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 August 13, 2007.

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

ALSO IN ATTENDANCE:
George Nolan Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Kevin Duffy, Budget Review Office
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
Christopher E. Kent, Director of Real Property Acquisition
Lauretta Fischer, Department of Planning
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Seth Squicciarino, Aide to Chairperson Viloria-Fisher
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Debra Alloncius, Legislative Rep for AME
Thomas B. Williams, Director of Cornell Cooperative Extension
Diana Sanford, Suffok County Parks
And all other interested parties

MINUTES TAKEN BY:
Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:09 PM)

CHAIRPERSON VILORIA-FISHER:
We will be beginning our Environment, Planning and Agriculture Committee immediately. Please join us in the Pledge.

SALUTATION

Thank you. We have no cards for public portion. However, we do have a presentation.

PUBLIC PORTION

Mr. Isles, if you could please come forward. And I have been by more than one member -- oh, we do a card. Sorry. I'm sorry, Tom. If you could just bear with us a minute because we have Tom Williams who would like to speak. Tom?

MR. WILLIAMS:
Good morning. Good afternoon. I'm Tom Williams from the Cornell Cooperative Extension. And I just wanted to speak in favor of resolution 1769 which is on your agenda. And it's to create a Memoranda of Agreement between the County and Cornell Cooperation Extension. And we've been working with the County Executive's Office over the last several months and put this together. And it is our wish that it goes through because we think it will be an umbrella under which all of our contracts will be able to be conforming to county records. We enjoy a unique relationship with Suffolk County. As part of the land grant college we have about twenty contracts. And this MOA we're hoping will expedite our contracts, expedite our reimbursement and will help us in many ways to make all our program accounting and reporting to the County uniform and good so we're in favor of this.

CHAIRPERSON VILORIA-FISHER:
Okay. This sounds like a great idea. It's my understanding that the process that currently exists has resulted in a number of contracts that have been very delayed in being executed. For example, contracts that we had voted on in the operating budget in the fall. When are those contracts being signed? What month typically?

MR. WILLIAMS:
Well, our main contract was signed in July. And there were a lot of things that worked out with this MOA. We've been assured --

CHAIRPERSON VILORIA-FISHER:
So that will help address that kind of issue?

MR. WILLIAMS:
We've been assured that it will, yes.

CHAIRPERSON VILORIA-FISHER:
Okay. Now, when the other contract that's signed in July, that means that you've been spending the money on these programs since January?

MR. WILLIAMS:
Yes.

CHAIRPERSON VILORIA-FISHER:
And where do you get the money for these programs if you have no contract?

MR. WILLIAMS:
We've had to borrow money.

CHAIRPERSON VILORIA-FISHER:
You've had to borrow money.

MR. WILLIAMS:
We're part of Cornell system. And Cornell fronts our payroll which is the majority of our funding. And so Cornell expects us to repay that. With a contract we, you know, we make -- we promise them but we are delayed and so we -- but Cornell fronts the money for us and we have to pay them back.

CHAIRPERSON VILORIA-FISHER:
And do you have to pay interest?

MR. WILLIAMS:
We do.

CHAIRPERSON VILORIA-FISHER:
How much interest did you have to pay this year because your contract wasn't executed until July?

MR. WILLIAMS:
It's approximately $36,000.

CHAIRPERSON VILORIA-FISHER:
$36,000 in interest.

LEG. D'AMARO:
Why?

CHAIRPERSON VILORIA-FISHER:
Why do you have to pay interest?

LEG. D'AMARO:
I know why we have to pay interest.

CHAIRPERSON VILORIA-FISHER:
Okay. Why wasn't the contract executed?

MR. WILLIAMS:
Excuse me?

CHAIRPERSON VILORIA-FISHER:
I'm asking on behalf of Legislator D'Amaro why wasn't the contract executed?

MR. WILLIAMS:
Why was it not executed?

CHAIRPERSON VILORIA-FISHER:
Correct. Until July?

MR. WILLIAMS:
Well, there were a number of issues that the County Executive's Office had that wanted to be put in. It was this MOA issue to create conformity across all of our contracts. And so that we've been working hard to get that done.

CHAIRPERSON VILORIA-FISHER:
Okay. And is this typical of other years? Have there been other years where your contract wasn't executed until mid-year?

MR. WILLIAMS:
Yes, there have been other years. Yep.

CHAIRPERSON VILORIA-FISHER:
Okay. So it wasn't just because of the MOA?

MR. WILLIAMS:
No, I don't think so.

CHAIRPERSON VILORIA-FISHER:
There typically seem to be delays in execution of contracts in the County?

MR. WILLIAMS:
Right. That is -- that has been the norm rather than the exception. And we're very hopeful that this will make that all go away so that we'll have a contract right up front in the year and we'll be able to get going quickly.

CHAIRPERSON VILORIA-FISHER:
Thank you, Tom. I think it's wonderful that you are hopeful that this will help to expedite your payment and your execution of contract. Are there any questions? Okay. Thank you, Tom.

MR. WILLIAMS:
Sure.

PRESENTATION

CHAIRPERSON VILORIA-FISHER:
Mr. Isles.

DIRECTOR ISLES:
Good afternoon and thank you very much. I appreciate the opportunity today to come before you to provide what will be, I hope, a relatively brief but hopefully thorough enough summary of county policy as expressed by your legislation, the programs you've put into effect, your decisions on individual applications.

So what we'd like to do -- what we'd like to do today is just give an overview of the County's open space policies. It's something you as a Legislature and this Committee in particular deals with on a every meeting basis practically. And I think what we wanted to do was to provide an opportunity, kind of step back and see how this fits into the big picture of what Suffolk County is trying to achieve.

What we have put together then is a report providing an historical overview of the County's programs, where do we begin, what was it we are trying to achieve, the initiatives that have progressed over the year into the '80's, the '90's and up to the current time; where do we take that from now in terms of what would we recommend to you in terms of fine tuning some of those policy

questions. And then lastly, an update to our rating forms that you use on a regular basis that we'd like to suggest as well.

So what I put together today, we have put together in the County Planning, is a slide show presentation, here again, relatively brief. What I'd like to leave for you today, however, would be an actual copy of the reports for each of you and anyone else interested as we proceed with this.

So to begin with the next slide, what we have then is Suffolk County -- this goes back to 1964. And that was actually plan done by Suffolk County Department of Planning and Lee Koppelman being the Director at that point. And it was a very forward thinking document saying we need to plan for open space in anticipation of need. So we can't wait for the County to be developed and then say we need open space. It had to be done first. But as you can see over the years, the County has gone back and looked at it policies, and what it was trying to achieve and so forth. So in mind of that of consistent examination of the policy, here again, we put together some thoughts for you today.

Now with this one we're looking at the fact -- and this is certainly not news to you -- but Suffolk County has preserved over 50,000 acres. We looked at 46,000 acres of parkland and open space and 9,000 acres of farming. We began this by looking at the basic environmental setting of Suffolk County. As we all know we're a sole source aquifer. We're the first federally designated sole source aquifer in the United States. So our water -- and I was actually -- did a guest lecture program at Stony Brook where I gave a course to graduate students. And the question was where do we get our drinking water from? And I was startled to find out that hardly anyone knew we got our drinking water from groundwater. Most of them thought we got it from Catskills and so forth. But we don't. And here again this Committee certainly knows that.

It's important to understand the carrying capacity of this Island and this County; and becomes a driving force in terms of many of the County's Open Space Programs, which is to protect the future quality of water -- drinking water for Suffolk County residents.

Other aspects would be just environmental features that we are an island, we're not square in the middle of Kansas; that we have extensive coastline totally almost 1,000 miles of coastline. We have numerous rivers and wetland systems and so forth. So environmentally we have this circumstance of a poor soil layers of drinking water supply that need to be protected. We've got coastal environmentals that are often groundwater fed. The rivers that you're seeing here are all groundwater expressions. They're not collections of water on the surface. They're actually expressions of the groundwater that exists through the exposure in the topography.

A second factor we looked at was getting more into the deep -- the demographic and economic side of the equation. So one hand we've got our environmental features that say well, what is it that is important for the County to consider protecting? The second part of it is what is happening to us demographically and what are the economic characteristics of Suffolk County?

Demographically we are relatively highly populated. We have population of about one and a half million people. We're larger than 12 states. We have the potential to grow. And we've certainly talked about this a lot with the Quarter Percent sales tax extension by approximately another 17 or so percentage points. But we also look at the fact that our economy and our way of life in fact in many ways is often tied to the open space, the recreation.

As we're looking at here, this Smith Point County Park and farm fields and so forth, our economy not only for the benefit of the residents that do live here that choose to live here in Suffolk County but also for the people that visit here, the $4 billion tourism economy. And another interesting figure we came across is that out of the over 3,000 counties in the United States, we're ranked number six in terms of second homes; seasonal homes. So we've got a substantial population that have chosen to set up second homes here in Suffolk County. And that has also a very dramatic economic impact to the County.

We have summarized some facts which I'm not going to bore you too much with, but here again a substantial population, significant job base. And last point being the significant agricultural economy we have. So looking at two sides of the coin, one hand the environmental protection needs that we have in the County; the second being the fact that that environment is tied to who we are as well as a basis of our economy.

So those are some of the basic considerations as we move forward. I've edited this slide presentation because I know I'm speaking to highly informed audience so I'm not going to go through the parts that talk about what is open space and so forth. But what I would like to talk to in the next slide is just give an overview on some techniques.

You are often confronted with resolutions to consider acquisition of land as a full fee acquisition. And this is an example here at Indian Island County Park. But I just wanted to go over some of the other techniques that can be used; that buying open space is one way to protect it, but there are other methods including zoning tools that are used. For example in the Town of East Hampton, if you're developing on agricultural reserve property, you're required by their zoning and subdivision regulations to set aside 70 percent of the land for that ag use and you can develop on the rest of the land.

There's clustering which is not changing the yield of the property but allowing -- but requiring or allowing the development to be put on a portion of this site. A resource protection overlay district or like the Wetlands Laws that New York State, DEC has, where they restrict development in certain locations, there's an example here at the headwaters of the Peconic River, restrictive covenants, conservation easements, here again, I'd just like to identify these relatively quickly. And certainly if you have any questions we can go over that.

Another example more recently is the transferred development rights program. The Pine Barrens is probably the preeminent example of that. And that's a case where there were -- the Pine Barrens Cores, an area of 50,000 acres, purchase was one technique for that, but it's certainly not the only technique. The idea of allowing private land owners to exchange the right to develop to areas outside of the Pine Barrens was a significant part of that program.

Let me just point to a more recent example that's happened in the Town of Riverhead who recently updated their master plan. And a key part of their protection of farmland is to have a transferred development rights program that would move development out of the farm belt. Other programs or purchase of development rights, which is, here again, the granddaddy of the County's farmland program that has preserved over 9,000 acres certainly used by many towns as well.

And then agricultural districts, you recently granted approval to the renewal of agricultural district three in western Suffolk County. That's a method of preserving farmland, but it's more of a potentially short time because it's not a permanent protection. But it does enable some benefits to continue agriculture. And certainly it's one tool in the tool box to try to preserve open space in farmland.

Other ideas would be different incentives to land owners. These are tax incentives and so forth. Environmental regulations affecting steep slopes and so forth. Tax lien procedures. And we have those that come before you on a periodic basis. For example, it's the policy in the Central Pine Barrens that any -- and first certainly of this Legislature that any tax surplus properties in the Pine Barrens Core are recommend for transfer to County parkland so it's a way of preserving open space using that inventory that flows into the County's possession.

And the last method is donations. And here again we have one of those on today. And you've have had others in the past, but it's a non-payment form of obtaining title to property.

Next part at what I'd like to do is just talk about, here again, very quickly an historical overview of Suffolk County's open space policies. And as you'll see on the next slide, this was information that

was handed out when Smith Point County Park was open July 4th, 1959. And it was a recognition of Suffolk County at that point that it was rapidly growing in population. It had a much greater population to support needs for. It also had a greater amount of leisure. It was noted at that time in the research materials we've looked at, the need to provide recreation throughout the County. So if we look back at 1959 and say, well, what was it the County did at that point? They embarked on a capital program to buy land and develop parks primarily for recreational purposes.

The next slide then shows another I think important point in county policy history; was in 1970 when the environmental movement was beginning. And this is, here again, right out of county law, the county charter. The policy of Suffolk County shall be to conserve and protect it's natural resources, wetland, shorelines and so forth. So that became a time when the County then expressly sought to protect such things as Sansucci Lakes, which is the Browns River corridor, of which the people of Suffolk County now own about 300 acres in this corridor through those policies. So going from a very recreational focus, regional recreational focus to a conservation focus.

And the last slide in this series is more recent. This came out of the Greenways Program Plan that was done in 1998. And, here again, just a reiteration of the policy for both quality of life as well as environmental protection of preserving open space. This is Robert Cushman Murphy County Park, one of the preeminent county parks in the Pine Barrens.

And just the last slide in these series just shows here again what you know very well in terms of the history of programs here in the County leading up to the Environmental Legacy Funding in 2007.

The next series I'd just like to talk about is the -- where are we today in terms of our goals? And what we've tried to do from this from a County Planning Department standpoint in the preparation of this report was to, here again, look back at the programs you've adopted and the policy decisions you've made. And we've identified three general categories.

The first part being natural resource protection. The second being agricultural resource protection. And the third being recreation. So the programs overtime have broadened out to encompass those three areas. So when we look at natural resource protection, here again, running through these quickly, groundwater, one that you know very well, one where having been in this field now for more than 25 years, when we use to hear about groundwater being very local and only serving the local area, more and more, and we're actually working with the County Health Department on an update to the Comprehensive Water Resources Management Plan, these's more and more of a regional discussion of sharing groundwater. Groundwater in one part of the County hypothetically can be transported to another part of the County. Further emphasizing and making more important the protection of groundwater resources where they exist.

Examples of recent actions that you've taken would be, for example, in the south fork SGPA the recent resolution authorized the acquisition of a large part of the Ross School Property in East Hampton is strictly for the protection of that. Very important groundwater resource, the South Fork Special Groundwater Protection area.

The next one in terms of natural resources would be coastal resources. Here again, a defining element of who we are as a county. And recent examples at least from the past couple of years would be Amsterdam Beach. Actually there's one recently coming before you which is the Bluffs at Shoreham which is another coastal location.

Next one would be wetlands. And, here again, you've seen this many times. Recent examples of this would be Mastic Shirley, where it's not only protecting wetlands as being important; habitat resource for the County, also for flood protection, in the case of Mastic Shirley in particular.

Next one would be watersheds. We do have a number of large watersheds, five major water sheds in terms of river corridors, a number of secondary ones. You've had recent resolutions before you and at the ETRB actually for Carll's River in Babylon. We've been picking up many of these scattered

out holdings and consolidating both county and town holdings, here again, for the purpose of protecting these corridors and watersheds.

And the next would be, another criteria we've looked at, and you've reflected in your decisions, protection of plant and animal habitats. A lot of this certainly goes right to the Pine Barrens in terms of protected endangered species. The best example I could think of quickly would be WJF Realty in the Town of Southampton just north of Gabreski Airport. It's a globally rare dwarf pine plains with presence of a number of very important and critical species.

We then get into the -- one of the last ones is natural resource protection, which would be scenic vistas and open areas. The preeminent open space in Suffolk County is the water that surrounds us, the bays and harbors, the Sounds, providing access and visibility to that. This is the Duke property which was purchased a couple of years ago. A matter that you're now considering is the Boys and Girls Club. I believe it is right next door. This is of incredibly high quality water in this location in terms of the groundwater flow out to this tributary in the Peconic Bay system. An important resource to protect in terms of having marine biodiversity.

The next category which here again is old school to this Legislature is farmland preservation. This was the first program or programatic open space program we had in Suffolk County. Prior to that it was done on a capital project basis one by one. The Farmland Preservation Program obviously still continues. And in fact there's a planning steps resolution on today for additional parcels to be considered.

We then go to the last category which is recreational uses. And, here again, this is a broader diversity than we historically had done going back 40 years ago. Certainly passive recreation is the important part of county parks and so forth. We also have gotten more recently into active recreation, especially with the Greenways Program and more recently with the SOS Hamlet Program, which also allows active recreation. In addition the Environmental Legacy Program does permit active recreation as well. And the County often times, and I think with its desired interest, is to partner with municipalities or bona fide not-for-profit groups that have the wherewithal to maintain these properties.

Next category, here again, cultural and historical resources, these are all county buildings that you own; that the County of Suffolk owns. These are all familiar to you. The most recent one being Sagtikos Manor in West Islip.

Next would be access to the shoreline; our 1,000 miles of shoreline. The top slide is Oakbeach Park in the Town of Babylon. We have Smith Point again and then Blydenburg Park which is directly adjacent to us here in the county building on the bottom slide.

And the most recent addition to the recreational uses are hamlet parks. As I mentioned, this began with the SOS Program. And this is the example of one that came about in the Village of Lindenhurst, which is a probably a text book example of what a hamlet park could be. And this is with a good relationship with the village; and that the village does maintain the property completely.

So then as we look forward then in terms of the prior picture of looking at the goals in terms of natural resource protection, agricultural resource protection and then increasing recreational opportunities, we then go to the basic policy. And so when we put forward today then and, here again, I don't think it's necessary to go through each one but what we've developed are sixteen recommended policies. Going to the next slide, here again, that obviously an open space acquisition should relate to one of those three purposes. And that's obviously subject to you and the County Executive to interpret that. But that should be the fundamental measurement.

The second is that there should be a criteria base review as much as possible. We know that this is an imperfect science, that it's not an automatic, that there's absolutely one right answer and one wrong answer. It's obviously a judgement that ultimately you make and the County Executive

makes. But we feel that a criteria in the form of a rating system does help at least as a measurement.

We then talk about preserved open space through a variety of techniques as we talked about before. With the price of land being so expensive, with the competition for that limited dollars, where we can combine with private sector interest and conservation easements and other techniques certainly we think that makes sense.

Policy for work gets more into considering the role of the County as being more of a regional provider of parks and open space. And a consideration then that our primary emphasis, and there was a time in the County when the minimum county park was a 100 acres. We are no longer at that point, but I think we should keep sight of that, that the County is not a local form of government, does not have necessarily the ability financially to get too dispersed on that. But fundamentally we should try to be as of much of a regional provider as possible.

We then talk about acquisitions that could provide multiple benefits whether it's preserving wetlands and providing access to a shoreline, that's always beneficial. We do think it's important to provide for public access to open space areas and certainly on environmental sensitive areas that would have to be done on a limited basis. But if the public invests in this program, the public should have the benefit of being able to enjoy it at least to some controlled extent.

We do talk about also connecting existing open space areas to avoid fragmentation. We are at a different stage in the County's acquisition program than where we were, here again, 40 years ago, when the days of 1,000 acre parcels of land are probably gone. And the average acquisition now is much smaller. That's not necessarily a bad thing, but what it does tell us is that where we can collect the pieces and then protect the resource such as the Carll's River watershed, we will be doing these little acquisitions, but here again they're going to be part of a larger picture. If they're not part of a larger picture that fits into a county goal, and certainly we would suggest caution on that.

The same applies to number eight which is on old file map lots. We do suggest the consideration of acquisition of residual fee. And this is a case whereby, for example, there are parcels in the Pine Barrens where the development rights have been removed from the property. The residual fee can often be acquired at a pretty nominal cost. But it does improve overall ownership and then management control as the County tries to manage the resource in the future.

Number ten is just hold open space lands in perpetuity. This is something that's almost on -- doesn't need to be said, but there are times when there is consideration for selling property or exchanging property. It's not very often. It does require an act of the State Legislature and the act of a County Legislature as well. It should obviously be an extreme act and should be reviewed very carefully and generally avoided.

We then talk about the acquisition of conservation easements being done on a very limited basis. Here again we get back to the point that if the County's going to buy the land, the acquisition of a conservation easement can get relatively close to the full value of property. If the public buys the land, if the County buys the land, it generally should be held in fee by the County. If there's a donation of an easement, that's a separate matter. The cases where we think conservation easements can make sense, if we have a county park, let's say Blydenburgh Park, there's a private parcel on the opposite side of the river that could be developed, the owner does want to sell us the full fee, maybe we get a conservation easement along the river edge.

We talk next about leveraging with partners as certainly the County has done. We do talk about general criteria for active parkland as meeting environmental criteria. We certainly don't want to develop an active parkland use that's going to compromise the environment. And this committee certainly looks at that in terms of the acquisitions that come before you. And I actually know of no case we've had a hamlet park on an environmentally sensitive parcel.

And the last two policies deal with targeting hamlet parks more into down town locations as much as possible. And also applying a density factor fee acquisition program for active recreations so that the more congested, more densely developed portions of the County where land is in more limited supply, that the rating system provide a criteria for acknowledging that.

So with that what we have done is completed this report for your consideration. We hope it's of help in terms of a summary of the County's programs thus far and how we interpret the current programs going forward. What we also have included in the report are revised rating forms. They're not radically revised. Basically just some fine tuning. And I would suggest that as we go forward we probably need to, you know, every year, two years, maybe take a look at that and adjust it further. But I thank you for the opportunity to appear today. And we do have copies of the report to hand out to you before the end of the meeting as well. And thank you. If you have any questions, I'll certainly try to answer those.

CHAIRPERSON VILORIA-FISHER:
Okay. Tom, I have three questions. And I'd like you to give me as succinct a reply as you can. And if you can't do that and if you feel you need to expand, we can review it at another point. But there are three questions that have been nagging at me a little bit. The first one being something that comes up very often at ETRB. And of course making those specific references, very often we'll see a piece of property. And some of that property or sometimes all of it seems to be wetland. And my question very often is, but the town shouldn't be giving a builder an ability to develop that land. And can't we bank on that? And I'm told we don't have any assurance that at some later time some board -- some town board will not give the ability to develop. Is there some way, especially because recently we've spoken so much about as we talk about the extension of Quarter Percent, how we are anticipating more and more input from the towns, the towns working with us and also spending money. Isn't this another way where we could expect more responsibility on the part of the towns? And maybe we could tighten up these laws so we could save all of us some money?

DIRECTOR ISLES:
Okay. A succinct answer is --

CHAIRPERSON VILORIA-FISHER:
Yes, no or maybe?

DIRECTOR ISLES:
I think you just have to understand that regulatory controls such as you can't develop on the wetlands are a way of protecting the resource, protecting open space and so forth. It's probably the minimum level so that will provide the minimum level of protection. And maybe that's sufficient. Maybe the property that when it is developed is developed so it's not going to impair the resource or maybe it's not developable at all. Certainly your point is well taken. The ETRB has addressed this a number of times. The ETRB has asked the Real Estate Division to go back and examine a question or talk to the town further. As you know sometimes the towns aren't certain themselves. There's some vagary to the laws in terms of what's allowed and what's not allowed.
But I will say that if there's a conclusion that the prospect of the probability of development is extremely low, that is usually factored into the appraisal as well.

So I guess the answer to the question is that we feel the protection of wetlands is important. The regulatory controls can be a good tool in many cases, but we do feel there are times when the larger public interest of the watershed protection, the uncertainty of the variance and appeal process and the legal process in terms of development can compromise a resource. And even if we do set the unit back, you still have potentially sanitary of loading into the system as well. It's not easy. There's no -- unfortunately no yes or no answer to it. It is something certainly, and you know, Vivian, as a member of the ETRB, it's something that ETRB considers extensively. We feel from County Planning standpoint that there is a role for the County to play. That's an important public purpose behind that in terms of protection -- protecting a system wide resource. And there are times when the acquisition of wetlands, where it's a little bit of a close call can it be developed, can

it not be developed is still a good thing to do.

CHAIRPERSON VILORIA-FISHER:
Could DEC regulations be tightened to give us more protection in that regard?

DIRECTOR ISLES:
I don't know if I can really answer that at this point. But I've dealt with DEC for many years. I think they do their best. I think they're ultimately confronted with the question when it comes down to they cannot take property, they cannot violate the constitution. And I've seen cases where they've gone through a process of review of due process for the owner and so forth. And will approve a development with limitations on it of clearing and toe tunnels and things like that. But ultimately to say you can't use your property is something that I believe they feel is beyond their authority to do without compensation. So whether their laws are adequate, I can't give you an instant answer on that. But I do think that they do a pretty good job at what they do.

CHAIRPERSON VILORIA-FISHER:
Okay. The second question. I'm going to repeat a question that Elie Mystal has brought up every time we have spoken about the Quarter Percent extension, which is something that you seem to have alluded to in your presentation, which is the Legislators to my left live in the very much western side of Suffolk County. When we're protecting that property in Legislator Schneiderman's district, are they being -- is a drop of water in their district being protected? And you said that ultimately we will be expanding, I guess, the geographical impact of water resources and water use.

DIRECTOR ISLES:
It is rather interesting because I had heard for so many years, too, that the cost of transporting water was not worth it; that it was cheaper to clean it the well head. So if you had a contaminated or not so, not meeting standards well head, you could just treat it there and then distribute it there; that that would be cheaper than transporting it, let's say, from Central Pine Barrens.

As I alluded to before, the County is undertaking an update to the Comprehensive Water Resources Management Plan. First time in 20 years. County Health Department is a lead agency. I was at a meeting where we were meeting with the consultants probably six or seven weeks ago. And one of the things they looked is that question again, how much does it cost to remediate at the well head, how much does it cost to transport? And for the first time in that example, they said the information they're coming up with, and they're still at an intermediate point, they're still analyzing this, is that it's cheaper to transport it in some of the scenarios they've looked at.

So the report will need to be completed. When it is completed, it appears at this point that there is an economic viability of transporting water from the central Pine Barrens to points in western Suffolk.

The other example would be the Town of Southhold which is -- has had water problems. And what they're now talking about doing with the Suffolk County Water Authority is pumping water from the Pine Barrens into Riverhead and then Riverhead pumping water out to Southold. So there are these little leap frog type approaches that are being considered as well. The point being is that we're at the beginning of a longtime to the rest of our history in terms of what we're going to need as a county into the future. We don't know precisely but the resource as much as it's protected the more options it keeps future county residents have available to them. And the transportation of water seems more in the near future a possibility than even the distant future.

CHAIRPERSON VILORIA-FISHER:
Okay. Third question. Very quickly, again, something that has had some controversial aspects during the past year regarding farmland development rights. And as you know there was a great deal of question regarding vistas and greenhouses and commercialization of farmland. And my response has been that our Farmland Committee looks to Ag and Markets in the criteria that they provide for us, and, you know, judging what kind of activities go on.

And I was told by one expert that, in fact, that was circular reasoning; that much of the criteria that had been developed by Ag and Markets had actually been developed here in Suffolk County and kind of picked up by State Ag and Markets because our program is actually older, and, you know, more aggressive. And that actually that's the information we had given to Ag and Markets. Ag and Markets is now giving it back to us as criteria. And that we are in a position where we could develop our own criteria that's more stringent to our impact on the kind of criteria that Ag and Markets has so that we can address issue like the greenhouse. Are we working toward developing different criteria?

DIRECTOR ISLES:
We are. And as a matter of fact the Suffolk County Farmland Committee formed a sub-committee to look at this issue of greenhouses. They formed it in April. The Committee met in May and June. And on July 24th a full Farmland Committee met. And the sub-committee presented suggested guidelines for the County on the placement of greenhouses on county PDR. Those guidelines were taken under consideration by the full committee. The committee is directed that they be sent to all the towns and other stakeholders to gain comment on this. So in terms of your question is the County Farmland Committee considering guidelines, the answer is yes. And I think they're pretty far reaching at this point. We are seeking to gain a consensus on that.

And I think what we're also doing is -- and I say this as a member of the Farmland Committee, I think we're also looking to make a distinction between what we already own as County farmland PDR, the 9,000 approximate acres that we own. And then the policy question for the Legislature and the County Executive in terms of going forward so we avoid this kind of collision of interest that there's perhaps that if it was a little bit more clear as you buy into the county program what exactly the restrictions are or aren't. Certainly Department of Energy and Environment and Division of Real Estate and some recent acquisitions of farmland have worked out actually specifying the amount of building area; for example, the {Jurkowitz} Duck Farm and so forth.

Just so you know, there's two points to it. The committee has taken under advisement. The committee has scheduled the special meeting on September 18th to report back and to hear the input from the other stakeholders and try to solidify their guidelines at that point.

CHAIRPERSON VILORIA-FISHER:
Okay. And perhaps you can let us know the direction in which they're going with that.

DIRECTOR ISLES:
I'd be happy to do so.

CHAIRPERSON VILORIA-FISHER:
If there are no other questions -- Legislator D'Amaro has a question.

LEG. D'AMARO:
Yes. Director Isles, good afternoon and thank you very much for the presentation. Always informative. And I appreciate it very much.

As long as we're talking big picture and historical perspective, I was wondering if you could give us your views on whether or not the -- I mean we went back to 1964 with some of these acquisition programs; whether or not historically that has -- these acquisition programs have had an impact so the ability to create the workforce or affordable housing and the impact going forward with the existing programs that we have in place? How does that relate with the workforce housing issue?

DIRECTOR ISLES:
Right. I think if we look at the fact that, for example, if we look at the Drinking Water Program, those are locations that in special groundwater protection areas where it's probably not likely that workforce housing or high density housing would have been allowed there. As far as your broader

question in terms if we go back to '64 or '59, whatever, and say what has been the impact over 40 or 50 years on the development of affordable housing, I would definitely need to give more thought to that answer and wouldn't want to just throw something out there.

But I think I would make the point, and what we're trying to look at when we looked at the overall county picture is that we begin with the fact that we are a county with limitations in terms of our environmental limitations. Unless we want to -- you know, if we say, well, we want to preserve drinking water for the next several hundred or thousand of years or whatever, okay, then there's certain things we need to do to that. If we say we want to preserve coastal resource, we want to have clean water in our bays and preserve our beaches and so forth, okay, then there's certain things we have to do for that. Because if we say those things aren't important -- and this Legislature has never said that -- then we could adopt a model more like Queens or parts in Nassau County and so forth and develop much higher densities.

But if we begin with the premise that we are unique, we have limitations, we have carrying capacity, but we're already one and a half million people, bigger than twelve states and all that, then we say -- then we look at it from the standpoint that, you know, where we can allow development that's not going to harm those resources, that long-term interest to the county. You know, certainly the idea of targeting re-development in downtowns, re-development of other derelict type sites and there's certainly have been a lot of examples of that, Central Islip Psychiatric Center was re-developed and has -- right now the total picture's about 1900 units of housing going in total.

So not to give a long winded answer to your question, I'm a little off point with your question because your question what is the impact of what we've done in the past and our ability to provide affordable housing, I can see where there's been a direct collision. I think if we had said -- let's say we didn't buy any open space or any parkland during that time period, where would we be with affordable housing? Here again, it's probably a complex answer to make, too, but my opinion on that would be -- would be much more populated. We'd have potentially -- we'd have potentially more problems with congestion and roads and things like that. We'd be paying more money for how we were going to get water here either through surface water collection, a location or treatment -- treatment options or desalinization. And then how much affordable housing would have been created as a result of that.

I think it's a question then of the market and understanding the fact, too, that we're -- you know, we're on the edge of one of the largest cities in the world. There's almost like this insatiable demand for housing at this location. We're also in a circumstance where we've got a -- almost like an international real estate market in the east end so we're kind of compressed from both ends. And so I think we're unique in the environmental resource. I think we're unique in our placement next to a world capital. I think we're unique in our placement as an international playground in the east end of sorts. I think a lot of those would have combined to still keep pressure on our real estate market to begin with.

But we'd like to think, the County Planning Department, County Department of Environment and Energy, that when we talk about smart growth, and it's not a term that -- it's a term that I'm not always thrilled with that term in itself because I think it gets back to comprehensive planning; but I think the part of it that is good is the sense that hopefully we as a society have the ability to protect resources and to also achieve other public good, other social purposes. And that really gets to the heart of planning which is that we kind of let things happen, let the market happen and build as much as we possibly can build.

But if we look at the long-term consequences, if we look at what's the best for the long term in terms of this county, that you and the County Executive will been given the responsibility to plan for the next generations, I think we can protect the resource, encourage redevelopment. We had gone through a period we were the fastest growing county in the United States in the late '50's and early '60's where we had pretty much a model of suburban expansion that suited the purpose of affordable housing and affordable moderate income housing and so forth very well. Levittown was

certainly affordable housing.

But as we now look more long term in terms of what are the communities we're building, what is the region we're building and what is the long-term sustainability of that; and I think that becomes a little trickier, a lot trickier. But I think it's heading in that direction as we talk to the towns and so forth in terms of their interest in redevelopment, their interest in re-investment to continue to move on in a linear fashion as, you know, when one shopping center starts deteriorating, we'll move down the block on Sunrise Highway and build a new one and everybody goes to the new one for a while 'til the next new one comes in.

We're now at a more mature phase of county development of stepping back and seeing this is not just a one shot hit. And so this County has many needs. And public health in terms of water supply and waste disposal is certainly critical. Of recreation. Why do people move here? Because it's a wonderful place to live; one of the best places in the world. We also have a community we want to keep here in terms of the aging population and the lack of affordability which, and here again, this committee and the prior committee certainly addressed. And the challenge is how we do that.

And a lot of this has been the repetition of we have to get into our down towns and so forth. And some of that is work. Although I don't think to the extent that we all hoped it would. But I think other aspects of that would be re-development of such things as train station sites like the Ronkonkoma train station, which is kind of a void, a gap at the present time. Or even neighborhoods and communities that despite the discussion of revitalization have still not had the benefit of the resurgence that other communities have had.

And so the easy answer is not to keep going east and expanding the suburbs. We're now faced with is how do we make what we have work. And I don't think there's a conflict with open space because I think that serves its own purpose. I think it provides long term benefits to this County. But how do we solve this intermediate problems in a sustainable manner? And I'd be happy to, you know, give the topic more thorough discussion because it's an important question. But in the couple of minutes here --

LEG. D'AMARO:
I appreciate your almost, you know, contemplating the question out loud. And it's a very complex analysis. I agree with you. You know, my tenure here so far I've struggled with it also because we all want to protect our environment. We understand the need for protecting the environment going forward, you know, enhancing our quality of life, not making, as I like to say, not making the same mistakes on the east end that perhaps we made on the west end. But at the same time, you know, we have the competing interest of an economy, providing the right type of housing for folks that need to stay here and become part of the workforce and help the economy. And those are always competing interests. And we often have the debate here, you know, which interest should prevail, as we did recently with the quarter point; that was part of that debate.

I would certainly defer to your expertise, but I think that the environmental programs that we have in place going forward can co-exist with meeting the needs for the workforce housing. I happened to be sitting in at the last committee. I know Legislator Losquadro was talking about how we throw that word around. But I'm not really sure if people understand what it entails to make a dent in that housing. So, you know, I'm looking for -- I'm looking for someone to tell me not only yes the two programs or concepts can co-exist as a policy, but here's how.

DIRECTOR ISLES:
Right.

LEG. D'AMARO:
You know. And that's the hard part of the equation. You know, does it lie with the zoning powers and the town might be part of the solution.

So --

DIRECTOR ISLES:
Right.

LEG. D'AMARO:
As much as we've given the attention and most recently my vote also on the quarter point extension to the environment, I think the time has come where we not only give the attention to the workforce housing and really define what we mean by that, but then come up with those answers as how we're going to get there. And I would hope that part of that debate or discussion would include, you know, what is the impact on the environment and how do we do both at the same? So it is a difficult concept.

DIRECTOR ISLES:
Yeah. It's an excellent point. I think what it gets to is the real question of a regional approach. And for open space, the County was able to do that with farmland and drinking water because we weren't stepping on the feet of the municipalities and their historical, you know, colonial era of powers of local control.

But I think your point is an excellent point. And I think it's one that, here again, speaks to the question of we can deal with things on an individual town basis. We know how to do that. It's apparent that certain things need to go beyond that on a larger scale. And the question is how do we actually accomplish that to the point where it actually happens and results in tangible change. Good point. I agree.

CHAIRPERSON VILORIA-FISHER:
Legislator Kennedy.

LEG. KENNEDY:
Thank you, Madam Chair. Although I missed some of the presentation, you and I know through some of our work together on a variety of different things at least I have some familiarity, I guess, hopefully with most open space. But I guess I'd have a question, comment or a request similar to what my colleagues are talking about.

You hit the essence on the nub as you usually always do in that we can speak about the concepts we'd like to see. We can talk about the planning that we would hope to unfold. But until such time as we have some ability to join meaningfully with the local zoning that it will in my opinion be just so much hyperbole because that's so much of what is the essence of particular community, so much of how those local elected folks see their constituents perhaps do or don't want things to lay out. But my question and my comment to you goes to sewering. No surprise. I got it in spades all over my district. Sewering and groundwater. Seems it's been my trademark since I've been here.

In my opinion sewering seems to me to be the way for us to be equal partners at that local decision making table because all that we talk about with the enhanced density, with the configuration of affordability, with all the other things we desire is hinged on the enhanced density we get with sewering. Yet we just did go through this decision with the quarter cent. And we voluntarily did while we extended the stream, we did reduce some of the funneling that goes in there. But everybody spoke about a commitment going forward to get the money needed to actually do infrastructure work from the other levels of government we're going to need to get it. Do you think that's something that we can promote and is that something you see Planning being able to help with?

DIRECTOR ISLES:
Yes, I think it is something that the County can promote; and certainly the County Legislature can promote. I think it is something that -- it's actually encouraging me to hear so much talk about it by yourself and other members of the Legislature and the public at large. It's a topic that unfortunately

became radioactive about 20 years ago but I guess it's now at its half life. And it is something that is important to -- you're right. We dance around the issue. And if the issue is how we do higher density housing that's going to result in revitalization of downtowns and so forth. You've come to the wall of the waste water question. So it is -- it's good that it's being talked about. And here again like everything else we've talked today then how do we translate it into action. That's another essay answer which probably you don't want to go into.

But let me just make one other point of information to you. And that is that the -- I mention the Comprehensive Water Resources Management Plan. A component of that is also going to be looking at sewering options. There's the sewering that we all know about and the Southwest Sewer District, that was like this Roman scale engineering project, gigantic gravity flow systems and so forth. Extremely expensive -- and speaking with Vito Minei, for example, there are -- there are technologies that exist in other parts of the country, pressurized systems, vacuum systems. May some of those work here? There's -- you heard of chroma glass as a denitrification system on a smaller scale. Are there other technologies that are out there that also might be alternatives? And I think, so, A) that's something that the study is looking at as part of what do we do with our waste here in Suffolk County, how do we accommodate other needs such as a diversified housing stock and revitalize downtowns and so forth.

But a component of that, and I think it's an important component is the massive Public Works projects that we've known in the past are good. But a lot -- you know, they're expensive. And are there alternatives that perhaps on a smaller scale, setting of a, you know, little down town area or a couple of developments that are tied together, can that work as well or more economically feasibly work as well?

LEG. KENNEDY:
Good. Thank you.

CHAIRPERSON VILORIA-FISHER:
Are there any further questers?

DIRECTOR ISLES:
I would like to thank Lauretta Fischer, Carol Walsh and Peter Lambert. Thanks.

CHAIRPERSON VILORIA-FISHER:
Thank you very much. And thank you, Tom. It was very clear and very thorough. Thank you very much as always.

DIRECTOR ISLES:
Thank you.

CHAIRPERSON VILORIA-FISHER:
Okay. Legislator Horsley had to step out momentarily for a conference call. And so with the indulgence of the Committee, I would like to go through our SEQRA resolutions first. I don't have to take out order, but I want to do the SEQRA first. Do I have to do a take-out-of-order motion?

MR. NOLAN:
To do SEQRA resolutions?

CHAIRPERSON VILORIA-FISHER:
Yeah.

MR. NOLAN:
Just go through it.

CHAIRPERSON VILORIA-FISHER:

Because Wayne has to go; had to go out for a conference call.

MR. NOLAN:
You can just take them out of order.

CHAIRPERSON VILORIA-FISHER:
Okay.

INTRODUCTORY RESOLUTIONS

All right. So we will start with the agenda on page three with **1704, making a SEQRA determination in connection with the proposed capital project 7452, Vanderbilt Planetarium replacement of technical show equipment, Town of Huntington. (County Executive Levy)** I'll make a motion to approve and place on the consent calendar, seconded by Legislator D'Amaro. All in favor? Opposed? **1704 is approved and placed on the consent calendar. (Vote: 4-0-0-1. Legislator Horsley not present)**

1706, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation area I addition, Sferrazza property, town of Brookhaven. (Presiding Officer Lindsay) That was 1706. Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

I will go back to **1705, making a recommendation concerning adoption of the final scope for the Draft Generic Environmental Impact Statement on the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay, Towns of Southampton, East Hampton, Riverhead, Southold and Shelter Island. (Presiding Officer Lindsay)** Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1707, 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, McLaughlin property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote.

IR 1708 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, Stiffel property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

IR 1709, 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, Valenta property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1710, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Forge River Watershed addition, Pandolfi property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1711, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Seatuck Cove, Pheasant Meadow Farms, Inc, property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1712, making a SEQRA determination in connection with the proposed acquisition of land for Open Space preservation purposes known as the Bluffs at Shoreham, Hallock Landing

at Shoreham, LLC property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1713, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Bayport County Wetlands addition, Farley property, Town of Islip. (Presiding Officer Lindsay). Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1714, making a SEQRA determination in connection with the proposed Suffolk County Eelgrass Restoration Initiative. (Presiding Officer Lindsay). Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1715, making a SEQRA determination in connection with the proposed hangar development for the Francis S. Gabreski Airport, Mailand Hangars, Inc., Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1716, making a SEQRA determination in connection with the proposed hangar development of the Francis S. Gabreski Airport, Northside Hangars, Inc., Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1717, making a SEQRA determination in connection with the proposed hangar development for the Francis S. Gabreski Airport, Brookwood, Westhampton, Inc Hangars, Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1718, making a SEQRA determination in connection with the proposed Hertz Car Rental counter development for the Francis S. Gabreski Airport, Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

We will now go back to the Tabled Resolutions. Did I miss some more? Thank you very much. Wishful thinking.

1750, making a SEQRA determination in connection with the proposed relocation of the Big Duck to its former site in the Hamlet of Flanders, Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1751, making a SEQRA determination in connection with the proposed capital project 5375 rehabilitation of Abet's Creek Bulkhead, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1752, 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, D'Alesso property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1753, 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, Gram property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1754, making a SEQRA determination in connection with the proposed acquisition of land

for open space preservation purposes known as the Beaverdam Creek County wetlands, estate of Angelo Giambalvo property, Town of Brookhaven. (Presiding Officer Lindsay). Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1755, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Montauk County Park addition, Foley property, Town of East Hampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1756, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Peconic Land Trust, Inc as contract vendee, Crackle Hill property, Town of Shelter Island. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

1757, making a SEQRA determination in connection with the proposed acquisition of land known as the Lewis Oliver property, Town of Huntington. (Presiding Officer Lindsay). Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)** Is that it? Yes. Thank you and thanks for stopping me on that one.

TABLED RESOLUTIONS

Back to our Tabled Resolutions.

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

LEG. D'AMARO:
Motion to table.

CHAIRPERSON VILORIA-FISHER:
Motion to table by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **IR 1241 stands tabled. (Vote: 4-0-0-1. Legislator Horsley not present)**

1247, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Yaphank property, Town of Brookhaven. (Browning)
Motion to table by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1247 stands tabled. (Vote: 4-0-0-1. Legislator Horsley not present)**

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)
Motion to table by --

LEG. LOSQUADRO:
I'll make the motion. This is, just to refresh my memory this was the restaurant on the water?

DIRECTOR ISLES:
Yes.

CHAIRPERSON VILORIA-FISHER:
Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1261 is tabled. (Vote: 4-0-0-1. Legislator Horsley not present)**

IR 1357, authorizing planning steps for acquisition under Suffolk County Save Open Space

Farmland Preservation and Hamlet Parks Fund, Toppings Farm property, Town of Brookhaven. (Romaine)

LEG. D'AMARO:
Motion to table.

CHAIRPERSON VILORIA-FISHER:
Motion to table by Legislator D'Amaro, seconded by Legislator Losquadro. All in favor? Opposed? **IR 1357 stands tabled. (Vote: 4-0-0-1. Legislator Horsley not present)**

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 County Road 36, South Country Road. (County Executive Levy) And It still hasn't come before CEQ to my knowledge.

COMMISSIONER MEEK-GALLAGHER:
Still hasn't.

CHAIRPERSON VILORIA-FISHER:
I'll make a motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1484 stands tabled. (Vote: 4-0-0-1. Legislator Horsley not present)**

1485, 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 at County Road 65, Middle Road. (County Executive Levy) And this still has not gone before CEQ. Same motion, same second, same vote. **(Vote: 4-0-0-1. Legislator Horsley not present)**

IR 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. (County Executive Levy) And the task force is just finishing the rough draft of the report. And so I will ask that it again be tabled, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1488 stands tabled.**
(Vote: 4-0-0-1. Legislator Horsley not present)

IR 1513, reappointing member to the Suffolk County Water Authority Board. (Caracappa)
Again because this is no longer an open spot, I will make a motion to table subject to call.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1513 stands tabled subject to call. (Vote: 4-0-0-1. Legislator Horsley not present)**

IR 1554, adopting local law No - 2007, a Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman) I understand that Ms. Bizzarro from the County Attorney's Office would like to address us on this.

MS. BIZZARRO:
Yes. Thank you, Legislator Viloria-Fisher. Actually I only need to speak on this if this is not going to be tabled. My understanding or -- I believe it's been tabled several rounds now. This law needs a mandatory referendum. There's no mandatory referendum referenced within. It would be my recommendation that it gets tabled again. Thank you.

CHAIRPERSON VILORIA-FISHER:
Okay. That just refreshes our memories as well. Thank you, Ms. Bizzarro. Is there a question?

LEG. LOSQUADRO:
Just a question to Counsel. What's the status of the public hearing?

MR. NOLAN:
Public hearing is closed. And nobody asked me but I'll just put it on the record that I don't believe a referendum is required.

LEG. LOSQUADRO:
Well, in light of our Counsel's opinion on this, then, thank you for preempting my question, I appreciate that, I think that this is very important especially in light of all the beach closures that we have had with these heavy rains; that we devote as much money as possible out of our Water Quality Protection money to bricks and mortar as we call them or actual projects. And that we minimize wherever we can the operating expenses. This has been a discussion that has been going on for a very longtime. I remember Legislator Bishop and I used to discuss this on a regular basis about the use of 477 money. So I'm going to make a motion to approve this.

CHAIRPERSON VILORIA-FISHER:
Okay. I would like to -- is there a second on the motion?

LEG. KENNEDY:
I'll second for the purposes of discussion. I've got a question on the bill itself.

CHAIRPERSON VILORIA-FISHER:
Okay. To whom are you the addressing question?

LEG. KENNEDY:
I was just going to ask Legislative Counsel to go ahead and just refresh my memory on what the action items on this bill were relative to 477.

MR. NOLAN:
Yeah. This applies to the Drinking Water Program, but only the Water Quality component, where 11.25 percent of the revenues are going now. And it states that no more than 50 percent of the annual revenues generate for water quality can be appropriated for salary expenses. And that includes the retirement, health insurance and social security expenses.

LEG. KENNEDY:
Do we have anybody here from BRO today, Madam Chair? Can I --

CHAIRPERSON VILORIA-FISHER:
Go right ahead.

LEG. KENNEDY:
Thank you. Hi, Kevin, how are you?

MR. DUFFY:
Hi.

LEG. KENNEDY:
Good. And so cognizant of the fact that we'd have a 50 percent cap on the funding stream for salaries, how would that square with where we're out right now as far as the amount of salary that we're paying out of 477 in the number of personnel?

MR. DUFFY:
The amount's that being paid, I believe, is slightly in excess of that amount of money. If you also consider the other cost such as equipment, supplies as part of the total cost you're looking at --

CHAIRPERSON VILORIA-FISHER:
I didn't hear the last part of your comments.

MR. DUFFY:
That if you also consider the cost of supplies, equipment and incidentals that are also shown as part of the departmental expenses.

LEG. KENNEDY:
Thank you, Madam Chair. But, Kevin, then, so let me make sure that I understand this. This legislation if we were to pass it, adopt this now would it not impact the 50 or 60 so individuals that are presently being paid out of 477 funds?

MR. DUFFY:
There are positions that are authorized that have not yet -- that are vacant. Okay.

LEG. KENNEDY:
Well, that's everywhere.

MR. DUFFY:
When we looked at the 2007 recommended budget, that was part of our analysis that these positions are vacant. And if these positions remain vacant -- what your question is basically, if we just look at the filled positions, my recollection is that it would not affect those positions because you'd be under that.

LEG. KENNEDY:
All right. I'll yield. Thank you. Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:
Legislator D'Amaro.

LEG. D'AMARO:
Thank you. So is it a fair statement then that we're already at or under the threshold?

MR. DUFFY:
Where we are now with positions that are filled, we'd be, I believe, slightly under the threshold.

LEG. D'AMARO:
But authorized positions some of which are vacant --

MR. DUFFY:
Correct. You'd then be pushing up. And also it would affect how sales tax is because the positions are a fixed cost. And you're basing it on sales tax. Assuming, say, there was a decrease in sales tax, your base would be lowered.

LEG. D'AMARO:

So just as a practical matter of working this, it's going to fluctuate from year to year because the percentage is a function of the sales tax revenue generated?

MR. DUFFY:
That's my understanding, yes.

LEG. D'AMARO:
Yeah. Also how do you -- I don't know if you're the right person to ask this question, but I had a question as to how we would actually monitor whether 80 percent of the work schedule during the calendar year of the 50 percent or less individuals working under this program, how do we monitor that time?

(Legislator Horsley returns to the auditorium)

MR. DUFFY:
We had attempted to do this when we did our 2006 and seven operating reviews. Unfortunately the only department that had responded at that time was Parks. And we found that a great many of the people who are being paid from 477 were not working on 477 projects.

LEG. D'AMARO:
So it creates a reporting function, I guess, from any department head that has employees that are employed through this fund?

MR. DUFFY:
I would yield to Counsel. But I would think that would need to be done.

MR. NOLAN:
Yeah. The law itself doesn't state that there's a reporting requirement. It just states that employees funded from these monies have to spend eighty percent of their time working on the water quality projects.

LEG. D'AMARO:
Okay. But, of course, the standard is only as good as your ability to enforce it so I would assume that someone would have to at least track that to know whether or not we were within, you know, compliance within this bill should it pass.

MR. DUFFY:
We didn't inquire for the 2007 recommended budget and we probably won't again inquire as to the 2008 as to what the 477 people are doing.

LEG. D'AMARO:
Okay. And just my last question on the referendum aspect of it, i don't want to get into a legal debate, but, Mr. Nolan, why is it that we don't need the referendum?

MR. NOLAN:
Well, I will say first of all when it comes to the Article 12 of the Charter the Drinking Water Program, it always has been done. It was enacted by a referendum and all the subsequent amendments to it have been done by referendum. And I believe the County Attorney's opinion is based on the fact that every time those laws may pass, to put those measures on the ballot, there's a provisional law that says that in the future, this law can only be amended by a referendum. However, when it comes to what goes on the ballot and what does not go on the ballot and what's mandatory or not, it's state law that controls. So those -- in my opinion, those provisions and our local laws are not effective.

LEG. D'AMARO:
Right. Thank you.

CHAIRPERSON VILORIA-FISHER:
This question goes to either Budget Review, or I see the Commissioner is at the podium. Because we have a funding source that is not constant, it's, you know, based on the vagaries of economics because it's sales tax, and I assume we're close to that 50% threshold? You didn't state a percentage. You said we were under it, but I don't know how far under it we are.

MR. DUFFY:
I would have to check that to get the exact number, but I'm going from my recollection.

CHAIRPERSON VILORIA-FISHER:
Okay. And I'm assuming that those people who are working there would have pay increases next year so that the total amount of money might grow as the workforce remains there longer.

MR. DUFFY:
Correct. And also we're assuming that sales tax will keep increasing if there was --

CHAIRPERSON VILORIA-FISHER:
Well, let's hope it remains robust, but one never knows. But my concern is that if we were to reach that threshold, what would our recourse then be? Would it be to, then, lay people off from that department, transfer them to another department? What is our recourse with the people we are -- who are the existing employees who are being paid from 477? I guess I could ask the Commissioner that because it's more administrative.

COMMISSIONER MEEK-GALLAGHER:
My understanding is either they'd have to be laid off or there'd have to be a mechanism to transfer them to the operating budget. And that --

CHAIRPERSON VILORIA-FISHER:
Do they have a title that would be transferable to another department?

COMMISSIONER MEEK-GALLAGHER:
They're all civil servant -- well, I shouldn't say all of them. Well, they are all civil service titles. Some are in non-competitive titles but --

CHAIRPERSON VILORIA-FISHER:
But they're civil service titles. My question is would they be transferable? Are there other departments who have the same titles within their departments?

COMMISSIONER MEEK-GALLAGHER:
Yes.

CHAIRPERSON VILORIA-FISHER:
I mean if somebody's a water specialist II, can they be moved into another --

COMMISSIONER MEEK-GALLAGHER:
Yeah. None of their positions, and I can only speak for the Department of Environment and Energy is, none of the positions that I have that are 477 funded are special or unique in the sense that they couldn't work within Planning or within Health Services or other, you know, other departments. I mean a few of them, it probably wouldn't make sense unless they were in Parks or DPW because they're laborer titles or Department of Labor. But I guess my one concern is that I currently have, and I just walked into seven vacancies that I have not yet been able to fill. I was ready to fill three of them and then the Assembly did not extend a one percent sales tax. So there was a firing freeze

put in place.

These are our key positions. There has been no head of the water quality program for over a year. There has been no second in command kind of a civil engineer overseeing the program. There are no environmental analyst positions currently filled in the program. And those would be the key four positions that really would need to be filled in order for us to manage the program moving forward. There's currently $25 million worth of projects ongoing, 44 different projects were valued at $25 million. So unless I can get, you know, management in place to monitor those, it's very difficult to respond to inquiries or make sure that in fact the people are working, spending 80% of their time on 477 funded projects.

So I would just be concerned that this would impact it in such a way that say positions like that that really are critical to managing the program now that all the oversight and management has been transferred to Environment and Energy would not be able to happen. And I think it's -- you'd really have to look through and see how realistic it is to limit -- at what point you would limit the percentage that could be spent on salaries given the amount of projects that out there and the number of projects, the dollar amount.

CHAIRPERSON VILORIA-FISHER:
The issue here is that we have never wanted -- historically we've been very cautious about having abuse of the 477 account and have it used as a way of deflecting spending from the operating budget and just raiding the 477 account for that.

However, I think you raise some interesting and critical points. And thus far when we've looked at this, we've looked at whether you need a referendum or you don't need a referendum. But these are much more nuts and bolts. And I think we need clearer numbers.

I'd like to make a motion to table this. And I will ask Budget Review to give us your figures on what percentage -- where we are now in terms of percentage of revenue that's used for salaries. And, Commissioner, I would like you to detail for us the positions that you're looking to fill that you see as critical positions so that we can determine well, if we had those critical positions filled, where would that bring us vis-à-vis the 50% because I think in essence this is a very good resolution in terms of keeping us honest with regards to 477 account; and keeping the representation that we've made to the people of Suffolk County when they vote on, you know, paying in this money for storm water remediation and water quality, that we're indeed spending it on that and not using it as a slush fund. So we need to codify that. So I think that this makes good sense but I think we need to look at the numbers. Okay? So if you could give us that, Kevin, from Budget Review?

MR. DUFFY:
Based on the filled positions as of, say, you know --

CHAIRPERSON VILORIA-FISHER:
Based on the filled positions, yes. Because we don't want to do pie in the sky. You know, we want to know what we are using right now. And when the Commissioner gives us the information on the positions that she feels are critical for the ongoing operation of these programs, and we add that, let's see where we are and then make a decision based on the numbers that are before us. Because I'll tell you, I'm not ready -- I'm not prepared to sit here between attorneys who are arguing about whether or not something has to go on a revenue. But I think it behooves us to look at the numbers that we need and the programatic necessities when we make a decision on this. So I'm making a motion to table.

LEG. LOSQUADRO:
Madam Chair.

CHAIRPERSON VILORIA-FISHER:
Yes. I just need a second on it.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro.

LEG. LOSQUADRO:
I was going to say that I was going to withdraw my motion to approve. And I'll speak to the sponsor about this. And I just want to reiterate the importance especially in light during Mr. Isles' presentation, he talked about our $4 billion tourism economy. And nobody wants to come visit closed beaches. And the summer is obviously the height of our tourism season. And this is something that we need to be putting more effort into and getting many of those projects that you alluded to, you know, some of which are ready to go, get them off the ground so to speak. So I'm very much in favor of, you know, this piece of legislation in its current form or in a modified form that will help us on the road to accomplishing that.

CHAIRPERSON VILORIA-FISHER:
Although I said I didn't want to be in the middle of this argument between lawyers --
MR. NOLAN:
Discussion.

CHAIRPERSON VILORIA-FISHER:
I'm sorry. Discussion, this intellectual discourse between our respected attorneys here. Since we are looking at the extension of the Quarter Percent Drinking Water, could the wording of something like this be incorporated in that? I mean we're voting to it Tuesday?

MR. NOLAN:
Yes, it would be too late to make that type of change to try to move it into that bill. I don't want to even think about that possibility. But, no, it couldn't be done.

CHAIRPERSON VILORIA-FISHER:
It can't be done?

MR. NOLAN:
No, not between -- that would be -- no, you can't do it.

CHAIRPERSON VILORIA-FISHER:
Okay. Never mind. Okay. It just seems better than another referendum, you know, a separate referendum. Won't go there.

Okay. We have a motion and a second to table. All in favor? Opposed? **IR 1554 stands tabled. (Vote: 5-0)**

IR 1604, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, for the Lawnsdale LLC property, Fresh Pond/Dickerson Creek, Town of Shelter Island. (County Executive Levy) Before we have a motion I have a question. I received correspondence that there was interest in the Town of Shelter Island to partner. What is the status of that?

DIRECTOR ISLES:
Mr. Kent from Real Estate, I think, is in discussions with Shelter Island but I believe we are awaiting a resolution from the town board.

CHAIRPERSON VILORIA-FISHER:
Sorry.

LEG. D'AMARO:
What was the answer?

CHAIRPERSON VILORIA-FISHER:
Mr. Losquadro couldn't hear me because my mike wasn't on. Go ahead.

DIRECTOR ISLES:
My understanding is that the Town of Shelter Island is considering a resolution or will be considering a resolution to partner with the County; that we have not yet received that. Mr. Kent is here from Real Estate and can add more information, I believe, if you have further questions.

CHAIRPERSON VILORIA-FISHER:
Okay.
DIRECTOR ISLES:
But I think we were awaiting a resolution.

CHAIRPERSON VILORIA-FISHER:
Okay. And, Mr. Kent, you haven't received a resolution. Okay.

MR. KENT:
They're still -- the Town of Shelter Island will have to have a public hearing before they can adopt a resolution. Their public hearing is scheduled for August 17.

CHAIRPERSON VILORIA-FISHER:
Okay. So I'll make a motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1604 is tabled. (Vote: 5-0)**

IR 1691, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Kabbaz property, Town of East Hampton. Now this received a low number of points as I recall, yes?

DIRECTOR ISLES:
Right. This received two points.

CHAIRPERSON VILORIA-FISHER:
Okay. I'll make a motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **1691 stands tabled. (Vote: 5-0)**

INTRODUCTORY RESOLUTIONS

We move to Introductory resolutions. **IR 1698, donation and dedication of certain lands now owned by Rose Breslin Association, LLC to the County of Suffolk. (County Executive Levy)** There's no reason why we can't approved this, is there?

DIRECTOR ISLES:
Right. This is just a free donation. It's not subject to a transferred development rights; just a donation.

CHAIRPERSON VILORIA-FISHER:
Okay. I'll make a motion to approve.

LEG. LOSQUADRO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Losquadro. All in favor? Oppose? **IR 1698 is approved. (Vote: 5-0)**

We pass by all our SEQRA resolutions and move to **IR 1720, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Hobbs Farms property, Town of Brookhaven. (Viloria-Fisher)** I'm going to make a motion to approve but there's no rating available at this time. This is farmland preservation.

DIRECTOR ISLES:
Right. This should go to the Farmland Committee.

CHAIRPERSON VILORIA-FISHER:
Okay. I'll make a motion to table it for one cycle.

DIRECTOR ISLES:
Well, two points I'd just like to make. It would have to go to the Farmland Committee. They're having a special meeting in September, as I mentioned, for the greenhouses. We can certainly put it off for that.

The second point is we'd like to suggest that planning steps resolutions not be considered for SOS since we're kind of winding down that program. It terminates at the end of the year. So just a future reference we feel that other programs should be considered.

CHAIRPERSON VILORIA-FISHER:
Okay. We have a willing seller in this so it shouldn't be protracted negotiations in this? I mean we could be able to do it quickly? Are you saying I should put this in another program?

DIRECTOR ISLES:
Yes.

CHAIRPERSON VILORIA-FISHER:
Or you think we have enough time?

DIRECTOR ISLES:
No, I think you should put it in another program. To get appraisals, to go to contract and so forth, we'd have to get all that done by the end of the year. As we get closer to the end of the year -- I'm sorry?

CHAIRPERSON VILORIA-FISHER:
So then we'll talk about doing an amended legislation; do it under --

DIRECTOR ISLES:
It would be our suggestion that another program be considered.

CHAIRPERSON VILORIA-FISHER:
Okay. Well, you know your wish is my command. I'll change the program. And you know that we're also looking at a piece of this Hobbs Farm property. I've been speaking with Jim Morgo regarding acquiring it for affordable housing.

DIRECTOR ISLES:
Okay. I wasn't aware of that.

CHAIRPERSON VILORIA-FISHER:
It's eleven acres. They want to have farmland on seven acres and four acres for affordable housing, you know, small area. And I've been speaking with Jim Morgo about it. So we do have a meeting coming up on this so we can fill in the blanks regarding those questions. That why I have no problem with tabling it for now. We can talk about the details.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1720 is tabled. (Vote: 5-0)**

IR 1743, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Liberty Meadows property in the Village of Port Jefferson. (Viloria-Fisher) And Lauretta has distributed this. Tom?

DIRECTOR ISLES:
Okay. This is a parcel as indicated located in the Village of Port Jefferson. The total area of the site is a little bit over 18 and a half acres. The site does have some development in the middle of it as you can see in the aerial photograph. I will point out at this point Planning has only done an initial review. And when we did do a preliminary rating which came up with 11 points we would -- you know, we know that there is, I guess, a question as to what part of the site this sponsor would like to consider an acquisition of. Is it the entire thing? Is it part of the site and so forth. And that may adjust the rating at that point and that's something we're able to connect up with you specifically on that.

CHAIRPERSON VILORIA-FISHER:
Right. And I did want to speak with Lauretta about this, that we are -- we are not considering the parcel that has the house on it. What we had looked at is the most southerly -- I'm trying to get my orientation -- parcel.

DIRECTOR ISLES:
Next to the cemetery?

CHAIRPERSON VILORIA-FISHER:
Next to the cemetery.

DIRECTOR ISLES:
Which is southerly.

CHAIRPERSON VILORIA-FISHER:
Because that's the area where the residents are most concerned. You know, there's been a Save Cedar Hill. And that's also the highest point which overlooks the harbor there. And so there has really been an initative to try to save that southerly part of it, which is the highest part of it. Okay? So's that the greatest interest that we have.

DIRECTOR ISLES:
How many acres is that if I could ask?

CHAIRPERSON VILORIA-FISHER:
I have to go over the break donw on that. I believe it was about five acres. It wasn't that many acres; five to seven acres on that.

MS. FISCHER:
Small rectangle on the bottom, is that the one?

CHAIRPERSON VILORIA-FISHER:
The rectangle on the bottom in the triangle just north of it?

DIRECTOR ISLES:
Right.

CHAIRPERSON VILORIA-FISHER:
There's a little -- I'm sorry, no. The rectangle on the bottom.

MS. FISCHER:
Right. And then a portion of the property next --

CHAIRPERSON VILORIA-FISHER:
And then a portion of the property where the house is.

MS. FISCHER:
Okay.

DIRECTOR ISLES:
It's not a case where the village can cluster so they're not developing the hill.

CHAIRPERSON VILORIA-FISHER:
Well, actually they talked about clustering. But there's still a lot of controversy in the village about that because they are clustering around where the house is. And they're leaving some periphery, but we're trying to just maintain the area by the Cedar Hill Cemetery intact.

DIRECTOR ISLES:
Would you like us to do a rating based on just that portion of it?

CHAIRPERSON VILORIA-FISHER:
Just the small portion.

DIRECTOR ISLES:
Okay, we can do that.

CHAIRPERSON VILORIA-FISHER:
Yes, I'm happy to table that so that we can review that. I'll make a motion, seconded by Legislator D'Amaro. All in favor? Opposed? **1743 is tabled. (Vote: 5-0)**

Again, more SEQRA resolutions.

Now we're on **1764, authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program for the Ghassemi property, Town of Southold. (County Executive Levy)** Okay. And this is acquisition. I'll make a motion.

LEG. LOSQUADRO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Losquadro. All in favor? Opposed? **1764 stands approved. (Vote: 5-0)**

IR 1765, approving planning steps for the acquisition of farmland development rights. (County Executive Levy) This is eight parcels, 161 acres. It's the County Exec's so it's from the Master List, yes, Lauretta?

MS. FISCHER:
Yes.

DIRECTOR ISLES:
These are eight parcels and went to the Farmland Committee meeting recently and had been recommended.

CHAIRPERSON VILORIA-FISHER:
Okay. I'll make a motion to approve.

LEG. D'AMARO:
Is there a rating?

CHAIRPERSON VILORIA-FISHER:
May I have a second and then we'll talk about it.

LEG. HORSLEY:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Horsley. And that's for discussion. Legislator Losquadro and Legislator D'Amaro have questions.

LEG. LOSQUADRO:
I was just wondering if you could tell us where they were. I know it's farmland so it's a different standard, but if you could just tell us where these parcels are, please.

DIRECTOR ISLES:
Okay. The {Lindstrim} parcel is in Bellport which is in the vicinity actually of Beaver Dam Creek in Bellport Hamlet. I can certainly furnish further information if you'd like more details. But those are the first two lots.

{Luthard} is in East Moriches. That's a nursery site. Marco which is the next one, two, three, four, five sites is a single farm site in Southold. And we've actually met with the Town of Southold on this one. This is a site that's rather large. And we're also working with Peconic Land Trust. So it's a site that has or will have relatively high visibility and is being looked at as a combined approach of using private owner bargain sale, using conservation easements and then a potential county/town purchase development rights.

This, of course, is a planning steps so it's just to authorize the initial steps. But of the three farms then before you constituting the eight parcels, you know, two are in the Town of Brookhaven and one is in the Town of Southhold. And if you want further backup, we can provide that to you.

LEG. LOSQUADRO:
Thank you.

CHAIRPERSON VILORIA-FISHER:
Legislator D'Amaro.

LEG. D'AMARO:
Nope, good to go.

CHAIRPERSON VILORIA-FISHER:
Okay. We have a motion and a second. All in favor? Opposed? **IR 1765 is approved. (Vote: 5-0)**

IR 1766, authorizing acquisition of land under SOS Open Space Component, Farmland Preservation and Hamlet Parks Fund for the Schmidt Revocable Trust property, San Remo Riviera, Town of Smithtown. (County Executive Levy) Is there a motion?

LEG. D'AMARO:
This is an acquisition, right?

CHAIRPERSON VILORIA-FISHER:
This is an acquisition, yes.

LEG. D'AMARO:
I'll offer a motion; motion to approve.

CHAIRPERSON VILORIA-FISHER:
Motion by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **1766 is approved. (Vote: 5-0)**

1767, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space Component for the Foley property, Montauk County Park addition, Town of East Hampton. (County Executive Levy) Motion by Legislator Losquadro.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1767 is approved. (Vote: 5-0)**

IR 1768, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program Open Space Component for the D'Alesso property, Mastic/Shirley Conservation area II, Town of Brookhaven. (County Executive Levy) You want to look at it a second?

LEG. D'AMARO:
No, I got it. Motion. Motion to approve.

CHAIRPERSON VILORIA-FISHER:
Motion by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? **IR 1765 is approved. (Vote: 5-0)**

1769, authorizing a Memorandum of Agreement with the Cornell Cooperative Extension Association of Suffolk County for programs and extension work. (County Executive Levy)
I'll make a motion to approve.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1769 is approved. (Vote: 5-0)**

IR 1770, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, for the estate of Angelo Giambalvo property, Beaverdam Creek watershed, Town of Brookhaven. (County Executive Levy) Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? **IR 1770 is approved. (Vote: 5-0)**

IR 1771, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component for the Gram property, Mastic/Shirley Conservation Area II, Town of Brookhaven. (County Executive Levy) Motion by Legislator Losquadro.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1771 is approved. (Vote: 5-0)**

IR 1774 authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, for the Peconic Land Trust, Inc as contract vendee property, Cackle Hill, Town of Shelter Island. (County Executive Levy) Motion by Legislator D'Amaro, seconded by Legislator Losquadro. All in favor? Opposed? **IR 1774 is approved. (Vote: 5-0)**

IR 1777, donation and dedication of certain lands now owned by Riverhead Estates, Inc to the County of Suffolk. (County Executive Levy) I'll make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? **IR 1777 is approved. (Vote: 5-0)**

IR 1795, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Joan Schwonik and Theresa Southworth property, Town of Riverhead. (Romaine) There was no rating available on this?

LEG. D'AMARO:
22 acres.

CHAIRPERSON VILORIA-FISHER:
Yes, 22 acres.

DIRECTOR ISLES:
I think I made a mistake on something, I'm sorry. I just want to correct it. 1777 is going to CEQ on Tuesday. Pardon me. Wednesday.

CHAIRPERSON VILORIA-FISHER:
I'll make a motion to re-consider 1777, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1777 is before us again. I'll make a motion to table subject to CEQ review, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1777 is tabled. (Vote: 5-0)**

DIRECTOR ISLES:
Thank you. And that will also apply to 1819 which is your next one but I know you're not there yet. I believe we're now on 1795.

CHAIRPERSON VILORIA-FISHER:
Correct.

DIRECTOR ISLES:
Okay. What we've supplied to you is an aerial photograph of this parcel which is outlined in red. It's on Wading River Road. And we've also done a rating on that. As you can see the County does own

some land in this vicinity outlined in the green. You should just note that the outlining in orange is land that's owned by the State of New York; however, the interior of that area is now built as a subdivision of homes.

The proposed planning steps resolution then is to include the parcel outlined in red which is kind of that long skinny parcel of land that was formerly cleared. It's now in the state of re-vegetating itself. County Planning has reviewed this. And we've rated it at 18 points. We would not recommend this to you at this point in time based on the information we have because, here again, although we own land to the west, this parcel is somewhat fragmented by being between Wading River Road and the subdivision that's now developed to the east. So we feel that it is -- does not have any inherent or intrinsic environmental feature to it in terms of wetlands or some other special resource. And at this point it doesn't have contiguity and will never have contiguity to other county open space.

CHAIRPERSON VILORIA-FISHER:
Okay. Commissioner, did you want to weigh in on that?

COMMISSIONER MEEK-GALLAGHER:
I just wanted to add it's also problematic from the sense that it's put under "s" planning steps under SOS which will expire before we could actually move the project all the way to completion.

CHAIRPERSON VILORIA-FISHER:
Legislator Losquadro?

LEG. LOSQUADRO:
I just wanted to ask, just to the left of this proposed acquisition looks to be a very similar sized property; in fact, a hair smaller perhaps that was included on Master List One.

DIRECTOR ISLES:
Right. Which is -- I'm sorry.

MS. FISCHER:
Adjacent to --

DIRECTOR ISLES:
Yeah, which is next to the other county land which is outlined in green there.

LEG. LOSQUADRO:
Okay.

DIRECTOR ISLES:
This is not too far from -- Lake Panamoka's up to the top left of the aerial.

LEG. LOSQUADRO:
I'm familiar with where it is. I grew up in Wading River.

DIRECTOR ISLES:
Okay. Okay. I'm sorry. And so in that case it was directly adjacent to it. It was an expanding existing county holding in squaring it off. And in fact there had been prior consideration of the patched parcel there, I think, back in the late '90's. This is known as the Campo parcel, the one in green. And the County purchased that probably around 2000 and had been seeking to purchase the patched parcel.

So if that were to come along, here again, I think it's a different set of facts. There is a kettle hole pond right there, exposed groundwater. We're providing further buffer. The parcel in question today is separated by Wading River Road. It's kind of long and narrow. And here again if it was

adjacent to county parkland, I'm sure the department's opinion would be different but --

LEG. LOSQUADRO:
You pointed out the parcel just to the east.

DIRECTOR ISLES:
Right.

LEG. LOSQUADRO:
The state parcel that you said is now built on? Could you explain that.

DIRECTOR ISLES:
Well -- sure. The parcels outlined in orange are owned by the State of New York. Within the -- you could see the cleared area in the former farm field, that's now a subdivision of houses. This aerial is from 2004 so it's somewhat old. So apparently what happened in the Town of Brookhaven is they apparently did a cluster subdivision preserving some of that perimeter open space, which is a good thing. And then required the donation of the open space to the State of New York. So there is some open space kind of ringing in the subdivision in kind of an elongated fashion. Something like that could --

LEG. LOSQUADRO:
I can see. Actually the orange outline --

DIRECTOR ISLES:
Right.

LEG. LOSQUADRO:
You could almost shade in the outside area as a buffer.

DIRECTOR ISLES:
Right.

LEG. LOSQUADRO:
Okay.

DIRECTOR ISLES:
Exactly.

LEG. LOSQUADRO:
It appeared as though it was just a series of contiguous parcels that the State owned.

DIRECTOR ISLES:
Right.

LEG. LOSQUADRO:
But that center section is the development with the outline buffer area.

DIRECTOR ISLES:
Right.

LEG. LOSQUADRO:
Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:
Tom, as I look at this, I wonder what the access -- if we were to acquire that piece of property, what would the access to that community be? Where would the access be to that development?

DIRECTOR ISLES:
It comes in from the north. So there's not currently access through the subject parcel. The access to the subdivision is provided to the north.

CHAIRPERSON VILORIA-FISHER:
So they have to go through state property to get onto it? Because it looks like a solid line around it.

DIRECTOR ISLES:
It certainly does look like a solid line. I would have to assume that there's actually a right-of-way or a road going through there. Just keep in mind, too, that sometimes the -- you know, these aren't surveys. These are representations that are pretty large scale. So a line can be, you know, 40 or 50 feet wide in reality.

CHAIRPERSON VILORIA-FISHER:
Right, right. Okay. Okay. I'm going to make a motion to table, seconded by Legislator D'Amaro. They need to go to a different program. SOS is going to expire. All in favor? Opposed? **(Vote: 5-0)**

IR 1819, accepting a donation of real property for open space purposes a Suffolk County Department of Health Service Board of Review transfer of development rights. (County Executive Levy)

LEG. LOSQUADRO:
Motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Yes. Okay. There's a motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **1819 stands tabled. (Vote: 5-0)** If there is no further business --

LEG. LOSQUADRO:
Memorializing resolutions? **(MR 39, Memorializing resolution in support of legislation to create the Fire Island Beach Erosion Control District) (Eddington)** Motion to table.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
No, wait a minute. No, I had asked you a question about this last time. Does anybody have any answers regarding this Fire Island Beach Erosion Control District? Okay. Has anyone spoken with Assemblywoman Fields? I believe she's the Assembly sponsor. Okay. If someone can try to come to the Tuesday meeting with this because I think we can discharge this easily on the floor if there's a compelling reason. Although the Assembly isn't meeting for a while so it's not that compelling.

We stand adjourned.

LEG. LOSQUADRO:
You didn't call the vote, though.

CHAIRPERSON VILORIA-FISHER:
Okay. Motion to table by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **The memorializing resolution stands tabled. (Vote: 5-0)**

(THE MEETING CONCLUDED AT 3:00 PM)
{ } DENOTES SPELLED PHONETICALLY