cases what we're doing is we're seeking to retain Cornell in order to go ahead and do some analysis and/or to develop plans. Is there any bricks and mortar in this one at all?

**MR. DAWYDIAK:**

This does not involve any physical infrastructure, no; this is entirely planning.

**LEG. KENNEDY:**

So this is planning money. Okay, all right. Thank you, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Walter, actually I'm glad that Legislator Kennedy asked that you come back up because I do have questions about this. Regarding the fertilizer load, has it -- Peconic Estuary's already come out with a recommendation of one pound per application, per thousand square feet, 10,000 square feet?

**MR. DAWYDIAK:**

It's resulted in quite an uproar. It seemed pretty innocuous, it was made by Cornell University.

**CHAIRPERSON VILORIA-FISHER:**

I know I held the public hearing, which quite a number of people -- but the question was that per application there was agreement. It was their recommendation for annual application being only one pound that that was too low. But most people agreed that per application that it made sense. This just seems like a lot of money to spend on talking about that more right now.

**MR. DAWYDIAK:**

Yeah, I think that the lion share of this money is actually going to be spent for the golf courses. I don't have the exact number right in front of me. It's on the order of 20 to 30 golf courses. There's a lot of site visits and a lot of reviews, a lot of best management plans and a lot of documents that are going to be developed. But we piggyback this. I believe this budget was on the order of \$100,000 when it was just golf courses. And we up'ed it to approximately 150,000 to include the --

**CHAIRPERSON VILORIA-FISHER:**

I'm looking at the wrong number.

**MR. DAWYDIAK:**

-- residential piece. So it's roughly two-thirds golf courses, I believe.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I was looking at the wrong number. I was looking at the first column that said \$1,378,000. It's \$151,000. My mistake.

**MR. DAWYDIAK:**

I'm sorry. The resolution --

**CHAIRPERSON VILORIA-FISHER:**

Okay. No, my mistake. Okay. It's still a lot of money but it's not a million. Okay. We have a motion and a second on this? Do we have motion yet?

**LEG. D'AMARO:**

I have a question.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Question from Legislator D'Amaro.

**LEG. D'AMARO:**

Just how come -- why wasn't this included in the County Executive's Recommended Budget for next

year as opposed to amending the Capital Budget this year?

**MR. DAWYDIAK:**

You mean the Operating Budget for '08?

**LEG. D'AMARO:**

Well, we're amending the Capital Budget for this project. Is that correct?

**MR. DAWYDIAK:**

This money does go into a capital account, that's correct.

**LEG. D'AMARO:**

Okay. So, the County Executive just submitted a Capital Budget for next year. Why is that not included in the next year's Capital Budget as opposed to doing it now? Why is it being done as an amendment?

**MR. DAWYDIAK:**

It's my understanding that this type of project was presumptively going to be funded by quarter percent. And all of these, at least the one's that I've been involved in, go into a capital account.

**LEG. D'AMARO:**

So you don't know?

**MR. DAWYDIAK:**

It's just the way that these are all done. I mean it's a Quarter Percent project for environmental improvement. That's why the money is set up. That's why it's put in here.

**LEG. D'AMARO:**

So when the need come's up, this is the normal procedure as opposed to waiting for the new recommended budget to be submitted?

**MR. DAWYDIAK:**

That's my understanding.

**CHAIRPERSON VILORIA-FISHER:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

I mean I certainly can't presume to speak for them but this is something that you want to complete or undertake this year?

**MR. DAWYDIAK:**

We would begin immediately on appropriation, correct.

**LEG. LOSQUADRO:**

So I mean, I guess the simple answer would be they want to do it in '07 instead of '08.

**LEG. D'AMARO:**

Yeah. No, I understand that. So \$151,000 to do the study, how do you make up that number?

**MR. DAWYDIAK:**

It wasn't made up. It was on the basis of input from Cornell University and the Peconic Estuary Program Management Conference.

**LEG. D'AMARO:**

In other words, based on what personnel and the time put in to hire I guess a consultant to do this? Or is it in-house?

**MR. DAWYDIAK:**

Yeah, Cornell University up in Ithaca would be contracted. And I could just get you the breakdown in 1488, the budget includes personnel and fringe benefits. The personnel here is \$75,000. I don't have the exact breakdown but it's probably two interns with supervisory time from Dr. {Petrovic} based on the size of that number.

**LEG. D'AMARO:**

So we would be hiring Cornell or funding this through Cornell to do the study because they have the staffing to do it?

**MR. DAWYDIAK:**

Correct. The Cornell University {Terit} Management School are national experts in this sort of a field. And they work with the local extension and with us in the past. That's correct.

**LEG. D'AMARO:**

Now, what advice can you give me as to whether or not this is the right price for the study?

**MR. DAWYDIAK:**

You would never find a private consultant to do something on this scale in this order of magnitude for this type of money. Private consultants typically have a multiplier of 3.0 associated with every dollar expense so we use a number in excess of a \$100 an hour to estimate what a private consultant would charge. This is a fraction because you're paying direct cost plus 50% fringe, plus 18% indirect so you're paying about 1.7 of what's a lower salary rate. This is probably less than half of what for example a private consultant can do it for. On top of that you're dealing with experts who really are unparalleled in the region with this sort of expertise.

**LEG. D'AMARO:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Walter, I just have another question. Actually for Kevin Duffy. I'm looking at the application and some of the backup on this. And it says that the project start is January 2008. I mean I have so much paper in front of me, projects --

**MR. DUFFY:**

Well, this is the one I said I didn't have a budget for. And that was the problem I had with it. Because when I look on --

**CHAIRPERSON VILORIA-FISHER:**

It says project start January 2008 and then conduct site visits to last four golf courses is in September of 2008. And then completion of the program December of 2008. Well, that's why I'm confused because the project is starting according to this in '08. Do I have the right paperwork here?

**MR. DAWYDIAK:**

You do. We have become very conservative knowing what administrative and contracting and procurement delays occur in projecting. So we assume that a June appropriation would be followed by a six month administrative lag so when I say begin immediately, we'd begin the paperwork immediately but as a practical matter it would be several months before they'd actually start working.

**CHAIRPERSON VILORIA-FISHER:**

Okay but --

**MR. DAWYDIAK:**

If it could begin faster we'd push it.

**CHAIRPERSON VILORIA-FISHER:**

You would -- okay.

**MR. DAWYDIAK:**

But as a practical matter six months is a good number.

**CHAIRPERSON VILORIA-FISHER:**

So budgetarily we could pass this now and the work can be done in '08. Can it?

**MR. DAWYDIAK:**

It goes into a capital account where it's obligated and encumbered and survives. That's correct.

**CHAIRPERSON VILORIA-FISHER:**

Okay, okay. Just wanted to know when it was happening. Any other questions? Okay. Did we have a motion? No. Is there a motion?

**LEG. D'AMARO:**

No, there's no motion.

**CHAIRPERSON VILORIA-FISHER:**

Anybody want to make a motion? You know what, apparently there's a reluctance to move on this. I'm going to make a motion to table so that we can maybe digest it a little bit more.

**LEG. KENNEDY:**

I'll second that motion.

**CHAIRPERSON VILORIA-FISHER:**

That's seconded by Legislator Kennedy. All in favor? Opposed? **1488 is tabled. (VOTE: 5-0)**

**IR 1489, (Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with Suffolk County Eelgrass Restoration Initiative (CP 8710.118) (Co. Exec.)** Motion to table for CEQ determinations.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1489 is tabled. (VOTE: 5-0)**

**IR 1500, Amending the 2007 Capital Budget and Program in connection with the Suffolk County Multifaceted Land Preservation Program (CP 7177) (Co. Exec.)** Oh, that's moving the 17 million.

**LEG. LOSQUADRO:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to approve.

**LEG. LOSQUADRO:**

Second.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? Opposed? **IR 1500 is approved. (VOTE: 5-0)**

**IR 1511, Adopting Local Law No. -2007, A Charter Law extending and (accelerating the Suffolk County ¼% Drinking Water Protection Program for environmental protection.) (Cooper)** This one was tabled ---

**LEG. D'AMARO:**

Public hearing.

**CHAIRPERSON VILORIA-FISHER:**

-- for public hearing. I'll make a motion to table, Seconded by Legislator D'Amaro. All in favor? Opposed? **1511 is tabled. (VOTE: 5-0)** Memorializing resolutions.

***MEMORIALIZING RESOLUTIONS***

**MR.31, Memorializing resolution requesting United States Congress to enact the National Estuary Protection Act. (Romaine)**

**LEG. LOSQUADRO:**

Motion to approve.

**LEG. KENNEDY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by Legislator Losquadro, seconded by Legislator Kennedy. All in favor? Opposed? **Memorializing resolution 31 is approved. (VOTE: 5-0)** And thank you everyone we are out of here at ten to three.

**(THE MEETING CONCLUDED AT 2:56 PM)  
{ } DENOTES SPELLED PHONETICALLY**