

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 October 1, 2007.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Ian Barry, Assistant Counsel
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ben Zwirn, Assistant Deputy County Executive
Kevin Duffy, Budget Review Office
Brian Bielanski, County Executive's Office
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
William E. Brady, Jr., Suffolk County Department of Public Works
Thomas Ryan, Aide to Chairperson Vilorio-Fisher
Lori Murphy, Aide to Leg. Losquadro
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Debra Alloncius, Legislative Rep for AME
Kathleen Matthews, Coalition to Save Cedar Hill
Paul Matthews, Cornell Cooperative Extension
Martin Trent, Chief of Office of Ecology, SCHDS
Michael White, Long Island Regional Planning
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:13 PM)

CHAIRPERSON VILORIA-FISHER:

Welcome to the Environment, Planning and Agriculture Committee. Please join us in saying the Pledge of Allegiance.

SALUTATION

I would just like to point out to my colleagues that we do have correspondence from Acting Commissioner Tracy Bellone regarding the distribution of duties among workers in the Parks Department. And this is regarding legislation that we've been considering with regards to the 477 account and how those monies are dispersed among salaried employees. So, if there's anyone who doesn't have a copy of that, my aide, Tom, will be happy to give you one.

We have a couple of speakers, members of the public. And I think we're beginning -- we're getting to know you, Kathy. So can you please come on up?

MS. MATTHEWS:

I think he filled out the first card. I was second.

CHAIRPERSON VILORIA-FISHER:

I'm sorry. The cards are -- I had yours on top. Paul Matthews. Yes. And they are no relation. And they are two people who have come here. Paul, your card is number one. Thank you, Kathy, for pointing that out.

And I believe that we're all familiar with Mr. Matthews and the feasibility study on the clam larval release. I think he may have spoken with us as a group and individually at this point. Thank you, Mr. Matthews.

MR. MATTHEWS:

Thanks very much. It's nice to see you again.

CHAIRPERSON VILORIA-FISHER:

Make sure your mike is on; that little button on the bottom.

MR. MATTHEWS:

Thank you very much. Good to see you again. I have and you have before you on the Cornell letterhead our proposed feasibility study budget over a four year term in which we put out clams and study their survival rates for the first three years and just study survival rates in the fourth year.

The proposed project is designed to address the feasibility of releasing competent to set pediveligers, larvae, of the hard clam as an alternative to lengthy nursery culture or spawner sanctuaries. The hard clam is a candidate for restoration and grown in many parts of the Atlantic and Gulf coast due to its historical place as a high value species and its value to the ecosystem. The release of large numbers of clam larvae in the billions could create populations of shellfish that could lead to restoration of ecosystem processes and create clam beds that could be exploited by the commercial and recreational fishery. Each year for three years we propose to release millions of larvae in controlled field environments at two sites in Suffolk County. And through subsequent sampling determine growth and survival of the clams.

The fourth year we plan to sample the three previous years plantings for growth and survival without planting larvae. This technique could be used with other species of bivalve shellfish that are candidates for restoration or being used by commercial producers.

And the budget for year one is right under that. The budgets for year two and three are under that. And the budget for year four is on the back of the page. And the total projected costs is 348,430 for four years.

And this will enable us to determine the efficiency of the survival of the larvae clams and the cost of installing them so that we can come to some sort of agreement about what they're worth and how much should be paid for them and that type of thing.

CHAIRPERSON VILORIA-FISHER:

I have a question either for Mr. Isles or Mr. Kent because you both sit on the Aquaculture Leasing Committee. And I was wondering what the relationship might be or is there between this project and that program?

DIRECTOR ISLES:

I'm not sure that there is a relationship. There possibly could be. The Aquaculture Lease Program that is currently ongoing is charged with the responsibility of developing a suggested leasing program for certain underwater lands in Peconic and Gardiner's Bay and delivering that suggested plan and program to you and the County Executive -- to the Legislature and the County Executive. Under that plan, which here again is in the process of being developed right now, it is possible if not likely that the plan will anticipate private shellfish cultivation occurring within certain designated and approved parts of the system, but also through not-for-profit organizations, research and academic organizations and so forth.

So in terms of Mr. Matthews' proposal, could that conceivably go into one of the lease locations? I think conceivably it could. Here again, I don't know enough about it to really comment more than that. But it could. But, of course, the other aspect of that, too, is that's probably two years down the road at this point. We expect the plan to be done at the end of the summer of next year and then start the formal review process here.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Tom. The reason I was asking is because that would be -- most of those are privately funded, are they not? Where they -- it's private companies that would be -- private entities that would be leasing the bottoms and they would be paying for their own culturing.

DIRECTOR ISLES:

Right. Here again we are -- we have discussed the idea that, you know, some towns for example have programs to restore shellfish.

CHAIRPERSON VILORIA-FISHER:

The East Hampton Program.

DIRECTOR ISLES:

Right. And so if that were to be something that were to occur on one of the County designated lease sites, you know, that's something that we're going to plan to allow to occur subject to legislative approval and so forth. And maybe there's a tiered program where if it's just a strictly commercial venture, there's a certain rent for that. If there is a not-for-profit time academic municipal type arrangement, there could be another structure for that. At this point it's somewhat undefined as you know as you sit on the committee.

CHAIRPERSON VILORIA-FISHER:

Yes.

DIRECTOR ISLES:

But we are making progress. And those are some of the issues that we have talked about it somehow accommodating them.

CHAIRPERSON VILORIA-FISHER:

Maybe it might be a good idea, Mr. Matthews, to also -- to go to the next meeting because there is time -- there is a public portion at, you know, at every one of our meetings; we have public portion. And perhaps you could see whether there is a place there.

MR. MATTHEWS:

Okay.

DIRECTOR ISLES:

Right. And just keep in mind, too, that the County's authority applies a thousand feet off the high water mark. So anything within a thousand feet of the shore is outside of our jurisdiction. It may be, you know, if you were to go through the towns, that they would be able to allow within that. But we don't start until we're a thousand feet off shore with our program.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, that's why I asked you up because although I sit on the committee --

DIRECTOR ISLES:

Right. Sure.

CHAIRPERSON VILORIA-FISHER:

-- I'm not as completely versed as you are.

DIRECTOR ISLES:

You're on a lot of committees, I know.

CHAIRPERSON VILORIA-FISHER:

And there are a lot of questions. And I do get a lot of information from various sources. So I'd like to see where they intersect.

MR. MATTHEWS:

May I say anything?

CHAIRPERSON VILORIA-FISHER:

Sure. Go ahead.

MR. MATTHEWS:

There's a lot of flexibility in this proposal as to where the sites will be. And, you know --

CHAIRPERSON VILORIA-FISHER:

Thank you, Tom.

MR. MATTHEWS:

-- there'll be -- there'll be two in the first year. And then there'll be two more in the second year so they'll be give and take. And one of the aspects is to -- is to try this aspect of planting the larval clams in the waters of Babylon town, which is a far -- it's kind of a far trip for the people from Cornell, but they're very, very interested in doing it there because there's a good flush in that part of the bay. And I think it's a very good environment for the clams to actually establish themselves.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you very much. Are there any questions for Mr. Matthews? Okay. Thank you, Mr. Matthews.

Our next speaker is Kathleen Matthews.

MS. MATTHEWS:

No relation that we know of. Spelled with two T's.

CHAIRPERSON VILORIA-FISHER:

Kathy, go ahead. I'm sorry.

MS. MATTHEWS:

Okay. I just briefly wanted to --

CHAIRPERSON VILORIA-FISHER:

Make sure you're speaking into the mike.

MS. MATTHEWS:

Is it on?

CHAIRPERSON VILORIA-FISHER:

I believe it's on. You were just not close enough.

MS. MATTHEWS:

Is it on? Hello. Okay, good. Just in response Mr. D'Amaro's request last week that we provide a new copy of the new rating system for Cedar Hill, I sent or we sent out packets to each of the Legislators last week. And those included the letter from Councilman Fiore-Rosenfeld to County Executive Levy and to -- and also our rating.

Now, there was some question on the existence and presence of the box turtle on the property. So we've provided more backup information on that including a letter from the person who saw that turtle on the property. And a picture that includes two pictures of the turtle in the brush, that are not as good pictures, but the reason I put that in the packet is because there's a picture of a copper beech tree that is kind of a landmark on the property so that that being in the same batch on the digital camera shows that these were taken at the same time. So that should be proof that it was on the property. If the testimony of an environmental lawyer who's been a lawyer for 20 years and who did take the picture of the turtle is not enough, that beech tree should help to give backup testimony.

Now I know that it's not necessary that we reach the 26 points; that we only needed 25 in order for this to be considered. But I think there are even more points that we would be able to get in terms of habitat diversity if we were able to get on the property to do that.

So I just wanted to say that this is definitely a property that's worth considering. And that Brookhaven two years ago, their Open Space Committee approved it unanimously for acquisition. Went as far as having two appraisals done. And then the developer out bid the town. And they couldn't go above the appraisals. So that's why at that time Brookhaven dropped out. But they are very interested if the CPF goes through. So that's where we are. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Yes. And that's what we're hoping for. Thank you, Kathy, for coming. And we will be hearing from Planning in a little while. And they have done a review of the -- a new review of the property and you'll see the details on that.

MS. MATTHEWS:

Yeah. That was before -- yeah, that was before they received this. I just got this to them today.

CHAIRPERSON VILORIA-FISHER:

But we've reached 26 points.

MS. MATTHEWS:

Right. Without the turtle.

CHAIRPERSON VILORIA-FISHER:

Even without that. So we'll go over what we do have. Thank you, Kathy.

MS. MATTHEWS:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. We don't have a presentation, because as I said, I had invited the Parks Commissioner to -- Acting Parks Commissioner to come and present to us the information regarding the employees. And actually Budget Review, do you have that memo as well with the schedule of positions and the work that is done?

MR. DUFFY:

No, we weren't given a copy. If we could have one?

CHAIRPERSON VILORIA-FISHER:

Okay, certainly. Tom? Thank you. You know what I'd like to do is in order to give you a chance to take a look at that, we won't address that right now. We'll address it when we get to the resolution.

MR. DUFFY:

Okay.

CHAIRPERSON VILORIA-FISHER:

So that you could have an opportunity to take a look at that.

MR. DUFFY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Okay, Tom is giving you a copy now. Thank you very much.

We will go to the agenda beginning with CEQ resolutions. Oh, I'm sorry, Commissioner, did you have -- did I miss you?

COMMISSIONER MEEK-GALLAGHER:

Just wanted you to know I have -- it's the first meeting of the month so I have updated spread sheets if you want.

CHAIRPERSON VILORIA-FISHER:

Thank you. We are in the new month, aren't we? September went by very quickly. Some of us were rather busy during that month but still standing. Okay. Did someone change their mind on an accepted offer here? Our balance -- we'll let you walk us through this. Okay.

COMMISSIONER MEEK-GALLAGHER:

Yeah. Maybe I'll just -- I'll let Janet explain the changes in the acquisition program.

MS. LONGO:

I didn't bring the other one.

COMMISSIONER MEEK-GALLAGHER:

The backup?

MS. LONGO:

No, last months.

COMMISSIONER MEEK-GALLAGHER:

Here.

MS. LONGO:

I don't know what's changed.

COMMISSIONER MEEK-GALLAGHER:

It's not that much different.

MS. LONGO:

Actually it hasn't --

COMMISSIONER MEEK-GALLAGHER:

-- a million six.

MS. LONGO:

It hasn't changed all that much.

CHAIRPERSON VILORIA-FISHER:

No, it hasn't.

MS. LONGO:

We closed a few.

CHAIRPERSON VILORIA-FISHER:

But I would have thought, Janet, that we would have been further in the red instead of less in the red.

MS. LONGO:

You know, I'm trying to knock them off when they -- if they don't respond or if they reject the offer, I'm trying to just get them off the sheet right away.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. LONGO:

And we're really giving people a time limit now to respond to because I don't -- you know, sometimes you end up carrying these for so long. Of course, if they come back and say they accept our offer and, you know, we have money available we always let them come back.

CHAIRPERSON VILORIA-FISHER:

Jump right in there, huh?

COMMISSIONER MEEK-GALLAGHER:

There are -- you will see in the next couple of months we will be closing on a lot of acquisitions especially all the SOS acquisitions because that funding expires so --

CHAIRPERSON VILORIA-FISHER:

Right.

COMMISSIONER MEEK-GALLAGHER:

-- there will be now -- I guess -- and that's pretty typical because the first couple of months of the year you're just getting the money appropriated, etcetera and so forth so you can't actually start on the, you know, closing until you know that you have the funds appropriated up front.

MS. LONGO:

Right. So all of those -- everything that's in SOS Hamlet Park, Open Space and Farmland and also the Multifaceted, that offset money, all of those projects are going to be before you next month whatever we haven't closed already.

CHAIRPERSON VILORIA-FISHER:

Okay. Any questions from members of the Committee? I think we've become accustomed to the schedule now and so we're able to understand it more clearly. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Do we have anything left in the Old Drinking Water Quality money? You know, in Smithtown or Brookhaven? 12-5 E, is that it?

MS. LONGO:

No, it's actually -- 12-5 E, right. I spent Smithtown's money. We haven't closed on it yet but we're past accepted offer. I think we're in contract.

LEG. KENNEDY:

So we've exhausted that?

MS. LONGO:

Yeah.

LEG. KENNEDY:

There's that one lot {Caldrias} as a matter of fact I saw that just got approved out of ETRB, which is Smithtown.

MS. LONGO:

Yeah, except I had -- already had money in accepted offers there so it's kind of like you move it into that category. And then it's first come, first serve. So whoever signs the contract first, that's where the money goes.

LEG. KENNEDY:

Oh, yeah.

MS. LONGO:

So then I have to move it to another category.

LEG. KENNEDY:

So from my perspective, then, I should be looking at that as exhausted. That is no longer an avenue to go ahead and go towards.

MS. LONGO:

Smithtown is exhausted. Yeah.

LEG. KENNEDY:

Because for all intent and purposes, you have commitments pretty much across the board for whatever that balance was?

MS. LONGO:

Yep.

LEG. KENNEDY:

We started the year about 300 grand. We put in a couple of items for acquisition, some small lots and things like that; that house, the McDonald's house, I think, that was 12-5 E also. For all intent and purposes if they all come to fruition, that's it? We've exhausted it?

MS. LONGO:

Yep. Yes.

LEG. KENNEDY:

Correct?

MS. LONGO:

Actually I'm in the hole in Smithtown. We have to take some money out.

LEG. KENNEDY:

Well, that's all right. We'll just, you know -- no problem. We'll sell something else. We'll go to a pawn shop. We'll hock it. Thank you.

COMMISSIONER MEEK-GALLAGHER:

Huntington and Babylon have money.

LEG. HORSLEY:

Now you got my attention.

LEG. KENNEDY:

Good. Send it over to Smithtown. There you go.

MS. LONGO:

We do have some projects coming up in Huntington that I may be able to use that money for. Babylon, I use -- as you can see on -- we've spent a lot. I've spent about \$900,000 out of the Babylon money this year. They're just aren't that many projects.

LEG. HORSLEY:

Save it for American Venice.

MS. LONGO:

Yeah, but this isn't -- this is Drinking Water Protection, not active.

LEG. HORSLEY:

I know it is. But they've got -- it's a marina.

MS. LONGO:

That's where the problem lies, you know, the restrictions. And we have so many funding sources. And everything has a different restriction. So it's not just, if you gave me one pot, it would be so easy.

CHAIRPERSON VILORIA-FISHER:

Right. What we just looked at in Babylon, that cemetery piece, that doesn't qualify for that money either because that's active also.

MS. LONGO:

No, because it's active. This is Drinking Water Protection money. So it's -- you know, the creeks in

Babylon, that's what I'm spending this money on. All those little parcels that are coming before you.

LEG. HORSLEY:

Right.

CHAIRPERSON VILORIA-FISHER:

Okay. Anybody else have a question? All right. Thank you very much.

CEQ RESOLUTIONS

Jim Bagg. And, Jim, when you come up, you will be explaining about the -- treating the land acquisition CEQ resolutions as a unit so that we can be more efficient. That was voted on at the last CEQ meeting.

MR. BAGG:

That's correct. And that's the last resolution that will be before you from CEQ.

Okay. The first recommendation for CEQ deals with the resolution **90-07. It's for the proposed dedication of Sagtikos Manor, County Park to the Suffolk County Historic Trust.** Council recommends that the entire park including the main house and all associated structures and buildings on the property be dedicated to the Historic Trust. They have also put in there the various categories that should be dedicated, too. And if the Legislature or the County Executive choose to dedicate that property, then basically it would be a Type II Action.

LEG. LOSQUADRO:

Motion.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay. Sorry. I just -- my numbers were incorrect. I just have to fix that. Thank you. Okay. There's a motion by -- I heard a voice here -- Legislator Losquadro, seconded by Legislator Horsley. And we'll go through these and do same motion, same second. Okay? All in favor? Opposed? **90-07 is approved. (Vote: 5-0)** Jim?

MR. BAGG:

CEQ resolution number **91-07 is the proposed dedication of Van Bourgondien House to the Suffolk County Historic Trust.** They recommend that the house as well as the fenced in area at Van Bourgondien County Park be dedicated to the Historic Trust. They further recommend that if the Legislature chooses to adopt such an action, it's a Type II Action.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

These next resolutions do not require a motion. They are simply administrative. **CEQ resolution number 92-07 is the Historic Trust approval to authorize the Babylon Historic Society to act as custodian of the Van Bourgondien House within Van Bourgondien County Park.** I understand that before they can go to contract to approve of the Babylon Historic Society as custodian of that property, they need the Historic Trust approval so that this is CEQ's Historic Trust approval for the use.

CHAIRPERSON VILORIA-FISHER:

And, Dennis, that contract is ready? At our last meeting it wasn't quite -- the i's weren't dotted and the t's crossed yet.

MR. BROWN:

Well, actually at our last meeting it was Deepwells. It wasn't this one.

CHAIRPERSON VILORIA-FISHER:

Oh, was it Deepwells? Okay.

MR. BROWN:

Yes. That's okay. But I did send -- I was working with Jim. I did send him some language so we can try to come up with a template. Okay.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. BROWN:

Thanks.

CHAIRPERSON VILORIA-FISHER:

So it's a different type of -- it's that different?

MR. BROWN:

There might be program differences, but there are probably a lot of similar provisions that will carry over from Deepwells to this one.

CHAIRPERSON VILORIA-FISHER:

Okay. So then what you're doing is kind of creating a boilerplate for this type of contract?

MR. BROWN:

Sure. That was the goal. And that was the goal that came out of the meeting that we had with --

CHAIRPERSON VILORIA-FISHER:

Historic Trust.

MR. BROWN:

That's correct, yes. Okay. Thanks.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 93-07 is the Historic Trust approval to authorize the Great South Bay Audubon Society to act as custodian at the Brookside County Park. Resolution speaks for itself. To authorize them -- they have been in there for years. I believe they're under a licensing agreement. Council recommends that the approval would be a Type II Action.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second. Yeah, they have been there a while.

MR. BAGG:

Yes. They're trying to finalize the custodian agreement.

CHAIRPERSON VILORIA-FISHER:

Okay. **(Vote: 5-0)**

MR. BAGG:

Next resolution, **CEQ resolution number 94-07 is the ratification of recommendations for legislative resolutions laid on the table August 21st, 2007.** It's fairly pro forma. It simply outlines the classification of the actions before the Legislature. Most all of them are Type II Actions or they've already been reviewed pursuant to SEQRA.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 95-07 --

CHAIRPERSON VILORIA-FISHER:

Jim, before you begin the Gabreski resolutions, all of these resolutions before they came to CEQ, did they go before the CAC?

MR. BAGG:

Yes. All of the lease agreements. The renovations do not have to go before the Citizens Advisory Panel. But the actual lease projects have to. And they've all been before the Lease Advisory Panel. And all have been approved and recommended for unlisted action negative declarations. Okay.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. BAGG:

And that was in your packet, I believe, along with the CEQ information in the EAF.

CHAIRPERSON VILORIA-FISHER:

I just wanted to have it on the record and point it out to my colleagues. Thank you.

MR. BAGG:

All right. **CEQ resolution number 95-07 Francis S. Gabreski Airport Tower renovation, capital project 5709.** The action involves design and construction for the repair and/or replacements of a steel structure used to connect the exterior concrete block walls of the controlled tower. Council recommends that it's a Type II Action pursuant to 617.5 (C) one and two.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 96-07, Francis S. Gabreski Airport, the Flight Line Lighting, capital project 5711. Again, this is for upgrading and replacement of the flight line lighting. Council recommends that it's a Type Two Action pursuant to part 617.5 (C) one and two.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution 97-07 proposed hangar development Long Jet Center East, Inc revised application to lease land and building space. This was sent back to the Council three times. The application was downsized. It went from a little bit more than ten acres to 7.5 acres. It was run through the Lease Advisory Panel. And as I mentioned recommended unlisted action neg dec. And the Council now says that the project involves the application for leasing five -- wrong one. 7.5 acres of lease land. It originally was 10.03. Intended actions include demolition of existing hangar office building, removal of an underground heating oil tank, construction of new 4,000 square foot

EPO office building and consumer lot, customer lobby, removal of some asphalt surfaces, site grading, installation of one new 22,800 square foot hangar, which includes a 3,000 square foot lean to entrance, office storage area, new asphalt surfaces. The additional aircraft fuel storage capacity for servicing air craft.

Proposed project is to upgrade the outdated facility with improved structures and provide adequate service needs for air craft that frequent the airport. All improvements will be in accordance with Article 6712 of the Suffolk County code to ensure that any environmental concerns are addressed. As of this part -- as part of this project an existing 12,000 gallon jet fuel A tank will be relocated. And an additional 12,000 jet A fuel tank will be installed to provide a total of 24,000 gallons of jet A fuel.

In addition an existing 2000 gallon AV gas fuel tank will be eliminated and a new 12,000 gallon AV gas fuel tank will be installed. The identified tanks will be clustered in one controlled fuel supply area according to the 1990 master plan jet fuel storage at Gabreski Airport decreased from 231,500 gallons at the time we took it to 36,000 gallons in 2006. If the project is approved, jet A fuel will only total 48,000 gallons or 21% of the original stored amount in 1990.

Council recommends that it's an unlisted action for numerous reasons. None of the criteria in section 617.7 Title Six NYCRR which sets forth thresholds for turning significant adverse impact on the environment will be exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental control or cultural resources identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County code. Parcel does not appear to suffer from any severe environmental developmental constraints. Proposal is in conformance with the Gabreski Airport master plan which was previously reviewed by CEQ and approved by Suffolk County in 1990 after having undergone SEQRA review. And the project is in conformance with every master plan that is out there. Okay? If you want me to read them, I will read them.

CHAIRPERSON VILORIA-FISHER:

It's okay. No.

MR. BAGG:

All necessary New York State DEC storm water permits will be obtained. Waste oil removal the applicant is responsible for providing signage to outline the approved procedure for waste oil removal. All noise generated by planes at the airport currently meets the FAA standards and the Town of Southampton Noise Ordinance which does not regulate noise of aircraft; however, they've requested the applicant let any tenants know of the voluntary noise requirements that the Department of Economic Development and Workforce Housing has and that they be posted and that the cumulative growth at the airport has been considered within all of the duly adopted state, county and town plans that have recommended channeling new growth into the previous disturbed and developed airport while preserving undisturbed natural outline areas to the west, north and east of this site, which is a smart growth concept.

I also might point out that the Department of Health Services reviewed the project in depth. And they find that the Long Island Jet is in conformance with all the requirements of Six, Seven and Twelve. And that the proposed fuel facility will be built in conformance with Article Twelve of the Sanitary Code. And that requires that, number one, they have any overflow, alarms go off. They have to be contained in a secondary tank which will hold 110 percent of the fuel stored as well as they have to be in a bermed impervious surface which has to hold all of the fuel in those tanks in case there were a breach in the future. So the thought was that CEQ felt that there are -- Article 12 does have adequate measures in place to prevent groundwater contamination for future spills.

CHAIRPERSON VILORIA-FISHER:

And those were questions that CEQ had asked and requested for that to be looked at in previous meetings.

MR. BAGG:

That is correct. And the Health Department came and gave a presentation. And also in your packet is their response to the CEO's questions.

CHAIRPERSON VILORIA-FISHER:

Okay. We've spent a lot of time reviewing this. Motion, second. All in favor? Opposed? **97-07 is approved. (Vote: 5-0)**

MR. BAGG:

The next is a proposed hangar development of AMPCO, application for leasing five acres for the construction of a hangar and office spaces. Council recommends that it is an unlisted action that will not have a significant impact on the environment for the reasons so noted similar to Long Island Jet. And the Advisory Panel has voted for approval and recommending an unlisted action neg dec.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote on 98-07. **(Vote: 5-0)**

MR. BAGG:

Now these next project -- one more. **CEQ resolution number 99-07 is the drainage and road improvements to CR 58 County Road Old Country Road from L.I.E. to New York State Route 25, capital project 5543.** Council recommends that it's an unlisted action negative declaration.

Project involves the drainage improvements on CR 58 Old Country Road from L.I.E. to New York State Route 25 in order to provide positive drainage network that will minimize the occurrence of existing flooding or ponding of storm water run-off on the roadway while minimizing the impact on the local community and mitigating existing impacts to the adjacent fresh water wetlands. This project will eliminate the hazardous conditions and improve safety. Currently this corridor is developed with outlet centers, big box shopping developments and mix use, commercial developments. It is imperative to acquire the right-of-way for storm water improvements before all available right-of-way is developed.

Council recommends that it's a Type One Action that will not have an impact on the environment for the following reasons. None of the SEQRA criteria will be exceeded. There are no significantly threatened or unique or highly valuable environmental cultural resources as identified or regulated in the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code. Parcel does not appear to suffer from any severe environmental development constraints. And existing direct storm water run-off going into fresh water wetlands will be eliminated or filtered. All New York State DEC permits will be obtained. And existing hazardous conditions will be eliminated and traffic safety improved.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. That's in Public Works Committee, I guess; right? **(Vote: 5-0)**

MR. BAGG:

I believe so. Council's next recommendation is the proposed acquisition for land for open space preservation purposes. Now the CEQ resolutions number 100-07 through resolution number 108-07 are for all open space acquisitions for passive recreational purposes.

First one is the CEQ review of the proposed acquisition for land for open space preservation purposes known as the Carll's River County Park addition Nixon property in the Town of Babylon. Project involves the acquisition of 0.137 acres of land by Suffolk County for open space preservation purposes. The Council recommends that it is an unlisted action that will not have a significant impact on the environment because none of the SEQRA criteria will be exceeded. Proposed use of

subject parcels is passive recreation. And if not acquired the property will most likely be developed for residential purposes incurring far greater environmental impact than the proposed acquisition and preservation of the site would have.

CHAIRPERSON VILORIA-FISHER:

You're going to read through all of them and we'll vote on them once.

MR. BAGG:

That's fine.

CHAIRPERSON VILORIA-FISHER:

Okay. And for the stenographer again those were 100-07 to 108-07.

MR. NOLAN:

If he's going to read them all, it might be easier for the clerk --

CHAIRPERSON VILORIA-FISHER:

Okay. Do you want me to do it after each one?

MR. NOLAN:

If he's going to read them, you might as well.

CHAIRPERSON VILORIA-FISHER:

Okay. I just wanted to point out to Legislator Losquadro this is the one that goes to the ten thousandth place. Point 0137, very precise piece of property.

LEG. LOSQUADRO:

That survey was something else.

CHAIRPERSON VILORIA-FISHER:

I know. Okay. Counsel has suggested that since you're describing each one, we'll vote after each one and just do the same motion, same second, same vote.

MR. BAGG:

Okay. Resolution number 100-07 I just read to you, a recommendation is unlisted action negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ 101-07 proposed acquisition of land for open space preservation purposes known as the Carl's River County Park addition, Soliman property in the Town of Babylon. Council recommends an unlisted action negative declaration for the reason so noted before.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 102-07 proposed acquisition of land for open space preservation purposes known as the Southaven County Park addition, Rodrigue-Karras property in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 103-07 proposed acquisition of land for open space preservation purposes known as the Swan River County Park Addition, the estate of Davi and Crino property in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 104-07, proposed acquisition of land for open space preservation purposes known as the Patchogue River Wetlands Addition, Golden properties Construction Corp in the Town of Brookhaven. Council recommends an unlisted action, negative declaration. **(Vote: 5-0)**

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 105-07, proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation Area Addition, Haliab property in the Town of Brookhaven. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 106-07, proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation Area II Addition, Gerrato property in the Town of Brookhaven. Council recommends an unlisted action, negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 107-07, acquisition of land for open space preservation purposes known as the Penataquit Creek County Wetlands Addition, Willian H. Leverich Family Trust property in the Town of Islip. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

CEQ resolution number 108-07, proposed acquisition of land for open space preservation purposes known as the Sterling Creek Pollert property in the Town of Southold. Council recommends an unlisted action negative declaration.

CHAIRPERSON VILORIA-FISHER:

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

MR. BAGG:

And the last resolution CEQ 109-07 deals with a Master Lists Proposed County Open Space Acquisitions. The actual title, **CEQ review of future acquisition of properties for the preservation of open space for passive park purposes as set forth in resolution number 625 of 2004, Mastic/Shirley Conservation Area phase I and resolutions number 621 of 2004 and 877 of 2005, Master List one and two reports respectively.** Council reviewed all

those properties and recommends to the Legislature that future acquisitions for passive -- open space and passive park purposes will not have any significant impact on the environment. And they recommend that a Type One Action with a negative declaration be issued to apply to all those future acquisitions for those purposes.

CHAIRPERSON VILORIA-FISHER:

Which is what we discussed earlier.

MR. BAGG:

That's correct.

CHAIRPERSON VILORIA-FISHER:

Okay. Did we vote on the Master List?

MR. BAGG:

No.

CHAIRPERSON VILORIA-FISHER:

I'm sorry. Same motion, same second, same vote. **(Vote: 5-0)**

Thank you very much, Mr. Bagg.

MR. BAGG:

You're very welcome.

CHAIRPERSON VILORIA-FISHER:

See you at the next CEQ meeting.

MR. BAGG:

Yes.

TABLED RESOLUTIONS

CHAIRPERSON VILORIA-FISHER:

Okay. We move to Tabled Resolutions. **1357, authorizing planning steps for acquisition under Suffolk County Save Open Space Farmland Preservation and Hamlet Parks Fund, Toppings Farm property, Town of Brookhaven.** Is there a motion?

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed?
1357 is tabled. (Vote: 5-0)

IR 1484, amending the adopted 2007 operating budget to transfer funds from Fund 477 Water Quality Protection amending the 2007 Capital Budget and Program and appropriating funds in connection with storm remediation improvements for County Road 36 South Country Road. (County Executive) Motion to table. Right? That's not ready. Seconded by Legislator D'Amaro. All in favor? Opposed? **1484 is tabled. (Vote: 5-0)**

1485, amending the adopted 2007 operating budget to transfer funds from Fund 477 Water Quality Protection amending the 2007 Capital Budget and Program and appropriating funds in connection with storm remediation improvements at County Road

65 Middle Road. (County Executive) Motion to table, seconded by Legislator D'Amaro. All in favor?

LEG. LOSQUADRO:

Question on the motion quickly.

CHAIRPERSON VILORIA-FISHER:

Sure. Did you have a question for the Commissioner?

LEG. LOSQUADRO:

Yes. What is the status of why has that not gone through CEQ yet? I know that road is a significant source of storm water run-off.

CHAIRPERSON VILORIA-FISHER:

It hasn't come before CEQ. And the Commissioner can answer that.

COMMISSIONER MEEK-GALLAGHER:

My understanding is that the EAF is being prepared.

LEG. LOSQUADRO:

Okay. Any idea of time line?

COMMISSIONER MEEK-GALLAGHER:

The goal is to get it in for the October CEQ meeting.

LEG. LOSQUADRO:

Okay.

COMMISSIONER MEEK-GALLAGHER:

So it needs to be finished and submitted within the next week.

MS. FISCHER:

Wednesday.

COMMISSIONER MEEK-GALLAGHER:

Wednesday, okay. So I'll check on that.

CHAIRPERSON VILORIA-FISHER:

And while you're here, Commissioner, I had asked -- can you hear me? Is my mike on? I had asked Counsel about something we just voted on at CEQ, the County Road 58. And it sounded as if that were mostly storm water remediation. It was one of our CEQ resolutions. And that's in Public -- the Public Works Committee. But it seems so similar to some of these that I thought it might have been in this Committee. Is it because it's not amending 477?

COMMISSIONER MEEK-GALLAGHER:

Right. It may be the funding source. So if it's a capital program that comes out of DPW as opposed to 477 funds, it probably goes to Public Works Committee as opposed to coming here.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. Thank you. All right. We have a motion and a second. All in favor? Opposed?

1485 stands tabled. (Vote: 5-0)

1554, a Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman) And I had given the memo from the Acting Parks Commissioner to Budget Review because we have had discussions on this. Yes?

MR. DUFFY:

I looked at the memo. And in my opinion it really doesn't tell you too much. Basically we're in September. What they're doing is they're giving you a sample from two months. It said it divided the 39 people or 35 people. And as you recall, we had said last time in our memo that the annual cost of the 36 filled positions in Fund 477 is almost \$2.3 million. When I looked at what they've given me, I'm looking at, I guess it's the first page of detail, 5/16, it says that they're doing Smithers in West Sayville, general maintenance, delivered seasonal house furniture. The day underneath that 5/17 pulled a fence, furniture transport and supply pick up. I don't think that -- even stretching the imagination that comes close.

When I look at the second team, it talks about on July 6 or 7 erected shelving, organized files and records; 7/12 moved shelving at Timber Point. Basically we had asked for similar type information for the last two years previous to this. Parks, the first year they gave us information and we found problems. The second year they did not give me the day to day work. They just gave me the overtime. And the overtime, again, we had problems with it.

I don't know how you would feel, but I don't feel comfortable that this really is sufficient telling you that the money is, you know, being devoted in the 80 percent category to 477 work because we're not even looking at what went on from January 'til May, which is five months. And that time has passed.

CHAIRPERSON VILORIA-FISHER:

I think that does seem to stand -- to be very striking, the descriptions. The job descriptions in this schedule are very striking. Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Kevin, I guess I'd ask if you know -- let me -- it says 39 employees out of Parks, I guess, for 477, four of which are vacant. So we're looking at 35 employees. Are we to assume that these two work crews are made of 17 people each? Are there --

MR. DUFFY:

I don't know. I don't know. I was just given this when -- the last time we had received information from Parks Department, basically we were given individual employees. I do not know if they changed it; that they now have crews doing work or what their procedures are.

LEG. KENNEDY:

So clearly we need to get something more out of them even if we're to just understand how they're deployed let alone whether or not they're functioning in the funding categories. All right. Thanks.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Okay. I just want to chime in with Legislator Kennedy. I mean, how are we going to make a decision whether or not to impose limitations on a particular fund if we don't know, one, what's happening in the fund now and what would be the effect of imposing the limitation? So until we get clarification on that, and I think layered on top of all of those considerations is how is that going to interact with the upcoming operating budget as well with staffing? So I think we do need more information. What's the ramification of imposing a limit? If it's something that's not acceptable to us, then are there alternative ways to fund the positions?

MR. DUFFY:

What we had suggested in our prior reports is that when work is done that does not relate to 477, there should be a charge back. If it's general fund work, it should be charged back to general fund.

LEG. D'AMARO:

Right. And that's one way of dealing with it. And that may be the right way to deal with it even, but we need to see how that inter plays with the budget as well. Are the funds available to do that?

LEG. KENNEDY:

Madam Chair, I guess if I can just add to that. I agree with Legislator D'Amaro to a certain extent, but I also think that perhaps Acting Commissioner Bellone will be able to come and see us at the next meeting because it seems as if we're being asked to make significant decisions here when really we're all trying to struggle with an absence of information.

CHAIRPERSON VILORIA-FISHER:

Unfortunately I don't think she'll be here at the next meeting.

LEG. KENNEDY:

Oh, no?

CHAIRPERSON VILORIA-FISHER:

No.

LEG. KENNEDY:

Okay. She got a busy schedule?

CHAIRPERSON VILORIA-FISHER:

Well, she won't be with the County anymore.

LEG. KENNEDY:

Is that a fact?

CHAIRPERSON VILORIA-FISHER:

She's going to the state.

LEG. KENNEDY:

See that, I'm right ahead of the curve, aren't I, folks?

CHAIRPERSON VILORIA-FISHER:

I do have to say that when I looked at the schedule, I had the same reaction that Budget Review has. And in discussing my concerns with representatives of the County Executive, it did seem to make sense that we look at this vis-à-vis the operating budget. Because we don't want to continue to raid the 477 account with salaries that should be legitimately in the operating budget.

On the other hand, I don't want to tie the Commissioner of Environment and Energy's hands by not having the people that she needs to run the storm water program. And there are seven positions which you, I believe, said that you require in order to run that efficiently. And Budget Review, if I recall, you had said that if we were to fill those, the positions, requested by DEE, that we would then bump up against that 50 percent threshold?

MR. DUFFY:

You'd be very close depending upon what step and grade you fill all the positions at.

CHAIRPERSON VILORIA-FISHER:

Well, since the Commissioner has described those position as supervisory or lead positions, I would be afraid that we'd be bumping up against that 50 percent threshold.

COMMISSIONER MEEK-GALLAGHER:

Yeah, there's a grade 28, a grade 26 and two grade 19 positions.

CHAIRPERSON VILORIA-FISHER:

Okay. I don't know how that translates into Budget Review's numbers. But I'm reluctant to move on this without putting something in our operating budget that could help cushion the blow. Perhaps the charge backs would be a way of doing it. Do we have members of this Committee who are also members of the budget work group? Anybody else? Okay. I think it would be really incumbent upon us to look at this -- for the work group to look at this because we do have to protect our 477 account. And we see that storm water remediation, looking to the future with all of the discussions we had about the extension of the Quarter Percent and the importance of protecting this account, I think we have to look at this very seriously.

COMMISSIONER MEEK-GALLAGHER:

Madam Chair, if I might just make one clarification, a lot of focus is on storm water remediation. That's just one of the four or five categories. There is a lot of work that's much less expensive that we should be doing and we are doing to a certain extent but should be doing in some of the other areas such as aquatic habitat restoration, non-point source pollution and pollution remediation. And the storm water remediation is focussed on, but it's one area -- it's a very expensive area because it is expensive to remediate, but you're tending to hit at a particular roadway, putting in improvements that involve construction and is expensive. I think there are upwards of 200 spots that have been located throughout the County by DPW. And most of those projects are in excess of a million dollars to put in the improvements that you need; whereas you can do more with some aquatic habitat restoration projects -- are less expensive. And some of the other projects that are less expensive and you get a broader coverage.

CHAIRPERSON VILORIA-FISHER:

There's certainly much more to the point than building fences.

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I will be sitting in on the budget work groups so I will make sure that this is brought up. I will just say that this has been an issue, you know, to some of my colleagues who haven't been here as long, this has been an issue that has really had a lot of time and attention focussed on it over the past four years. And I think we continually lose sight of the fact that in good faith the people of this County voted to impose this tax upon them self and to have that money used in a very, very specific way.

And I think we've gone, and I think Budget Review's analysis shows very clearly we've gone far afield of that in using this as a slush fund. And this absolutely has to stop. And we have to find a way to deal with this and give the resources that are needed to the departments to get the work that they need done. But we have to hold true to the intent that we put forward to the voters when they agreed to bear this cost. Because it was for a, as I said, a very specific purpose to protect their quality of life and their environment and those environmental risk factors that people want to try to mitigate. And it is very frustrating to me because I hate to be an I-told-you-so-guy but when these positions were proposed to be moved, I was against it because I saw a tremendous opportunity for this sort of out of title, however you want to classify it, type of work. I knew it would be far too difficult to manage to have these people doing every single day, every hour of the day work that fits into this category. And I think this is the year, we have finally a way to address this. And working with Budget Review, I hope we're able to.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

I don't want to keep going over this, but the Commissioner or Acting Commissioner's letter, just for example, says on the second page while I believe the Parks Department is meeting the directives outlined in the Fund 477, and then goes through the 39 positions and then says later on in the next paragraph the majority of the work schedule's in compliance with the 477 regulation. But it's not a majority; it's eighty percent that this law would require. So, again, I'm just highlighting the point that I think we need to have someone here for further clarification before we really know what the impact is going to be in the Parks Department of this particular bill that we're considering.

CHAIRPERSON VILORIA-FISHER:

Of course the problem that we're facing is that we have now both the Parks Commissioner and the Deputy Parks Commissioners positions open. So I did speak with Commissioner Bellone last Friday. And she referred me to Mr. Zwirn to answer the questions regarding this memo.

LEG. KENNEDY:

Are you managing Parks, Ben?

MR. ZWIRN:

Better than managing the Mets.

CHAIRPERSON VILORIA-FISHER:

But I think, Ben, before we go to you, I do find looking at this memo at face value it's really not helpful. It really doesn't tell us what we need to know. It doesn't quantify it enough. It doesn't qualify enough of what the workers are doing. And we as Legislators do have to protect the 477 account and how it's being used. And the vague language of saying majority of the time, that's not really the kind of quantification that we need to make a decision on this. And it does push us in the direction of approving the legislation that will require that fifty percent threshold. My only concern at this point is that we work with this legislation and the operating budget. And that's why I'm asking that we have this represented in the operating budget. And I would feel more comfortable passing this after we've seen a way to protect the workers and the work being done in the operating budget.

LEG. LOSQUADRO:

Madam Chair, if I may before Mr. Zwirn speaks, I want to make clear I'm not advocating the approval of this today. I think it's something that has to be worked through as part of the budget process to see whether or not we need to take this sort of step. But I do think we need to put something in place be it through the budget process or through legislation. That was my only point.

CHAIRPERSON VILORIA-FISHER:

And that was understood.

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA-FISHER:

That was understood.

LEG. HORSLEY:

Vivian, do you know what all these cross-off's mean? I'm not sure I understand that.

CHAIRPERSON VILORIA-FISHER:

Okay. Maybe that's a question for Mr. Zwirn.

LEG. HORSLEY:

Okay.

MR. ZWIRN:

If I might, I think that everything that's been said --

CHAIRPERSON VILORIA-FISHER:

Before you start, Ben, Wayne had a question. So can you address his question?

LEG. HORSLEY:

Yeah, Ben, I'm finally getting a chance -- I just got this letter so I'm just going over it now. And I'm seeing all these cross-off's throughout the month. And I just didn't understand it. Those are the things that look like the 477 account would cover.

LEG. LOSQUADRO:

They are highlighted.

CHAIRPERSON VILORIA-FISHER:

Highlighted.

LEG. HORSLEY:

Are they highlighted? Is that what that is? They're not crossed off. Because everything that was good was crossed off.

CHAIRPERSON VILORIA-FISHER:

No. The reverse.

MR. ZWIRN:

Let me just say in general that I think everything that has been said I think we would all be in agreement with. With the history -- except for the characterization of 744 as a slush fund to be used as -- aside from that, Legislator Losquadro's comment there, I think we're pretty much in agreement.

LEG. LOSQUADRO:

I have been consistent.

MR. ZWIRN:

But the thought was when we lost the federal grant with the Labor Department, and there were these people that were going to be laid off, we tried to find a way where instead of just laying them off, we usually hired outside people to do a lot of the storm remediation work. And we had work to be done in the Parks Department. And we thought that this was a good fit.

If it turns out that they're not doing the type of work that was anticipated and considered by the 477 money, then I think the idea's not to use 477 money for those purposes. And I think everything would be in agreement with that. I think it's unfortunate that Tracy could not be here today, but I know she's out of the country and knew she couldn't be and prepared this memo, I think, quickly.

I think we should go over it and look at -- examine the positions. I think when you look at the operating budget this year, it's going to be -- and you're going to be doing that in the next couple of weeks, it's going to be tight to try to find any money at all, you know, to protect the workers that are -- if they're not doing 477 money jobs out of that fund, then I think those positions will be eliminated. Now that's just a call, you know, that everybody has to make. And at the same time you're not using the 477 money just to fund operating expenses. I think everybody agrees with that. So we're trying to make them fit. If it's not working out the way it should, then I think we have to examine the entire program. And I think we're all in agreement on that.

CHAIRPERSON VILORIA-FISHER:

And while we're examining the program, and Legislator Losquadro was here when we were fighting very hard to get some of the new technologies. You know, at the time we were talking about rocks

in a box especially in Babylon. And now we've gone much further. There are many more technologies. And all of those require a strict maintenance schedule.

MR. ZWIRN:

Right.

CHAIRPERSON VILORIA-FISHER:

And I don't think we've been really moving fast enough in those programs. If we had been, probably more people would be doing the kinds of, you know, salary jobs that would fit into the 477 use.

MR. ZWIRN:

Right. I think we have to get --

CHAIRPERSON VILORIA-FISHER:

-- in the maintenance of those. But we haven't moved quickly enough on those.

MR. ZWIRN:

We had to get that information -- we thought that's exactly what these folks would be doing.

CHAIRPERSON VILORIA-FISHER:

That's how it was represented a few years ago.

MR. ZWIRN:

I think that's been represented to even the County Executive's Office by the department heads. And I think it's probably a good time to examine it as we go into the budget season to make sure that the Legislature and everybody feels comfortable with how the money's being spent. And I think we would all be in agreement with that.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Ben. Any other questions about this? Legislator Kennedy.

LEG. KENNEDY:

Ben, I guess what I would ask you is just another one of those, I don't know if it's rhetorical, whatever, the focus on this and what we see here, there's a dichotomy here, I think. We can all take issue as to whether or not it falls into 477 categories. Each one of us will say that, you know some of these may not fit those areas in our opinion. And you'd have to go back to the source document. I don't know if they do or don't.

Work at Smiths Point Beach is something that whether it fit into 477 or not is something that I guess we would be doing as preserving and enhancing a collective county asset. So then I guess the question becomes it's almost like one of those systems questions. What's going on with the department at this point in order to meet the overall needs as far as what we have with Parks? And then also look at this 477 category. And then finally I'll ask you what's the administration's pull now regarding the fact that apparently I guess we have nobody running the Parks Department?

MR. ZWIRN:

I believe the County Executive's going to make an announcement shortly as to his recommendation for a new Parks Commissioner. I think that's going to come very shortly.

LEG. KENNEDY:

That is being addressed.

MR. ZWIRN:

I don't know the timetable, but it's going to be in the next week or so.

LEG. KENNEDY:

Is that new person -- I guess there's been discussions about the philosophy and --

MR. ZWIRN:

I don't know who the new person is. They didn't discuss that with me yet. They haven't asked for my opinion. But I'm sure --

LEG. KENNEDY:

Well, how can that be, Ben?

MR. ZWIRN:

I agree with you. I have no idea. But having said that, I think we'll just have to wait and see. But, you know, from my general -- when I use the County Parks, I have to tell you, they are great parks. We have really an outstanding park system in Suffolk County. And whether you go to Cedar Point or the golf courses, when I go around the County and just -- people don't know where I work or who I am, I overhear conversations about how people use our public golf courses, where there are high schools that use them for championship rounds. And people -- I've never heard really such glowing comments. So it's a testament to our Parks Department and the County for their commitment to the resources to maintain them. But they are truly one of the greatest assets this County has.

LEG. KENNEDY:

Agreed. And each one of us in our own LD's knows our own County parks well and knows what we do to advocate for the maintenance and upgrade. Like Blydenburgh, excellent, outstanding, unique probably in the whole country, but definitely in need of maintenance on an ongoing basis. It occurs to me again from a system's perspective -- it's almost like fleet maintenance. You need to go ahead and actually be having County personnel in these areas on a systematic basis rather than it being, you know, the screen factor. I got a foundation falling in. I got a roof going or things like that. That's what I'd be interested in hearing from whomever's coming forward. What's their vision to go ahead and help us keep and enhance this wonderful system?

MR. ZWIRN:

Well, you'll have a confirmation hearing so you'll be able to -- you'll have the opportunity certainly to ask those questions of the new person who's been recommended.

CHAIRPERSON VILORIA-FISHER:

You're on the Parks Committee, aren't you?

LEG. KENNEDY:

No, I'm not.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. Some of us are also on the Parks Committee with Lynne Nowick. And I'm sure we'll be discussing that there. And so I'm going to make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Let me try to find the number. That was 1154. 1554, I apologize. Second?

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1554 stands tabled. (Vote: 5-0)**

1604, authorizing the acquisition of land under the Drinking Water Protection Program Open Space component for the Lawnsdale LLC property, Fresh Pond Dickerson Creek, Town of Shelter Island. (County Executive Levy) And I know that you said that they're interested in partnering, but we don't have that yet so we'll continue to table.

MR. ZWIRN:

Table.

LEG. LOSQUADRO:

On the motion. I'll second the table.

CHAIRPERSON VILORIA-FISHER:

Thank you. Go ahead.

LEG. LOSQUADRO:

Is this the same property that was before us once before?

CHAIRPERSON VILORIA-FISHER:

Yeah. It's been before us a couple of times before. And this is the one that Ms. Fischer came to the last meeting and said that they had received word from Shelter Island and there was an interest.

MR. ZWIRN:

We have a resolution.

CHAIRPERSON VILORIA-FISHER:

There's a resolution from Shelter Island.

MR. ZWIRN:

We had to change the funding source because it's now going to be a partnership with the Town of Shelter Island. But that still leaves it up to the Legislature whether they're going to approve. This was a lot of money.

CHAIRPERSON VILORIA-FISHER:

This was that -- right, a million dollars an acre or something like that.

MR. ZWIRN:

And everybody -- I think Legislator Losquadro raised it. He said this was a lot of money for this particular piece of property, although the Legislature may approve or not approve, but we're going to get the resolution in the right form.

CHAIRPERSON VILORIA-FISHER:

Right. Okay. There's a motion. Did you have another question, Legislator Losquadro?

LEG. LOSQUADRO:

That's all.

CHAIRPERSON VILORIA-FISHER:

There's a motion and a second to table. All in favor? Opposed? **IR 1604 stands tabled again. (Vote: 5-0)**

IR 1691, authorizing planning steps for acquisition under SOS, the Kabbaz property, Town of East Hampton. Motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor?

LEG. D'AMARO:

Yeah, hold on one second.

CHAIRPERSON VILORIA-FISHER:

Pregnant pause.

LEG. D'AMARO:

Yeah, sorry. The rating form, I don't have in front of me. What was the rating on this property?

DIRECTOR ISLES:

This was reviewed as a farmland acquisition. It was rated by the County Farmland Committee. They have a slightly different scale than you use. Their scale goes from zero to about 22 with ten being approximately a passing grade. This was rated at two.

LEG. D'AMARO:

Two.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

All right. So this is now ready for a decision through this Committee because the Farmland --

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

-- Committee has looked at it. Well, with the low rating I would offer -- go ahead.

DIRECTOR ISLES:

Well, let me just make the point. The Farmland Committee recommended to you disapproval. It's my understanding that your action is dependent upon an approval or affirmative recommendation from the County Farmland Committee. So, I think your action can be taken if recommended by the County Farmland. I'm not going to speak for the County Attorney or the County Executive's Office but that's my understanding.

LEG. D'AMARO:

So the recommendation was for disapproval?

DIRECTOR ISLES:

Yes. Yes, it was.

CHAIRPERSON VILORIA-FISHER:

Okay, just to clarify that, if you would, if there's a disapproval then we cannot move forward with it?

DIRECTOR ISLES:

That's my understanding.

CHAIRPERSON VILORIA-FISHER:

Okay. Counsel?

LEG. D'AMARO:

Well, on that basis I would offer a motion to table subject to call.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll second that motion. And Counsel will be just verifying that so that we have a definitive answer to that.

LEG. HORSLEY:

I think you need a vote, don't you?

CHAIRPERSON VILORIA-FISHER:

Yes. There's a motion to table subject to call. All in favor? Opposed? **IR 1691 stands tabled subject to call. (Vote: 5-0)**

IR 1720, authorizing planning steps for acquisition under SOS for the Hobbs Farms property. (Viloria-Fisher) As a sponsor I'll make a motion to table.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **IR 1720 is tabled. (Vote: 5-0)**

IR 1743, authorizing planning steps for acquisition under SOS, Liberty Meadows property. (Viloria-Fisher) And this is the one that we heard about earlier from Miss Matthews. And Ms.

Fischer is distributing -- by the way, the review that you're seeing is before we had the additional information regarding the box turtle. And there have been a number of box turtle sightings there as a matter of fact. But we'll go with this. Well, Laretta will explain it. Can you just go through the review first, please?

DIRECTOR ISLES:

I'll start and Laretta can add to that if you have further questions. This was considered at your last meeting. There was testimony brought forward that suggested that the point value could be increased based upon certain conditions on the property. So two things have happened. One is that we've evaluated -- County Planning has evaluated that additional information.

And then secondly there's been a review of the actual portion of the property to be considered for the planning steps. And there was some discussion of only including the portion next to the cemetery. At this point, and that's the reason why we circulated the revised aerial photograph, it includes the entire parcel minus the developed portion, which is outlined in the broken white line. So the total area to be considered or included at this point is 14.88 acres.

With the new information, the review of the information that was supplied, and we appreciate that information, what we've done is prepared for you a revised rating form. And as indicated by the Chair earlier, the rating on this property is at this point 26. The reason for the change in the rating is directed to a couple of items. Number one is item C (3) identified both the flowering dogwood as well as mountain laurel and actually in addition the spotted winter green, which are protected species. So that gave an extra four points. And we've confirmed that.

The next item is the physical characteristics A (2). And this is characteristic for a unique geological land form. This was an identification of a hill hole pear formation, something I wasn't actually too familiar with but we've done some research on that. And we are satisfied that that is a valid land form that does exist here. And that would qualify for three points.

Beyond that the parcel size is indicated in physical characteristics (B) was in question in terms of is it two acres, is it more than two acres. And upon the settling of the site as being a little less than 15 acres, it would get eight points for that.

And then the last one would be the -- in terms of the changes would be in the management agreement. And that's the indication of a letter from the Town of Brookhaven indicating an interest which at least at this point is a starting point. And I think we also added in the -- different from the last time is the adjacency near private open space which is the cemetery.

As far as the box turtle, we did receive that information today. It's not something that is added into this. The County Department of Planning would recommend this based on the 26 that's been presented to you. As far as the box turtle presence, it would qualify for, I believe, four extra -- seven points, pardon me, as a species of special concern. We just note that for your information. We could verify it down the road. And we do note there was a letter submitted, but typically we would seek some other independent verification, not to have any -- cast any aspersions on the person who wrote the letter. I don't know them and I can't comment. It's just a matter of, we would typically seek to get verification from someone who's not an advocate. And whether this person's an advocate or not, we don't know. But here again they got to 26. Certainly we as proceed, and if this is approved as planning steps, we will continue to refine this so that if and when it does come to an acquisition, we could have that determined for you.

CHAIRPERSON VILORIA-FISHER:

And just in addition to that, when we look at the vista, this is the gateway to New York State for people coming in from Connecticut on the ferry. You know you look at this beautiful hill.

LEG. D'AMARO:

And the smoke stacks.

CHAIRPERSON VILORIA-FISHER:

Not the smoke stack. This distracts people from the smoke stacks. And we'll have that re-powered some day so we're working on that. One thing at a time. Did you have a comment or a question?

LEG. D'AMARO:

I just wanted to ask Director Isles the box turtle is an endangered species on Long Island or nationally?

MS. FISCHER:

It's a species of special concern. Species of special concern. It's not endangered or threatened. It's the third level. Obviously it's not threatened or endangered. There are numerous places throughout the Island. Even as a child I've seen them.

LEG. HORSLEY:

We were going "as a child we've all seen them."

MS. FISCHER:

Yes.

LEG. HORSLEY:

But where did they go?

MS. FISCHER:

It's something that's not of unusual occurrence here on Long Island. We do use the Natural Heritage information that comes out of New York State for location of these species. And unfortunately someone hasn't come to Long Island, looked at every piece of property that it might possibly be at. So we have to go with that information as well as information from known sources of biologists and others that we can rely on. I don't doubt that it does exist there. It's in many places, but it's not been verified as to the level that we usually verify this information at.

LEG. D'AMARO:

Thank you. If the -- if a species is categorized as special concern, and you spot one of them, what are you required to do, if anything?

CHAIRPERSON VILORIA-FISHER:

Don't step on them.

LEG. D'AMARO:

I mean --

CHAIRPERSON VILORIA-FISHER:

Sorry.

LEG. D'AMARO:

I don't mean other than -- you know, you're not going to make turtle soup or anything like that?

MS. FISCHER:

Hopefully not. Maybe you might be brought up on charges there. It's protected in the sense that it can't be taken out of its natural habitat. And you're not supposed to actually remove it from its natural habitat.

LEG. D'AMARO:

Just leave it alone.

MS. FISCHER:

Leave it alone.

LEG. D'AMARO:

Okay, thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro has a question.

LEG. LOSQUADRO:

Yes, Mr. Isles. In looking at this property again, the location of the developed area being central within the property, it is a bit reminiscent to me of property that we had looked at in my district and some others we had looked at out in the Hamptons where there was a general feeling that we were simply preserving someone's estate. And being that this is so built up around this, and I see very limited opportunity, seems like a rather narrow buffer on all sides from the existing developed area being that it's so centrally located, I see very limited opportunity here for the public to be able to do anything with this property. I know we're talking policy here, but you have commented in the past based on some of the other properties we've looked at. And I was just wondering if you had given that any consideration in this?

DIRECTOR ISLES:

Yeah, it's certainly a good point. It is something we do look at in terms of what is the configuration of the property. It is something we've pointed out to you certainly in the past in certain acquisitions. And I don't think I can give you a black and white answer of when it's okay and when it's not okay.

In this case, number one, we base this certainly on our rating form which was revised with the open space policy plan that we presented with you over the summer. So we tried to make that as accurate as possible of assessing County priorities and so forth.

The second thing is, I think there is two factors to note. I'm looking at the aerial photograph one. The scale of this is, I think, a little misleading that this parcel is a pretty decent sized parcel, pretty large parcel. So the actual pieces that are around it that are proposed for preservation are of a

decent size, respectable size and potentially the size that can support species that we're talking about today in particular. And I think -- so I think it's important to appreciate that.

I think the second factor and what this aerial doesn't show as well is the topography of this site, the steep slopes and so forth. Here again, I think your point is well taken. It's one we've made before. It become a judgement call. We fall back on the ratings. And then in terms of that more qualitative review is this preserving the backyard of an estate, I can't answer that question. But in our judgement it's a case where the factors of the 14, almost 15 acres, of open space that could be preserved in relatively densely developed community in western Suffolk County that doesn't have a lot of open space, on a steep slope topography and so forth where there are potential adverse impacts on drainage into the Long Island estuary, the south shore -- pardon me, the Long Island Sound Estuary and so forth, all those combination of factors that I think, that extra caution, we feel here is worth considering at this point.

CHAIRPERSON VILORIA-FISHER:

And if I might add, Assemblyman Englebright has suggested that the state look at the acquisition of the historic house. I did not include it in my resolution because I think we're spending enough money on fixing old houses. I just see it more of a burden. The owners who had lived in that home historically are no longer there. They have sold the whole thing to a developer. And so it's not like we're preserving an estate for the previous owners. We're dealing with the developer who bought the property from them. And, as I said, Assemblyman Englebright is looking at the historic value of the foot print. I don't want -- it's hard to put the County in that position of being real estate owners and homeowners and having all of that expense.

LEG. LOSQUADRO:

No, I understand that.

CHAIRPERSON VILORIA-FISHER:

And with regards to contiguity with the Cedar Hill Cemetery, which is historic, and there's also trails in the Village of Port Jeff that are very close to this, and I think can run into this property so these hills can become a part of those trails.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Yeah, I just have a quick question, I guess, Madam Chair, either to yourself or to Mr. Isles. I'm looking through the valuation and I see that there's five points because there is an intermunicipal agreement on the stewardship management. Who's going to take --

CHAIRPERSON VILORIA-FISHER:

The Town of Brookhaven.

LEG. KENNEDY:

They have? They have expressed a desire?

CHAIRPERSON VILORIA-FISHER:

We have a letter from Councilman Fiore-Rosenfeld. And the Open Space Committee of the Town of Brookhaven -- is that the correct committee? Okay, had expressed some interest; in fact had done appraisals a couple of years ago on this.

LEG. KENNEDY:

I ask specifically because I'm attempting to go ahead and try to get what's satisfactory from the

Town of Smithtown. So I'm curious as to -- and I don't know if this is a question to you, Madam Chair, or if it's a question to Mr. Isles, what passes muster then to demonstrate an agreement for, you know, entering into an inter-municipal agreement? Is it a town board resolution? Is it a letter?

CHAIRPERSON VILORIA-FISHER:

Well, they had had a town board resolution a couple of years ago when they ordered the appraisals. Am I correct in that, Mr. Isles? They had had a town board resolution when they ordered appraisals two years ago on the recommendation?

DIRECTOR ISLES:

I'm not certain of that. What we base the five points that we awarded on is a letter from the town, from a representative of the town, the town council person in that area indicating a) this history perspective in terms of the town's prior interest in the involvement of the property, number one. And number two what he felt contingent upon CPF approval, the town's interest going forward. This question's come up in the past in terms of planning steps resolutions because that's what the step we're at now. We're not at an acquisition step at this point in terms of what constitutes an indication of support or willingness by the partner. So the common -- we want some, here again, some verification within the local government that we're partnering with whether it be the Town Planning Director, whether it be the Town Counselor or something like that. That's what we typically require in terms of how we assign the points.

One thing I always want to make sure with this stuff is that it's consistent so that's what we look for. And we do have that here in this letter read here.

MS. FISCHER:

You might want to read that last sentence.

DIRECTOR ISLES:

I'll just read this.

LEG. KENNEDY:

I probably need to have a conversation with you in a different forum because I think that there is some element of -- perhaps I don't understand. I like you agree that we should have consistency, but I think there are parcels that may get a thumbs up on planning. And then as we go through the process there maybe some other level of representation that's needed from the partner for stewardship in order for the parcel to go through the balance of our process. So I'll yield at this point.

DIRECTOR ISLES:

Well, in this case I think they're also looking in participating in the acquisition financially as well in terms of buying the property. I'm not sure of the case you're talking about. And the other case apparently -- but, okay.

LEG. KENNEDY:

No, I know you're not. And as a matter of fact you and I will speak about it, I guess, individually. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

To the best of my recollection, I know I certainly can't speak for the Legislature as one individual member of a body of government. And based on my recollection, one member of a town board cannot speak for that government. It's nice you wrote a letter that he wants to participate in this, but they're councilmanic districts. And there's no guarantee that Mr. Fiore-Rosenfeld will be able to secure the votes of his colleagues. So while as well intentioned as he may be, we are basing -- I

understand you said that there is a previous resolution, but Mr. Isles just said he based that rating on the letter before him from Mr. Fiore-Rosenfeld. So I don't see that as something that would qualify in this regard.

DIRECTOR ISLES:

If I can just answer on that, from our perspective County Planning, here again, this is a planning steps resolution. It's not a binding commitment from the town board for an actual authorization or stewardship agreement. I can tell you that in the five or six years that I've been doing this, this is the person who makes that determination, makes the reviews. We deal with town land acquisition personnel, planning directors and so forth. This is the standard we use. We do not say it has to be a resolution of the town board because it's often times the cart before the horse.

If you feel the standard should be that standard and you want us to do it that way, of course, we'll do that. But in terms of the consistency of planning steps, we look for some reasonable evidence, this is what we have historically done to determine if there's an interest at the local level. Obviously all that may change and the town board may say well, we're not going to do it. And certainly that's a question at the acquisition. But in terms of how we've done this in the past, this is how we've done it.

LEG. LOSQUADRO:

Part two of my concern with this is, the letter -- even the letter expressing the interest says that this will be contingent upon approval of a public referendum that will be on the ballot this November.

DIRECTOR ISLES:

Correct.

LEG. LOSQUADRO:

So I haven't seen the tremendous effort on the part of the town to be actively promoting the approval of that. I don't want to be a nay sayer here, but I think they should be doing more of their due diligence to make sure that that gets approved. I think that that is, again, while well intentioned, that letter is far too speculative at least for me right now as to a commitment from the town.

CHAIRPERSON VILORIA-FISHER:

Okay. Well, as the Planning Director has said, we don't require the resolution to pass the planning steps. We have a motion to approve before us yet? Did I make a motion yet? Okay. I'm making a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

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

LEG. LOSQUADRO:

Abstention.

CHAIRPERSON VILORIA-FISHER:

Abstention from Legislator Losquadro. **1743 is approved. (Vote: 4-0-1-0. Leg. Losquadro abstained)**

IR 1795, authorizing planning steps for acquisition under Suffolk County Save Open Space, Town of Riverhead, Farmland Preservation and Hamlet Parks fund, the Joan Schwonik and Therese Southworth property. (Romaine)

DIRECTOR ISLES:

Okay. This is property located -- this is a reappearance before the board. It was tabled at a couple of prior meetings. We did circulate an aerial photograph and a rating form with the original presentation of this resolution. As I indicated this property is located along Wading River Road in the Town of Riverhead in essentially the -- yeah, Wading River community. It's a long narrow parcel running a north south direction along the road. It was rated at a total point value of 18.

We expressed concern, and I'll express it again, that it's a fragmented acquisition in the sense that it's got a subdivision to the east and it has privately owned property on the opposite side of Wading River Road to the west. There is some publicly owned land going further to the west in terms of some wetlands and Pine Barrens lands which the County has a significant presence in that location. We purchased land.

But as far as the subject parcel, it is previously cleared land. I think previously farmed land in now regeneration stage. Somewhat narrow, not connected to public open space with the exception of -- and here again the aerial photograph shows some land in the State of New York, as part of the subdivision there was a cluster development approved by the Town of Riverhead which dedicated some the adjacent land around the subject division to the State of New York.

So, that was basically -- our report is the parcel's long and narrow, somewhat fragmented, not adjacent to county land, not having inherent environmental features, significant features including wetlands, steep slopes and anything of that nature. If the board has any questions, we'll do our best to answer those questions.

LEG. LOSQUADRO:

Just one.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Just to clear up, you're talking about the features and things of that nature, would this be a fee simple or are we talking about development rights?

DIRECTOR ISLES:

My understanding is this was under open space so it would be a fully fee.

LEG. LOSQUADRO:

Okay. That's not my resolution so I just wanted to --

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

All right. Never mind.

CHAIRPERSON VILORIA-FISHER:

Okay. Is there a motion?

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: 5-0)**

IR 1819, accepting a donation of real property for open space purposes, a Suffolk County Department of Health Services Board of Review transfer of development rights. (County Executive Levy) I don't see Vito Minei.

DIRECTOR ISLES:

We do have -- Marty Trent is here from the Health Department with some information.

CHAIRPERSON VILORIA-FISHER:

Martin Trent?

DIRECTOR ISLES:

Martin Trent, right.

CHAIRPERSON VILORIA-FISHER:

Okay, did you want him to come up?

LEG. D'AMARO:

Sure.

CHAIRPERSON VILORIA-FISHER:

Mr. Trent, if you could come up, please; grab a mike. Thank you. Now, see, I was thinking of you with Aquaculture earlier.

MR. TRENT:

Wherever needed.

CHAIRPERSON VILORIA-FISHER:

Thank you. I believe Legislator D'Amaro has some questions regarding this resolution.

MR. TRENT:

Certainly. Good afternoon.

LEG. D'AMARO:

Good afternoon. Thank you. The -- just so I have the terminology down, the sending lot is the parcel to be addressed in this resolution; is that correct?

MR. TRENT:

To be sterilized, yes; and given to the County.

LEG. D'AMARO:

And to be sterilized and in effect donated to Suffolk County with those rights being transferred over to the receiving lot. I wanted to -- I know that -- usually the justification here is that we're not really looking at the receiving lot. Although if you read the Board of Review decision, it says it's an illegally split lot. I'm not really sure what that means. And it's also -- excuse me?

MR. TRENT:

I can explain that.

LEG. D'AMARO:

Go ahead.

MR. TRENT:

The Health Department density regulations went into effect in 1981. This lot was illegally divided by its owner in 1983 probably without knowledge of Health Department regulations at that time.

LEG. D'AMARO:

Okay. So do we still take the position -- we, meaning the County of Suffolk that the lot is still illegally split? The receiving lot?

MR. TRENT:

Yes.

LEG. D'AMARO:

We do.

MR. TRENT:

Yes, unless this action is completed.

LEG. D'AMARO:

Okay. The next question I had, I just want to confirm the receiving lot is in a different groundwater management zone than the two lots to be sterilized?

MR. TRENT:

That's correct. The receiving lot is groundwater management zone 3. And the sending lots are in groundwater management zone six. However, they do have the same density requirements, both of those zones.

LEG. D'AMARO:

Then why the difference between the zones?

MR. TRENT:

In zone three, the primary reason for the density requirements are for groundwater protection, deep recharge areas. And in zone six the primary reason is for -- also for groundwater protection but largely for protection of south shore bays.

LEG. D'AMARO:

All right. And the result of transferring the density to the receiving lot would be to have -- cause the density to exceed that which is permitted under Article Six?

MR. TRENT:

Right. And that's the reason for the variance.

LEG. D'AMARO:

Okay. So we have cleaner water under the sanitized lots, but not cleaner water under the receiving lot?

MR. TRENT:

It's -- I wouldn't really characterize it in that way. The Board of Review looks at many, many different aspects of the case. And in this case this is one lot that was sold by county at tax auction some years ago.

LEG. D'AMARO:

Right.

MR. TRENT:

The developer has applied to legalize the subdivision providing his mitigation the two building lots in groundwater management zone six. It's something that's considered on an individual case by case basis. And it is a little bit unusual to go across groundwater management zones. But in this case the Board and the Department felt it was sufficient mitigation.

LEG. D'AMARO:

Okay. That's my next question really is the case by case analysis that's going on here. Are we

again the County, your department monitoring, for instance, the receiving lot is in zone six, we said.

MR. TRENT:

Receiving is in zone three.

LEG. D'AMARO:

Zone three?

MR. TRENT:

Yeah.

LEG. D'AMARO:

I apologize. Do we know how many lots have increased density in zone three and what the accumulative impact of that is on the groundwater to date?

MR. TRENT:

Well, to put it in context, the Department receives about 5,000 residential applications per year to construct individual houses. About two dozen end up before the Board of Review to be a case decided based on sending and receiving parcels. So you're looking at a very, very small percentage of the actual overall number of lots that are approved annually.

LEG. D'AMARO:

The other lots that are approved are meeting the groundwater standards for zone three?

MR. TRENT:

The vast majority, yes.

LEG. D'AMARO:

The vast majority. But that didn't really answer my question. Do we know or do we track the impact of the higher densities when they're approved?

MR. TRENT:

We've done that through groundwater studies that we know what density, how many dwelling units per acre will result and what impacts to groundwater, so, yes, that is known.

LEG. D'AMARO:

At what point do we reach a saturation point in zone three?

MR. TRENT:

The guide lines for zone three and accepting transferred development rights is really double density. This does go beyond that. But because of the additional building lot offered as mitigation, not one -- not a single lot but two building lots, that it was -- it was felt by the board that it was sufficient mitigation.

LEG. D'AMARO:

Well, let me ask it just another way and I won't spend a lot more time on this. But we have a groundwater management zone three. We have a sanitary code that's seeking to protect that groundwater management zone. We have a Board of Review that is really in my mind accountable to nobody that is making decisions granting relief from that code. And yet how do we know when we reach a point where we should be more cautious in granting that type of relief?

MR. TRENT:

Again, it's based on many, many studies over many, many years. The department feels that it has a good knowledge of groundwater quality in these areas and basic minimum levels that should not be exceeded.

LEG. D'AMARO:

Okay. But you're not prepared to tell me today what those levels are or to extrapolate that into how many variances should be granted or would saturate groundwater management zone three. We don't -- in other words, you're saying you've been tracking that and somebody knows. But who? Who knows that?

MR. TRENT:

The way that this is looked at is we're trying to protect the resource in that area regionally or sub-regionally so as drinking water standard of ten milligrams per liter, nitrogen would not be exceeded. Our data and study show that granting of this lot in this area, that standard would not be exceeded.

LEG. D'AMARO:

Right. But that's this lot not accumulatively for zone three. How many acres is zone three, roughly, do you know?

MR. TRENT:

I do not know.

LEG. D'AMARO:

It's a large area obviously.

MR. TRENT:

Very.

LEG. D'AMARO:

I'm trying to -- I'm not trying to say I disapprove of this particular bill. What I'm trying to say is that I am being asked to increase the density on a lot in violation, if you will -- not really violation but pursuant to a variance by the Board of Review. And I really don't know the impact of doing that over time. So how am -- I need to get a comfort level of how am I being responsible in protecting that groundwater if I'm just going to every single time the Board of Review tells me this is okay, okay, I should go ahead and sanitize the sending lot?

MR. TRENT:

It's the department's charge to protect the groundwater. And we believe that we're doing that in this case.

LEG. D'AMARO:

I accept that and I appreciate that. But you can't articulate for me what the levels are or how many variances or what the densities would be to saturate and stop that. Or is that just an ongoing monitoring situation? Because remember we're granting relief to a code that was enacted that set the standard to protect groundwater. And every single time the Board of Review makes a decision, it violates in effect that standard that the experts put together back when that code was enacted.

MR. TRENT:

Not on a regional basis, it would not.

LEG. D'AMARO:

I'm sorry.

MR. TRENT:

It would not violate the groundwater standard on a regional or sub-regional basis.

LEG. D'AMARO:

Just within the management zone?

MR. TRENT:

Right.

LEG. D'AMARO:

Well, that wouldn't be acceptable. I'm sure it's not acceptable to you either, but I get your point.

Let me ask you this. Just looking at the sending lot, and maybe Director Isles you can help me with this as well. The Board of Review decision says to develop the sending lot would take an extra ordinary effort to build on. Now I realize that this parcel is on our master list. I realize it was an acquisition that the department favors, but it begs the question reading the Board of Review decision whether or not the County could acquire this property or whether it even needs to acquire the property if the Board of Review itself is telling us it would take an extra ordinary effort to develop it in the first place. So then -- then the next, just my thought process would be, then why would we accept it as a lot to be sanitized? Sanitized? Sterilized. Same thing. Whatever.

MR. TRENT:

There are two sending lots. The one that you're referring to is the one that would be -- being accepted by the County. It's a 6,000 square foot lot. It's undeveloped. The lot to the north is developed with a single family house. It's a 4,000 square foot lot. Extra ordinary effort would probably mean installation of retaining walls and sufficient fill to place a sewage disposal system sufficient feet above groundwater so that it would not contaminate it. I mean it's extra ordinary effort but it's done all the time especially in this area.

LEG. D'AMARO:

Okay. I didn't know how that was to be defined just reading the decision. And I am familiar and I've seen that done with retaining walls to satisfy the Health Department requirements. So that's the interpretation of extraordinary effort in the Board of Review decision?

MR. TRENT:

Yes, sir.

LEG. D'AMARO:

Okay. Okay. I thank you for your answers. I appreciate it. Okay, Legislator Kennedy, go ahead, please.

LEG. KENNEDY:

I share some of the, I guess, the concerns or questions you have. I'd ask where is it specifically that we're looking at, this area where the lot is being facilitated for development and where the sending is. Do we know that geographically? I'm sorry, I don't have it front of me.

MS. FISCHER:

Yes. It's in your packet for the resolution. There are tax maps in there. I can also give you an aerial.

LEG. KENNEDY:

I came to school unprepared today. Sorry.

MS. FISCHER:

Oh.

MR. TRENT:

The receiving lot is in Selden.

MS. FISCHER:

Selden.

MR. TRENT:

And the sending areas are in Mastic Beach.

MS. FISCHER:

I can give that to you.

LEG. KENNEDY:

That's okay, Laretta. So Selden is where we would be proposing to go ahead and do the development? And the lots that are being split out are what sized lots?

MR. TRENT:

The land division in Selden is of a 24,400 square foot lot. It had an existing house on one side. That lot still retains 10,000 square feet so the lot being created is 14,400 square feet.

LEG. KENNEDY:

The sterilized lots are coming out of Mastic Beach?

MR. TRENT:

That's correct. 10,000 square foot lot and a 6,000 square foot lot.

LEG. KENNEDY:

What is this large body of water or area of water in the lower corner here on the map? Is that a sump? What is that?

MS. FISCHER:

No, that flows in to Narrow Bay, which is the bay embayment between the mainland of Mastic Shirley and Fire Island.

MR. TRENT:

It's a part of Great South Bay.

MS. FISCHER:

Part of Great South Bay.

LEG. KENNEDY:

Okay. This is from the -- okay, this is the donating lots, I see. And not to beat a dead horse but to follow up on what Legislator D'Amaro had said, absent this transfer, in all likelihood this lot would never be built on. Town of Brookhaven would never issue a building permit for this lot nor would you ever consent to go ahead and give a sanitary permit in order to build on this lot. Nevertheless it's being accepted so that we can basically double the yield for a non-buildable area now? Is that it in a nutshell? No.

MR. TRENT:

No, that's not accurate. The 6,000 square feet and the 10,000 square foot lot could receive variances from the Town of Brookhaven to be built.

LEG. KENNEDY:

This lot here in Mastic Beach, the one I'm looking at right now you're saying that this one could be built on?

MR. TRENT:

There's a house immediately adjacent on 4,000 square feet.

LEG. KENNEDY:

I thought we had -- didn't they do the moratorium in Brookhaven for nothing under -- I thought it

was nothing under 7500.

MS. FISCHER:

That's their guide line; not moratorium, I believe.

LEG. KENNEDY:

Well, okay, then. Then I'm struggling with this one. Is there something from the Brookhaven Town Planning or Building Department that basically rejects in the first instance a lot of a particular size or no? Do we know?

DIRECTOR ISLES:

Is there something on this parcel to that effect or just in general?

LEG. KENNEDY:

No, no, no. In other words, we're looking in the Town of Brookhaven and we're contemplating lots, because I recall back on Ways and Means as a matter of fact when we looked at local law 13's and they were dismissed as far as building for affordable housing because they were too small or they were basically this size; is that correct?

DIRECTOR ISLES:

As far as this particular parcel, the question is is it buildable or not --

LEG. KENNEDY:

You know what, I don't want to confuse it.

LEG. LOSQUADRO:

Can I just offer a bit of information?

LEG. KENNEDY:

Sure.

LEG. LOSQUADRO:

Just on the Town of Brookhaven, I was able to get an update on the information. It was a moratorium on the 7500 square foot building lots. That moratorium has expired.

CHAIRPERSON VILORIA-FISHER:

Yes, the moratorium did expire.

LEG. KENNEDY:

Okay. I won't engage in the dialogue anymore. Nevertheless I remain unconvinced that this is a prudent transfer for to facilitate. So thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Do we have a motion yet on this? I don't think -- is there a motion?

LEG. LOSQUADRO:

I'll make a motion.

CHAIRPERSON VILORIA-FISHER:

Okay, you make a motion to approve?

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. Do I have a second on that motion? Do I have a tabling motion?

LEG. D'AMARO:

I'll offer a motion to table.

LEG. KENNEDY:

I'll second the motion to table.

CHAIRPERSON VILORIA-FISHER:

Second the motion to table. Okay. Motion to table takes precedence. On the motion to table, all in favor? Opposed? Okay. **1819 stands tabled. (Vote: 5-0)**

IR 1867.

LEG. HORSLEY:

I'll make a motion to table.

CHAIRPERSON VILORIA-FISHER:

Let me read the title of it. **(IR 1867) A Local Law to ban low efficiency incandescent lamps and to create the energy efficient lighting Task Force.** There's a motion to table by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1867 is tabled. (Vote: 5-0)**

INTRODUCTORY RESOLUTIONS

Introductory Resolutions. IR 1868, adopting a local law to establish an At-Store Recycling Program (for plastic bags) (Horsley) This is still in public hearing, isn't it?

LEG. HORSLEY:

Public hearing, right; that's correct.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to table for public hearing by the sponsor, seconded by myself. All in favor? Opposed? **IR 1868 is tabled. (Vote: 5-0)**

IR 1870, authorizing planning steps for acquisition under SOS (Farmland Preservation and Hamlet Parks Fund), the DeLea property, Town of Brookhaven. (Losquadro) I guess it's a sod farm.

LEG. LOSQUADRO:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. It's not SOS?

LEG. LOSQUADRO:

It's Multifaceted.

LEG. D'AMARO:

Planning steps.

CHAIRPERSON VILORIA-FISHER:

Okay. There was an amended copy, okay.

LEG. LOSQUADRO:

Okay.

CHAIRPERSON VILORIA-FISHER:

And do you have a hand-out on that, Laretta?

MS. FISCHER:

No. It's a farm. We -- it was approved at the last Farmland Committee meeting for these two large lots. There's also another portion of this farm that's being considered to the west that is in an old file map area where there's not only DeLea owned properties but also properties owned by other private individuals. We wanted to bring that back to the Farmland Committee, that portion of it. But these two lots on their own are an existing sod farm and they can move forward if you wish.

DIRECTOR ISLES:

We do have an aerial if you want it.

MS. FISCHER:

We have one aerial. Unfortunately that's all we have.

LEG. LOSQUADRO:

Perhaps it would help for people to see it.

CHAIRPERSON VILORIA-FISHER:

But it's fee simple. It's not development right acquisition? It's an outright acquisition?

LEG. LOSQUADRO:

No, this is for a PDR.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. FISCHER:

Planning steps.

CHAIRPERSON VILORIA-FISHER:

Okay, Dan, Counsel is saying we do have to correct the title on that because I am reading correctly and the title is incorrect on that. We have time to change the title on that. It's not a problem. It's just a title that is wrong.

LEG. LOSQUADRO:

That's fine. I'll be more than happy to work with Counsel's office in changing that. What I will just say this is a property that, you know, we talk about development pressure, for the past several years there was a developer that was in contract on this parcel and recently just backed out of it. And now we had the -- being that it's no longer in contract, the property owner has indicated to Real Estate that they are a willing seller even in advance of us passing this resolution. So that -- that's very good news. So they will at least entertain an offer from us. There's no -- obviously no guaranty that we'll accept anything.

CHAIRPERSON VILORIA-FISHER:

Is that 83? I'm looking at the aerial. Can you just orient me exactly.

LEG. LOSQUADRO:

To the -- I didn't look at the aerial. To the north is 25A. If you want me to take a look at the aerial

--

CHAIRPERSON VILORIA-FISHER:

Okay. Is that County Road 83 that looks like it's cutting across there? Mount Sinai.

LEG. LOSQUADRO:

No, that is Miller Place Yaphank Road, I believe.

MS. FISCHER:

Yaphank road.

DIRECTOR ISLES:

Right.

MS. FISCHER:

Which I believe it might be County Road 63 but don't hold me to it.

LEG. LOSQUADRO:

No, it's not a county road. It's a town road.

DIRECTOR ISLES:

Town road.

MS. FISCHER:

No, okay. Town road.

DIRECTOR ISLES:

If I can just make the point, too, the SOS funding on this is, since the program is shutting down in three months --

CHAIRPERSON VILORIA-FISHER:

Well, this is Multifaceted.

LEG. LOSQUADRO:

I believe it was changed to Multifaceted.

DIRECTOR ISLES:

Okay, I'm sorry.

CHAIRPERSON VILORIA-FISHER:

This was changed to Multifaceted.

LEG. LOSQUADRO:

We did that once we realized the time frame.

DIRECTOR ISLES:

Okay.

LEG. LOSQUADRO:

I will just ask Real Estate, obviously the other -- the western section we have a number of out parcels, some of which incidentally are owned by the County of Suffolk; correct?

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Yes.

LEG. LOSQUADRO:

What sort of -- hold on one moment please. I'm sorry. Okay. As of -- I just want to correct. As of 9/6 the title now reads authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, DeLea property, Town of Brookhaven.

CHAIRPERSON VILORIA-FISHER:

Right. But we want the --

LEG. LOSQUADRO:

Should that reflect development rights instead of acquisition, Counsel?

MR. NOLAN:

The title does not necessarily have to reflect that. I think we should tweak the language in the body of the resolution to make it clear that it's development rights we're talking about because of the unusual scheduling of our committing meetings in relation to the general meeting, that's something we do. We could vote this out and make that change prior to the general meeting.

LEG. LOSQUADRO:

That's fine. That's a small change. And if we want to see clarification, then we can. Back to Real Estate, the parcel -- the "T" portion of this to the west, being that we do have a seller that is interested in entertaining an offer from the County, what sort of time frame do you think we could look at that you could get that other section back to the Farmland Committee and have us take up that other section of this parcel?

DIRECTOR ISLES:

The next regular meeting of the Farmland Committee is October 23rd. If the Farmland Committee recommends it, then it would come back to you or could come back to you and, you know, in November or December at that point.

LEG. LOSQUADRO:

Okay. All right. I appreciate your work on this. And this is -- especially since we have someone who is willing to retain the agricultural rights and maintain agricultural land in Brookhaven Town, you know, we talk about the few remaining farms in Brookhaven, that this is something that would have to maintain an agricultural use; conforming agricultural use in the future, I think, is something that's very important. And I'd like to move forward with it. So I make a motion to approve.

CHAIRPERSON VILORIA-FISHER:

Second. Yes.

DIRECTOR ISLES:

If I could just make one final point, we don't disagree with the two big pieces. Those are nice and simple and clear. They certainly are farming as far as we're concerned.

The other pieces to the west are swiss cheese of ownership and so that may be a problem as we go forward. So we're not quarreling with the Farmland Preservation, we certainly agree with that. But it may be a little tricky to get through that. And we're going to present it to the Farmland Committee but it's not a slam dunk in terms of working that out.

LEG. LOSQUADRO:

I understand, but I just want to make clear to the Committee that that entire other section is farmed under the same exact usage. To look at it from the air or from the ground, it looks exactly the same. So if we can figure out the out parcels and, you know, the other owners, I certainly think we should pursue the other section of this property as well. But this is over 140 acres of agricultural

land.

CHAIRPERSON VILORIA-FISHER:

You have -- would you have a better map for us for Tuesday or -- because that's not clear. You know, what you just said isn't that clear from this aerial. You know, usually maps are --

MS. FISCHER:

I know. It's just a working map. And we're in the process of trying to figure out who owns what and all that jazz. But we can try to get you something.

CHAIRPERSON VILORIA-FISHER:

Just so it's a little bit clearer than this because I'm pretty used to these maps and this is a little bit vague.

MS. FISCHER:

We can show you the two parcels for sure. We can show you the two parcels that are proposed in this resolution. And then we can just kind of put that other area, that old file map area on the side as --

CHAIRPERSON VILORIA-FISHER:

Well, at least if we can have what this resolution --

DIRECTOR ISLES:

Right.

MS. FISCHER:

Exactly.

CHAIRPERSON VILORIA-FISHER:

-- refers to.

MS. FISCHER:

We can do that.

CHAIRPERSON VILORIA-FISHER:

You know, just so we could -- people can take a look at that and see what you're talking about. Okay?

MS. FISCHER:

We can put that together.

CHAIRPERSON VILORIA-FISHER:

Thank you. There's a motion and a second. Let me just get the vote. All in favor? Opposed?
1870 is approved. (Vote: 5-0)

IR 1883.

Okay. We'll do these same motion, same second, same vote to put on the consent calendar. These are the SEQRA.

1883, making a SEQRA determination in connection with the proposed sewer district number 7, Medford, pump number 2, renovation/upgrade, Town of Brookhaven. (Presiding Officer Lindsay). Motion by myself, seconded by Legislator D'Amaro. All in favor? To approve and place on the consent calendar. All in favor? Opposed? **1883 approved and placed on the consent calendar. (Vote: 5-0)**

IR 1884, making a SEQRA determination in connection with the proposed Sewer District number 11, Selden, pump number one, renovation/upgrade, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on consent calendar. Vote: 5-0)

1885, making a SEQRA determination in connection with the proposed improvements to County Road 83, Patchogue, Mount Sinai Road, from L.I.E. to New York State Route 25, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on consent calendar. Vote: 5-0)

1886, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Carll's River County Park addition, Red Enterprises, LTD property, Town of Babylon. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on consent calendar. Vote: 5-0)

1887, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Carll's River County Park addition, Swiss Asset Recovery Services, LTD property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on consent calendar. Vote: 5-0)

1888, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as Beaverdam Creek County wetlands, Rose Giambalvo property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on the consent calendar Vote: 5-0)

1889, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Mastic/Shirley Conservation area II addition, estate of Ditmer property, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on the consent calendar. Vote: 5-0)

IR 1890, making a SEQRA determination in connection with the proposed donation of land to Suffolk County Parks to satisfy a Suffolk County Department of Health Services transfer of development rights requirement, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on the consent calendar. Vote: 5-0)

IR 1891, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Montauk Downs State Park addition, estate of Edna Capurso property, Town of East Hampton. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on the consent calendar. Vote: 5-0)

IR 1892, making a SEQRA determination in connection with the proposed donation of land for open space preservation purposes known as the Flanders County Nature Preserve addition, Riverhead Estates, Inc., property, Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. (Approved and placed on the consent calendar. Vote: 5-0)

IR 1911, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Nicklin property, Town of Shelter Island. (Romaine) Same motion, same second, same vote. No, wrong, wrong, wrong. Sorry. Sorry. I was getting rote here. We didn't call the vote. This is quite a horse of a different color here. This is an unusually big piece of property, I think, on Shelter Island, isn't it? Rams Island. No, it's not unusual? It looks big to me. I think I just looked at it ka-ching. No? Okay.

DIRECTOR ISLES:

Okay. We have provided you an aerial photograph and the attached rating form. The parcel's outlined in red. What we have noted is that the resolution indicates the parcel is 13.4 acres. What we've suggested on this map is in the white broken line is hatching out or excluding the developed portion of this site, which is on the north end of the site so this is a presumption on our part in terms of what portion of this might be a candidate for an open space acquisition.

Based upon that we then completed the review of the property on the County's rating system. As you will note the property is adjacent to and includes a portion of it as fresh water wetlands, which is on the bottom right towards the parcel.

The blue line in the map indicates the approximate location of the DEC fresh water wetlands line. So based upon those characteristics and the criteria of the County's rating system, the area that's rated is about nine and a half acres. The rating came in at 25 points. Obviously as with all other acquisitions, if there's additional information that becomes available at some future date we can certainly adjust it accordingly.

From more of a, just a big picture view on this one, the County has been doing some significant acquisitions in Shelter Island. It is a location of -- really there hasn't been, I think, up until a couple of years ago a lot of County ownership and presence in Shelter Island. With Shelter Island CPF program they have been partners in a lot of acquisition.

In this particular case the only thing that's a little bit troubling to us is the fact there's no other County land or even other open space in this area. So I think taken by itself, it's certainly something that should be protected. It is certainly something -- a location in terms of it's likely or highly likely that additional development could occur on this property. So, therefore, it's threatened. The only downside is that it's pretty much by itself and public access would be limited even for passer purposes. But nonetheless we do note it did make the 25. We have not had the opportunity to speak to Shelter Island and see what their wishes are with this but certainly we do that along the way. If you have any questions we'll try to answer those questions.

CHAIRPERSON VILORIA-FISHER:

The access, Tom, is that checker board line that looks like a flag lot driveway?

DIRECTOR ISLES:

There is an access there and then the parcel -- yeah, that's the access for the property. I'm sorry, yes.

CHAIRPERSON VILORIA-FISHER:

And would people be allowed to park there?

DIRECTOR ISLES:

We haven't determined that at this point in terms of verifying the width and whether there would be the ability to put a small parking area in there. So we do not know that answer at this point. We could find out.

CHAIRPERSON VILORIA-FISHER:

Okay. And what's that? Is that a little pond?

DIRECTOR ISLES:

Yes, it is. Yes.

MS. FISCHER:

Kettle hole pond.

LEG. LOSQUADRO:

Kettle hole.

CHAIRPERSON VILORIA-FISHER:

Okay. Kettle hole pond. Okay. Question Legislator D'Amaro.

LEG. D'AMARO:

Thank you. Half -- almost half of the rating points of 25 come from the fact that there's a kettle hole pond and that it's between five and ten acres. And I just wanted to ask you, Commissioner Isles, in my mind the more pertinent considerations come above that, the wetlands and buffer areas, that type of thing. I mean putting aside the kettle hole, the pond and the size of the property, what -- you know, what's environmentally sensitive about this property that really warrants going forward?

DIRECTOR ISLES:

Clearly the wetlands would be the most significant environmental attribute. The fact that it's a kettle hole is another one, but it's part and parcel in this case with the pond. And I guess the other criteria in terms of the parcel size when this was created over -- I think this has been an evolution this form over many years is the idea that the County generally should seek the larger pieces and try to consolidate larger pieces.

So in answer to your question, the fresh water wetlands kettle hole pond are clearly a stated policy of Suffolk County to protect whether this parcel, here again, fits that bill in the County's interest is for you and the County Executive to determine. But that was the basis of the rating as presented.

LEG. D'AMARO:

Okay.

CHAIRPERSON VILORIA-FISHER:

There is a motion.

LEG. KENNEDY:

Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Question Legislator Kennedy.

LEG. KENNEDY:

Yeah, I'm still a little uncertain as far as the actually assets. You talk about that checked area. What specifically is that? Is that a right-of-way or -- when we look at this tax map lot, is that a tail? Is that a flag lot access?

MS. FISCHER:

It's this portion of the property, it's probably like five feet or ten feet wide. And it's actually a portion of his lot.

LEG. KENNEDY:

Which runs out to the road?

MS. FISCHER:

Which runs out to the --

LEG. KENNEDY:

So in essence that's --

MS. FISCHER:

And that's his existing access to his house as we speak. It's a little hard to see and obviously the line's obliterated the --

LEG. KENNEDY:

That's an improved piece of property? There's a residence on there?

MS. FISCHER:

Yes, there's a residence right in the corner here. And the dotted white line shows you the area of the property that's developed.

LEG. KENNEDY:

You mention that there's been no indication from Shelter Island yet on this lot; however, as with other acquisitions, have they been willing to partner with you? Are they inclined to want to do joint purchases --

DIRECTOR ISLES:

Yes.

MS. FISCHER:

Yes.

LEG. KENNEDY:

They are.

DIRECTOR ISLES:

The Town of Shelter Island, yeah.

MS. FISCHER:

They're very, very good. But we usually have, you know, reached out to them. And this one wasn't on the list that we had discussed with them particularly, but it doesn't mean that they might be considering it as well.

DIRECTOR ISLES:

And as Lauretta points out, this is one that had not been presented by the town. And sometimes Legislators contact Planning and Real Estate to get a feel for a parcel and inquiry. And we do an investigation at that point. We haven't done anything on this other than the rating that we did three days ago, whenever it was.

LEG. KENNEDY:

Okay.

DIRECTOR ISLES:

So we don't have a lot of information; here again, we're just calling it as we see it in terms of the point value at this point.

LEG. KENNEDY:

Yeah, and 25 seems to be a decent rating. Okay, fine. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a question. Legislator D'Amaro. Sorry, Legislator Horsley.

LEG. HORSLEY:

That's all right. I just had a quick question. Looking at the proposed acquisition shape on this, is the kettle hole part of it or not?

MS. FISCHER:

Yes, at the very southeast corner of the property, a portion of the kettle hole is actually in -- on their property.

DIRECTOR ISLES:

But I think your point, Mr. Horsley, is probably well taken in the sense that a significant part of the kettle hole is not in the acquisition.

MS. FISCHER:

The majority of it is not. Right.

DIRECTOR ISLES:

And, you know, if the County says that there's a County interest and perhaps a Town interest in going ahead, perhaps a broader acquisition over time would be -- and I'm not putting words in your mouth, but I think your point that this is not --

LEG. HORSLEY:

I was just wondering. It just looks like it's outside the area you're talking about. So many points for the kettle hole and the kettle's hole not even on the property.

DIRECTOR ISLES:

A small amount of the kettle hole is what awarded the points. But I think it does beg the question that maybe more holistically looking at the rest of the area around it, if there is going to be a County investment in protecting this, it probably needs to go further.

LEG. HORSLEY:

And is that a protected area because -- being a wetland type area?

DIRECTOR ISLES:

It is certainly regulated by state law. It's -- but, here again, you have to view those regulations as being the minimum protection. And they'll provide some protection but often not enough and not a lot. Keep in mind, too, that Shelter Island is a dependent on well supply for current drinking water. There's not a public water supply system there. So groundwater is drinking water. And surface water in the case of this pond is drinking water. The Health Department did a study a number of years back in terms of the Shelter Island aquifer and water supply and water quality. So it's something that I think is always a concern with us and a little tenuous in terms of development on Shelter Island, protecting water quality not only for drinking water purposes but also for the coastal embayments surrounding it. It's a very close situation out there.

CHAIRPERSON VILORIA-FISHER:

So the area that contains the pond is different ownership?

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

That rectangle? Different ownership. Okay.

MS. FISCHER:

Yes.

LEG. HORSLEY:

That's what I thought.

MS. FISCHER:

We would like to look at this more holistically if we move forward on this and maybe include some other parcels as part of this area to protect.

DIRECTOR ISLES:

Yeah, the subject parcel's outlined in red so it includes a small portion of the pond and wetlands adjoining it to the north and to the west.

CHAIRPERSON VILORIA-FISHER:

Yeah, I guess it's hard to see that from this satellite. It looks like -- you know, the pond looks very dark and the kettle hole. And it's hard, but we'll take your word for it.

MS. FISCHER:

Just a little bit of it only. Maybe you're not seeing it?

CHAIRPERSON VILORIA-FISHER:

Nicklin, right? We're looking at Nicklin?

DIRECTOR ISLES:

Yeah.

MS. FISCHER:

Yeah.

CHAIRPERSON VILORIA-FISHER:

Okay. We're not seeing the pond on the property, but we'll take your word for it. It looks like the pond is in that lower rectangle that has red on two sides and yellow on two sides. The blue line is the New York State wetlands.

LEG. HORSLEY:

That's the south? Because she's saying southeast.

CHAIRPERSON VILORIA-FISHER:

Oh, we're looking down here, southeast.

MS. FISCHER:

No, it's up here.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. I see where you're saying. Right there.

LEG. HORSLEY:

Little holes there. Little tiny kettle.

MS. FISCHER:

The kettle hole is right in here. Really on the boarder.

CHAIRPERSON VILORIA-FISHER:

Okay. I didn't hear a motion yet. Is there a motion?

LEG. LOSQUADRO:

Make a motion.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion by Legislator Losquadro, seconded by Legislator Kennedy. All in favor? Opposed? Motion's approved. **(Vote: 5-0)**

IR 1924, this is amending resolution number 636-2005. (County Executive Levy) I'm just looking for the title on this. It's amending 636. Can you explain this? Thank you.

MR. NOLAN:

This is why Michael's here.

CHAIRPERSON VILORIA-FISHER:

Oh, this is why Michael's here. Okay.

MR. NOLAN:

Yeah, we'll get him up here. This resolution is making -- actually amends the 2005 resolution that the Legislature adopted, which reorganized the old Nassau Suffolk Regional Planning Board under the new name the Long Island Regional Planning Council. And the reason I believe it's being amended is Nassau finally passed the companion resolution. And we need to change our original resolution to make the two resolutions, the one from Nassau and the one from Suffolk substantially similar so they can both go into effect.

CHAIRPERSON VILORIA-FISHER:

Longtime coming. My goodness. I forgot that it was even out there any more. Okay. All right, Michael, would you like to refine the explanation? And then I believe there's a question from Legislator Losquadro. Or would you like to ask the question first, Dan, or wait until he goes through it?

LEG. LOSQUADRO:

Well, it would probably be easier; this way Mr. White can address it as part of his description of what's changed here. And I had spoken to him about this in the -- what was the 14th Resolved in the old resolution which, you know, again, a bit of history. A lot of work went into this. And there were joint hearings between the Nassau County Legislature and the Suffolk County Legislature when I was Chair of this Committee, myself and Legislator Denenberg from Nassau County and Presiding Officer Jacobs did a lot of work in making some changes and putting together something that all sides were at the time, we thought, apparently comfortable with. But unfortunately the Nassau County Legislature couldn't get a majority and did not pass the same resolution.

They've now passed a modified version of the resolution. I expressed my concern to Mr. White that I thought too many of the requirements that we put in for the director position had been removed. I understand that there were certain requirements in there that might have been particularly onerous but we were really trying to professionalize this position. And, again, not just looking to today, but looking out to the future. Not looking at the person who's going to fill this position right now, but the next two, three, four, five directors that are going to fill this position.

So if I could just have Mr. White give his explanation of this and talk a bit about why so much of the criteria was removed. Like I said, I can understand a couple of portions of it, but it really seemed in my view overly simplified who can fill this position for the directorship.

CHAIRPERSON VILORIA-FISHER:

And just if everyone can just follow along more easily, the language that I believe removed that is in the Sixth Resolved of this resolution. It was the Fourteenth Resolved of the previous resolution. Okay? So if you want to follow along with the criteria, it's the Sixth Resolved.

MR. WHITE:

If I may, I certainly agree with everything Counsel has reported.

LEG. LOSQUADRO:

Pull your microphone a little closer.

MR. WHITE:

Sure. I agree with what Counsel has reported. I'd like to give a little bit more of the background on where we've come from in terms of the Nassau County legislation. And I have had an opportunity to speak with Legislator Losquadro. And I will address some of the issues that have been raised.

But, yes, this Legislature in 2005 passed a resolution effectively renaming and recreating the Long Island Regional Planning Board as a Regional Planning Council. And just, you know, going through a little bit of that, the importance of that is that the General Municipal Law has changed quite significantly since 1965 when the original Long Island Regional Planning Board was created. Indeed if you were to read the franchise that presently set it up in Nassau and Suffolk by the 1965 ordinance, we are simply not a Regional Planning Board under the present General Municipal Law.

Now there's a section there that grandfathers us but it's clear that the Counties wanted to move forward and did want to move forward in 2005 with respect to the legislation that was introduced in both Counties and then passed in Suffolk; was to, in fact, reinvigorate, reinvent and recharter this franchise as a Regional Planning Council. As was reported that legislation did fail in Nassau County.

However, what happened, as I'm sure you will all recollect is that the two County Executives did proceed with a reinvigoration of the Long Island Regional Planning Board using the 1965 ordinances whereby six new members were appointed, three from each county. And that board proceeded with a new business plan, an agenda with respect to priority of issues and indeed went forth with a search for Executive Director. And I was ultimately selected and appointed as Executive Director.

One of the charges among carrying on the business in terms of what the board has selected in terms of priority areas was my look back at again this need for creating the Regional Planning Council. And again as I've reported here, there's no doubt that that needs to be done. I began working back with the Nassau County Legislature in trying to understand what were the problems as to why it didn't pass and how could we get it passed; because as was stated by Counsel, what the law does require is if you have two counties participating in a Regional Planning Council, the Regional Planning Council must be created by substantially similar legislation in both counties.

So after quite a lengthy further discussion with elected officials and others in Nassau County, we came to terms with really addressing what was the prime problem. And that was the issue of additional representation on the Regional Planning Board to be the Regional Planning Council specifically with local representation. And so the main thing we went about doing was creating a reformulation of the board members so we were expanding the board to be the new Regional Planning Council from six members to twelve members, specifically requiring that there be local government representation. In other words what the Nassau County legislation now requires is three additional board members from each county, one being a supervisor, one being a mayor. So there'd be a supervisor from Nassau, a supervisor from Suffolk, a mayor from Nassau and a mayor from Suffolk. In addition to that one additional board member, let's call it at large. And again those members would also be subject to confirmation by the County Legislature.

So we went about redrafting that legislation to accomplish what was that main stumbling block as to why the legislation failed in 2005 in Nassau. In addition what we tried to do was recognize the fact that time had gone on. That indeed there are six new board members so the objective was to keep the six new board members that were appointed under the old formulation that even though we're creating a new Regional Planning Council, keep those members on. And quite frankly recognize that an Executive Director had been appointed by the board under the criteria set out by the board and the Executive Director presently is in place. And that's myself.

So the -- what resulted was, and I would not disagree with that Legislator Losquadro's pointing out is that a simplified language in the statute, let's say, such that recognizing that existing board members exist, an Executive Director has been appointed and going forward really with the

preference being toward the board members and by-laws with respect to the requirements of an Executive Director. So rather than -- and the reasoning was clear. When there was no Executive Director or when there was a -- heading toward a search for new Executive Director and/or new board members of a new Regional Planning Council, it was clear that the Legislature was looking to set out very firm criteria and qualifications. What we have here is recognizing that actions have been taken in between and we are where we are today.

So what the language now provides is basically that the Executive Director and Deputy Executive Director be persons with professional experience in regional planning and related areas. With again additional qualifications and the board creating by-laws under the new Regional Planning Council because under the present really Regional Planning Board as well under the Regional Planning Council the appointment of the Executive Director would be in the authority and jurisdiction of the board.

CHAIRPERSON VILORIA-FISHER:

Okay, Michael, regarding that, so are you saying that in the by-laws there are qualifications listed that reflect the education and experience that we see in the Sixth Resolved?

MR. WHITE:

There are some but clearly there would be new by-laws under the Regional Planning Council. And in my discussions with the Nassau County Legislators and Nassau County Attorneys as well as our County Attorney here in Suffolk who has been working with me on this, the basic sense was that that's where those qualifications should be left to the board and to by-laws of the board. I mean it doesn't say that you can't do it but that was the -- that was the preference.

CHAIRPERSON VILORIA-FISHER:

Because I'm understanding what Legislator Losquadro is saying with regard to professionalism of the Executive Director. And you met the qualifications that had been in the Resolved.

MR. WHITE:

Indeed I would not have met the qualifications of the Suffolk County legislation.

CHAIRPERSON VILORIA-FISHER:

Although you do have --

MR. WHITE:

I have certainly a background in planning and related experience.

CHAIRPERSON VILORIA-FISHER:

And environmental science.

MR. WHITE:

I have an accredited graduate degree in terms of a law degree and environmental science. As an example, if you look at the Resolved change, there was a requirement that the applicants be in good standing with the American Institute of Certified Planners. That's frankly one of the qualifications that I'm not certified under. I mean I have a lot of certifications and degrees and experience but that wasn't one of them.

LEG. LOSQUADRO:

Madam Chair, if I may, I don't want to interrupt. As I said, I certainly understand that there were particular parts that may have been onerous in the AICP. There's one of the areas that we agreed upon that we hadn't spoken with the folks from Nassau county. And I guess I wouldn't be particularly adverse to seeing that removed, but it just seemed like there were a lot of other good things in there that Mr. White certainly would fit in with and that future directors would have to comply with as well that I just didn't see the need to remove all of those.

CHAIRPERSON VILORIA-FISHER:

To remove all of them and make it so ambiguous. But this was a sticking point in reaching a consensus between the two counties?

MR. WHITE:

Actually it really wasn't. It was just on the basis again that we're not trying to make it any -- not trying to remove requirements at all. It was a question of trying to simplify it and leave more into the prerogative or preferences of the board under their new by-laws as a Regional Planning Council. It wasn't necessarily a sticking point as well, we have to change that or we -- it was a question of let's simplify the process and leave more to the board -- the new board of the council.

CHAIRPERSON VILORIA-FISHER:

Are there other questions? Legislator D'Amaro.

LEG. D'AMARO:

The resolution also changes the number of members?

MR. WHITE:

Yes.

LEG. D'AMARO:

Goes from seven to twelve.

MR. WHITE:

Goes from six to twelve.

LEG. D'AMARO:

Six to twelve. And you mentioned two supervisors, two mayors, one at large.

MR. WHITE:

One at large from each county.

LEG. D'AMARO:

Oh, each county.

MR. WHITE:

So you have presently six. There'd be three more from each county.

LEG. D'AMARO:

Who appoints the at large members?

MR. WHITE:

They're effectively nominated by the County Executive subject to approval of the County Legislature in both, you know, respective counties.

LEG. D'AMARO:

Yes. The --

MR. WHITE:

Which, by the way, not to interrupt, but that's how I believe the present members were also appointed. The six members who were there, three from Suffolk, three from Nassau, they were also subject to approval by the Legislature.

LEG. D'AMARO:

The original six members -- let me go back. The new members, the supervisors, the mayors, the at large, do they have any qualification requirements other than their status as a supervisor or mayor?

MR. WHITE:

No. For the mayors and the supervisor it's just that they be elected to one of those offices and their term of appointment on the Council would be the shorter of their elected term or the term appointed for three years. With respect to the other board members, yes, there still are some qualifications in terms of related planning experience. And I think if you look at Resolved -- hold on a second. By the way, the other thing as I'm addressing that question, Legislator D'Amaro, this new resolution would also provide that the board members would be required to take the training that planning board and zoning board members are required to take.

LEG. LOSQUADRO:

Legislator D'Amaro, if you would --

LEG. D'AMARO:

Wait. I just wanted to get --

LEG. LOSQUADRO:

I just wanted to offer an explanation as to the elected officials. That was something that the working group, that I was part of this process, that was our recommendation. And we all talk about home rule power all the time and the fact that we can only make recommendations. The point of including these members was to get that by in and to actually get the stakeholders who make the land use decisions as part of the process. So that was why we included those -- all the levels of government.

LEG. D'AMARO:

Two schools of thought on that. It could also hinder the process by bringing a parochial point of view to the board, but leave it at that. You know, that could go either way in my mind. But anyway I don't have an issue with that. I'm fine with that.

My question then was there were six new members coming in. There's six that were already under the Suffolk version of the bill. Those members, the eight members that are not elected outside of, you know, supervisor or mayor, do have qualification requirements.

MR. WHITE:

Yes. If you look at the -- actually the first page of the resolution, the Fourth Resolved where it really speaks to the configuration of the new Regional Planning Council Board, the Suffolk County Executive shall subject to approval of the Suffolk County Legislature appoint six members to -- who shall reside in Suffolk County. One member shall be a supervisor of a town within Suffolk County, one member shall be a mayor of the village within Suffolk County with both nominations to be made by the Suffolk County Executive and approved by the Suffolk County Legislature to serve for a term which is shorter of his or her term of office or three years. The remaining members shall serve for terms of three years. No more than two members shall be appointed -- shall reside in the same town or village within Suffolk County. All members appointed pursuant to this subdivision shall have a background in engineering, real estate development, construction, economic development, energy, planning and analysis, law, local government, environmental protection, health care planning, transportation planning or regional planning.

So it does lay out the criteria with respect to looking at the potential appointments for the board members having related experience in those areas that are listed.

LEG. D'AMARO:

And then it goes further and says not more than two shall be from the same type of background. So you are trying to diversify as well --

MR. WHITE:

Exactly.

LEG. D'AMARO:

-- in the membership.

MR. WHITE:

Exactly.

LEG. D'AMARO:

Okay. And simple question. Who -- the Executive Director is elected by the board or appointed by the Counties.

MR. WHITE:

It's appointed by the board.

LEG. D'AMARO:

Appointed by the board.

MR. WHITE:

Correct.

LEG. D'AMARO:

Under the guideline, the new or the old, whatever we're going to do with this?

MR. WHITE:

Correct.

LEG. D'AMARO:

Okay. That's fine.

CHAIRPERSON VILORIA-FISHER:

Okay. I have bad news. I'm really not happy with the new language in the Sixth Resolved because I see you as an Executive Director who is eminently qualified for this position. But I don't have that kind of faith in a board that is largely political, I think, in making the choice that is this good going forward without more specific parameters. At the risk of throwing this in, and perhaps not having an agreement again between Nassau and Suffolk, I would like to re-visit the language and have some educational, some specific criteria to defining who would be the Executive Director in education or experience more specific because even when we look at the non-public officials, it's very broad. And a lot can be played around with there because it's engineering, real estate development, construction, economic development -- and these are "ors," you know. And you can have -- you don't want to have too many from the same field. You don't want to have more than two members from the same professional background. But I would like to see more specific -- a more specific description of either in education or experience for our Director. And I don't think that persons with professional experience in regional planning or related areas is broad enough because I want to have somebody there who knows what he or she is doing and has had some experience. So I'm going to make a motion to table. On the motion, Legislator D'Amaro.

LEG. LOSQUADRO:

You need a second.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. LOSQUADRO:

I'll second.

LEG. D'AMARO:

Second. I appreciate those comments because I know when we went forward with our bill, the rationale or firm basis of voting and bringing this forward and revitalizing was that we were professionalizing. And like the Chair person, I don't take any issue with your qualifications at all on this board. But I am not sure whether or not these -- this type of simplification, as you call it, is warranted; however, I'm not convinced that it's not either.

I wanted to ask you professional experience in regional planning, just tell me what that is.

MR. WHITE:

Well, I think it would have to, you know, you could look at someone's resume. And professional experience in regional planning could come in a number of different ways. It could come from an engineer; it could come from an attorney; it could come from an elected official. Obviously, you know, in terms of regional planning it's dealing with the kind of issues that this Regional Planning Board soon to be Regional Planning Council would deal with: The workforce housing, the transportation, the energy planning, open space preservation, economic development.

So I think the regional planning experience is quite broad. But clearly it's got to do with planning, which I think, you know, speaks for itself as opposed to just someone who's been practicing in a particular area of law that may relate to some of this. So I think the planning experience -- for instance, in my background, as I said, I may not have that certification but I actually was employed as a planner in the municipal planning field so that clearly qualifies.

LEG. D'AMARO:

Let me ask you this. The first -- looking at the Resolved Clause, the first strike out or qualification that's stricken is the Executive Director shall possess a graduate degree, etcetera, etcetera. That goes to professional; right?

The second strike out is the five years of satisfactory planning experience, all right? That goes to experience.

And then being a member in good standing of the American Institute of Certified Planners, you know, I'm not sure that should be in there. So, you know, Legislator Losquadro makes a good point; however, are we tying hands in your opinion here where we might be excluding people that are otherwise qualified? Or should we err on the side of making sure they have the minimum qualifications? And my second question is who's dictating these qualifications? Nassau County or Suffolk County?

MR. WHITE:

Well, the person who is -- would really be dictating the qualifications for a new Executive Director, say, subject to my tenure would be the board that is going to be appointed. Some of whom are appointed and whose appointments fall under the categories that we spoke of and that would be appointed by the County Legislature. I don't take exception to your desire to have those qualifications. I mean certainly I believe I do qualify. And I don't see there's a harm in laying some of those basic qualification down. But at the same time I don't see the necessity to have them in there because you are going to have a board that's subject to your approval. And, indeed, the selection of the Executive Director is to be made by that board.

So I would ask that if -- just to comment with respect to the resolution that's before the Committee with respect to tabling, I would certainly work with Counsel, the County Attorney's Office on that language. I don't think we will meet resistance in Nassau County. It wasn't a question of them saying we don't want that, absolutely we can't have that. It was a question of simplifying it and really recognize that the new Regional Planning Council would be a different entity than the Regional Planning Board today.

I mean right now the Regional Planning Board today really exists as an appendage to one or both of the County Planning Departments. What this legislation really contemplates is a Regional Planning Council that is indeed an independent entity that would be probably in a better position to receive more funding than just core funding from the Counties and I think would be a more effective tool for regional planning in both counties.

LEG. D'AMARO:

So if I could just follow up, I wasn't privy to the Nassau County proceedings. You're saying you don't believe that a revision that would include some qualifications would be a sticking point in Nassau. But they would have to re-approve their bill; is that correct?

MR. WHITE:

Well, I don't think so. And I would hope that wouldn't be the case. And this might require a little bit of legal research because the law requires the "substantially similar." It seems to me that if the language was broad with respect to professional experience and regional planning in related areas and you wanted to establish some of the definition of those related areas and credentials, I'm not sure it would be substantially dissimilar. I would rather not have to go back through the legislative process in Nassau County.

LEG. D'AMARO:

Yeah. Nassau, just for clarification, passed professional experience in regional planning or related areas; correct?

MR. WHITE:

Correct.

LEG. D'AMARO:

And you're saying, and we'll defer to Counsel also, but if we just further define that as opposed to changing that, it's possible it's still substantially similar.

MR. WHITE:

And that's what I would suggest in the first instance if we could approach it that way. I think that would lay the ground work and the guidelines that --

LEG. D'AMARO:

Of course Nassau -- who makes that decision in Nassau County?

MR. WHITE:

The decision as to?

LEG. D'AMARO:

Whether or not it's substantially similar? I guess their counsel?

MR. WHITE:

Their County Attorney's Office.

LEG. D'AMARO:

Yeah, okay.

CHAIRPERSON VILORIA-FISHER:

Okay. And this is just to ensure going forward. I guess the, you know, the integrity of the Council and that it is professional more than political.

MR. WHITE:

That's fine with me.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table and a second. All in favor? Opposed? **1924 is tabled. (Vote: 5-0)** And, Mr. White, you'll be working with Mr. Nolan on this? With George Nolan on the language?

MR. NOLAN:

County Attorney.

CHAIRPERSON VILORIA-FISHER:

Oh, with the County Attorney. I'm sorry.

MR. WHITE:

And the County Attorney's Office.

MR. NOLAN:

Of course, I think it's important to be talking to Nassau County as well to see if we can agree that the language is such that they don't have to do another resolution.

CHAIRPERSON VILORIA-FISHER:

Yeah, education and/or, you know, specific experience.

MR. WHITE:

Very good.

CHAIRPERSON VILORIA-FISHER:

Thank you.

MR. WHITE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. I called the vote, yes? All in favor? Opposed? **Tabled. (Vote: 5-0)**

IR 1936, authorizing acquisition of land under the Suffolk County SOS Program, farmland preservation and Hamlet Parks Fund, Hamlet Parks Component, for the RD Associates, Inc., property, Town of Babylon. (County Executive Levy) Okay. This is acquisition in Babylon, hello?

LEG. HORSLEY:

Sorry. I move. Motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Horsley, seconded by Legislator D'Amaro. All in favor? Opposed? **1936 stands approved. (Vote: 5-0)**

IR 1937, authorizing acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program for the North Shore Homefinders, Limited property, Town of Brookhaven. (County Executive Levy) Dan, that's your district? Not sure.

LEG. LOSQUADRO:

I apologize.

CHAIRPERSON VILORIA-FISHER:

It's not mine.

LEG. LOSQUADRO:

Realizing that clock is wrong, realizing the late hour, I was just having a side-bar conversation to take care of something.

CHAIRPERSON VILORIA-FISHER:

Would you like to make a motion to approve? I think it might be your district.

LEG. LOSQUADRO:

Motion to approve.

LEG. KENNEDY:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay, seconded by Legislator Kennedy. All in favor? Opposed? **1937 is approved. (Vote: 5-0)**

1938, 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 Shoreline Development Corporation property, Town of Riverhead. (County Executive Levy) I'll Make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **1938 stands approved. (Vote: 5-0)**

IR 1941, authorizing planning steps for acquisition of lands previously approved under the Community Greenways Fund for open space preservation (County Executive) And under what program is it now, Tom, the planning steps?

DIRECTOR ISLES:

These are all under Greenways which expired last year.

CHAIRPERSON VILORIA-FISHER:

Right.

DIRECTOR ISLES:

It is now being suggested that they be placed into the County's open space list as it exists now. And what we have in the resolution would be access to a number of county programs. So at the particular time that the Legislature and the Executive would like to go forward with an acquisition and based on funding availability, it would provide for possible acquisition under the New Drinking Water, under the Legacy -- Environmental Legacy Program and Multifaceted.

This involves, here again, everything that's left over under Greenways, 142 acres. And we provided maps to you as well as rating forms indicating four locations. We have Beaver Dam Creek, Swan River, Lake Montauk and one other one. Orowoc Creek in Islip.

CHAIRPERSON VILORIA-FISHER:

So it's a number of programs --

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

-- that are in the legislation.

DIRECTOR ISLES:

And so rather than coming back to you on an individual basis with Greenways parcels that are expired, these were all previously approved by the Legislature when Greenways was created in 1998. And this is a method of being able to continue with the acquisitions that Real Estate has been progressing with.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **1941 is approved. (Vote: 5-0)**

1948, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Smithtown Boulevard property, Town of Smithtown. (Kennedy)

LEG. KENNEDY:

I'll make a motion to approve.

CHAIRPERSON VILORIA-FISHER:

Okay. Can we learn something about it first? Ask no questions. Give the man a stamp.

DIRECTOR ISLES:

We have prepared and we have an aerial photograph that's being handed out. We did do a rating form based on parkland purposes. We have not had a chance to speak with the sponsor in terms of the intent. But it's a developed property form the information we have. And --

CHAIRPERSON VILORIA-FISHER:

Not another under the water house, John.

LEG. KENNEDY:

No, it's not under water.

LEG. LOSQUADRO:

Just damp.

DIRECTOR ISLES:

So we really don't have enough information, Mr. Kennedy.

LEG. KENNEDY:

Shall I, Madam Chair?

DIRECTOR ISLES:

We just did a generic rating.

CHAIRPERSON VILORIA-FISHER:

Let Mr. Isles finish talking.

LEG. KENNEDY:

He seems he did.

CHAIRPERSON VILORIA-FISHER:

No.

DIRECTOR ISLES:

Yeah, we did a generic rating based on the information we had available which, you know, really wasn't much. And I think the key thing is that we don't know what the use is. And I think we would be able to complete a review if we knew what the use was proposed.

LEG. KENNEDY:

Great. So then why don't we go ahead and actually talk about what the intended use is, what the property is. This actually is a -- it's commercial property. At one time many, many years ago it was actually a filling station. It was a gas station.

CHAIRPERSON VILORIA-FISHER:

Oh, no.

LEG. KENNEDY:

All right, all right, all right, I know, I know.

CHAIRPERSON VILORIA-FISHER:

Phase one.

LEG. KENNEDY:

There had been some spill activity with it.

LEG. LOSQUADRO:

It's getting better.

LEG. KENNEDY:

There was an open DEC matter with it. It was remediated and closed. It was subsequently operated as a Green Grocer and has been abandoned now for the better part of around eight or ten years. There is -- the thinking at this point is to acquire a partner with the town and to develop it into a community park. It's got a clean bill of health as far as the environmental goes from DEC at this point. And it would fit in fairly well. As a matter of fact if you look at the layout and you go just slightly east of it, you'll hit Lake Ronkonkoma and the whole Lake Ronkonkoma County Park Complex and the Lilly Pond Nature Preserve.

CHAIRPERSON VILORIA-FISHER:

What's immediately east of it?

LEG. KENNEDY:

Immediately east of it is residences. That is a residential property there on the east. On the west is a commercial property.

CHAIRPERSON VILORIA-FISHER:

That big thing across the street from it? Oh, I'm sorry. To the west of it? What's to the west of it? Sorry, I had it upside down.

LEG. KENNEDY:

To the north is vacant property that at one time was being considered for senior housing. As a matter of fact one of the developers in the Town of Smithtown had put in a plan for 55 and over. And it has remained fallow basically at this point for quite sometime.

CHAIRPERSON VILORIA-FISHER:

I'll make a motion to table.

LEG. KENNEDY:

Okay, we can do that. Well -- actually we'll get a letter out of our Supervisor indicating the local desire for the town to support the initiative. Witness my questions from before.

CHAIRPERSON VILORIA-FISHER:

Was that a second, Legislator Kennedy?

LEG. KENNEDY:

Absolutely.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion and a second to table. All in favor? Opposed? **1948 is tabled. (Vote: 5-0)**

1961, appropriating funds from the Water Quality Protection Program, Fund 475, Fund Balance for the acquisition of land in the Pine Barrens and Non-Pine Barrens Towns and for parkland operating and security expenses in accordance with Local Law 21 of 1996. (County Executive Levy) Can you talk to us about that someone?

MR. NOLAN:

I'll just give you the basics and then, I guess, you know, the Planning people will talk about it. But I believe this involves Old Drinking Water money.

CHAIRPERSON VILORIA-FISHER:

Very old.

MR. NOLAN:

And distributing it pursuant to the last time the Old Drinking Water Law was amended which was in 1996. And I'll leave it to these folks to explain exactly that they're doing with the money.

MR. ZWIRN:

This is actually -- there's some good news at the Budget Office. Carmine Chiusano. This is interest that was on the money that was in the accounts. It's almost -- it comes to three point -- over \$3.7 million. And it is being distributed -- we're asking for it to be appropriated today and distributed in the formula as Counsel has indicated. \$2.6 million roughly will go to funds for land acquisitions in the Pine Barrens towns. And one third for land acquisitions in non-Pine Barrens town. The Town of Babylon will be \$327,015, Town of Huntington \$304,000, Town of Islip, \$485,000, Town of Smithtown 180,535 and the Town of Shelter Island \$3,723 for a total of \$1,301,888. \$79,700 will go to the Parks Department for building repairs. But this is, as I say, good news. It was found money that was there. And now we're going to ask it be appropriated so that it can be used for land acquisitions.

CHAIRPERSON VILORIA-FISHER:

I was just not familiar with -- I thought -- I usually heard -- I'm looking at the third page of the resolution, the Environmental Trust Fund. We usually refer to the State Environmental Trust Fund. I was just asking Counsel about that; right? Isn't ETF usually state fund? Is that 176? That's a county fund? I'm sorry. We just don't run into it that often. It's on the third page of the resolution.

MS. LONGO:

Are you talking about 176, Vivian?

MR. KENT:

Yes.

MS. LONGO:

That's for Parks. The agency, organization -- oh, oh, oh, transfer to Environmental Trust Fund, okay.

CHAIRPERSON VILORIA-FISHER:

It's the continuation of the explanation of 176. It says transfer to Environmental Trust Fund, \$260,000.

MR. NOLAN:

The language was used in the '96 law. The Environmental Trust Fund was created under that law.

CHAIRPERSON VILORIA-FISHER:

What is it? I just don't know what it is.

MR. NOLAN:

It was one of the -- under the Old Drinking Water Program, it was one of the components. And a trust fund was created and monies generated by the sales tax would go into that particular fund for the purposes of the program.

CHAIRPERSON VILORIA-FISHER:

And how much is left in that fund? Is there anything left in that fund or --

MR. KENT:

No, this would exhaust that fund, I believe. The 260,000 is what's remaining.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to approve. Anybody want to second it?

LEG. HORSLEY:

Sure.

CHAIRPERSON VILORIA-FISHER:

Legislator Horsley. All in favor? Opposed? 1961, because we don't want to have to try to understand it, is approved. **(Vote: 5-0)**.

LEG. HORSLEY:

Well said.

CHAIRPERSON VILORIA-FISHER:

Not at this time of the day.

LEG. D'AMARO:

Don't ask any questions. Take the money and run.

CHAIRPERSON VILORIA-FISHER:

If there is no further business or questions or there's no one else who wants to address the Committee, we stand adjourned. Good evening.

**(THE MEETING CONCLUDED AT 4:04 PM)
{ } DENOTES SPELLED PHONETICALLY**