

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 September 10, 2007.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chairman
Leg. Wayne R. Horsley
Leg. John M. Kennedy, Jr.
Leg. Daniel P. Losquadro (not present)

ALSO IN ATTENDANCE:

Legislator William J. Lindsay, Presiding Officer
George Nolan Counsel to the Legislature
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ben Zwirn, Assistant Deputy County Executive
Brian Bielanski, County Executive's Office
Jimmy Dahroug, County Executive's Office
Kevin Duffy, Budget Review Office
Kara Hahn, Director of Communications
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Christopher E. Kent, Director of Real Property Acquisition
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Seth Squicciarino, Aide to Leg. Vilorio-Fisher
Thomas Ryan, Aide to Leg. Vilorio-Fisher
Linda Bay, Aide to Minority Leader
Linda Burkhardt, Legislative Aide
Paul Perillie, Aide to Majority Leader
Dennis Brown, County Attorney's Office
Debra Alloncius, Legislative Rep for AME
Paul Matthews, Cornell Cooperative Extension
Kathleen Matthews
Diana Sanford, Suffolk County Parks
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING CONVENED AT 1:26 PM)

CHAIRPERSON VILORIA-FISHER:

All the members of the Environment, Agriculture and Planning Committee please come to the horseshoe.

Welcome everyone to today's meeting of the Environment, Planning and Agriculture Committee. Please join us in the Pledge of Allegiance.

SALUTATION

Thank you. We have two cards this afternoon. The first one is Paul Matthews.

MR. MATTHEWS:

Hello. Good to see everyone again. I've had the honor and privilege of appearing before the Suffolk County Legislatures over the last several years lobbying for support for the latest innovative technology in shellfish restoration; namely the early release method also referable as larval release or competent to settle veliger release method. Our original patent pending technology has for years been under constant unsupported research and development. And there is now very encouraging news.

Preliminary research performed under the auspices of Cornell shows that the refurbished oil tanker vessel, which we have, is workable and is an appropriate mobile marine hatchery platform for larval clam release. This has been determined by preliminary experimentation with a similar tank as those present on the mobile marine hatchery. We're gearing up and will be ready to put clam veligers into the environment by next year.

While the current cost for restoration by the Nature Conservancy for Old Chowder/Quohog adult clams in its spawner sanctuaries is one dollar per animal or more, that's four or five time their current open market value. The early release method patent pending will deliver more than one thousand competent to settle clam veligers for one dollar at the outset and will increase from there.

The competent to set veligers will be approximately ten days old and delivered wherever required by impeller pump systems in a stream of tens of millions from the mobile marine hatchery, mother ship, and other interim sources and systems.

It is anticipated that they will settle permanently where they are put and stay there for their lifetimes, which can be up to 30 years. The rate of survival is not known. That's what we need to find out. Please support a further, possibly five year, research study in this subject through Cornell for the pending proof of concept by Cornell and LIFE.

This method goes beyond shellfish restoration into coastal restoration, which is in keeping with the current New York State mandate for ecosystem based management and will also have an application for further scallop restoration efforts. Thank you. Paul Matthews.

CHAIRPERSON VILORIA-FISHER:

Thank you Paul. Any questions? Legislator Horsley has a question.

LEG. HORSLEY:

Hi, Paul. How are you?

MR. MATTHEWS:

Thank you, sir.

LEG. HORSLEY:

Just curious, I'm familiar with the process that the Town of Babylon has in growing sea clams from near infancy, the little dot. And I've gotten through that whole process and whatever. Do you like this? What makes one different than the other? I mean what is your -- as far as the successful --

MR. MATTHEWS:

Well, the hatchery process that they practice in Babylon and Islip and other places, and Southold at Cedar Beach and in East Hampton, is very, very successful in the spawning part of the equation. A female clam could have five million eggs. In the lab you can have five million fertilized eggs. That doesn't happen in nature. In nature they get destroyed by different things. They get eaten. Maybe 5,000 eggs -- I mean possibly five million eggs, maybe you only get 50,000 fertilized.

In a container, as you have in the lab, you have a perfect fertilization event. But instead of growing them in a labor intense situation having to feed them in and tend them until they're nine months old, you simply let them go when they're ten days old, which is when they naturally do it. When the clams are ten days old, they put out this bissel thread, which is like a spiderman thread, and attaches to sand in the environment and that clam stays on that grain of sand or wherever it sets forever -- well, up to 30 years. So it can serve the environment for 30 years.

So basically we're talking about day ten starting out with five million, having five million fertilized larvae, you still have them on day ten. Day one you'd have five million. Day ten you'd have five million. How many orders of magnitude is that more efficient than nature? Maybe five orders of magnitude more efficient than nature. So it imitates nature, but it makes it more efficient.

LEG. HORSLEY:

Interesting. And you don't know if this works?

MR. MATTHEWS:

Well, it's pretty -- it's pretty encouraging to assume that if you took a million ready to set clams --

LEG. HORSLEY:

It does seem logical.

MR. MATTHEWS:

-- and put them in a corral that was surrounded that they would set there. How many will live to be services to the environment, to be an economic resource and to help the ecosystem. That's the question that we want to ask and we're very, very close to doing that. And thanks to the support from Cornell and having been with them for now about 18 months, we're ready to move forward in a partnership to do that.

LEG. HORSLEY:

Interesting. Good luck.

MR. MATTHEWS:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Because I always like to learn new words accurately, are veligers seed clams? Is that -- or is that the next stage?

MR. MATTHEWS:

Veligers are that -- they're still swimming so they have a velum and that's why they're called veligers. They have a little fin that keeps them floating in the environment. And when they set, they stop being veligers and they're just clams. And that's when they go down and go under the

sand.

CHAIRPERSON VILORIA-FISHER:

So it's the stage between they're being seed clams and actually settled clams?

MR. MATTHEWS:

They start out as larvae and then they're veligers until this point when they're about two weeks old.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you. Any other questions?

MR. MATTHEWS:

I very much welcome the opportunity to make a complete presentation to the committee with representatives from Cornell and various other items and attachments. I would like to say that this needs to be done over a period of years. And I think it's a natural follow-up for shellfish restoration on an ongoing basis.

LEG. HORSLEY:

How long would it take before you actually say we're successful; things are good?

MR. MATTHEWS:

Well, let's see. We could put them in in one year and follow them for six months. We have a program to do that for a -- that would take about six months, cost about a hundred thousand dollars. But you would want to follow it from year to year to see what type of survival rate you would actually have because we're comparing it to a ten-year-old clam that costs a dollar to put back in the environment. So what will it cost us to get that clam that we put in as a veliger up to that point and how successful would that be.

CHAIRPERSON VILORIA-FISHER:

In your presentation you talk about preliminary research. What has that shown?

MR. MATTHEWS:

Well, we constructed a tank that was similar to the tank on the oil tanker that had a slanted bottom and we grew a swarm of clams in there for ten days until -- from their fertilization to -- through to what we call a competent to set veliger. And they survived at 70 percent without -- and it was fine. Then you could actually pump them through an impeller pump, which is very important, because that's you how you get from below decks over the deck.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you very much, Paul.

MR. MATTHEWS:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Okay. Our next speaker is Kathleen Matthews. No relation, I don't think.

MS. MATTHEWS:

No, not that I'm aware of.

CHAIRPERSON VILORIA-FISHER:

Okay. You all should have a copy of a letter that you had received in your mailbox but we just gave you another copy in case you didn't have it with you. It's the Coalition to Save Cedar Hill.

MS. MATTHEWS:

Did anyone not get a copy?

CHAIRPERSON VILORIA-FISHER:

And Dr. Matthews is going to be talking about this vis-à-vis a piece of legislation that we tabled at the last meeting, the Liberty Meadows Cedar Hill planning steps. Okay. Go ahead.

MS. MATTHEWS:

Did anyone not get copy of that letter that was hand delivered on Friday?

LEG. HORSLEY:

We're good.

MS. MATTHEWS:

I guess not. Okay. Anyway, first of all I wanted to express my appreciation and support to Legislator Fisher for having introduced the planning steps resolution for the County to acquire the 18 and-a-half acres of Liberty Meadow, also known as Cedar Hill.

Upon discovering that the resolution had been tabled because the land did not meet the required ratings, it only received 11 on a criteria of a 110, we were very mystified as to how that could be. First of all, the Town of Brookhaven had rated it very highly a couple of years ago, and when we went through using the Suffolk County criteria, we came up with 70 points.

Now somewhere between 11 and 70 is the 25 that is the bottom criteria for this to be considered for open land acquisition. I think that if you read that letter and look at the pictures of what we rated, you'd see why that deserved rating. I can go through that if you want, you know, that it has species that -- of special concern and greatest conservation need. So they're on the border of being rare or endangered. Usually what happens with that is they get some points in between the five to ten points. But they're definitely, the Canaries in the Coal Mine, the Scarlet Tanager and the Box Turtle.

Secondly, it's a unique land form. Cedar Hill is the mirror opposite of Port Jefferson Harbor. It was created -- it's the last tongue of the final glacier that helped to shaped Long Island's north shore over 10,000 years ago. And according to Steve Englebright, who was the geologist at Stony Brook University, the Hill is the mirror image of Port Jefferson Harbor. And the glacial activity that scooped out the harbor simultaneously created Cedar Hill by depositing the mix from what is now the harbor floor forming the hill. The formation of both the harbor and Cedar Hill are unique.

There's also classified vegetation. In April of '06 Dr. Manuel Lerdau, an ecologist formerly at Stony Brook University, stated that he had noted the existence of trout lily and hepatica on the property. There are also about 14 acres of steeply sloped forest type coastal oak and laurel, including an approximately 200 year old beech tree. The property supports plant species listed as Exploitably Vulnerable under New York State Conservation Law also. The flowering dogwood, the mountain laurel, spotted wintergreen and native ferns.

If you will look at the pictures -- I think those who did not have the letter that was delivered with the color photos got the black and white photos today which don't really do justice to the pictures of the harbor from the top of Cedar Hill and also of Cedar Hill coming in the harbor from the water. But the sweeping view that encompasses all of Port Jefferson Harbor all the way out to Long Island Sound and across to Connecticut is a very unique and special part of Port Jefferson Village. It's part of what gives it the whole tourist attraction, is that connection to the water. And when you come in from Long Island Sound on the ferry, the first thing that you see of Port Jefferson is this crown of trees at the very highest point of Port Jefferson.

CHAIRPERSON VILORIA-FISHER:

Actually, it's the first thing you see of New York.

MS. MATTHEWS:

That's true. That's very true. If you're out there on a sailboat and you're looking for a landmark,

Cedar Hill is that landmark. It also gets ten points for the perimeter to area ratio less than one. The property has a low interior to perimeter ratio. It's bulky in shape if you look at the map on the back of the letter. And although it's not directly touching the greenbelt buffer, it's very close to it. And it does directly adjoin the historic Cedar Hill Cemetery, which is open to the public daily. That cemetery is beautifully designed Victorian era, park-like environment for contemplation, for studying history, for observing nature and for viewing Port Jefferson Harbor. My husband's buried there and he was the Deputy Mayor of Poquott and an avid sailor. And I love the fact that he's buried there among all of these old whaling captains and seagoing names that give it a real feeling of history. So although it's not directly adjacent, it is very close to that greenbelt.

The other thing is it's also within walking distance of the local Port Jefferson High School, which would mean that it would be available for use by the high school for science and ecology.

And the secondary criteria, which is worth another ten points, is that development plans have been filed at the Planning Board of the Village of Port Jefferson by Liberty Meadow for construction of 43 condominium units on the property. And the zoning is in place. Now --

CHAIRPERSON VILORIA-FISHER:

Kathleen, just with regard to that, and Mr. Isles can correct me if I'm wrong on this, but I don't think the development pressure is on the new --

DIRECTOR ISLES:

It is not on the new.

CHAIRPERSON VILORIA-FISHER:

We have different criteria now and those ten points are no longer part of the criteria. The development pressure is no longer part of that. However, many of the other points that you're making are still there because --

MS. MATTHEWS:

But certainly there's more than the 25 points. So thank you for the correction.

CHAIRPERSON VILORIA-FISHER:

Yeah, you know, the site is located within or adjacent to a designated greenbelt or historic trail. That gives us -- that would give us points and that wasn't given points here. So the Director of our Planning Department certainly has the letter and he's looking at it. They're going to be looking, you know, doing an evaluation again vis-à-vis what you have in the letter. There's something you haven't mentioned, though, that I also think is very important. Dr. Matthews is a member of the Brookhaven Town Open Space Committee --

MS. MATTHEWS:

Yes.

CHAIRPERSON VILORIA-FISHER:

Or Poquott? Brookhaven Town?

MS. MATTHEWS:

No, I'm -- I'm getting confused because I don't go as Dr. Matthews because that was my husband's name so I go as under a different professional name.

CHAIRPERSON VILORIA-FISHER:

Sorry, Kathleen. That's right. Right.

MS. MATTHEWS:

But, yes, I am a member of the Brookhaven Town Open Space Committee. I'm not here officially today in that capacity. However, I do know that the Town of Brookhaven was interested in this

parcel a couple of years ago, put in a bid and was not able to buy it because the owner was not willing to meet the appraisal price at the time. So Brookhaven might be interested in a joint acquire at some point.

CHAIRPERSON VILORIA-FISHER:

And that would be an area where there would be more points.

MS. MATTHEWS:

Yes, so there certainly would be something to discuss especially once the CPF effect goes through in November. But I'm another not here to -- I can't speak officially. I'm also not here representing Cedar Hill as --

MS. KRAUS:

Please pull the mike to you.

MS. MATTHEWS:

I'm sorry. I'm not here officially in that capacity nor am I here officially representing Cedar Hill. I'm just here today representing myself. But one of the things that I also wanted to mention in terms of this property is that the Indians initially referred to Cedar Hill -- referred to Port Jefferson as the seven hills. And in recent history there have been at least two major disastrous floods in the Village. Canyon Creek and St. Charles Hospital have received the most news coverage. I don't know if any of you remember those, but there was a lot of damage that was done. And they were caused by construction that paid insufficient attention to the hazards of building on steep, sandy slopes and the torrential rainfall that I think we can expect more of in the coming years.

CHAIRPERSON VILORIA-FISHER:

Kathy, your time is coming to a close and there is a question.

MS. MATTHEWS:

Okay.

CHAIRPERSON VILORIA-FISHER:

Do you want to just wrap it up if there's something --

MS. MATTHEWS:

Okay, yeah, I'll wrap it up. You know, basically this land -- I know that there's been a possible thought of configuring this to just try to buy the strip along the cemetery, which there's some question it was originally offered to Brookhaven and also privately as a 1.5 -- 1.3 acre strip. I understand now that they're talking three acres. But I think to go for that small strip and allow the rest of it, the steepest part of the slope to be developed would really not be in the best interest of conserving that open space or conserving what's there. I would prefer to see it tabled with the idea of seeing if we could come to some kind of a matching or an agreement where it would be possible to acquire this. This is one of the most spectacular pieces of property on the north shore and there's not much left like this. Questions?

CHAIRPERSON VILORIA-FISHER:

There's a question. Legislator Horsley.

LEG. HORSLEY:

Yes. Good afternoon, by the way. Just -- you mentioned that Brookhaven at one point took a look at this property. They couldn't meet the appraisal price. Has the appraisal process risen since that date? Is there a different dollar --

CHAIRPERSON VILORIA-FISHER:

No, I think --

MS. MATTHEWS:

There's a different owner at this point.

LEG. HORSLEY:

Oh, it's a different owner.

CHAIRPERSON VILORIA-FISHER:

The owner wouldn't accept the appraisal price.

MS. MATTHEWS:

They were not allowed to buy it under the rules because -- at above appraisal price.

LEG. HORSLEY:

Well, that makes sense. I understand that.

MS. MATTHEWS:

I don't know at this point what the appraisal price would be. One of the things that we have -- as Cedar Hill Coalition has asked for an Environmental Impact Statement to be done because I think that that would both show whether or not there is any plume from Lawrence Aviation under the property. It would show whether or not there are other species that may be endangered or rare. And it would show the problems, I think, involved with building on such a steep, steep slope of sand.

LEG. HORSLEY:

Okay. Let me go back to my -- the second part of the question, then, would be Brookhaven's involvement. Has there been any move towards Brookhaven sharing the cost of this or --

MS. MATTHEWS:

Not at this point. This resolution that Vivian just brought up would be but I --

LEG. HORSLEY:

Because I think it would be more attractive to this Legislature if there's a partner involved.

MS. MATTHEWS:

And I think it would be much more attractive to Brookhaven if there was a partner involved. The problem for Brookhaven right now is that the Open Space Committee is waiting for the CPF to have enough money to do it. But I do think that if that goes through, that they would be very interested. I certainly --

LEG. HORSLEY:

You're reaching out to them so maybe they could take the lead on this? Is that a possibility?

CHAIRPERSON VILORIA-FISHER:

Or to partner with us.

LEG. HORSLEY:

Or a partner.

MS. MATTHEWS:

Yeah, however -- I haven't made any -- as I said, I'm not here officially so I can't say. But I certainly would present that to Lee Koppelman and to the Open Space Committee as, you know, however we could broker that deal. Because to me, however we can save that -- if we can do a combined, even with the Village because in 2001 the Village had put Cedar Hill on the Open Space Plan for preservation as open space. So I think we might be able to get the Village involved and we might even be able to get some private involvement in it because it is -- it's such a spectacular piece. And it's right next to this cemetery.

LEG. HORSLEY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro has a question.

LEG. D'AMARO:

Good afternoon.

MS. MATTHEWS:

Good afternoon.

LEG. D'AMARO:

Could you do me a favor? We have -- you took issue with the rating form with 11 points.

MS. MATTHEWS:

Yes.

LEG. D'AMARO:

I'm going to give you my copy of the rating form. I'd like for you to mark it up for me and show me how we get to 60 or 70. Okay? Thank you.

MS. MATTHEWS:

Okay.

CHAIRPERSON VILORIA-FISHER:

You don't want her to do it right now.

LEG. D'AMARO:

Well, she can submit it whenever.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. MATTHEWS:

Well, as I understand it we lose the ten points for the secondary criteria, that that's been changed. Is that on this scale or not?

CHAIRPERSON VILORIA-FISHER:

Would you mind if we have the Commissioner come up and Kathy does that and then --

LEG. D'AMARO:

No, not at all. You can do it however you want to do it.

CHAIRPERSON VILORIA-FISHER:

Okay. We don't want to put you on the spot to do it right this second, okay, just so that you have a copy of what our current rating system looks like and you can work within those.

MS. MATTHEWS:

All right. No. What I was asking is, are the current -- does the current -- or the one that you gave me, does that include that secondary criteria of development pressure?

CHAIRPERSON VILORIA-FISHER:

No.

LEG. D'AMARO:

No.

CHAIRPERSON VILORIA-FISHER:

No, it does not.

MS. MATTHEWS:

All right.

CHAIRPERSON VILORIA-FISHER:

Thank you very much.

MS. MATTHEWS:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Did you have any further questions?

LEG. D'AMARO:

No, that was it.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you.

LEG. D'AMARO:

Just wanted to see the comparison, that's all.

CHAIRPERSON VILORIA-FISHER:

Okay. Commissioner Gallagher, can you come up, please? Thank you for being here. And as you all know, this year the Commissioner has been presenting this committee with the status of our Open Space Program so that we have a monthly report on how we're doing budgetarily. And she has that prepared for us now and we can take a look at it.

COMMISSIONER MEEK-GALLAGHER:

Yes. So they'll be coming around. And what you will note is that as we are now closer to 2008 and new funding becoming available, we're -- we have more in negotiation. So the number in red is much larger than it was last month, but that's because we are anticipating the -- you know, we're going into the 2008 funding and anticipating that will be available within a period of time that would -- the appraisals won't be out of date by the time we can close on those parcels.

CHAIRPERSON VILORIA-FISHER:

But the 2008 funding anticipated, Carrie, is about 52 million; is that correct?

COMMISSIONER MEEK-GALLAGHER:

Yes, that's what we're estimating right now. That, of course, could be different if the quarter percent initiative passes on the ballot.

CHAIRPERSON VILORIA-FISHER:

And when we're looking at the numbers, just to refresh my memory, if we have -- if we're in -- for example, in the Legacy Fund, we're showing 15 million in the red, okay, under that column. But when we're negotiating parcels that we will be funding under the Legacy Fund, the Legacy Fund requires that we have a partnership.

COMMISSIONER MEEK-GALLAGHER:

At least 50 percent.

CHAIRPERSON VILORIA-FISHER:

Right. So when we're looking at 15 million, are we saying that then we're negotiating for about 30 million? That represents a \$30 million worth of negotiations?

COMMISSIONER MEEK-GALLAGHER:

Leverage. I mean I would -- normally we only put the amount that is our share on here.

CHAIRPERSON VILORIA-FISHER:

Okay. So that's what that means. Okay. I just wanted to make sure I was interpreting that correctly. Okay, yes, they were nodding but you had your back to them. Okay.

COMMISSIONER MEEK-GALLAGHER:

Wanted to make sure.

CHAIRPERSON VILORIA-FISHER:

All right. So we've got almost \$38 million worth of property that is under negotiation right now. If I take the total and add 15 million to that -- is that the only place where we're looking at -- probably not the only place that we're looking at partnerships.

COMMISSIONER MEEK-GALLAGHER:

No, it's actually totalled across in the total column if you go across. So "in negotiation" should actually be 15 million. Total "in negotiation" across all of the programs. We have a lot in accepted offers; obviously not all of those are closing this year.

CHAIRPERSON VILORIA-FISHER:

But I'm adding to that amount that's in negotiation those areas where we expect partnerships would add to that.

COMMISSIONER MEEK-GALLAGHER:

Oh, I see what you're saying. I see what you're saying. So the total dollar -- the total dollar value --

CHAIRPERSON VILORIA-FISHER:

Value, yeah. It's not a hundred percent partnered, I know. But if we're taking --

LEG. HORSLEY:

So this is overstated a little bit.

CHAIRPERSON VILORIA-FISHER:

No, I overstated it inadvertently. Okay. I overstated it.

COMMISSIONER MEEK-GALLAGHER:

Right. It's actually -- it's understated amount. The total -- total dollar value of acquisitions, this is stating the County's share of any acquisition so it's the County expenditures.

LEG. HORSLEY:

Okay. Then it's correct. That's the way I would look at it then. Okay.

CHAIRPERSON VILORIA-FISHER:

Right. Yeah.

MS. LONGO:

We try to partner on all the deals, but we can't. So the Legacy obviously is a partnership so, yes, that number would be 30 million worth of --

CHAIRPERSON VILORIA-FISHER:

Right. In that column.

MS. LONGO:

Right. Even though our share is the 15 million. In the other funding sources, I think in all the funding sources, some of those acquisitions are partnerships, but that's not necessarily reflected on here. Only our share is.

CHAIRPERSON VILORIA-FISHER:

Right. That's why I added to that 15 million, but I added too much. I think probably we could add another eight or -- eight million to that or -- between eight and ten million to that probably in negotiations because we know that seven and a half is from the Legacy Fund; right?

MS. LONGO:

Right.

CHAIRPERSON VILORIA-FISHER:

And so there's got to be another three million that somebody's sharing with us.

MS. LONGO:

Oh, at least. And sometimes we're partnering but it's not an undivided interest either. Sometimes we have a piece of property that we actually have to divide in half for whatever reason, and so it'll only look like we're getting say ten acres for X amount of dollars when really the whole project is 20 acres and the town is buying the other ten, so it's really separated. So it looks like we're only getting ten.

CHAIRPERSON VILORIA-FISHER:

Right, we did that on Brookhaven. I remember a piece that we did that with.

MS. LONGO:

Yeah, there's a couple of them. You know, just depending on the situation, sometimes we have to do that. We had to do that a lot in SOS because of the Workforce Housing credits.

CHAIRPERSON VILORIA-FISHER:

Right, because of the TDR and other issues.

MS. LONGO:

Right.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro has a question.

LEG. D'AMARO:

Thank you. Good afternoon.

MS. LONGO:

Good afternoon.

LEG. D'AMARO:

I just want to make sure I'm reading the chart right. Looking at the August 31 numbers that you just handed it out, it shows a net gain in contract of seven million roughly; a net gain in "accepted offers" of seven million and then a net gain gain "in negotiation" of about three million. But does that mean that what you showed us last month, which may have been listed under "accepted offers", is now moved up into "in contract"?

COMMISSIONER MEEK-GALLAGHER:

Correct.

LEG. D'AMARO:

Okay. Last month we showed in the red approximately 1.5 million. This month we showed 22 million, almost 23 million. Is that due to a shifting of lines or is that a net gain?

COMMISSIONER MEEK-GALLAGHER:

It's a --

LEG. D'AMARO:

Of actual funds necessary.

MS. LONGO:

I don't have last month's last sheet with me. Can you just tell me those numbers again?

LEG. D'AMARO:

Sure. Which numbers do you want from last month? The totals?

MS. LONGO:

What are you asking? If we've moved projects from "accepted" into --

LEG. D'AMARO:

Last month we show in the total column, the far right column, the last number under "amount available for future negotiation", we show a total of a negative 1.580 or one million-five. This month we show "amount available for future negotiation", the total column, of 22,700,000 -- minus 22,700,000, which means you're talking that we are in the hole in one month \$20 million.

MS. LONGO:

Well, a lot of that is in the negotiation.

LEG. D'AMARO:

Right. When I say in the hole, I mean it's not really a deficit.

MS. LONGO:

Right. We continue to make offers anticipating -- obviously the new offers that we make now we're not going to close this year. They'll be closing next year. So we're anticipating, you know, more money in the quarter percent, multifaceted, and other --

COMMISSIONER MEEK-GALLAGHER:

Legacy Fund.

MS. LONGO:

And Legacy. So I'm anticipating that money for next year so we're continuing to make offers. Obviously all offers don't get accepted, and some accepted offers end up dropping out, too.

LEG. D'AMARO:

Let me ask it another way. If you move something from one column in negotiation, let's say.

COMMISSIONER MEEK-GALLAGHER:

Up to "accepted offers".

LEG. D'AMARO:

To "accepted offer". Do you delete the corresponding dollar amount from the negotiation?

COMMISSIONER MEEK-GALLAGHER:

Yes. And then we would add new ones into "in negotiation" so it's constantly kind of moving upward, it's cycling.

LEG. D'AMARO:

It's a revolving -- but the bottom line indicated, the last total column, is indicating new dollars needed based on really what comes into negotiation in one month pretty much, right?

MS. LONGO:

Right.

LEG. D'AMARO:

So how come so much more went into negotiation? Is that pretty standard for one month to put into negotiation, \$20 million worth of properties?

MS. LONGO:

Sometimes we have properties that are very expensive that go through ETRB. And depending on what the situation is, and the partnerships that we can work out with the towns -- is this one month or? Yes, it is one month, okay.

COMMISSIONER MEEK-GALLAGHER:

Well, actually it might be two months because --

MS. LONGO:

Two months.

COMMISSIONER MEEK-GALLAGHER:

No, we met in August, so it is only one month. Unless the August sheet was from much older, but I don't know -- what's the date on the previous sheet?

CHAIRPERSON VILORIA-FISHER:

You know, we didn't meet in July.

LEG. D'AMARO:

Oh, that's what it is.

COMMISSIONER MEEK-GALLAGHER:

We didn't meet in July but --

MS. LONGO:

It is two months.

CHAIRPERSON VILORIA-FISHER:

I think it's two months.

COMMISSIONER MEEK-GALLAGHER:

It is two months.

LEG. D'AMARO:

The first one is ending June 30th and then today is ending August 30th. So it is two months.

CHAIRPERSON VILORIA-FISHER:

And we had May 31st before that as the first one.

COMMISSIONER MEEK-GALLAGHER:

Okay. So it is two months, so that makes a little more sense. Also, as the --

CHAIRPERSON VILORIA-FISHER:

And you said you were accelerating negotiations in anticipation of new monies coming in 2008.

MS. LONGO:

And actually this is low. The past few years when we knew we had the money available we were averaging about \$30 million a month at ETRB worth of properties that we were getting approved numbers on it and making offers on.

LEG. D'AMARO:

Now, to a property into negotiation it requires us to pass the planning steps. Is that correct?

MS. LONGO:

Yes.

LEG. D'AMARO:

And you're not -- the property is not reflected in negotiation unless we have approved the planning steps.

MS. LONGO:

Correct.

LEG. D'AMARO:

So is it fair to say in the last two months on average we have approved \$15 million per month into planning steps?

MS. LONGO:

No. Some of these planning steps have been approved a while ago. We're always playing catch up. We don't have -- I can't get them all out. We only have five people doing it.

LEG. D'AMARO:

Right. It's not an exact correlation from month --

MS. LONGO:

It's not, absolutely not.

LEG. D'AMARO:

You may have planning steps that were passed three months but for whatever reason just coming into negotiation now.

COMMISSIONER MEEK-GALLAGHER:

We have some three years.

LEG. D'AMARO:

Well, you know, but that's --

MS. LONGO:

We have the master lists that we are still constantly working on.

LEG. D'AMARO:

Right, but that's my question because -- so, in other words, if we pass a planning step, it wouldn't --

COMMISSIONER MEEK-GALLAGHER:

It doesn't automatically go into negotiation. It goes through the ETRB process first. So only after it has gone through ETRB do we make an offer. Once the offer is made we count it as a negotiation. If it comes back accepted, it goes up to accepted offer.

LEG. D'AMARO:

So at what point do you put it into the negotiation column, after it went through the Environmental Trust Review Board at least, at a minimum?

MS. LONGO:

Right.

LEG. D'AMARO:

And then it would be okay, now that's been approved so now we can start the negotiating process and then it would also go into this chart.

COMMISSIONER MEEK-GALLAGHER:

Exactly.

MS. LONGO:

Correct.

COMMISSIONER MEEK-GALLAGHER:

Exactly. We're not going to negotiate when the value hasn't been approved by ETRB.

LEG. D'AMARO:

So there may be a lag.

COMMISSIONER MEEK-GALLAGHER:

There is a lag.

LEG. D'AMARO:

In that process, so it's not an exact corresponsion.

MS. LONGO:

And right now we are trying to be very fiscally responsible before we make these offers. You know, I wouldn't make a \$50 million dollar offer at this point even if we had partners with everybody because we knew we wouldn't be able to do something like that. So we're trying to anticipate which projects when they are coming in we really would be able to see it close within the year so that the appraisals are, you know, up-to-date.

CHAIRPERSON VILORIA-FISHER:

And just to further clarify. When we have the ETRB meeting, the meetings move into executive session when we discuss the appraisals, so there are never any numbers at all until after those appraisals have been brought to ETRB and ETRB has approved them. That's the first time that numbers can be published, after that meeting is voted on. So the numbers could never be reflected before that.

LEG. D'AMARO:

Okay. Thank you. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Lindsay has a question.

P.O. LINDSAY:

I would just add to that discussion, too, between planning steps and there's the process if -- a lot of times there is no interest by the owner of the property at all.

COMMISSIONER MEEK-GALLAGHER:

Exactly.

P.O. LINDSAY:

Which we don't really do anything, then, until there is some kind of interest from the owner.

COMMISSIONER MEEK-GALLAGHER:

Exactly. After planning steps has passed we would then send out a letter of interest to see if they are even interested in us appraising their property for a potential future acquisition by the County. If it comes back no interest then we usually let it lie for a year until revisiting it.

MS. LONGO:

But we can't do anything without your planning steps. We can't order an appraisal and spend any money unless we have planning steps with a funding source or a number of funding sources so that we can pay the bill when the appraisals come in.

P.O. LINDSAY:

I had a question, though, specifically. I just wanted to add that as an aside. Do we have any idea how much in terms of acreage we are going to buy this year?

COMMISSIONER MEEK-GALLAGHER:

We've already closed on over 700 acres, so we're anticipating between 1,100 and 1,200 acres this year.

P.O. LINDSAY:

Does that include farmland preservation as well?

COMMISSIONER MEEK-GALLAGHER:

Yes. That includes all the farmland preservation. So it is a combination of open space and farmland.

P.O. LINDSAY:

Is that a high year for us? How does that compare to last year, how does it compare to the year before?

COMMISSIONER MEEK-GALLAGHER:

Last year -- it's about double what we did last year, only because one very large acquisition, AVR, ended up we weren't able to close until the beginning of this year, which we had anticipated closing last year.

P.O. LINDSAY:

And this isn't something that works on a calendar cycle --

COMMISSIONER MEEK-GALLAGHER:

Right.

P.O. LINDSAY:

But you have to have some measurement point. So we roughly did twice as much as last year.

COMMISSIONER MEEK-GALLAGHER:

Yes, but the same as -- I think it's pretty close to what we did in 2005, was about --

MS. LONGO:

Twelve-hundred.

COMMISSIONER MEEK-GALLAGHER:

It was 1,200 acres in 2005, and similar, around that amount, maybe a little bit less than 2004 because we were kick starting the program again. And the years right before that was lower because of the scandal. So, it depends.

P.O. LINDSAY:

So the last --

MS. LONGO:

We close as much as we can as fast as we can.

COMMISSIONER MEEK-GALLAGHER:

If you average over the life --

P.O. LINDSAY:

The last four years we probably have acquired more than 5,000 acres.

COMMISSIONER MEEK-GALLAGHER:

We have close to 4,000. By the end of this year it will be about 1,000 acres a year.

P.O. LINDSAY:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro missed one of the numbers that you said. Legislator D'Amaro?

LEG. D'AMARO:

Yes. '06, what was the total acreage, roughly?

COMMISSIONER MEEK-GALLAGHER:

I want to say it was 658 acres, but I would have to double check on that.

LEG. D'AMARO:

Thank you. Roughly that was.

COMMISSIONER MEEK-GALLAGHER:

Yeah.

CHAIRPERSON VILORIA-FISHER:

A lot of real estate. Okay. Thank you. Commissioner, I'm going to have Jim Bagg up to do the CEQ Resolutions so that we can let him go back to his office, and then we'll, you know, as we are doing the agenda we'll have you discuss it with us. Thank you. Okay, Jim.

CEQ Resolutions

MR. BAGG:

Good afternoon.

CHAIRPERSON VILORIA-FISHER:

Good afternoon.

MR. BAGG:

The first CEQ recommendation on your agenda is CEQ Resolution No. 77-07.

77-07, Ratification of Recommendations for Legislative Resolutions Laid on the Table June 26th, 2007.

That's the recommendations regarding the legislative resolutions laid on the table August 7, 2007. That's fairly pro forma. It outlines the classifications of the actions and most of them are Type II

Actions.

CHAIRPERSON VILORIA-FISHER:

Sorry, Jim. You've presented the resolution so we're going to make -- I'll make a motion to --

MR. BAGG:

That's the Council's recommendations for the Legislative packet of August 7th, 2007. It is fairly pro forma.

CHAIRPERSON VILORIA-FISHER:

Right. So I'll make a motion to approve. Seconded by Legislator Horsley. All in favor? Opposed? 77 is approved. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in vote)**

MR. BAGG:

The next resolution is 78-07. **78-07, Proposed Sewer District #7 - Medford - Pump #2 - Renovation/Upgrade in the Town of Brookhaven. (Type II Action).**

Council recommends it is a Type II Action since it involves replacement and maintenance of the existing structure.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in vote).**

MR. BAGG:

The next resolution is 79-07. **79-07, Proposed Sewer District #11 - Selden - Pump #1 - Renovation/Upgrade in the Town of Brookhaven. (Type II Action).** The Council recommends the same thing, Type II Action.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in vote).**

MR. BAGG:

The next resolution is 80-07. **80-07, Proposed Improvements to CR83, Patchogue-Mnt. Sinai Road, from LIE to NYS Rte 25, CP 5548, Town of Brookhaven. (Type II Action).**

It is Capital Project 5548 with the Town of Brookhaven. The project involves asphalt resurfacing, full-depth asphalt replacement on CR 83, Patchogue-Mt. Sinai Road from LIE to NYS Route 25, Middle Country Road. Additional work consists of minor drainage modifications, left turn lane extension, which is less than -- is 3,500 square feet at SR 25, traffic signal modifications, pavement markings, and signage as required. Council recommends that it is a Type II Action.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **(Vote: 3-0-0-3 Not Present: Legislators Losquadro, Kennedy and D'Amaro; P.O. Lindsay included in vote).**

MR. BAGG:

The next CEO resolution is number 81 of 07. **81-07, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Carlls River County Park Addition - Red Enterprises, LTD Property in the Town of Babylon. (Unlisted Action, Negative Declaration).**

This is the acquisition of .09 acres and the Council recommends that it is an Unlisted Action with a Negative Declaration, that none of the SEQRA criteria are exceeded. The proposed use of subject parcels is passive recreation, and if not acquired the property will most likely be developed for

residential purposes, incurring environmental impact that the proposed acquisition and preservation of site would have.

CHAIRPERSON VILORIA-FISHER:

Jim, just so that I don't have to stop you between these resolutions, we're going to be voting on 81, 82, 83, 84, 85 and 86 and 87. I'll say those numbers when you are done and we will vote on them together.

MR. BAGG:

Yeah, that is correct. All of these the Council recommends Unlisted Action for which a Negative Declaration should be issued, and they are either property acquisitions or they are donations to the County for open space preservation purposes.

CHAIRPERSON VILORIA-FISHER:

Okay. So I'm go make a motion to approve 81, 82, 83, 84, 85, 86 and 87 of '07. Seconded by Legislator D'Amaro. All in favor? Opposed? The motion passes. **(Vote: 3-0-0-3 Not Present: Legislators Losquadro, Kennedy and D'Amaro; Presiding Officer Lindsay was included in the vote).**

MR. BAGG:

The next resolution, number 88 of '07. **88-07, Historic Trust Approval to Authorize the Deepwells Farm Historical Society to Act as Custodian of Deepwells Farm County Park. (Type II Action).**

The Council as the Historic Trust recommends that they be approved as custodian of the property and that the approval of such custodianship would simply be administrated and a Type II Action.

CHAIRPERSON VILORIA-FISHER:

Jim, has this gone to the Parks Trustees yet? Does it go after CEQ and after -- I'm just --

MR. BAGG:

I believe it was stated that it had been to Park Trustees but the Parks Departments would like the Historic Trust to approve the custodian, and then I believe the licensing agreement will come before the Legislature for your approval.

CHAIRPERSON VILORIA-FISHER:

Okay. Yeah, I remember that there was discussion about the County Attorney's Office and the licensing. Go ahead, Dennis.

MR. BROWN:

I think on the licensing agreement the last session a resolution, an IR was introduced, and I think that covered that. I don't recall the number off the top of my head. And as far as the agreement is concerned, I know that last time I was here I was covering this for Gail. I told you I would have it done in a couple of weeks and it is. There is only one issue that we have outstanding with the group right now. But we got the final word from Tracey Bellone --

CHAIRPERSON VILORIA-FISHER:

Dennis, you can understand my confusion. I serve on CEQ, Parks, and Environment, so sometimes I can't remember where I've seen the resolution.

MR. BROWN:

But that's about it. And the agreement is 99.9 percent done.

CHAIRPERSON VILORIA-FISHER:

Okay. Same motion, same second, same vote. The second was D'Amaro on the last one so I am repeating it. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O.**

Lindsay included in the vote).

MR. BAGG:

The last resolution is CEQ resolution number 89 of 07. **89-07, Dedication of the Brookside County Park Property to the Suffolk County Historic Trust. (Type II Action).**

Council recommends that the Legislature and County Executive that the Brookside County Park, associated structures and property, be dedicated to the Suffolk County Historic Trust pursuant to Section C18 of the Suffolk County Charter. They further recommend that the dedication be assigned the following categories. 1AR, architectural, and the preservation categories T, which is preservation of trees and shrubs and terrain and exceptional. And the use categories would be functional. So that is a recommendation to the Suffolk County Legislature, to have that park dedicated to the Historic Trust.

CHAIRPERSON VILORIA-FISHER:

Thank you, Jim. Same motion, same second, same vote. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).** Thank you very much. Okay. To the tabled resolutions.

Tabled Resolutions

CHAIRPERSON VILORIA-FISHER:

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

I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1261 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

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

Motion to table. Seconded by Legislator Horsley. All in favor? Opposed? IR 1357 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

IR 1484, Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with storm remediation improvements for CR 36, South Country Road (CP 8240.319). (Co. Exec.)

It still hasn't come before CEQ.

DIRECTOR ISLES:

No, I don't think it has. This is the 477?

CHAIRPERSON VILORIA-FISHER:

I don't remember seeing that yet at CEQ and we haven't seen it before so.

COMMISSIONER MEEK-GALLAGHER:

My understanding is that DPW has not prepared the EAF for that yet, but they are in the process similar for CR 65. They are preparing the EAF's for it right now.

CHAIRPERSON VILORIA-FISHER:

So DPW hasn't prepared the EAF's yet on that. I'm just helping the stenographer. I will make a motion to table.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. All in favor? Opposed? IR 1484 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

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 (CP 8240.320). (Co. Exec.)

That also has not appeared before CEO.

LEG. HORSLEY:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1485 stands tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

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 (CP 8710.117). (Co. Exec.)

I understand that there is a request that we just table that subject to call. Commissioner?

COMMISSIONER MEEK-GALLAGHER:

Yeah, we had discussed that. Until the Homestead Assist Task Force Report comes out we wouldn't consider that. Probably at that point we would refine the proposal based some of the recommendations of the Homestead Assist Task Force Report.

CHAIRPERSON VILORIA-FISHER:

And we are meeting tomorrow to finalize our report.

COMMISSIONER MEEK-GALLAGHER:

Okay.

CHAIRPERSON VILORIA-FISHER:

We're getting very close. Thank you. IR 1488 is tabled subject to call. Seconded -- I'm making the motion, sorry. Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1488 is tabled subject to call. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay was included in the vote).**

That makes our agenda just a little bit lighter.

IR 1554, Adopting Local Law No. 2007, A Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman).

We tabled this last time and I had made a request to Budget Review regarding the issue of the percentage of the 477 account that would be depleted if, in fact, we were to go to full staffing. And it would certainly be more than 50% of the 477 account, which I think lends credence to this particular resolution in order to protect the 477 account. Commissioner, have you had an opportunity to look at Budget Review's --

COMMISSIONER MEEK-GALLAGHER:

I did. I wanted to make a few comments. There is some information. Some of the positions have actually changed that are in Environment and Energy, the titles that are vacant. So I just wanted to make you aware of that and then highlight for you the four that I think are the most critical to fill in terms of being able to administer and implement this program. That's listed on page two of the memo that you got from BRO.

But the Senior Civil Engineer has, since April of this year, been earmarked to an Environmental Project Coordinator. That would be the actual administrator of the program. And unfortunately I had someone I was, you know, literally a week away from making the final offer, having gone through all the Civil Service hurdles, and then the hiring freeze was put in place. So unfortunately I have now lost that person. But I think that's -- you know, we need someone to administer the whole program, the contracts, the Water Quality Review Committee, etcetera and so forth. I think that's a critical position.

The Junior Civil Engineer has actually been earmarked to a Civil Engineer position. This is a person that would be overseeing all of the storm remediation, storm water remediation projects and making sure on a daily basis there -- I believe there are 17 ongoing projects right now and overseeing the staff out in Yaphank and then doing the coordination with DPW on the implementation of those.

Then the two Environmental Analyst positions. One would be overseeing all of the aquatic habitat restoration programs and doing coordination with the three estuary reserve programs, and the other would be working on all of the remaining funded 477 projects that either aren't storm water remediation or aren't aquatic habitats such as the prevention pollution and the non-point source pollution projects for {LIZA} reduction, nitrogen load reduction, pesticide reduction. The pesticides, this -- an advisory committee, the phase-out law pesticide neighbor notification, all those types of activities.

So right now there literally just are not people in the County that are administering, overseeing, implementing, those particular projects. There is also an --

CHAIRPERSON VILORIA-FISHER:

But if you are saying that those are the critical --

COMMISSIONER MEEK-GALLAGHER:

The critical, right.

CHAIRPERSON VILORIA-FISHER:

What we're looking at here is a list of 61 vacancies.

COMMISSIONER MEEK-GALLAGHER:

No. Sixty-one -- there are 61 budgeted positions. Eleven are currently vacant. There is actually a twelfth vacancy that will take effect next week. I had another labor crew leader just retire. So that will up the --

CHAIRPERSON VILORIA-FISHER:

Okay, there are 11 vacancies, pardon me.

COMMISSIONER MEEK-GALLAGHER:

Right. I obviously can only speak to the ones in Environment and Energy, which happen to be we have the most vacancies, some of which have been vacant for a very long time. I have been working to try to fill those, but again, was ready to hire an Environmental Analyst and then the hiring freeze went into place. So some leads that I was on the verge of hiring have since -- until the hiring freeze is lifted I won't be able to revisit those positions.

I have tried to take a hard look at what I think are the most critical that need to be filled to make the Water Quality Protection Restoration Program a really effective program, and those would be the four that I think are the most critical to fill. The labor crew leaders could remain vacant. There will now be three of those. The Farmland Administrator, while I think that's an important position to fill, I think that the environmental community would be up in arms if we filled that with the quarter percent funding because agriculture is actually the number one nitrogen polluting, you know, source that we have on Long Island. So I think they would be very upset funding it out of Water Quality.

So I just wanted to put, you know, I can't speak to the other departments, but certainly I wanted to make you aware. Now, I don't think that -- if I had my ideal --

CHAIRPERSON VILORIA-FISHER:

Which was the title that you were just referring to regarding agriculture?

COMMISSIONER MEEK-GALLAGHER:

Farmland Administrator.

CHAIRPERSON VILORIA-FISHER:

Well, actually that's an important position in decreasing the nitrogen load.

COMMISSIONER MEEK-GALLAGHER:

For the agriculture, but that's only component of what the administrator would be doing. A lot would be administering the actual farmland contracts, the purchase of development right programs, grants that we could get from the State and Federal Government. So you could make the case but the majority of their work would not be on the agricultural stewardship best management practices even though that would -- this would be the person who would now be overseeing that work. And right now that job is kind of being juggled between two people in Planning and one, you know, two people in Real Estate. So it's a little bit schizophrenic.

CHAIRPERSON VILORIA-FISHER:

But you could certainly see looking at this list the people who are on salary who seem to be peripheral to water quality, much more so than some of the ones that you've just mentioned.

COMMISSIONER MEEK-GALLAGHER:

Right. I can only speak to my, you know, the positions that are in my department, I think the majority of which are valuable and certainly from my perspective I currently don't have any professional environmental staff in the Water Quality Unit. I think that's important to get some professional trained environment, you know, environmentally trained staff as opposed to the staff that are there. And this is something I inherited so, you know, I'm trying to do the best job I can and now making it what I think the department should be in earmarking positions to make them more appropriate.

CHAIRPERSON VILORIA-FISHER:

Right. That would be a good direction to move in. Legislator Lindsay has a question.

P.O. LINDSAY:

A lot of times it's not that we disagree that the personnel is needed. The question is should it come

out of 477 money. You know, the 477 Fund way back when was established with the idea of moving forward with projects that would improve the water quality. And I am kind of sad to admit that I was the sponsor of the bill that moved a bunch of people from -- that were going to be laid off at the Labor Department to Parks and DPW. I think that was probably the biggest bulk of them. And at the time I was told that one of the main purposes was to maintain the -- we had put \$3 million in a budget, I don't know how many years ago, to put inserts or filters in the storm water runoff that goes into our bays, which, you know, you just said there is 11 active projects. That's really news to us because as far as we know, there's really been little to nothing done on that whole program.

It begs to, you know, what happened to the people that we moved under the 477 line if we never installed the system to start off with. And they are not just, and I don't mean to pick on you, it's just not your department. I mean, under Parks, you know, I see a senior neighborhood aide for \$83,000. What the hell does that got to do with Water Quality and 477.

CHAIRPERSON VILORIA-FISHER:

And auto mechanic.

P.O. LINDSAY:

Well, maybe you could make a case. I don't know what the auto mechanic -- I don't know. I don't know.

CHAIRPERSON VILORIA-FISHER:

Clerk-typist.

COMMISSIONER MEEK-GALLAGHER:

For administration. I think that --

CHAIRPERSON VILORIA-FISHER:

But you see that's counter to, as the Presiding Officer said, we're talking about the implementation of the Water Quality Program and we shouldn't be raiding it to support the Operating Budget.

COMMISSIONER MEEK-GALLAGHER:

Right, although I think that for, you know, certainly with over -- with 39 projects currently ongoing, and I think it's about \$31 million worth of projects that are active in the Water Quality Protection Restoration Program, it would be difficult to implement or administer those without some level of staffing and certainly the implementation unless you're going to only outsource the implementation and then somehow administer it with staff that you put into the Operating Budget. I think the people would understand there needs to be some professional oversight to -- for those projects, you know, where that funding comes from.

P.O. LINDSAY:

Well, the only thing that and, you know, it might be just my ignorance, but I'd love to see a list of those 31 projects you are talking about.

COMMISSIONER MEEK-GALLAGHER:

Did you get the annual report? It was sent out to all the -- the 2006. We are in the process of updating for the 2007 annual report, and it lists all the ongoing -- well, it lists all the projects in the database, those that are completed and those that aren't. But I can certainly supply you with another copy of that.

P.O. LINDSAY:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Aren't a great many of them indeed outsourced? Doesn't Cornell do a lot of the projects with the water quality, so it really is outsourced.

COMMISSIONER MEEK-GALLAGHER:

Cornell does a lot of the work, but you still need someone managing those projects and overseeing them.

CHAIRPERSON VILORIA-FISHER:

I know, but these are a lot of people. We don't need auto mechanics.

COMMISSIONER MEEK-GALLAGHER:

Well, again, I can't speak to the --

CHAIRPERSON VILORIA-FISHER:

I don't want to beat you up, it is in a different department, but, you know, we are looking for rationale here and we do outsource a great many of our water quality projects. So this is a lot of personnel for us to carry to support the water quality projects. Any other questions?

LEG. HORSLEY:

But you are right.

CHAIRPERSON VILORIA-FISHER:

And when you look at the list, when you look at the report, you do see that most of them are outsourced. Yes.

MR. BROWN:

The only thing that I would add is during the last committee, which was on August 13th, the committee was advised that we view this as needing a mandatory referendum. I just wanted to, like I said, remind that.

CHAIRPERSON VILORIA-FISHER:

Yes. Our Counsel disagrees with you.

MR. BROWN:

Yes. Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Dennis, for the reminder. Is there a motion? Okay, Legislator D'Amaro has a question.

LEG. D'AMARO:

Hi. Before I vote on this, the bill says no more than 50 percent of the annual revenue shall be appropriated for salary and salary related expenses. And I apologize if you have already gone over this, I may have missed it. But where are we at right now in terms of a percentage?

COMMISSIONER MEEK-GALLAGHER:

I mean, according to --

LEG. D'AMARO:

Or if Budget Review would like to answer that, that would be fine.

MR. DUFFY:

What the report indicates is that if there are 61 positions, 50 of which are filled, if the total 61 positions were filled for the entire year of 2008, the salary and fringe benefits would be approximately \$150,000 over the limit established by the legislation.

LEG. D'AMARO:

What is that in terms of the 50 percent threshold? What is that in terms of percentage? You know, is it 51 percent or 85 percent, just roughly.

MR. DUFFY:

It's slightly over 50. What it indicated is that the total of the 61 positions would be \$3.8 million. If we use an approximation with the 2007 revenue it's \$7.5 million. You would need at least point \$7.6 million to be under the 50 percent. The problem could be, and normally what happens in the County because of filling time, you normally would not have the 61 positions filled for the entire year.

LEG. D'AMARO:

Right. If this bill were effective now, it would be a fair statement that we're at 51 percent?

MR. DUFFY:

No. If this bill -- if you took the information that we have and the bill itself says it does not take effect until January 1st, 2008.

LEG. D'AMARO:

I am just saying assuming if it were effective right now, where would we be percentage wise?

MR. DUFFY:

Probably somewhere around 43, 44 percent because you have 11 vacancies.

LEG. D'AMARO:

So we would be meeting the 50 percent threshold.

MR. DUFFY:

Correct, at this moment, but you would have to be very careful in filling the 11 vacancies, realizing that if either sales tax took a significant drop or in filling the position you could -- if you filled eight positions maybe you would be much closer.

LEG. D'AMARO:

Okay. The second question I had, the second part of the bill, the operative language says all employees whose salaries are paid from these revenues must spend at least 80 percent of their work schedule during each calendar year assigned to duly approved Water Quality Protection and Restoration projects.

MR. DUFFY:

When we had done our Operating report we addressed an issue similar to that because we had reached out to the departments. Environment and Energy was not in existence at that time and the only department that responded to us was Parks. We found that significant amounts of time were spent in 2005 in working on things that were not water quality related.

What we suggested at that point is that there should be a charge back because it's our understanding that if a particular fund is funding activity, one hundred percent of the activity should be devoted to that type of work, that there should be a charge back. So if there's an individual that's spending 50 percent of his time on 477 work and 50% on General Fund, it's been our opinion that 50% worth of time being charged as General Fund work should be charged back to the General Fund.

LEG. D'AMARO:

So, then, I guess my question to the Commissioner, if we were to impose the 80 percent rule, I guess are you comfortable with that? Is that something that you feel a goal, a target you can meet?

COMMISSIONER MEEK-GALLAGHER:

From my staff certainly, but I'm not sure about the other department -- and I think Planning would

probably be the same but -- I really can't -- because I am more familiar with Planning. I'm not really familiar with Parks and what the staff in Parks are working on. But I know what my Water Quality funded positions are working on and that at least 80 percent is actually Water Quality funded projects, not only just water quality related, but Water Quality funded projects.

LEG. D'AMARO:

What other departments could I pose that question to? Would it also be Planning, Director Isles?

DIRECTOR ISLES:

Yes. We have a very small Environmental Quality Unit. It's the only way we can do that work because we're a small department overall. So in answer to your question could we comply with the 80%, I believe we could.

COMMISSIONER MEEK-GALLAGHER:

Parks would be the other department you'd want to --

CHAIRPERSON VILORIA-FISHER:

Well, that seems to be the lion's share.

LEG. D'AMARO:

The lion's share is Parks.

CHAIRPERSON VILORIA-FISHER:

Yes, 36 positions.

LEG. D'AMARO:

That would be 36 positions and we don't have the Commissioner or Acting Commissioner here to ask whether or not they could comply with the 80 percent threshold or how long it would take them to come into compliance.

CHAIRPERSON VILORIA-FISHER:

Right now we're really not that far out of compliance with that 50 percent threshold because it's \$154,000 above what --

LEG. D'AMARO:

Well, right now we're under the threshold.

COMMISSIONER MEEK-GALLAGHER:

We're under it.

CHAIRPERSON VILORIA-FISHER:

Okay. That's right. We're under it.

LEG. D'AMARO:

I'm talking more about the 80 percent. Once you -- once you fund positions below the 50 percent, then somehow you have to track 80 percent of the time that the employees that are being paid from this particular fund are spending 80 percent of that on the clock working on related projects. And I need to know whether or not that is happening now, and if it's not, how long until we come into compliance with that.

MR. ZWIRN:

If I might, Madam Chair. Commissioner Foley, when he was the Parks Commissioner, spoke to this issue on a number of occasions because the Legislator has been very concerned about funding salaries out of the 477 and he indicated that absolutely they were doing stewardship work related to water quality as did DPW.

The history of this goes back when Presiding Officer Lindsay sponsored legislation. We had received a cut in Federal grant money that would have had a devastating effect on personnel in the Labor Department. Since we had a lot of the work that was being done cleaning storm drains and things like that that we hired outside contractors to do, one of the solutions to try to save those jobs and also find a revenue source to pay for that personnel was with the 477 funding under the condition that they would be doing work that would be related to 477 work.

The County Executive is -- if the Legislature had not passed it at that time, the County Executive would have laid off those 30 some-odd or 35 members of the Labor Department at that point and the same is true today. Whatever the Legislature decides to do with this bill, if the personnel exceeds the 477 amount, the County Executive has stated publicly that he will reduce the personnel by that amount. They are doing the work, I think, in what it was intended for, but it also was something that the Operating Budget does not have the funds to absorb any additional personnel.

LEG. D'AMARO:

I'm not as concerned right now based on what I've been told by our own Budget Review Office with the 50 percent, but what you are saying is that imposition of the 80 percent rule will result in lay-offs. Is that accurate?

MR. ZWIRN:

No. No, I'm talking about the 50 percent in this legislation.

LEG. D'AMARO:

We are not even at 50 percent right now.

MR. ZWIRN:

No, I'm just saying. But the Commissioner has indicated that she needs to have at least some vacancies filled. I'm just saying, whatever -- if we exceed it, then the County Executive will -- if the Legislature passes this, that will be the law of the County and the County Executive certainly will comply. But he just wants you to know that he will reduce personnel so that we come under that cap so we're not in violation of the law.

CHAIRPERSON VILORIA-FISHER:

Well, he does have the option of funding them from the Operating Budget.

MR. ZWIRN:

I'm just saying, but he's made it public that he will not do that.

CHAIRPERSON VILORIA-FISHER:

Yes.

MR. DUFFY:

Could I respond? In our --

CHAIRPERSON VILORIA-FISHER:

I'm sorry. I didn't want to cut you off, Legislator D'Amaro.

LEG. D'AMARO:

No, that's fine.

MR. DUFFY:

This is right on point. In our 2006 Operating Report on page 106 we discuss that, that we had requested information from Parks on what people were doing and in our opinion many of the tasks that were being done in the Parks, such as clearing vegetation on trails for view and posting signs and litter and trash removal were performed, such as setting up picnic areas for the Women's Service League and clean up of overhanging limbs and garbage at the Chandler Estate, did not

qualify as permitted uses under the Water Quality Protection Program. It was our recommendation and at that point that if these types of tasks were done that there should be a charge back to the General Fund for the work that was performed.

LEG. HORSLEY:

That was BRO's report?

CHAIRPERSON VILORIA-FISHER:

Yeah.

MR. DUFFY:

Yes.

LEG. D'AMARO:

If I may. I don't take issue with that. But my question is by imposing these two thresholds what is the practical effect, not that we should not impose them, but, you know, can we come into compliance and when we do, what is the effect or how do we get there. And what I'm hearing, I guess, is that a lot of this falls under the Parks Department with respect to compliance with it, especially the 80% rule. And I would like an opportunity to at least have a discussion with someone in Parks.

CHAIRPERSON VILORIA-FISHER:

I think that's fair.

LEG. D'AMARO:

Okay.

CHAIRPERSON VILORIA-FISHER:

I think it's fair to invite the Acting Parks Commissioner to come to our next meeting. And if we're going to do that we should probably table this so that we give her an opportunity to -- my office will send a letter to Tracey Bellone asking that we see some kind of break down of the types of duties that these workers are performing and whether or not it meets the threshold because we have seen the deterioration of the integrity of the 477 account. If we have people that are being paid from this account to clean the Chandler Estate I have a real problem with that. And I don't want to be threatened that people will be given pink slips. I think it's unfair.

LEG. D'AMARO:

And I agree with the Chair, and again, I don't take issue with the need to preserve the integrity of the account, but I do want to make sure that if we impose these rules that we can come into compliance and how we come into compliance is important. Thank you.

LEG. HORSLEY:

And we're not laying people off.

CHAIRPERSON VILORIA-FISHER:

That's fair. But remember, if somebody makes a decision to lay people off, it's on his head and not ours. I mean, I don't want to lay people off, but we have other alternatives. We do have an Operating Budget.

P.O. LINDSAY:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Yes. Motion to table by Legislator Lindsay, seconded by Legislator Horsley. All in favor? Opposed? 1554 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O.**

Lindsay included in the vote).

And, Seth, we'll send a letter to Acting Commissioner Bellone inviting her to our next meeting to discuss the staffing.

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 (SCTM No. 0700-023.00-01.00-024.010). (Co. Exec.)

MR. ZWIRN:

If I might, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Yes.

MR. ZWIRN:

On this one we do have a -- we are going to have to ask for this to be tabled. The Town of Shelter Island has agreed to be a -- to partner with us on this, so we're going to submit a corrected copy taking the money from a different source and then -- so that -- and indicating that there is a partnership. And then at that point the Legislature I imagine either would discharge -- it's a very expensive piece of property, so there may be a time -- we would like to get this thing resolved one way or the other to get it to a vote. We want the legislation to reflect the facts, and then the Legislature as a whole can make that decision. You may want to get it to the whole Legislature, discharge without recommendation, just so we can get an up and down vote so they know if it is not going to go through we can free up that money for another acquisition or if it does go through, then we can close.

CHAIRPERSON VILORIA-FISHER:

Okay, but wait a minute. Didn't you say you had to do an amended copy?

MR. ZWIRN:

We can't go today. It has to be tabled today. I am just giving you the history of where we anticipate this thing going forward.

LEG. HORSLEY:

What is their offer, Ben, is it halvies or? What is Shelter Island's deal?

CHAIRPERSON VILORIA-FISHER:

Fifty percent?

MR. ZWIRN:

Yes, 50 percent.

CHAIRPERSON VILORIA-FISHER:

All right. Motion to table, seconded by Legislator Horsley. All in favor? Opposed? 1604 stands tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

1691, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund (Kabbaz property - Town of East Hampton (SCTM No. 0300-166.00-00.03-010.000).

I believe that this came in --

DIRECTOR ISLES:

It came in as two points by the Farmland Committee.

LEG. D'AMARO:

I'll offer a motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by myself. All in favor? Opposed? IR 1691 stands tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

1720, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund (Hobbs Farms property) Town of Brookhaven. (Viloria-Fisher).

I'm going to make a motion to table that. We have to discuss -- we may have to change the program also at this point.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1720 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

1743, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Liberty Meadows property) Village of Port Jefferson. (Viloria-Fisher).

This is the Port Jefferson property that you heard about earlier from Kathy Matthews. I am going to make a motion to table that to give Planning an opportunity to review the information that was brought to you by the Coalition for Cedar Hill.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1743 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

1777, Donation and dedication of certain lands now owned by Riverhead Estates, Inc., to the County of Suffolk (SCTM Nos. 0900-166.00-02.00-040.000; 0900-166.00-02.00-041.000; 0900-145.00-03.00-014.000; 0900-167.00-02.00-004.000). (Co. Exec.)

This is four small parcels.

MS. FISCHER:

Yes. These are an outright donation and this was approved by CEQ on August 15th.

CHAIRPERSON VILORIA-FISHER:

Right. We voted on that earlier.

MS. FISCHER:

They're small parcels in the Flanders Preserve Area that we've acquired.

P.O. LINDSAY:

Motion.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Lindsay, seconded by Legislator D'Amaro. All in favor? Opposed? 1777 is approved. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

1795, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation and Hamlet Parks fund (Joan Schwonik and Therese Southworth property) Town of Riverhead (SCTM No. 0600-115.00-01.00-009.000). (Romaine)

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? IR 1795 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

1819, Accepting a donation of real property for open space purposes - a SCDHS Board of Review transfer of development rights (File No. R02-03-0210). (Co. Exec.)

P.O. LINDSAY:

Motion.

CHAIRPERSON VILORIA-FISHER:

There is a motion by Legislator Lindsay to approve. Seconded by myself.

LEG. D'AMARO:

Just on the motion.

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. This is a resolution that's going to be accepting a donation of property, I guess for the purposes of transferring those development rights over to another parcel. And what I would like to know is just how the two properties compare to each other. What are we giving and what are we receiving in return.

DIRECTOR ISLES:

The giving is the action by the Board of Review of the Department of Health Services to allow development on the receiving site. In exchange for that they are donating this property to the County. I'll turn it over to Laretta to explain the actual physical aspects of the two comparisons if you have that.

MS. FISCHER:

The property that is being donated is in our Mastic/Shirley Conservation Area. It actually was on our master list to be acquired.

LEG. D'AMARO:

It's a master list property?

MS. FISCHER:

Yes. And the property that is receiving the credits is -- excuse me, let me just look at the map, get myself acclimated here. It's in the Centereach area off of Boyle Road, north of Nelson Avenue. It's about a third of an acre parcel that it is going to.

LEG. D'AMARO:

Okay. The parcel that is receiving the -- it's not really credits, right?

MS. FISCHER:

It's health credits. It's density credits, health density credits.

DIRECTOR ISLES:

Just simply for wastewater disposal. It has nothing --

CHAIRPERSON VILORIA-FISHER:

Flow.

LEG. D'AMARO:

Correct, flow. Gallons per day I believe is what we're -- the parcel that is being donated is in a residential zone? Is that accurate?

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Yes.

LEG. D'AMARO:

Okay. And the parcel that is receiving, is that also a residential development, and if so, how many parcels and is it subject to subdivision? Is it one parcel, is it more than one?

MS. FISCHER:

It's one parcel it's going to and it's a third of an acre. Let me just get out the Health Department discussion on it.

LEG. D'AMARO:

I'm sorry. What town was the receiving parcel in?

MS. FISCHER:

They are both in the Town of Brookhaven.

LEG. D'AMARO:

Both in the Town of Brookhaven, both within the same groundwater protection zone.

MS. FISCHER:

Let me just see if --

DIRECTOR ISLES:

One is in Mastic, the other one is in Centereach.

MS. FISCHER:

Actually the property that we're --

CHAIRPERSON VILORIA-FISHER:

Zone six and zone three.

MS. FISCHER:

Excuse me, six and three, correct.

LEG. D'AMARO:

Those are similar zones as far as the definition of six and three?

MS. FISCHER:

Zone three is the more -- is the deep aquifer recharge in the center.

LEG. D'AMARO:

Is that the receiving parcel?

MS. FISCHER:

Yes.

LEG. D'AMARO:

So increasing density in the receiving zone.

MS. FISCHER:

Correct.

P.O. LINDSAY:

What are you going to build on a third of an acre?

LEG. D'AMARO:

Well, I'm getting to that.

P.O. LINDSAY:

Oh, I'm sorry.

DIRECTOR ISLES:

One single family home.

LEG. D'AMARO:

One single family home?

P.O. LINDSAY:

And you need development credits to build one home?

MS. FISCHER:

Yes.

DIRECTOR ISLES:

The typical standard would be one acre.

MS. FISCHER:

One acre, 40,000 square feet in --

DIRECTOR ISLES:

For Health Department only. Town zoning is separate and distinct and they have to meet whatever the town requires as well.

LEG. D'AMARO:

Do you know offhand if it meets the town zoning code?

DIRECTOR ISLES:

Pardon me, sir?

LEG. D'AMARO:

Do you know offhand if there was a variance required to develop that property?

DIRECTOR ISLES:

I don't know offhand. We can find that out hopefully. Here again, we are just looking at the water side of --

LEG. D'AMARO:

Okay. That's fine. Let's stay with the water side.

DIRECTOR ISLES:

If I can't find out now I can get it back to you sometime this week.

LEG. D'AMARO:

Yeah.

MS. FISCHER:

I don't see it in their report, but we can find it out.

LEG. D'AMARO:

You know, the issue I have here, really it goes to transferring the credits between the different zones. And we're transferring these credits to develop a parcel in a zone that is really more, as by definition, really deserving of more protection, not less.

DIRECTOR ISLES:

Okay, that's -- I'm certainly not going to argue with you on that. There is a process through the Board of Review where there is both a formal hearing process, there's professional input provided by the Department of Health Services. It's a pretty exacting and deliberative process. So I don't want to substitute my opinion for how they came to their conclusion. I can say in my experience it's quite rigorous and demanding and I think, you know, they are looking at the larger issue of this being in zone one, but they are also looking at the nature and character of that development, the local zoning requirements and so forth. Laretta, it looks like you want to make a comment on some addition here?

MS. FISCHER:

Actually, there is a discussion on the Board of Review on the offset.
They explain --

LEG. D'AMARO:

Is that the -- excuse me, I'm sorry. Is that the Board of Review decision that you are reading from?

MS. FISCHER:

Yes.

LEG. D'AMARO:

I haven't seen a copy of that.

MS. FISCHER:

It was attached to the resolution.

LEG. D'AMARO:

I didn't get it.

MS. FISCHER:

I can get it to you.

LEG. D'AMARO:

That's why I had several -- usually I would review it in advance, but I for some reason didn't get it.

MS. FISCHER:

It's unfortunate that you didn't get it because I have -- we have been putting that as part of the resolution now.

LEG. D'AMARO:

Okay.

MS. FISCHER:

But the applicant is proposing to extinguish development rights to two small parcels, each shown as separately assessed lot, as a separately assessed lot on 1981 tax maps. One parcel is to be dedicated to the Town of Brookhaven. That is accumulating holdings. And the area of the second is desired by Suffolk County, which is the one we're taking. So they are actually dedicating two pieces of property to develop two lots on the one lot in Selden. Does that help or does that make it more confusing to you?

LEG. D'AMARO:

No, I understand that. So the -- I remember having a discussion about this with Mr. Minei at some point last year where he was pretty much agreeing that it was problematic to transfer these credits between groundwater protection zones and that's what is happening here.

So the problem I have in this is that I didn't get a copy of the Board of Review decision and it's hard for me to make comparisons without that information. But we are sterilizing a similar -- with the two parcels combined they are a similar size as what's -- the third of an acre that's being developed and it is within the same town.

DIRECTOR ISLES:

Yes, same town, yes.

CHAIRPERSON VILORIA-FISHER:

Actually, your questions have made me confused. I mean, the answers to your questions, because if the parcel that is being sterilized is not as sensitive, why we are spending money protecting this conservation area?

DIRECTOR ISLES:

I don't think it is saying it is not as sensitive. I think the --

CHAIRPERSON VILORIA-FISHER:

Well, didn't Laretta say that one is a more sensitive hydrologic area than the other?

DIRECTOR ISLES:

It is a one acre recharge zone so they have to meet a higher standard. Therefore, they would have to sterilize more land in order to be able to build on that. So in the zone three you need one acre for a home, for a house, single family home. So when Laretta says it is more sensitive, in zone six you need a half of an acre. So for them to develop this one house in the zone three they have got to show an acre of land or equivalent in scattered parcels to meet that requirement. So it is more rigorous in that standpoint because it is less density.

CHAIRPERSON VILORIA-FISHER:

But why is the other parcel on the conservation area? I'm trying to understand the environmental sensitivity as to why we're spending money to protect that area.

DIRECTOR ISLES:

Okay. That I can answer I think. The answer to that is in part the fact that zone three is a deep flow recharge, so that goes down to the Magothy and the Lloyd aquifer layers. The Mastic/Shirley Conservation Area is a shallow aquifer. And it's certainly not saying it's less important. It's less important perhaps from a groundwater and drinking water supply standpoint, but one of the aspects of the 208 study when the identification of land use and drinking water standards was established, was also looking at existing development. And in this location in Master/Shirley, where the actual density of development is substantially higher than one acre zoning, my understanding from being an observer of that process back in the 70's and 80's was that it was a recognition of also the nature and character of the existing development.

So it was a twofold thing. One is what is the environmental resource that is being protected, deep flow recharge was a first priority. The second was what is the nature and character of the existing development. They didn't want to create a grossly non-conforming situation in the middle of an area that's developed with quarter acre or fifth of an acre lots to have one acre zoning inserted on top of that. So there was some balance in between existing land use as well as environmental resource protection.

I'll point out, too, that the wastewater standards were, and here again, principally drinking water standards. In Mastic/Shirley Conservation Area there are many other reasons why the County has tried to protect this area. We've talked about that with some of the acquisitions that have come before you, including flood protection, including wetlands protection, for habitat and those resources. So here again it's an area that does need to be preserved, the Mastic/Shirley area, the area that this site is going to -- the development is going to land on in Centereach is an area that is developed. It's a developed community.

CHAIRPERSON VILORIA-FISHER:

And I don't know it to be one -- I mean, houses that are existing on Boyle Road are not on one acre properties.

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

That's not consistent with the type of development that's gone on historically there.

DIRECTOR ISLES:

Right. They predate the Health Department standard.

LEG. D'AMARO:

If I may.

CHAIRPERSON VILORIA-FISHER:

Sure.

LEG. D'AMARO:

And Commissioner Isles, I appreciate your testimony. You are so well informed, it's very helpful. I appreciate it a lot. But we just got done talking about this 477 account that protects groundwater. Now we're in a deep recharge area where we're concerned about groundwater protection, all right? And what we're doing is we're allowing a substandard parcel in terms of the Sanitary Code to be developed by sanitizing a parcel in a different groundwater protection zone without making a

comparison. At a minimum isn't -- don't -- shouldn't we at least be sterilizing properties coming from the same zone so we have an evenhanded trade-off when it comes to groundwater protection?

DIRECTOR ISLES:

Well, what I would like to suggest, then, is perhaps ask that you table this resolution. The issue that we're involved with in County Planning specifically today would be the question should the County of Suffolk accept this donation.

LEG. D'AMARO:

Right, and let me just make that point, and I appreciate that and I understand that you would come here with the position look, this is on a master list, this is a great way for us cost free, in effect, to get property that we want to acquire, and I agree with that. But that, in my opinion, has been the problem with this program, is that we focus on the property to be donated but we are really not -- we're mixing apples and oranges when you compare it to the parcel that's being developed.

DIRECTOR ISLES:

I understand that. What I don't want to do is substitute for the Board of Review because I am not the Board of Review, you know, I can't speak for them. Because one of the aspects the Board of Review could do is say we'll sterilize the parcel and give it to the Town of Brookhaven or give it to the Nature Conservancy, and you as the County of Suffolk would not have any role in that. So here again, the discrete question today is should the County of Suffolk accept this. I certainly agree with you that it does tie into a larger question.

LEG. D'AMARO:

Right. And here's the thing. The Board of Review is not accountable directly as I am to the protection of groundwater in this County. And so what they do -- not they, I don't want to say it like that. But what happens is then we get these other parcels in lesser groundwater protection zones or different groundwater protection zones and we get all hyped up about accepting that without asking the right questions in my opinion.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

Okay. So if I am going to be talking about spending hundreds of millions of dollars of taxpayer money over the next ten years to protect groundwater, why would I vote for these variances or transfers that are in effect increasing the pollution going into that highly protected area. That's my issue.

DIRECTOR ISLES:

I understand the point, and here again, the Board of Review would have a record and consideration of that. And I respect the point and I would defer to them for the answer. I can answer is peripherally, but not on the central case before you today.

LEG. D'AMARO:

Okay. Thank you.

DIRECTOR ISLES:

So if you'd like we can contact Mr. Minei and bring this point to his attention.

CHAIRPERSON VILORIA-FISHER:

Or at the very least it would be good for Legislator D'Amaro to have the opportunity to read the report.

LEG. D'AMARO:

Right. Thank you. I appreciate that.

CHAIRPERSON VILORIA-FISHER:

Are you making a motion to table?

LEG. D'AMARO:

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

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. All in favor? Opposed? IR 1819 is tabled. **(Vote: 4-0-0-2 Not Present: Legislators Losquadro and Kennedy; P.O. Lindsay included in the vote).**

(Legislator Kennedy entered the meeting at 2:55 p.m.)

Introductory Resolutions

1835, Authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program - farmland - for the Caracciolo property - Shade Tree Nursery - Town of Riverhead. (SCTM Nos. 0600-022.00-03.00-004.000 p/o and 0600-009.00-01.00-006.006 p/o). (Co. Exec.)

Do you want say anything about it?

DIRECTOR ISLES:

No. This is at the end of the process now. It has gone through ETRB. It's been negotiated through the Division of Real Property Acquisition and Management. There's obviously an accepted offer and a contract at this point. Obviously it also has the recommendation of the County Farmland Committee.

CHAIRPERSON VILORIA-FISHER:

And it's a shared acquisition with Riverhead.

DIRECTOR ISLES:

Right. So certainly if you have any questions on the transaction.

LEG. D'AMARO:

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

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro. Seconded by Legislator Horsley. All in favor? Opposed? IR 1835 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay included in the vote).**

1836, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection - open space component - for the Melamed property - Pine Barrens Core - Town of Brookhaven (SCTM No. 0200-461.00-02.00-007.000). (Co. Exec.)

Nine acre parcel. I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1836 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay included in the vote).**

1837, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the estate of Herbst property - Pine Barrens Core - Town of Southampton (SCTM No. 0900-280.00-02.00-083.000). (Co. Exec.)

I'll make a motion to approve. Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1837 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay included in the vote).**

Boy, and look at that money going.

1848, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - Land Preservation Partnership Program - for the estate of Edna Capurso property - Montauk Downs State Park addition - Town of East Hampton (SCTM No. 0300-019.00-02.00-020.001). (Co. Exec.)

I'll make a motion to approve. Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1848 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay included in the vote).**

1849, Authorizing the acquisition of farmland development rights under the Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks Fund - farmland component for Jarzombek property - Town of Riverhead (SCTM No. 0600-062.00-02.00-003.000 p/o). (Co. Exec.)

I'll make a motion to approve. Second?

LEG. D'AMARO:

I'll second and then I had a quick question.

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Just briefly. Is this something that we are sharing the cost with the town or is the County doing this 100 percent?

CHAIRPERSON VILORIA-FISHER:

I believe the County's doing this 100 percent. Is that correct? We don't have a partnership on this.

LEG. D'AMARO:

In acquiring farmland development rights do we usually reach out to the town and try and partner and was that done in this instance?

MR. KENT:

At one time we were going to partner with the town on this acquisition. The town was utilizing some grant money that they were receiving from the State of New York. It was very slow for that money to come to the town and the seller was not willing to wait. So we decided to go 100 percent on this one. And the town is going to pick up another parcel with the grant money that they receive from the State.

LEG. D'AMARO:

So the town is going to pick up another parcel 100 percent, a parcel that the County would have partnered with the town on.

MR. KENT:

Yes.

LEG. D'AMARO:

Okay. And when you say we decided to go, what's the basis of deciding to go?

MR. KENT:

Well, we had an offer out there and this was identified as a good piece to acquire. Again, I said the seller would not -- was not willing to wait the amount of time it was going to take, so a decision had to be made whether you are going to --

LEG. D'AMARO:

What was the basis of the decision? Was there another offer? Was there a contract pending? What was the rush? And how long would the delay have been to wait for the town funding to become available?

MS. LONGO:

We had already been waiting for months. The offer had been out there for about six months, that the town was waiting for this State money. And it would have taken another God knows how many more months. I don't think they have anything -- is it SOS?

MR. KENT:

It's SOS money so the money -- the funding runs out at the end of the year.

LEG. D'AMARO:

When you say it was taking the town too long, that's something solely within the town's control. Is that correct?

MS. LONGO:

Well, it was the town and the State.

LEG. D'AMARO:

And the State?

MS. LONGO:

Yeah. And rather than lose this deal, because at this point the seller was very annoyed to say the least at the town, we just said okay, we'll do it ourselves and close, and then the town will take that grant money and do it on another parcel that we would have partnered with.

LEG. D'AMARO:

And you are going to monitor that and make sure that that actually comes to fruition?

MS. LONGO:

Well, we actually met with them and sat down with a list of about 30 parcels.

LEG. D'AMARO:

Okay, so you are talking about it.

MS. LONGO:

And kind of divvied them up and decided which ones we could partner on, which ones we couldn't, which would be better for us to do by ourselves, which they should do by themselves. Yeah, we do that with all the towns.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Good question, Lou, because last month they told us about picking up 100 percent and the town was going to do one in return. Do you remember? So we are seeing a pattern.

LEG. D'AMARO:

I do, but I think that never happened, right? There was another round --

CHAIRPERSON VILORIA-FISHER:

Well, not yet.

LEG. D'AMARO:

No, there was another bill where we were paying 100 percent, but I think then you reported back that the town had come through. So that one never went if I'm not mistaken.

MS. LONGO:

I don't know.

LEG. D'AMARO:

I know I have no short-term memory either, so it's okay.

CHAIRPERSON VILORIA-FISHER:

Janet, remember you had told us that we were --

MS. LONGO:

Yeah, what was that. That was Riverhead.

COMMISSIONER MEEK-GALLAGHER:

The Bluffs at Shoreham?

CHAIRPERSON VILORIA-FISHER:

No, it was Brookhaven. I'll look at my notes.

MS. LONGO:

Oh, the bluffs at Shoreham, that's right. And that, too, that was under SOS and we ended up just doing it by ourselves. The town -- actually, we had an agreement with them to partner and they had spent all their money and they called and they gave me three projects that they said we have to back out of because we're done.

LEG. D'AMARO:

So then we did go ahead 100 percent County funding on that acquisition and at the time you had represented that we're talking to the towns and we've identified other parcels. Are they actually following through and buying these other parcels that we would have partnered on?

MS. LONGO:

As soon as they get money from the CPS, yes.

LEG. D'AMARO:

Okay, all right. But we're keeping track of that, right?

MS. LONGO:

Oh, yeah. We have -- we all have the same lists that we're working on with open space acquisitions.

LEG. D'AMARO:

Right. At the end of the day if it's a wash, you know, we are 100 percent here but 100 percent on the other end that's fine, but we need to know that that's actually going to happen.

MS. LONGO:

Yes.

LEG. D'AMARO:

Okay.

COMMISSIONER MEEK-GALLAGHER:

The other thing I just wanted to reemphasize, it was mentioned, but this is Save Open Space money which expires at the end of this year. If we don't use it we lose it, and we'd hate -- at this point you really can't come up with a new project or shift it to another project. It wouldn't close in time. So that's why we'd want to make sure we proceeded with this, you know, at least purchase some farmland instead of leaving the dollars.

MR. KENT:

It's a lot easier to close on the ones we already have in the process than try to identify new ones.

CHAIRPERSON VILORIA-FISHER:

I thought this was Drinking Water Protection. This isn't SOS.

COMMISSIONER MEEK-GALLAGHER:

Jarzombek is SOS.

MR. KENT:

No, it's SOS.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry. I'm looking -- okay, Jarzombek. I'm looking at Rose Giambalvo. Sorry. Legislator Kennedy. As soon as he walks in he picks up the mike.

LEG. KENNEDY:

My question is a somewhat rhetorical question I guess. I would ask Janet, either yourself or Mr. Kent. How do we make an offer where it's a partnership offer and the town component is -- I mean, do we offer subject to or -- which we can't. When we offer we have to offer representative of the fact that we have the funds and the ability to tender at the point that the party accepts and we go to close. So how do we offer subject to the fact that the town is forthcoming with the component and then oops, they don't.

MS. LONGO:

Normally once I have an approval from ETRB and I know what a number is I call the town -- I e-mail the town and say these are the approvals in your town, which ones are you going to partner with me on.

LEG. KENNEDY:

How do they manifest that participation? Do they give us a writing? How do they do that? How are they on the hook to do that?

MS. LONGO:

Well, they -- first they tell me whether they can do it or not just by whether they have the funding available. Then if I make an offer the offer usually states, you know, this offer on behalf of the town and County with the number. If we have an accepted offer the town then goes and gets a resolution that we need, a town resolution in order for us to generate a contract.

LEG. KENNEDY:

Subsequent to an accepted offer not before?

MS. LONGO:

No, once we have an accepted offer. You know, everybody has a --

LEG. KENNEDY:

I'm trying to follow the process so that we appear to be in this position where we've put it out there and then as we attempt to go ahead and sit at the time and cut checks we don't have all the funds there at the table.

MS. LONGO:

It's prior to contract.

MR. KENT:

Prior to contract.

LEG. KENNEDY:

It is prior to contract. So we go through the negotiation before we actually have execution and abound.

MS. LONGO:

Yes.

LEG. KENNEDY:

Okay. Fine. That's enough process. It still intrigues me, but I'll leave it at that.

MR. KENT:

You know, the concept is that we are all trying to acquire the same parcels. The lists -- everybody uses the same lists, the parcels need to be acquired, we're trying to preserve the land. The towns and the County are partnering to get these lands acquired.

CHAIRPERSON VILORIA-FISHER:

Okay. We have a motion to approve and a second. All in favor? Opposed? 1849 is approved.

(Vote: 5-0-0-1 Not Present: Legislator Losquadro; Presiding Officer Lindsay was included in the vote).

1850, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Rose Giambalvo property - Beaver Dam Creek addition - Town of Brookhaven (SCTM Nos. 0200-961.00-02.00-031.000, 0200-961.00-02.00-033.000, 0200-961.00-02.00-034.000, 0200-961.00-02.00-036.000, 0200-961.00-02.00-038.000, 0200-961.00-02.00-043.000). (Co. Exec).

And this is also one that does not have a partnership.

MS. LONGO:

No.

CHAIRPERSON VILORIA-FISHER:

Okay. And I'm sorry, I was looking at this one and we were talking about Riverhead, and I was thinking of Brookhaven, so that's why I got confused earlier. Okay. I'll make a motion to approve.

LEG. D'AMARO:

I'll second with the proviso that it goes on the list that you owe us another one.

CHAIRPERSON VILORIA-FISHER:

Right. Okay. There's a motion and a second. All in favor? Opposed? IR 1850 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; Presiding Officer Lindsay included in the vote)**

1851, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the estate of Dittmer property - Mastic/Shirley Conservation Area II - Town of Brookhaven (SCTM Nos. 0200-984.60-03.00-012.000 & 0200-983.40-06.00-007.000).

Okay. This we can see how much we're saving with that other thing that was given to us. This is half acre for \$36,000. So the other one that would have been donated was -- okay. Is there a motion?

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro, seconded by myself. All in favor? Opposed? IR 1851 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay was included in the vote).**

1862, Appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition of farmland development rights under the Suffolk County Multifaceted Land Preservation Program for the Glover property - Town of Brookhaven -(SCTM No. 0200-847.00-03.00-030.003 p/o). (Co. Exec.)

Now, this is a little bit more money and it's not a partnership either.

MS. LONGO:

This was also one of the ones that were on that same list from Brookhaven that we intended to partner with and they ran out of money. They sent me this e-mail saying we have to back out of these - there were three specific deals that we had negotiated partnerships on. So rather than lose it, we've just proceeded.

CHAIRPERSON VILORIA-FISHER:

Okay. This is 2.4 million.

DIRECTOR ISLES:

Brookhaven did spend 100 million, right?

MS. LONGO:

Brookhaven spent 100 million.

DIRECTOR ISLES:

Right, so they weren't inactive.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro, seconded by myself. All in favor? Opposed? IR 1862 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay was included in the vote).**

1863, Amending Resolution No. 449-2007, to authorize the appropriation of funds in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition of farmland development rights under the Suffolk County Multifaceted Land Preservation Program for the Grigonis property - Town of Southold

(SCTM Nos. 1000-055.00-01.00-005.001 and 1000-055.00-02.00-008.005 p/o). (Co. Exec.)

George, why does it say amending the resolution?

MR. NOLAN:

I think it's changing program. It was, I think, originally approved under SOS and it is being changed to multifaceted, I believe, because it's running out of money or the time constraint.

MR. KENT:

There is time constraints, yes.

MS. LONGO:

I believe this one needed a subdivision and they weren't able to close it in a timely manner for us to utilize the SOS money. Also, it is the Town of Southold and again, with Southold most of the land that we purchase, the way we partner with them is individual. They do this one, we do this one. It's been very difficult to do an undivided partnership, an undivided interest with the Town of Southold. So we pick and choose who can do what.

CHAIRPERSON VILORIA-FISHER:

And although we're authorizing this now we don't have enough time to close before the end of the year so we don't have money left in that SOS?

COMMISSIONER MEEK-GALLAGHER:

It's on their end. We would have time. It's on their end.

MR. KENT:

Yeah, because of the subdivision.

MS. LONGO:

Because of the subdivision. You know, we can't -- it's subject to a subdivision. So we can encumber the money but we can't close, and that's going to take a while. So we had to move it out of the SOS Program into the Multifaceted.

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? IR 1863 is approved. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay was included in the vote).**

1867, Adopting Local Law No. 2007, A Local Law to ban low-efficiency incandescent lamps and to create the Energy Efficient Lighting Task Force. (Co. Exec.)

Shouldn't that be in your committee? I'm just curious as to why it is assigned to this and not to Energy. I mean, not that I don't want it, it's fine with me. Okay. I'll make a motion to table. You can answer it --

LEG. D'AMARO:

Second.

MR. NOLAN:

It's because under the law the Department of Energy and Environment would be administering the

law. That's why we assigned it here. I guess it could have gone to either committee, but that was the rationale.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. So I made a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1867 is tabled subject to public hearing. **(Vote: 5-0-0-1 Not Present: Legislator Losquadro; P.O. Lindsay was included in the vote).**

Tabled Memorializing Resolution

MR.39 Memorializing resolution in support of legislation to create the Fire Island Beach Erosion Control District. (Eddington)

Do we have any better understanding of this?

DIRECTOR ISLES:

Based on your direction at the last meeting I did do an e-mail to Legislator Eddington's Legislative Aide and asked him if the Legislator had explanation material. What he wrote back to me is that my understanding is that this legislation would create a self funded insurance policy for the homeowners in the instance of a major erosion event such as we had this past spring. It is a special taxing district who will levy a tax on properties within the districts, all hamlets in Islip and Brookhaven on Fire Island. The district will be governed by a board of directors, which he then lists to that, and be granted authority to tax and issue bonds. It is my understanding that this district will allow the communities on Fire Island to generate revenue to use as leverage against Federal, State, and County funds to undertake such projects.

So here again, it's not our bill from the County Executive, but when asked if they could explain it, this is what he provided back to me and I can give you a copy of this if you'd like.

CHAIRPERSON VILORIA-FISHER:

And actually the residents would have to vote on creating this district, wouldn't they?

DIRECTOR ISLES:

I'm not certain of that.

P.O. LINDSAY:

Yes.

CHAIRPERSON VILORIA-FISHER:

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

P.O. LINDSAY:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Lindsay.

LEG. KENNEDY:

Madam Chair, can I just ask a quick question on it?

CHAIRPERSON VILORIA-FISHER:

Sure.

LEG. KENNEDY:

So this would be State enabling legislation that we're adopting this Memorializing Resolution for, encouraging the State to create this, giving the localities the authority to establish, that's it?

CHAIRPERSON VILORIA-FISHER:

And the Legislator is asking for it and their Assemblywoman is asking for it.

LEG. KENNEDY:

And who is the Assembly sponsor?

P.O. LINDSAY:

Ginny.

LEG. KENNEDY:

Ginny Fields? Okay.

CHAIRPERSON VILORIA-FISHER:

It says Assemblyman Ginny Fields and Senator Johnson.

LEG. KENNEDY:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. So we have a motion and a second to approve. All in favor? Opposed? Abstain? Please note the abstention. Motion carries. **(Vote: 4-0-1-1 Abstention - Legislator D'Amaro; Not Present - Legislator Losquadro; P.O. Lindsay was included in the vote).**

If there is no further business, we stand adjourned.

**(THE MEETING CONCLUDED AT 3:12 PM)
{ DENOTES SPELLED PHONETICALLY }**