

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 November 26, 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
Kevin Duffy, Budget Review Office
Renee Ortiz, Chief Deputy Clerk of the Legislature
Ben Zwirn, Assistant Deputy County Executive
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Christopher E. Kent, Director of Real Property and Acquisition Management
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Thomas Ryan, Aide to Chairperson Vilorio-Fisher
Justin Littell, Aide to Leg. D'Amaro
Lori Murphy, Aide to Leg. Losquadro
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
John Iurka, Professional Certified Applicators
Eva Gowney, Appointee for CEO
Maria Brown, Appointee for Wetland Stewardship Committee
Frank Castelli, DEE, Director of Water Quality Improvement
Rick Brand, Newsday
Thomas Williams, Director of Cornell Cooperative Extension
Daniel Gilrein, Cornell Cooperative Extension
Chris Smith, Cornell Cooperative Extension

ALSO IN ATTENDANCE (continued)

Chris Pickerell, Cornell Cooperative Extension
Gale Moyer, Cornell Cooperative Extension
Lauren Brusso, Cornell Cooperative Extension
Tamsen Yeh, Cornell Cooperative Extension
Becky Wiseman, Cornell Cooperative Extension
Joyce Radler, Cornell Cooperative Extension
Emerson Hasbrouck, Cornell Cooperative Extension
George Proios, reappointee to the Soil and Water District
Debra Alloncius, Legislative Rep for AME
Vito Minei, Director of Environmental Quality for the Health Department
Michael White, Nassau-Suffolk Regional Planning Board
Walter Dawydiak, Suffolk County Water Authority
Peter J. Elkowitz, appointee for Nassau-Suffolk Regional Planning Board
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING COMMENCED AT 1:10 PM)

CHAIRPERSON VILORIA-FISHER:

Welcome to today's meeting of Environment, Planning and Agriculture. Can you please join us in saying the Pledge of Allegiance.

SALUTATION

Thank you. We have a member of the public who would like to address us today, and that's Mr. John Iurka.

MR. IURKA:

I didn't know I was going to be up first.

CHAIRPERSON VILORIA-FISHER:

Oh, yes, you are.

MR. IURKA:

I'm here on behalf of Cornell Cooperative Extension. I was asked by Daniel Gilrein, the Extension Entomologist to make a short presentation from the standpoint of industry.

My name John Iurka, I-U-R-K-A. I am the Legislative liaison with Professional Certified Applicators of Long Island. I'm Vice President of Greenpoint of New York, which is a industry communication organization in Albany. And also I'm an auditor for Tree Care Industry Association.

I just wanted to make a short presentation on the value of the -- of the alternative management strategies for control of insect pests in Suffolk County agriculture and landscapes. Dan Gilrein, this is his project, has given tremendous support to industry in his tireless effort to educate the applicator community, both agriculturally and for the commercial aspect, in the use of alternative methods and materials for insect and disease control. I have known Dan a long time and he has continually reached out to industry and worked very hard to develop liaisons with chemical manufacturers, in working to get safer materials for industry to use and has been very effective.

One of the biggest things that I think he's done is getting the user community to use materials such as Conserve for caterpillar control. This is one of the most visible insecticide applications on trees and shrubs for control of gypsy moth caterpillar and other types of leaf feeding caterpillars. And he got a reduction of this biological control to be able to use it without neighbor notification so that almost all applicators of any renown on the Island are using this biological control rather than chemical controls. This is just one of many things that Dan has done with industry to reduce the amount of traditional pesticide usage and go to more biorational and biological control.

So I just wanted to say that Dan speaks in front of our groups very often, whenever we want him to, and continually emphasizes the fact that as applicators and applicator companies that we have to continually strive to what we call green up our industry. And he is a wonderful resource for us. Thank you for the opportunity to speak to you.

CHAIRPERSON VILORIA-FISHER:

Thank you very much. Are there any questions here for Mr. Iurka? Can I just ask you something very quickly about training? How do you feel about putting in positions on industry for training in the use of pesticides on a local level?

MR. IURKA:

Well, certainly the fact that the State regulates the applicator community and requires a great deal of both initial training to become a registered -- certified applicator and also requires continuing education units in order to maintain one's applicator license, I think that they are in the best position to both regulate and track training. I think it's somewhat of a duplication to require local training as well.

CHAIRPERSON VILORIA-FISHER:

I know that there's at least one state that has training requirements for retail establishments that are selling, you know, pesticides or materials that have EPA ratings on them. And some retail outlets are doing that voluntarily. I'm just asking -- I'm picking your brain because we've been talking about this so much.

MR. IURKA:

I think from the aspect of retail that's always been a -- kind of a bone of contention with the applicator industry because we are fairly heavily regulated. And although the retail industry is regulated, the store to store training of employees is somewhat lacking. I mean, myself, knowing and going to a Home Depot and seeing a display of lawn insecticide with broken bags and material spilled always irks me. And I know that there has been some stringent regulation of those places, but probably not enough. So if I were to -- and I'll probably be castigated for this -- but if I were to suggest more regulation it would be on the distribution end to the homeowner than on the regulated community.

CHAIRPERSON VILORIA-FISHER:

That has been a serious piece of the conversation recently because there are people who are homeowners, members of the public, who are self applying. And the people who are providing the materials really don't have any idea how to help the people who are doing their own applications.

MR. IURKA:

And I think that -- by amounts of materials used the homeowner application community, so to speak, uses a tremendous amount of material.

CHAIRPERSON VILORIA-FISHER:

Yeah. Thank you very much.

MR. IURKA:

You're welcome. Thank you.

CHAIRPERSON VILORIA-FISHER:

Mr. Halpin. Thank you so much for coming down on short notice. I appreciate it. Just for the other members of the Committee, there is a resolution on Suffolk County Water Authority Board reimbursement rates. And there were some questions that were asked as to what exactly do board members do, what are their responsibilities, how often do they meet. And we had asked that Mike LoGrande come, but he was unavailable and you were very gracious, Pat, to, you know, be willing to come here.

MR. HALPIN:

Thank you. Actually I got a text message as I was driving home from Philadelphia this morning. My daughter is an Irish stepdancer so she was down there competing in the Northeast Regionals, which they have every Thanksgiving weekend, so I'm glad I could make it.

Mr. LoGrande, The only reason he couldn't be here is that he is in an examination before trial in New York City with the firm Weitz and Luxenburg that's representing the Water Authority in the MTBE case. And I believe that was a case that was initiated here by the Suffolk County Legislature. But with the Water Authority being the largest water purveyor here in Suffolk County and for that matter the largest water company of its kind in the nation that gets its water from a sole source aquifer, he

had to be there and to represent the County's interest and the Water Authority's interest in that lawsuit. As you know, the MTB has contaminated a lot of drinking water throughout the country. And this is a major class action lawsuit.

But thank you for the opportunity to be here to describe our job and to discuss the rationale for the request in compensation. As you know, back in February of this year Mr. LoGrande had written to the Presiding Officer to request a \$5,000 increase for the members of the Legislature and an \$8,000 increase -- I'm sorry, the members of the Water Authority, and \$8,000 for the Chairman. And the rationale was pretty straightforward. It was spelled out in his letter but I thought I would take a moment to just kind of recap that and then answer your questions.

As you know, the Water Authority is a public benefit corporation created by the State Legislature and its member are appointed by the Suffolk County Legislature. There are five members of the Water Authority Board of Directors. The Water Authority Directors are responsible for the administration of the Suffolk County Water Authority, which is a billion dollar corporation with a little bit less than 400 employees, a \$50 million capital budget. It provides public and safe drinking water to over 90% of Suffolk County's residents. It's a terrific organization that does an outstanding job.

This Legislature has worked very hard over the last I would say 15 years to improve the quality of the representation on the Board of the Water Authority, to bring in people who have real expertise in order to enhance the operations. And I say that because when the Water Authority was created back in the early '50's, it really didn't take on as prominent a role as it has taken now.

Back in the '90's, as the Water Authority was improving its operations there were a number of things that were done by the Water Authority to significantly enhance its operations. During that time the Water Authority members felt it was critically important that the Water Authority construct a world class lab in order to guarantee the high quality of the water. And that has been an ongoing investment that the Water Authority has made. And you should know that that Water Authority lab is considered one of the best in the nation and is not only certified by the New York State Health Department, but also exceeds federal certifications. And it is providing outstanding guarantees that all the water that's collected and tested is of the highest quality.

Back at that time the Water Authority members went for 25 years without an increase. And it was felt that given the work that the Water Authority Board was doing to professionalize its operations, for example, it not only improved the lab but it also made a priority to completely computerize all of its operations and has a major computerized control center in Bay Shore. That, again, was a huge investment that the Water Authority made. And it was done with the thought that we needed to have a twenty first century system that could be monitored 24 hours a day, seven days a week; and that's what you have now.

To put that in some context for you, the {SKATA} system, which is the software that's used to really drive the operation not only provides constant readings of water pressure, but also the levels of treatment that are being provided and also adjusts for any anomalies that might occur in terms of pumpage. And if it's something that is a problem they are able to be on it immediately.

You might recall last year Glen Cove, the City of Glen Cove, which operates its water system woke up one morning to find that the entire city had no water pressure. And the reason for that was that its main tank had lost its pressure. And as a consequence, 26,000 residents were without water. A number of them were nursing homes and hospitals.

The reason why I bring that up, because the first question I asked is that possible in our system? And they said absolutely not. Because if there's a -- because of our computerized control center, we're able to adjust water pressures and would know immediately if there was a problem and would take all of the appropriate actions.

What happened in Glen Cove was that not only did they not have water, but they went for two days

without being able to drink the water because in order to bring the water pressure back up it also brought all kinds of contaminants into the system and they had to have guarantees that the water was drinkable and of very high quality. That kind of thing doesn't happen in Suffolk County. And you can be grateful to know that the people that you've appointed to that board have made that a priority.

So throughout the '90's there were dramatic reforms in the Water Authority. The Legislature then agreed after 25 years to increase the salaries of the members from \$7,500 to 18,500. And the Chairman was -- his salary was raised from 15 to \$32,000. The practice was also at that time that Water Authority members received cars. They also received health benefits and any other benefit that were provided to employees of the Suffolk County Water Authority.

Since I have been on the Board we have strived to take those reforms even further. The Board has insisted and passed resolutions requiring that all of the cars be taken away from Board members. That is no longer something that is being done voluntarily. It is now a matter of Water Authority policy. In addition, Water Authority members have agreed to forgo health insurance benefits. And that comes at a, you know, in the case of some members who were taking the benefits, a loss of, you know, something in the neighborhood of a \$15,000 benefit. That's what a family benefit is for health insurance.

The other thing that has happened is that the Water Authority members have asked that its proceedings be more transparent to the public and have made -- put in place policies to guarantee that. So, for example, agendas are now up on the website prior to Water Authority Board Meetings so that the public will have an opportunity to see that. That wasn't the practice before. The public will also have the opportunity to address the Water Authority Board before the meetings. The practice was that that kind of thing typically went on after the sessions.

In addition to agendas, monthly financial statements are now provided to all Water Authority members, but are also up on the web for the public to see. We think it's very important that there be full transparency for its operations as well as its finances and that -- and that financial statements are not only provided to Board members on a regular -- on a monthly basis but also to the public.

The Water Authority Board members are also actively involved in reviewing what would be described as management metrics. We are now actively involved in setting goals and objectives for every operating unit of the Water Authority. And I'm not just talking about the routine things that go on everyday, but goals and objectives consistent with our mission, which is to provide the highest quality water at the lowest price and do it in a way that is customer friendly and accessible. And every unit of the Water Authority has goals and objectives consistent with meeting those mission requirements. And those are reviewed regularly by the Water Authority as to how our resources align to fulfill them and whether or not they're being executed successfully. Those are the kinds of practices that go on at the best cooperations.

CHAIRPERSON VILORIA-FISHER:

I don't want to interrupt you, but we have a very long agenda.

MR. HALPIN:

Okay. I'm sorry. So I'll stop my filibuster. So to answer your question --

CHAIRPERSON VILORIA-FISHER:

Thank you.

MR. HALPIN:

To get back to your questions, the Water Authority members have regular meetings which are 12 a year. In addition to those meetings there are budget meetings, there are review meetings, there

are also meetings throughout each month to take care of Water Authority business. There are conference calls that go on. As you know, there are only five of us so we have regular conference calls to take action. In addition to being fiduciaries and being accountable under the public authority's legislation that New York has, we're also actively involved in virtually every management decision that is implemented. We are responsible for approving all contracts, hiring, as well as the budgetary matters that I talked about.

CHAIRPERSON VILORIA-FISHER:

Okay. Pat, why don't we have members ask you questions now.

MR. HALPIN:

Sure.

CHAIRPERSON VILORIA-FISHER:

Okay. We'll begin with Legislator D'Amaro.

LEG. D'AMARO:

Yeah, thank you. Mr. County Executive, thank you very much for coming back to visit with us today on short notice. I appreciate that very, very much.

MR. HALPIN:

I apologize. If I had more time to think about it my presentation would have been more succinct.

LEG. D'AMARO:

I'm sure of that, I'm sure of that. We appreciate that you did it on such short notice. The bill that I'm looking at is increasing the salary of the Chair from 32 to 40,000 and members from 18.5 to 23.5.

MR. HALPIN:

Right.

LEG. D'AMARO:

I appreciate the direction that you've taken the Water Authority with your fellow Board members, you know, giving up the cars, taking a hard look at health insurance, making it much more transparent, the operations of the Authority, than it has been in the past.

The question that I had, and you started to answer it, I think, at the end, was, you know, there's a perception that the Board meets once a month and that's where it ends. I mean, you know, my background, I was on a zoning board in the Town of Babylon for many years and not so much as chair, but pretty much as a member you show up, you have a meeting, it's three hours and you're finished. So if you could speak just a little bit more to what you actually do under your responsibilities as a member of this Board. Is it just the once a month meeting or is it really going beyond that? Do you consider yourself more on the clock, are you active on a daily basis?

MR. HALPIN:

Yes, yes. We are on the clock throughout the -- we have a monthly Board meeting; but throughout the month we are approving resolutions that have to be approved and there are conference calls that go on involving litigation, employee litigation issues, contract negotiations. There are active discussions that go on regarding policies that are under review. For example, we have -- we're making it more of a priority for the Water Authority to be extending water mains into underserved areas so there are regular conference calls. So there are meetings, conference calls and planning sessions that go on throughout each month.

LEG. D'AMARO:

So just to follow-up, then, the perception I believe is really wrong.

MR. HALPIN:

Yes.

LEG. D'AMARO:

In that this is, as you said, a billion dollar company that is not merely just a Board meeting once a month to get a report from the day to day folks. It's really about being actively involved in the day to day functions, making policy, and most importantly protecting the drinking water in Suffolk.

MR. HALPIN:

That's exactly right. And let me just say, with all due respect to the people that served on that Board before me, the improvements and reforms, both in terms of the management operations as well as the systems and the processes, that comes from the Board. Those policies and their implementation are driven by the Board. We have competent managers, but it's the Board of Directors that not only have the responsibility, but they are the ones making it happen.

LEG. D'AMARO:

Thank you.

MR. HALPIN:

And the last point I want to make is that had there been a small cost of living increase, this -- the amount that we're talking, you know, an annual cost of living increase, you know, consistent with what, for example, the Legislature, the Executive, those that you have here in Suffolk back when my days were here, we would have been below that with this request.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. While I understand this is a policy decision that's obviously made by the Board, we have to approve that. Some of the -- it almost seems the way the resolution is written before us, it seems like there's some sort of rationale given that because there was a willingness to give up the cars and the credit cards, I mean, and that's the exact language from the bill, that, you know, sort of an if then type of scenario. And the car issue is something that I've obviously brought up in many different areas.

The use of those vehicles, was it restricted to Water Authority business only to begin with, or was it an assigned vehicle that you could use for personal use and you could write that down and have the IRS charge you for that personal mileage? Is was done that way?

MR. HALPIN:

I believe it was. I don't know. I didn't take a car when I went on the Board. I can say at the time that the request for a compensation increase was made last February, it was not the Water Authority's policy to have the Board members -- I know I am using a double negative, to not have cars. Since that time there have been some changes on the Board and not only did we eliminate the cars, we also eliminated the health insurance, so.

LEG. LOSQUADRO:

Right. As far as the cars go, are you eligible for mileage reimbursement on your personal vehicle when you do use it for Water Authority business?

MR. HALPIN:

We are, sure. And in the event that there is a case, and I can think of one time that I did it, we had a meeting out in Southold with all of our senior management. And I think I was reimbursed about \$30.

LEG. LOSQUADRO:

Right. No, the only reason I ask is when using, and this, I guess, it's always a concern of mine for the people that do work in these capacities or even my fellow Legislators is, when you have an insurance policy on your vehicle, what's called a personal policy, and it's just that, it is not a business policy; if you are using your vehicle for a business purpose and you're involved in a loss, in an accident, if it does come out that you were using your vehicle for a compensated business purpose, your insurance carrier could deny coverage based on the fact that you only pay for a personal policy and not an insurance policy. So I'm always very wary. I know it always sounds very good to say, you know, nobody's going to use cars. But from a personal liability standpoint and from an exposure standpoint, I'm not always sure it's the best course of action. And if vehicles are made available to Water Authority Board members, you know, if you needed to go to some sort of special meeting or something, I think that is something you might want to consider availing yourself of. Just an observation of somebody who worked in the industry.

MR. HALPIN:

No, I that's a very good point. And I do want to make it clear that in the event that, for example, there was a conference in Albany or something, you know, Board members could utilize a pool car for that.

LEG. LOSQUADRO:

I think that would be prudent.

MR. HALPIN:

And I think that's good advice.

LEG. LOSQUADRO:

So mileage reimbursement. The credit cards that Board members used to have, that would be for meals and the like when you are on conferences, things of that nature?

MR. HALPIN:

That was the purpose, yes, I'm told.

LEG. LOSQUADRO:

And you would still obviously be eligible for reimbursement if you were traveling?

MR. HALPIN:

As long as it's a Water Authority related expense.

LEG. D'AMARO:

Right. If you paid for it, you could then submit those receipts and be reimbursed for that.

MR. HALPIN:

Of course.

LEG. LOSQUADRO:

So aside from the health benefits, provided no one was misusing the other benefits, which I know is a, you know, a big if, but if people were not misusing the car or the credit cards, the only real cost savings that I see here then is the elimination of the health benefits because you still remain eligible for mileage reimbursement, you still remain eligible for expense reimbursement. Although the loss of the health benefits is a substantial monetary impact that this raise would only, as you pointed out, probably make up for about a third of --

MR. HALPIN:

Well, let me just state that members do not get reimbursed, or at least I'm not aware of them getting reimbursed for going to meetings. I have a real job in the private sector. You know, I have to pay for my own commutation to and from meetings. The loss of the car for those members who did utilize, that means that, you know, they're no longer in effect being compensated for that. But

as Mr. LoGrande outlined in his letter to the Presiding Officer, he pointed out that for a time the vehicle was in lieu of compensation. And that's how it was viewed by the Legislature at the time.

LEG. LOSQUADRO:

Right, more of a fringe benefit than a perk. It was part of an overall package. Correct?

MR. HALPIN:

Correct.

LEG. LOSQUADRO:

Okay. Thank you.

MR. HALPIN:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Horsley.

LEG. HORSLEY:

Hello, Pat, how are you?

MR. HALPIN:

I'm well.

LEG. HORSLEY:

Good, I'm glad to hear it. You know, I also, as Legislator D'Amaro did before, laud you on the reforms that have come into place at the Water Authority. In fact, I enjoy every time I'm around you now that you refer back to them, did you hear what the latest I've done with the Board and stuff like that. So I think --

MR. HALPIN:

By the way, I appreciate you bringing to our attention something that was overlooked which was the many people who pay their bills in cash. And we've now set up a system, again, at the insistence of the Board, where people can go to local convenience stores and others, in other stores in their neighborhood, to pay their Water Authority bills.

LEG. HORSLEY:

And thank you for your prompt attention to that matter. That was wonderful.

Pat, I have got a quick question. The Board is as good as the members on it and your ideas and concepts. How does it look for the future for our residents as far as the cost of the water service? Where are we going with the cost for our residents? And I think that's always the bottom line. I was wondering if you could maybe just give us a little overview on where you think we're going.

MR. HALPIN:

Well, you know, that's a fair question. And I've been asking the same question. And the point that's been coming back to me is that there are two things that are the greatest threats to rate stability. One is the cost of electricity. We have to pump our water. And our biggest expense is the electric bill. So that is a concern. We are looking at a lot of different ways to better manage our peak in order to hold down our pumping cost and therefore our electric costs.

The other is the cost of treatment. We're very concerned about a decision that was made by the DEC Commissioner, {Donato Allist}. He used a very small amount of water from the Lloyd aquifer up in the Huntington area, around Northport, in order to reduce the amount of nitrates in the water supply. But that -- he made that decision and -- although it was contrary to what was recommended by the Administrative Law Judge that did hear the case. But we feel it's important as

a next step in that regard that -- that the State, and we want to work with them, finish a comprehensive study that has been ongoing of our water supply here in Suffolk County so that we'll have a better sense of how to meet those needs. But if we have to go into expensive treatment, for example, to remove nitrates, that is another threat to rate stability. So we're trying to do everybody we can to minimize those expenses but at the same time be sure that we have high quality drinking water. We'll keep you abreast of that.

LEG. HORSLEY:

Yeah, would you? Please. Thanks.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy, did you have a question?

MR. HALPIN:

Legislator.

LEG. KENNEDY:

Thank you, Madam Chair. Hello, County Executive Halpin. How are you?

MR. HALPIN:

Congratulations.

LEG. KENNEDY:

Thank you so much. I have just a couple of questions. I'm going to ask you, I know you laid out a little bit about the amount of time that Board members spend in overseeing an agency and entity that's got a huge amount of responsibility. Help me so that I can, if I have a question from a constituent, explain how it is that members are going beyond -- an average meeting is perhaps a two or three hour meeting. If we have 12 meetings a month we're looking at 36 hours.

CHAIRPERSON VILORIA-FISHER:

A year you mean.

LEG. KENNEDY:

Yeah. Twenty-three thousand and five, that's about 650 bucks an hour. I as an attorney would love to bill out at that. As a matter of fact, you know I don't. So tell me a little bit more, where is it that members are becoming involved in the many different things that the Water Authority does do and how does the responsibility break out amongst the members?

MR. HALPIN:

Sure. You know, in addition to our Board meetings we also have a number of different committees. We have an Audit Committee. The Audit Committee is responsible for meeting with our independent auditor, setting the parameters for the annual audit with our auditors as well as meeting with the internal independent auditor. That's a new position that we created which is an independent auditor that reports directly to the Board. So, for example, if there's ever a problem, they're not going to the management that might be responsible for that. So they have a black line in the organization charged directly to that Audit Committee and to the Board of Directors.

We have a Personnel Committee. The Personnel Committee, for example, just revamped the way we do personnel matters. Now every job opening is posted on the web. It used to be a mystery how people got hired if you weren't part of the club. Well, I could tell you that we're opening up that process and getting high quality people. And every personnel decision that is made has to be reviewed and approved.

LEG. KENNEDY:

So these various committees then --

MR. HALPIN:

So I would say it's similar to the way -- and then in addition to that, because there are only five of us. We have to be careful that we don't -- if three or more of us meet we have an open meetings law issue. So -- so the other issue for us is that we have numerous conference calls where we will be discussing matters with either the Chairman or with our CEO Steve Jones. That goes on throughout the month each month.

We regularly meet with operations people because that helps us in our planning, in our capital budgeting, for example, you know how these investments have been made, you know, what's the plan going forward.

As you know, we have consolidated the call center operations. That was a process that began long before I came on the Board. That is now finalized. We are now working, and there again, this is something that's being driven by the Board to develop the systems and the processes to make sure that complaints are handled in an expeditious fashion and done in a way that not only satisfy the customers, but also save the Water Authority money. So those are things that different Board members are actively involved in.

LEG. KENNEDY:

Okay. So clearly there's quite a bit more going on with individual Board members' responsibilities than what somebody might see with this meeting schedule.

MR. HALPIN:

You know, it's similar to being a Legislator. I mean, if you just --

LEG. KENNEDY:

Is it really?

MR. HALPIN:

Well, I mean, without all of the public demands that you have. I mean, if you figured out what you all get paid it probably comes back down to less than three dollars an hour.

LEG. KENNEDY:

A buck, three eighty, right.

MR. HALPIN:

But that's said, I mean, you just can't divide the time of the official meetings. There's a lot work that goes on.

LEG. KENNEDY:

I appreciate that. The other area that I have, as my colleagues do, with Legislator Horsley, you know that I have many areas in my legislative district here that have had a variety of water impact. We have water up to my eyeballs in all kinds of places. One area in particular is the plume that's moving from 100 Oser Avenue, the PCE that's moving past Falcon Drive and the other areas. I know that the well fields there have had to install fairly complex and costly filtration equipment in order to preserve the quality of what's being pumped out of the Magothy. My question to you is, is as you have to engage in these types of mitigation efforts for well fields throughout the County, are you pursuing who might be the original polluters in order to get them to bear some of the cost?

MR. HALPIN:

Absolutely. Absolutely. We aggressively go after the polluters. We're tapping into whatever insurance policies that they have. Obviously this is one of the major oil companies, we have a greater chance of recovery. If it happens to be an independent operator it could be a problem. In that particular case I could find out for you and have them report back to you.

LEG. KENNEDY:

Right.

MR. HALPIN:

But I think that's a fair question. That's a very good question.

LEG. KENNEDY:

And ultimately obviously first and foremost the fiduciary responsibility is preservation of the quality of the water so if you have to install and bear from the revenue stream in the first instance, nevertheless, I think it's what we all want to hear, that at some point the bad guy has to pay.

MR. HALPIN:

Has to pay, absolutely. You know, your Water Authority tests public drinking water more frequently than is required by the State or Federal governments. It is regularly tested in some cases weekly. And the standards that we have internally are more rigorous than what the State or the Feds require.

LEG. KENNEDY:

Okay, good. That's good to know. Thank you. I appreciate it.

MR. HALPIN:

You're welcome. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro has another question.

LEG. LOSQUADRO:

Just quickly since I have you here. You mentioned before about the cost, the driving factor in your costs obviously being electricity. Does the Water Authority have something in place, like similar that Brookhaven National Laboratory does, like a low cost power agreement? Do you have anything like that in place with LIPA in which you can get a reduction of rate because you're a bulk user?

MR. HALPIN:

You know, I don't know the answer to that but I can find out for you and report back.

LEG. LOSQUADRO:

If you could. Thank you.

MR. HALPIN:

Sure.

CHAIRPERSON VILORIA-FISHER:

Okay. I'd like to thank you again --

MR. HALPIN:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

-- for coming. I just before we take it out of order and make a motion, I just want to recap before we take this to the full Legislature next Tuesday. And again, I want to thank you for coming on such short notice. I know my office called and lo, you were here. And I also find that there's a -- it's terrific that today Mr. LoGrande couldn't be here because of the MTBE suit. It was because of a Water Authority newsletter that I received in my office in 1999 that I sponsored the legislation to ban MTBE in Suffolk County. So there's kind of a great synchronicity here.

But just to recap, the participation is not limited to one meeting a month; that you have audit, personnel issues, the management metrics where you interface with the operations people. The increase that is listed here is not predicated on the loss of the cars and the health insurance, that indeed the Board had begun to work on this increase back in February. And basically those are the

elements that we want to underscore on Tuesday. And I think that Legislator D'Amaro wanted to add to that.

LEG. D'AMARO:

Yeah, I just want to add to that also for the benefit of when we do go to the full Legislature if it comes out of committee that, you know, we also have to look at this is a public health job and jurisdiction. And we want to make sure that we keep the proper expertise and knowledge coming on to this Board. And I think that Mr. Halpin also made the point that if you look at the increase in salary history here, what would be granted by this bill is actually less than what the cost of living adjustments would have been anyway. So, you know, whether or not that really meets the requirement of keeping the expertise on the Board I'm not sure, but certainly if it's below the COLA increases, you know, we have some catch up to do also.

MR. HALPIN:

You know, I'm not going to tell you how to do your job, but one thought I have is, you know, once you get to this level you might want to think about just doing a small cost of living each year and then it's just out of this realm. But that's obviously your prerogative as Legislators.

CHAIRPERSON VILORIA-FISHER:

Let me just ask Counsel, would it make sense to put that into this legislation and perhaps make an amendment?

MR. NOLAN:

That would be obviously up to the sponsor. You could entertain such an amendment if you like. But if you do so, it's not going to be eligible to be voted on at the coming meeting because the deadline for amendments was Friday, yes.

MR. HALPIN:

Well, you could deal with that in a subsequent -- again, I'm not telling you how to do your business.

CHAIRPERSON VILORIA-FISHER:

We could do it later. Okay. I believe, though, there's one more comment from Legislator Losquadro.

LEG. LOSQUADRO:

I just want to put on the record in case it wasn't said earlier, and I just want to confirm this with Counsel, that this is paid for by the Water Authority and there's no impact on our operating budget; correct?

MR. NOLAN:

That is correct, yes.

LEG. LOSQUADRO:

I just wanted to put that on the record.

MR. HALPIN:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. Again, thank you so much for coming on such short notice. Always a pleasure to see you, Pat.

MR. HALPIN:

I appreciate it.

CHAIRPERSON VILORIA-FISHER:

Okay. We do have a number of people here from Cornell Cooperative Extension who were supposed to be the first people on our agenda with a presentation. So as you're coming up, I'm going to call to take the Water Authority bill out of order before Mr. Halpin leaves, he's still in the hall, and vote on that as you come up and get ready to do your presentation. Cornell, Tom Williams.

I'm going to make a motion to take 2229 out of order.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed. Abstentions? Okay, 2229 is before us.

2229, Authorizing an increase in compensation for members and chairmen of the Suffolk County Water Authority. (Pres. Off.) I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? 2229 is approved. Thank you. **(Vote: 5-0-0-0)**

I told you we would have it done before you were all settled up here. I saw the big crowd out there, and I'm sorry that you were delayed. As I said, County Executive Halpin came down on very short notice and we wanted to have his response to our questions. Thank you.

MR. WILLIAMS:

Thank you. My name is Tom Williams. I'm the Director of Cornell Cooperative Extension. And we really appreciate being on your agenda in short notice as well because I just called you last week. We wanted to make this presentation before the end of the year so that you had a good sense of what Cornell was doing with the six -- five now and six to be next year water quality projects.

I've given you each a booklet which will summarize and highlight the presentations that will be made. We have some power points. On the first page is just a general introduction. And I thought the quote "if there's magic on the planet it's contained in the water" is appropriate for this presentation.

The second and third pages list each of the six projects. And I have tried to reflect the way in which they came to be and the basis on which they were funded through the original bill. And several of our marine programs were funded through the aquatic habitat restoration clause in there which we -- we think is very important and is also part of a systematic restoration of the habitat of the bays which also improves water quality. We've had many presentations where we talked about the numbers of gallons of water that are filtered by oysters and clams and scallops and it is impressive.

We have this Storm Water Remediation Program which was requested by us through DPW and is in response to an EPA mandate to have this kind of education and mediation working. And then the three agriculture programs that we have, again, founded in the original law with the agricultural non-point source abatement and control along with the task force that you provided -- that you chaired a couple of years ago that provided the impetus for those programs going forward.

So I'd like to turn it over initially to our Marine Program Director, Chris Smith, who is here with Chris Pickerell. And I won't introduce everybody. I'll let them introduce themselves as they come in. So we appreciate the opportunity to speak with you today.

CHAIRPERSON VILORIA-FISHER:

But just before you go away, how many of the programs are directly in response to the EPA

mandate on storm water? Just the one education program?

MR. WILLIAMS:

Just the one number, the number three which is storm water remediation and education, yup.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you.

MR. WILLIAMS:

Yeah, sure. And we'd also like to just say that we're also very glad to be working with the Planning Department now and with Carrie Gallagher, the Commissioner of the Department of Energy and Environment. We have made presentations to them about our program so they are aware and we report to them as well.

CHAIRPERSON VILORIA-FISHER:

Thank you. By the way, Chris, we need a lot more scallops out there. At my fish market the Long Island scallops were \$25 a pound last week. And I really wanted scallops so I bought eight scallops.

MR. SMITH:

My name is Chris Smith. I'm the Marine Program Director for Cornell Cooperative Extension. We have six presentations today collectively and we've each promised to take five minutes, so at five minutes somebody yank me off the podium here.

CHAIRPERSON VILORIA-FISHER:

I'll set the timer.

MR. SMITH:

Do it. We have many project partners in this besides Cornell. Certainly our most prominent partner is Suffolk County, CW Post Campus of LIU, Stony Brook, New York State Department of State Coastal Program and our SPAT Program. The goals of our program basically are to conduct large scale plannings of hatchery reared scallops at high densities. We want to create spawner sanctuary, numbers of scallops that will spawn in the bay. And then they would then establish reproducing populations that would recreate themselves.

The way we monitor whether or not we are being successful or not is we monitor scallop survival, growth, reproduction, recruitment, food quality and quantity with our whole project team. We also are making efforts to look at the genetic contribution of our planet stock. We have not been successful in generating DNA tracers for separating out wild stock from what we have planted in terms of their progeny. The project deliverable basically is one thing, large number of spawning bay scallops. Our desired outcomes, recruitment, population sizes and increase in fishery landings.

The first step, which was a significant step, was to move into this giant increase in the amount of scallops we could produce. This was successfully done over about a year-and-a-half period at our Southold facility where we made capital improvements to the building. We made technological improvements to our ability to grow algae to feed these scallops. We also constructed with volunteer help a 36 foot barge and we created a huge long line system that is out in Orient Harbor. This is a picture of the long line system.

I have sent around one of the nets that we are using. We have 8,000 nets that are in play in this system. Right now we have 4,000 of these nets in a four acre area in Orient Harbor. You can see the nets as they're on the long line here. They just stack in. It's a giant manual labor job. We have a great crew that goes out year round and makes sure those nets are clean. In the center you see one of the layers of the nets and scallops in there; in one of the five layers.

This is a location in Orient Harbor where our site is located. We've been able to stock 1.25 million scallops into nets at very high densities. This year we have an additional 500,000 scallops that are

going in these nets and we will be free planting a large number also that I'll get into.

We've so far have free planted almost a million scallops in two areas. We've planted them in Hog Neck Bay and also in Hallocks Bay. Free planting occurs earlier in the season. Is it already five minutes?

CHAIRPERSON VILORIA-FISHER:

No, no, no. That was the three minute. You still have two minutes left. Sorry.

MR. SMITH:

It's okay. In Hallocks Bay and in Hog Neck Bay. And these are scallops that are a little bit smaller that we just don't have the net capacity to use.

Here's our two spots in Hallocks Bay that we did free plantings. One of the reasons we plant in Hallocks Bay is we would hope that they would spawn in this location. And then once they spawn they have a two week larval period. They drift in the water. And this would act as a larval pump out into one of the major traditional areas, Orient Harbor, for scalloping in the past.

We monitored settlement of those scallop larvae. That's one of the ways we determine whether or not we are being successful or not. We monitored scallop set on special SPAT collectors that you see here, which are small mesh nets that are suspended in the water column, held to the bottom by a concrete block and floated by a lobster pot buoy. We have hundreds of these actually throughout Peconic Bay so we can separate out natural set from set that are from our long line.

You can see basically the 207 data from our 206 SPAT collector -- I mean our two '06 long line deployment where we had hundreds and hundreds of thousands of scallops spawning in the long line system in those nets that you see. 2007 this year we have had a marked increase in the number of larvae that are in that whole area. That area actually extends from Paradise Point in Southold Bay all the way to Hay Beach throughout the Orient Harbor complex where the larvae from our system are settling. So it looks very promising in terms of what our long line is contributing compared to previous years when those number of scallops were not there.

Other positive signs in our -- besides our SPAT collectors we have seen thousands of wild set juveniles all on our lantern nets themselves. We've seen a large number of wild set scallops on our SPAT collector anchors just even on the concrete blocks that we have holding down. And then other people that are growing shellfish throughout that area in Orient Harbor, Southold Bay area, all around into Hog Neck Bay, we have wild scallops that are setting both on trap nets and on oyster cages.

We've been able to reestablish small scale numbers of self-sustaining populations, which is one of our major goals. The stars you see are three areas where scallops are basically reproducing themselves and reoccurring in the past two years since we've really gotten into this in a large scale.

Scallop density surveys have occurred every place you see one of those stars, including out in East Hampton and Lake Montauk. These are some of the ways we can determine how successful those larvae are surviving once they get on the bottom. This is one of the slides that I am going update verbally for this year. But you can see that in '05 the numbers were very low. In '06 as we began to get our spawner sanctuary in place they increased. And this year we've had a huge increase in the number of bug scallops, which are basically the size of the scallops that you see going around in front of you.

Our goal is to reestablish a commercial number of population of scallops which are about two per square meter. We now in the area, a large area from Orient Harbor all the way past the Greenport jetty around the point on Shelter Island into Southold Bay over into Hog Neck Bay and on to Robins Island, we now have between I would say point three and point eight scallops per square meter. So we've been able to increase the number of scallops dramatically through that area.

The challenges we've had are hatchery production. We haven't been able to produce as many as we'd hoped, but we had large expectations. We have produced more than anyone else actually in the United States in history in terms of creating the size of our spawner sanctuary. So we feel we've corrected -- not corrected, but we've been able to adapt our procedures now. Our long line survival was about 40 percent going through the winter last year. That's always kind of an unexplained mortality other than winter kill -- kills a number of scallops. It kills clams, it kills oysters through the winter and you never really know how much it's going to be. We've had through the past 15 years we've been growing scallops, somewhere between about 20% survival to about 90% survival. And we have tried to improve the nutritional condition of the scallops as they are going into the winter this year. We feel we have a very robust stock going through by minimized stock and density.

The genetic battle has been uphill. Many people have tried to separate out scallops in the Peconic system that have been introduced and scallops that are naturally existing. And the fact is, is that there's so much {heritor genetity} to the scallops that are there that you can't pick out a DNA marker that is different.

Our future directions. We right now have 500,000 scallops, as I said in our long line system. We are free planting approximately 100,000 scallops in Hallocks Bay this year and 100,000 in Flanders Bay. We feel we are in fairly good position from Paradise Point and Southold Bay all the way out to Orient Harbor in terms of the number of scallops that are going to be reproducing next year, next spring. It's actually next June. So we're going to be moving a lot of our effort further west into Flanders Bay to try to address those areas and into Northwest Harbor on the south side to address those.

Right now we're looking at just a time factor where we can allow these scallops to continue growing and then to move into new areas to reproduce the populations in those locations. Five minutes?

CHAIRPERSON VILORIA-FISHER:

Thank you. Any questions? Legislator Losquadro.

LEG. LOSQUADRO:

Do you have a -- and I know right now it's something that wouldn't be in the near future, but do you see a time where we would get back to a point of self-sustaining aquaculture that we could reestablish the shellfishing industry for scallops and in the best case scenario with the reestablishment to these populations, how long do you think that would be before something like that could take place?

MR. SMITH:

Well, following the brown tide of -- well, right before the brown tide of '95 we had a very small commercial harvest that I would say was about similar to the amount of scallops we have on the bottom now. That produced a -- when those spawned, when that amount spawned in '94, it created a harvest in '95 that was approximately a pre-brown tide level. So it was a significant harvest from a relatively small number of scallops when you look at the historical number that's usually on the bottom. So more than any other shellfish scallops have the ability to increase their population sizes tremendously.

What we think controls -- what will control the rebound is the number of adults that are out there plus the condition of the bay when they spawn in the June and July period. How much algae is in the water. There's a synchronicity, as you mentioned the term before, between when larvae appear in the water, they need algal food right away or they're not going to survive. We can't control the amount of algae in the water but we can monitor it and that's a part of this study. So if all things -- you said the best case scenario. I would say from the Robins Island area on the north side all the way to Orient, that area is ready to go. If the Bay actually is in good condition and has the right amount of algae, I would say in two years we'll be getting commercial harvest in those areas. If it

doesn't we won't, but we can't control that.

Further west I think we still have to rebuild those adult populations, but there is larval drift. They drift for about two weeks so the scallops that are spawning around the Robins Island, Mattituck, those areas around Nassau Point, Cutchogue Harbor, if they spawn on an in going tide it'll carry them west and they'll basically help reseed those areas naturally. The scallops that we put in Flanders Bay will then spawn and create.

So if everything works great, it looks like it's about a four year turnaround from the time you step in there and you can create about 500,000 scallops in a contained four acre area. So there's a good chance this thing could kickback. And we're very excited about having those concentrations on the bottom that we have.

LEG. LOSQUADRO:

Absolutely. And, I mean, that's very good news because the aquaculture industry for obviously a very longtime has been a very important component of the overall economy of Long Island. And, you know, Billy Joel wrote about it with the Downeaster Alexa.

MR. SMITH:

For sure.

LEG. LOSQUADRO:

So we would very much like to see that come back.

MR. SMITH:

Yeah, certainly oysters and clams are a big part of that, you know, too, but --

LEG. LOSQUADRO:

So, keep us the work. Thank you.

MR. SMITH:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Chris, may I ask you a question about individuals throughout the County who took part in the Cornell Program where they had seed scallops and they bought them, is that -- was that?

MR. SMITH:

The SPAT Program.

CHAIRPERSON VILORIA-FISHER:

The SPAT Program, right, that you're taking about. And I know quite a number of people in my district who live in Old Field --

MR. SMITH:

Yeah.

CHAIRPERSON VILORIA-FISHER:

-- and Strong's Neck --

MR. SMITH:

Yeah.

CHAIRPERSON VILORIA-FISHER:

-- are you monitoring those particular areas also? Because I didn't see any of that in this presentation.

MR. SMITH:

No. Well, this presentation was strictly for scallops. The areas you're talking about are oysters. And there's some indication that there's a little bit of a rebound of oysters in the actual cut that goes between Conscience Bay and Port Jeff and some of those areas.

CHAIRPERSON VILORIA-FISHER:

Well, I went to somebody's house who served oysters. I thought there were also scallops in that program, but yes, this family had --

MR. SMITH:

Well there are -- scallops are in the 477 Program. Oysters are not really. The SPAT Program though we've been able to recruit in people that want to grow oysters.

CHAIRPERSON VILORIA-FISHER:

Right.

MR. SMITH:

And so we get sort of a double benefit from that. And I can tell you for sure that one area on Nassau Point and Broadwater Cove, there's about eight SPAT members that have oysters gardens at their docks. And now there's a fairly significant oyster population on the bottom there because those had recreated -- the gardens had spawned and recreated wild populations in that area. So that's a pretty direct judgement on the success of creating spawner sanctuaries. We just haven't had the people power to get up to the Conscience Bay area to do like an oyster survey there. We would have to rely on baymen in that area who would sort of figure out they're there and they do a pretty good job on that usually, they --

CHAIRPERSON VILORIA-FISHER:

They find them.

MR. SMITH:

-- keep an eye on what's around to be able to harvest.

CHAIRPERSON VILORIA-FISHER:

I have another question for you Chris. The first page of -- the page one here, can you please tell us what the horizontal line where it begins with long lines and then it has P,N,L,B,C,O,H,E,M. What do those stand for?

MR. SMITH:

They are different areas of the bay.

CHAIRPERSON VILORIA-FISHER:

Okay. So one is Orient Harbor, it would be OH.

MR. SMITH:

Yeah, Orient Harbor's OH. Flanders Bay is FB. Then there's Robins Island west, Robins Island north --

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. SMITH:

Cutchogue Harbor.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. SMITH:

Hog Neck Bay, some of those areas.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Chris. Any other -- oh yes, Legislator Horsley.

LEG. HORSLEY:

Hi, Chris.

MR. SMITH:

How are you?

LEG. HORSLEY:

Just one, I find it interesting that the Great South Bay is now producing clams again. I'm getting all sorts of reports and I would just -- exciting me, but let me ask you, what's -- I know you can't forecast this, but the whole issue of brown tide, what do you anticipate? It seems like sometimes we take one step forward and two back and what's -- what do you -- what are you forecasting if any?

MR. SMITH:

Well, we have a -- in the Peconic system we haven't seen a real serious brown tide since '95. Certainly in some isolated water bodies around Moriches Bay where the flushing is much less, it's much more susceptible to the conditions that would create brown tide. Great South Bay has had its share of brown tides through the years and even more recently. My own personal feeling is as long as we don't have a very dry season I think we'll have chances of less brown tide events.

LEG. HORSLEY:

So you think it's a component of dryness, of -- rather than heat?

MR. SMITH:

Yes.

LEG. HORSLEY:

Interesting.

MR. SMITH:

And the brown tide, I believe, interacts with the aquifer in a sense of the amount of nitrate and the form of nitrates that get to water, a surface water body. Certainly the latest theories, I believe, are a nitrate -- certain types of nitrate drive the brown tide. And you can't just look at all of Long Island and say, okay brown tide's going to either occur or it's not. It interacts with the oceanography of a certain water body like Great South Bay has its own flushing characteristic. It can adapt and move that nitrate in or out, which would be different than the Peconics, different than some of the water bodies off Moriches that have very long flushing times, and they would -- that water would just kind of sit there.

So it's a pretty complicated situation, but my own feelings are I don't predict a brown tide, but it's tough to say, you know.

LEG. HORSLEY:

Thanks.

MR. SMITH:

I can't make any guarantees up here for sure.

LEG. HORSLEY:

That must make his job frustrating.

MR. SMITH:

Oh, well, it does. One promising thing is we haven't had huge brown tide events like we did back in the '80's and in the mid '90's. And I think when you look at the trends of rain fall and things, they were at historic lows that the aquifers and -- when you look at all the monitoring wells the Health Department has, those were at their lowest levels through those years. Very, very low rain falls. And we haven't seen that. I think our aquifers are very well developed and certainly, Legislator Kennedy, they're too well developed over there.

LEG. KENNEDY:

Thanks for noticing that.

CHAIRPERSON VILORIA-FISHER:

Chris, just one more question, just to add to the frustration. I was recently at a {LISEC} meeting in Port Jefferson. And there was a lot of talk about the invasive marine Asian crab. What kind of impact does that have on aquaculture?

MR. SMITH:

Well, certainly on reestablishing these kinds of populations, it could have a significant impact. The Asian Crab out competes even our mud crabs which do a good job of actually eating scallops that you see on Chris's first slide up here. These little scallops when they're on the bottom are very susceptible to mud crabs. The Asian crab is actually a larger more voracious feeder. It morphometrically has a greater capability of eating scallops. So it's definitely a detrimental thing to reestablishing scallop populations. But we're fortunate in that the Asian crab sort of has a more selective behavior towards certain habitats. And it doesn't really occur in huge numbers. And some of the habitat that scallops can survive in. And we feel that if we do get that big reproduction and successful event of scallops, it'll overwhelm whatever Asian crabs can eat it just like it overwhelms the mud crabs that are out there.

CHAIRPERSON VILORIA-FISHER:

I guess that's good news.

MR. SMITH:

Oh, definitely.

CHAIRPERSON VILORIA-FISHER:

Okay, thank you, Chris.

And, hi, Chris.

MR. PICKERELL:

Okay, we'll make it easy. I'm another Chris. My name is Chris Pickerell. I'm a habitat restoration specialist with Cornell Cooperative Extension's Marine Program. And I'm going to talk about the habitat aspect of our work today. And if you notice on my first slide, my project didn't start yet. We're doing this type of work but not with funding from the County at this time. So we're looking to start that next year. It was approved. But we don't have a contract in that just yet. So this is what's going to happen in the future hopefully.

I don't have time to give a whole marine botany course here, but I just want to point out the fact that eel grass is a higher plant. It does actually go to flower and set seed which you wouldn't think of for something that's under water. It's not like algae or seaweed you would think of. And I'll describe a little bit more later but it's very important to think about that. That it's a brand new persistent plant that's there on a regular basis and that's what sets it apart from the other species

that are out there. And as Chris had alluded to, there's a strong relationship between eel grass habitat and the bay scallops. You want to have both of those together ideally.

Well, why should we care? As I've already pointed out, eel grass is unique habitat that is unlike seaweeds and algae. It's much more valuable, much more persistent just as trees increase structural complexity in productivity of the landscape, eel grass is the same thing in the marine environment. So think about it that way. So think about, in this case we've got an underwater barren landscape but think about a cleared or logged meadow or a field with nothing on it and compare that in this case to an underwater meadow which has a canopy and a structure and a productivity that's inherent with those plants being there. So you have to think about it that way.

And I would argue and the literature will back me up that there's much more value in the photo on the right than the photo on the left. Then unfortunately we have a lot of what's on the left than on the right at this point. And that's what we're trying to remedy right now.

So at the most basic level we're going to talk about water quality today with a storm water project. I'm going to talk about the habitat aspect of that. But if you combine clean water with some habitat, then ideally you're going to show -- the fisheries are going to show up. And in this case I'm pointing out that we hopefully will have the scallops based on Chris's work and others. But also we have been doing this work for the last 14 years throughout Long Island. And the pictures along the bottom show three shots from different meadows we have actually created from scratch. So there was nothing there before. Somewhat of the photo you saw a couple of slides back were just a barren bottom. Now we have grass there and we have, for example, a flounder of bay scallop and a porgy. So it does work. So if you build it, they will come. So that's really the take home here. We have to think about it that.

In terms of the status of eel grass in Suffolk County, at one time it was actually a nuisance to many people. And people who grew up on the south shore probably still complain about it to a certain extent depending on where you are. But those days are long gone unfortunately or fortunately depending on how you look at it. We've lost between 75 and 90 percent of the eel grass in our estuaries. It was in the Sound and the Peconics and the Great South Bay System. Most of it is gone. Unless we do something to reverse that, again, we're looking at water quality improvements, storm water, what have you. That's helping sewage treatment plant. Upgrades are great. We have to think about replanting. It doesn't show up on its own. Maybe in terms of hundreds of thousands of years, but in the short term in our live times we have to do something about it now. And that's what we're trying to do. So to create populations that have some inherent stability and that could propagate larger areas. Just as Chris was talking about the SPAT moving into new areas, the same thing happens here but on a much smaller scale at a much slower rate.

The project itself basically is looking at restoring 9.75 acres, about three acres per estuary over the next three years, again, hopefully starting next year. And the locations, before we go and initiate a large field project, we like to do test plantings. So those plantings have already been underway for the last couple of years. And we have plantings on Long Island Sound. And some of these will be completed this fall. Most of them have been completed already. But those are the potential sites in Long Island Sound.

We have probably six to eight sites in the Peconic estuary. That's near our lab. And then we also have a number of sites in the south shore. So we're kind of peppering the whole area. Our most -- our best sites frankly are on the Sound. It's cooler, deeper, clearer, cleaner water. It gets more flushing than Peconic Bay, for example. So we're getting more successes up there at this point up.

And that's pretty much it. I kept it short and sweet. This is a picture of some of the folks that work for me. I'm usually taking the picture so I'm never in the pictures but this is -- top right is actually planting in January. Top left is test planting we just did a couple of weeks ago. And then bottom left is out in Gardiner's Bay and then the bottom right is in Shinnecock Bay. With that I'm done. Any questions?

CHAIRPERSON VILORIA-FISHER:

Thank you, Chris. Yes, Legislator Kennedy has a question.

MR. PICKERELL:

Yes, sir.

LEG. KENNEDY:

While you can't give us a lecture on the whole life cycle here and the process, I have to ask you, you know, as a kid growing up in Crab Manor and there was eel grass all over the place, and as a matter of act, like you said, it was more of an annoyance than anything else, even out on the east end out in Orient, tons of it. And it's not that long ago. I'm talking about 10, 15 years ago.

MR. PICKERELL:

Sure.

LEG. KENNEDY:

Where did it go? What happened?

MR. PICKERELL:

A couple different things. There was a historic die-off that occurred in 1930's. So that's well in the past. But that wiped out a lot of in bottleneck depopulations. Since that time there have been things like the brown tide. Anything that shades the bottom is going to kill off the eel grass. So that reduces the light. So that knocked it back. Our more recent major die-off was in '94, '95 for some of our estuaries.

The other issue to a certain extent is water temperature is increasing. It's a cold water species. We have to think about bringing in plants from maybe out of the region that are more tolerant to the warmer water. This plant grows from the Carolinas to Maine and actually into Canada. So we have to think about that in terms of genetics.

Also just human impact, just people being there. There's boat landings. And to a certain extent some shell fishing activities that can impact it. And just the number of people in the estuary itself, in the watersheds and what they're doing and how they're impacting the water quality. So anything that adds nutrients to the water is going to cause algae to grow which is going to shade the grass and kill it off. So, it's many many things and many stresses unfortunately. But we are seeing that, some areas like Shinnecock Bay are coming back almost on their own. Long Island Sound is hanging on. Peconics is a different story. There's something different going on there. We're not sure what that is. Whether's it's tied to ground water and herbicides that are coming out after years and years of use, we don't quite know. But it's not all doom and gloom. That's all I can say.

LEG. KENNEDY:

Is there any correlation between the nitrogen content -- I'm wondering if there's any analogy to what we heard before with the scallop population and die-off as to what's going on with the eel grass. When you're monitoring content in the estuary and the quality there, do you see any correlation between nitrogen content or no?

MR. PICKERELL:

Well, in the Peconics we're also seeing a leveling off or improvement in the nitrogen. And the grass is not rebounding in and of itself. So that's not it as one factor. But there are other things. So, again, looking at interesting associations between what's in that ground water that's seeping out into the bottom, for example, in Flanders Bay, Jamesport area, there's nothing on the bottom there. There's not even algae there. So something's going on there. Again, in the Great South Bay system, you have this -- these immense watersheds that are contributing all kinds of nutrients into the system. So, yeah, I wish I could say, yeah, it's nitrate and it's as simple as that. That's one of the things we look at. And when we go -- I didn't have time to go into some of our modeling work,

but when we go to look for planting sites, we look at where eel grass was historically, where it is now and look at water quality factors such as nitrogen, phosphorous, temperature, the amount of life that reaches the bottom and put that into a GIS base system which spits out the best planting sites. So we're not just going out there willy nilly. We actually take those things into account. Hopefully that helped.

LEG. KENNEDY:

Thank you. Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Thank you, Chris. That was very interesting. And it's interesting that pastoral image you get of any eel grass meadow. Who would think of a meadow under water? That's interesting image.

MR. PICKERELL:

It's amazing. You should really get out there and take a look at them. I mean it's a lot of fun.

CHAIRPERSON VILORIA-FISHER:

Thank you, Chris. Emerson, it's all yours.

MR. HASBROUCK:

Thank you. My name is Emerson Hasbrouck with Cornell Cooperative Extension Marine Program. I'm going to talk a little bit about our -- the Suffolk County Storm Water Management Program. While we're waiting for this to load up, my associate in the Storm Water Program Lauren {Brusso} is handing out some of the items that we've developed for this program. The items you see are primarily relative to our Public Education component. Okay, here we go.

We're involved in implementing Suffolk County Storm Water Management Program for the County. It's a cooperative effort between Suffolk Department of Public Works, Suffolk County Department of Environment and Energy, Suffolk County Department of Health Services and Cornell Cooperative Extension of Suffolk County. The program is also required to fulfill federal and state mandates relative to storm water programs. And it's funded through the Suffolk County Water Quality Protection and Restoration Program.

In terms of requirements, this program was set up through the EPA. And it's required of all municipalities of a given size throughout the country. And all municipal separate storm sewer systems, the MS4's in urban areas must develop and implement a storm water management program and ultimately reduce negative impacts to water quality from storm water pollution. And in New York State the program is implemented through New York State DEC. And the County actually has a storm water SPDES permit, which obligates Suffolk County to comply with numerous water quality initiatives relative to the phase II program.

And in terms of at what the program must include, there are six minimum control measures. Public education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site runoff control, post construction runoff control and pollution prevention good housekeeping. So those are the major elements of the County Storm Water Program. We have a variety of activities related to each of those minimal control measures. And I'm just going to go through them very quickly, highlight just some of those.

For public education and outreach we have a storm water demonstration site that we've set up at the county farm that shows homeowners a variety of things that they can do around their homes in order to reduce the amount of storm water that gets into the streets and into the County system. We have presentations of programs for senior centers, civic groups, libraries and business associations. We've had direct outreach to over 700 adults. We also have free school programs that we present specifically about storm water. And today we've had outreach over 13,000 students in direct programs.

One of the items that you've been given is a little button that has our duck logo on it. That's our duck Stormy. And that's our logo for the program. You'll see that logo on a lot of our educational material.

Some of the other things that we've developed is we have a web site. It's a link off of the Suffolk County website. But in order for quicker and easy access and just for something for people to remember easier, we also have the URL of Suffolk Storm Water dot com. We have over 7,000 visitors a year to that website. If you have a chance, take a look at it. We'd be interested in any feedback you may have for us. We've developed a brochure about storm water and why people should be concerned about it and what citizens can do relative to storm water. That was also passed out to you. And we have that available in both English versions and Spanish versions. We've distributed about 10,000 copies of that so far.

We have our curb markers, which we've also distributed to you, that has our duck logo on it. And it's a curb marker that goes right next to each catch basin that's on a County road or County parking lot or County facility. Just so that people understand that you don't want to dump anything into those catch basins.

Our public participation in involvement, just a couple of key elements there is we have a Citizens Advisory Committee to help direct and develop the program as we move along. And we have public meetings and input on our annual report. As part of the SPDES permit system the County has to submit an annual report on its progress for each of the six minimum control measures. We put that report together for the County. This is a copy of it here. Lauren, I think -- did you give the Chairwoman a copy? Okay. That's a copy of our annual report, again, that's required as part of the SPDES permit process. If anybody else is interested, I've got some additional copies along with me today.

Elicit discharge, detection and elimination. We've inventoried and mapped all outfalls on all Suffolk County roads and parcels. We've actually visited every mile of Suffolk County road and every Suffolk County parcel whether it's within the parkland system or is a facility like this that has structures on it to inventory not only the catch basins but more importantly the outfalls. And that's what we have to do part as part of the IDDE. So we've mapped, we've located all of those outfalls. And what we doing now is we're monitoring them for dry weather flows. And if we have dry weather flows then we further investigate to see if there's an elicit connection. An elicit connection is somebody or some entity connecting somehow into the County storm water system to discharge something other than storm water.

In terms of construction and post construction site runoff control, working with DPW we've developed a template and sample storm water pollution prevention plan -- plans, rather. They've been developed to be used for all projects conducted directly by Suffolk County DPW as well as by any contractors that are working on a contract to Suffolk County DPW. They have to develop and adhere to storm water pollution prevention plans as well. All SWPPP'S include an erosion and sediment control plan, a hydrologic and hydraulic analysis and permanent storm water management features. DPW engineers and other staff are trained to adhere to the State approved best management practices. There's a manual that the state has put out that the County adheres to and they make sure that all our contractors adhere to it. And all applicable county projects have a project engineer on-site to monitor and inspect BMP's.

In terms of pollution prevention and good housekeeping, we've developed and presented a storm water training overview and presentation to DPW road maintenance staff about things that they can do in their daily activities to not only reduce storm water but to reduce pollutants that might enter the storm water stream.

We visited all County parklands that border priority water bodies or water bodies that have a total maximum daily load calculator form to determine if proper methods exist to reduce pollution from pet waste and water fowl with signage and doggie stations and disposal sites and so forth. And

Suffolk County many years ago put into practice programs to help minimize the use of pesticides and fertilizers on all County maintained parks and buildings.

The goals of the program are to eliminate illicit discharges from the County storm water system, to educate the public so that their actions reduce impacts on the environment and to improve and protect water quality in Suffolk County water Bodies. Any questions?

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Yes, Madam Chair, thank you. Emerson, my -- it's not so much a question, it's a request, I guess. We're just -- the illicit discharge detection elimination system, I'd be very interested to see what, in fact, you may or may not have come up with with Lake Ronkonkoma and also with Blydenburg. But as I sat there and thought about it, I said to myself County Road 16 and CR 76 are kind of integral to water bodies throughout my legislative district as well. How could I find out from you what in fact you found out relative to my LD?

MR. HASBROUCK:

We can provide you with that information. Lauren, off the top of your head, how many outfalls did we find within Lake Ronkonkoma, do you recall? We have found them. As I've said, we visited every Suffolk County parcel. And we have that on GIS coverage. So we can just pull that information up. We can tell you where those outfalls are. We can tell you what size pipe it is, you know, whether it's reinforced concrete or some other material. And then we're in the process now of monitoring, as I said, monitoring for dry weather flows. And we've also done some preliminary analysis. Just because there's dry weather flow, doesn't necessarily mean there's an illicit connection. It could be just groundwater getting into the storm water system.

LEG. KENNEDY:

Now you mention that you did the water bodies as well as the County road system as well. Did you actually go into the north into the bog area by Lake Ronkonkoma and do a walk about in there? Or did you limit it to just the water bodies?

MR. HASBROUCK:

No, all county parcels we've looked for outfalls.

LEG. KENNEDY:

So you've -- okay again then --

MR. HASBROUCK:

In terms of if it was owned by the County, yes. If it was owned by a private entity or some other municipality, no.

LEG. KENNEDY:

Okay. That's fine. Whatever you've have been able to come up with, I'd be very interested to see in my office relative to the LD.

MR. HASBROUCK:

We'll be able to provide you with that information, yes.

LEG. KENNEDY:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro, I was just suggesting jokingly but maybe we could grow cranberries in the Lake Ronkonkoma area.

LEG. KENNEDY:

Or scallops.

CHAIRPERSON VILORIA-FISHER:

Scallops.

LEG. KENNEDY:

Fresh water version.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro, with a serious question.

LEG. LOSQUADRO:

Yes, thank you. Where are we in terms of implementation or where are you in the process in terms of potential installation of filtering devices to reduce hydrocarbons? And I know we've had a lot of discussion over the years here with the different technologies, adsorption, absorption as new technologies come on line that are able to convert liquid to solid waste, have it be land fillable, where are we with that?

MR. HASBROUCK:

We're not directly involved in that component of it in terms of our agreement with Suffolk County and DPW. But DPW does have a program to remediate storm water throughout the County.

LEG. LOSQUADRO:

But as you've surveyed all of these outfalls, discharge into bodies of water, those areas, will you be making recommendations of which areas would be in need of that sort of remediation? I'm taking it from your survey of all these outfalls, none of those filtering devices are in place as we speak?

MR. HASBROUCK:

That's correct. Well, I shouldn't be so quick to say that's correct. There are some filtration units I know that the County did install. I don't know if they're still installed or not. I would have to get a response from DPW on that.

CHAIRPERSON VILORIA-FISHER:

I believe that the Commissioner wants to answer that question.

LEG. LOSQUADRO:

Miss Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yeah, just, Legislator Losquadro, to address you, I don't have the exact number off the top of my head but I know that DPW has been maintaining the number of at least the direct discharges to surface waters. I want to say there are 258 and they might be at slightly over 100 that have had some type of device or storm water remediation component implemented. And they're trying to get to -- their goal is to get to the rest of those. And they're doing that through a combination of capital programs and 477 funded projects.

But I could certainly get you that information as to exactly where they're at. Now they are additional outfalls but they're -- what they've been trying to make sure they remediate are the direct discharges to surface waters as opposed to the, what, 8500 outfalls that there are that the County maintains in some way, shape or form.

LEG. LOSQUADRO:

Right. I just want to make sure that -- my point in this is I want to make sure that there's a coordination. If we have one entity that is doing the comprehensive analysis of this for us, I want to

make sure that each side is speaking to each other and that we get a very comprehensive look at this problem. And that the data from the County is shared with these individuals so they can make that part of a recommendation plan and that they're sharing the proper information with the appropriate County departments as well as.

MS. MEEK-GALLAGHER:

Right. And the goal would be that --

LEG. LOSQUADRO:

Money well spent.

COMMISSIONER MEEK-GALLAGHER:

Right. So that we would -- they could identify for us some of the most critical areas that would need attention. And we could prioritize where we're spending money on remediation projects based on that information.

LEG. LOSQUADRO:

Thank you. I mean I would -- and I think we would appreciate, you know, not just an update from a contractor, but I think I can speak for a lot of us here that it gets very frustrating trying to get information about storm water remediation measures because we get it in bits and pieces. I have not seen a comprehensive overview myself of everything that's being done in the County for us. And, you know, we see programs and we see what contractors are doing and we hear about some of the things that DPW is doing and 477. But I think it would help to see an overall view and how -- what -- a contractor such as this, what they're identifying to help us prioritize areas where we perhaps are behind and we need to put further attention into.

COMMISSIONER MEEK-GALLAGHER:

There is -- I know that it wasn't done to this Committee but I'm sure they'd be happy to come before this Committee. Gil Anderson a few months back did give a presentation to the Public Works Committee on exactly that. The status of the storm water remediation program and everything that they're doing, what's been accomplished, what hasn't, what their plans are, the types of devices that they use. And I'm sure -- you know, I'd be happy to ask Gil and Madam Chair, if you wanted to schedule that; maybe not --

CHAIRPERSON VILORIA-FISHER:

Well, actually Legislator Losquadro's point is very well taken because I had seen some storm water remediation presentations going back. And yet I don't believe that the storm water management program was aligned or integrated with that as well as it should have been. They were just all spinning in their own orbits. And we want to see more integrated, an alignment of all of the different programs. We're spending a lot of money on this. And we want to see that we're not duplicating efforts in different areas. And Soil and Water, we've run into sometimes different programs that we see in different places; and yet we don't see an integration of those programs. So I'm hoping with you at the helm seeing all of these programs and working with DPW and Health because this is all three departments working on this.

COMMISSIONER MEEK-GALLAGHER:

Right. And Planning and Parks all have pieces related to these efforts.

CHAIRPERSON VILORIA-FISHER:

Yeah, I think it's a really great point that Legislator Losquadro's making.

MR. HASBROUCK:

A couple of issues relative to those points that were raised, we do coordinate our efforts with DEE and DPW and Department of Health. Also as part of this there's a local ordinance that has to be implemented that gives the County the authority to essentially restrict and eliminate illicit connections through the County storm water system.

CHAIRPERSON VILORIA-FISHER:
Actually, Emerson, that came before CEQ.

MR. HASBROUCK:
Right. That's right, yes.

CHAIRPERSON VILORIA-FISHER:
It's already in resolution form.

MR. HASBROUCK:
Right, yes. And it --

CHAIRPERSON VILORIA-FISHER:
And I think that that will be tying up that part of your charge.

MR. HASBROUCK:
Yes.

CHAIRPERSON VILORIA-FISHER:
With elicited discharge.

MR. HASBROUCK:
Yes. And that ordinance actually has a direct involvement of DPW, Health and DEE. So under that ordinance they have to work together in coordinating these discharges.

Also in terms of some of the things that the County has been doing as an addendum to our annual report, all of those DPW programs in terms of where they're remediating storm water and what they're implementing is part of our annual report. So that is in there. We do coordinate with them.

Also in terms of prioritization, unfortunately the County doesn't have a lot of latitude in terms of priority. It's pretty much dictated by the SPDES permit that's been issued to the County by DEC relative to the Storm Water Program. And right now the highest priority there is to monitor for elicited discharges, that IDDE component. So that's where we need to focus or that's where the County has focus in order to be in compliance with its SPDES permit.

CHAIRPERSON VILORIA-FISHER:
But I also think that if I understood you correctly, Dan, while you are looking at all of these outfalls, the prioritization is there. Where we're using the mechanisms to address and mitigate the pollutants going into our waterways, I think that's what you were referring to. Looking at those and working hand in hand with DPW and the Department of Energy and Environment so that we can establish our own internal priorities regarding where we need those mitigating efforts first.

MR. HASBROUCK:
Well, that's correct. But again bear in mind that the permit system requires certain priorities. And that's what the County has to provide under its permit; is the IDDE, you know, the elicited connection, detection and elimination. And then subsequent to that is priority water bodies which, you know, is a list that's put together every year by the DEC in terms where the priority water bodies throughout the state including Suffolk County and then those water bodies where a total maximum daily load has been calculated. And that's -- and TNDL's have been calculated for most of the Long Island Sound estuary and the Peconic estuary system.

CHAIRPERSON VILORIA-FISHER:
Thank you very much, Emerson. Any other questions?

MR. HASBROUCK:

Thank you for the opportunity.

CHAIRPERSON VILORIA-FISHER:

Thanks for being here. Okay. It looks like Dale is waiting. And so we are talking agriculture.

MR. MOYER:

Gale Moyer, Ag Program Director with Cornell Cooperative Extension. We have three projects under 477 and --

CHAIRPERSON VILORIA-FISHER:

And carrying big stick.

MR. MOYER:

And carrying a little stick here. Anyway, three projects. Two of them have to do directly with agriculture. The third one is our program with the pesticide phase out program. So I'll turn the microphone over to Dan Gilrein.

MR. GILREIN:

While he's setting up, I just brought these samples here.

CHAIRPERSON VILORIA-FISHER:

Make sure you have a mike before you start talking. Okay.

MR. GILREIN:

I'll just pass this around. Good afternoon.

CHAIRPERSON VILORIA-FISHER:

Agricultural stewardship you're talking about?

MR. GILREIN:

No, I'm with the alternatives -- insect management alternatives.

CHAIRPERSON VILORIA-FISHER:

Oh, entomology, okay.

MR. GILREIN:

Yeah, entomology, right. That's right. Good afternoon. Thank you for having me here. I'm delighted to come and talk to you a little bit about what we're doing. The samples I'm sending around are just things that have come into my office recently. In the plastic bag there's a sample -- it's a type of thrips that has caused damage to a ficus such as a tropical plant. It was shipped here from Florida. It's the second time it's been seen in this County. I would consider it an invasive species. Something that's rarely been seen here before. And it's up and coming in Florida. It just shows you the hazards we have with plant material that moves all around from place to place and comes into the County.

That stick, you'll see there's some tan discoloration at the top as well as some area in the -- near the bottom that's scraped away. There's a canker problem and an insect problem there, which actually have nothing to do with either. It's a -- why the plant died. It was really because the plant was planted too late, never established a root system and became susceptible, therefore, to these problems. These are the kinds of things, the kind of questions I get. And I'm asked to solve these kinds of problems. People might be tempted to use an insecticide for this oak sample that you see here. But where as you can see obviously that that is not going to address the problem at all.

Okay. You probably associate us more with agriculture as it's traditionally understood, things like farms, vineyards, orchards, greenhouses and nurseries. And I work with all of those certainly, but I spend a large amount of my time with professional landscaping and arbor culture industries as well.

And that really covers all of the County. It's certainly been an increasing part of my job.

If you want to help people address problems of pesticide use and environmental issues with them, you really have to help them identify what the problems are and understand where they're coming from. A big part of what I do is diagnostics. I have a diagnostic lab. We get anywhere from about 200 or so samples. I have at least 450 inquiries this past year so far that I'm addressing. People who know me know I'm on the phone constantly so we help people understand the problems that they're having and what they need to do about it. So they're not using say a fungicide for an insect problem or that they're not using an insecticide when there's a cultural or environmental issue at hand. And I also like them to use better and safer, more environmentally benign products where they're available. And they often are.

This slide just shows you an image of four different kinds of problems we've recently run into. And a couple of them -- and these are all invasive species in Suffolk County not previously seen before. On the upper right is the sample that you've been looking at in the plastic bag. This is that thrips on ficus. This is white peach scale on an ornamental. We've had two case of that in Suffolk County. This maybe a result of global warming where this is more of a southern pest now coming to the north.

On the lower left is this strain of white fly which is resistant to almost everything that's been used to control it and is a very serious problem. We found it in Suffolk County in the last couple of years. And it's been a major focus of our program to learn about how to control it, what to do about it. And to try to find biological and non-traditional chemical alternatives because it's becoming resistant to those.

On the lower right is something that I'm actually much more concerned about. This is called winter moth. And the other Suffolk County in Massachusetts is having very severe problems with this. The municipalities are spending hundreds of thousands of dollars on control of this because it's defoliated vast areas of eastern Massachusetts. And it's also impacting not just landscapes but nurseries and orchards as well. And it has been found here in Suffolk County, in Sag Harbor area. And we're going to be surveying again this year for it. So there's of a couple of reasons to have a good diagnostic lab and to be on the look out for these kinds of problems as well as to help industry resolve existing issues they're dealing with.

If you are trying to offer good alternatives for control of these problems, you need to show not only are they effective but that they are safe on plants and that they truly are much more benign than what they already have. This just shows the set up from a trial, one of the many trials we've run. And these are impatiens, of course. And they're infested with green peach chafe that you can kind see them at the bottom part of the flower there.

Notice that the plants in this row here are missing flowers. And they're looking substantially stunted. These were treated with a naturally derived product that is a mixture of Rosemary oil and a vegetable oil type material. It's sold as indoor farm. And it's sold to our industries without any information on the label telling them that it could be harmful to plants at all, but you can see that it's just about destroyed these plants. And an unwitting greenhouse grower or a person using it in a landscape might find that it would cause these kind of problems.

So one of the goals of my research is to sort out the weak from the chafe in these kinds of -- with these kinds of materials and learn what is behind the hype, what is actually working to control these things and is healthy and safe for plants as well as ourselves.

Just some of the impacts we've had at least I'd like to think we had a big hand in is for example in our landscapes, I think, John, you're going to mention this a product call Conserve. There are basically two natural products being used for control of caterpillar pests in landscapes, for example, inch worms, gypsy moth, tent caterpillars which were in outbreak status this year. And those two products are Foray and Conserve. And Conserve got a big boost partly with the Neighbor

Notification Law, but mainly because within that law it requires or it exempts from notification the products that are considered reduced risk. And we pursued very vigorously a reduced risk status for this product because the company just did not think to do that when they could have. It was not of economic interest to them. It is of economic and environment interest strictly to Suffolk County, Long Island. So we took that initiative on that one. And that's why that has become such a very a popular product.

We're also doing a lot of testing on organics and biological controls. We have one biological control that has been registered, supported by data from our research as well as from Oregon. We have two other materials that would be considered very non-traditional materials that are in registration right now. One is a botanical; one is a pheromone. And this is all supported by research that we have here going on in Suffolk County.

We've done, as I say, over 200 formal ID's as well as in our diagnostic lab as well as about 450 phone inquiries by -- and also by e-mail and other ways. So we're getting a lot of those all the time. Just to -- up until this point we've probably done about 30 presentations to over 1800 people right now. So I'm constantly on the road in the winter and -- basically all year now. And there's a lot of need for training as you mention, you know, some interest in that. I do a lot of that. It's a big part of my job. There's a great demand for the information that we have on insect and mite pest management.

I just want to end up with an example here of one of the kind of projects we're working on. This is an insect called the Oriental beetle. And you might know of it as the insect that is the most devastating grub pest in lawns. That is not Japanese beetle. It is Oriental beetle that we have in Suffolk County. Well, it has a much more cosmopolitan appetite. It appreciates a lot of other things like the roots of shrubs that grow in containers in nurseries. You can see an infestation in the lower right here. This is a non-native species. It's been here for many, many years. And it has been a serious problem for a long time. And it is a big part of what we're involved in trying to manage this and do it better without the materials that are causing the risk to groundwater and to surface waters which are the primary products that are used now.

This doesn't show up very well apparently in this computer but this is a chart showing the numbers of beetles that we are trapping in an area of a nursery where we're mating disruption with pheromones. And this red line represents the area of the nursery where we're not using mating disruption and you can see the numbers we're trapping over the course of the year get up to about 5,000 in the early part of the summer, really huge levels of this insect. But down below here you can barely see there's a yellow line that's almost at zero. And where we are using mating disruption the numbers are extremely low. We feel that this is a very promising strategy. It's been used very successfully in other areas particularly in orchards. And I think it will work very well in nurseries. We have a very far good pheromone, a highly attractive one and that's the key to -- one of the keys to getting this kind of thing to work. And I have an article I'll pass around a little later that mentions a little bit about that as well.

And some of this is being done in cooperation with the stewardship program. And I appreciate a lot of their efforts in helping me achieve these -- gets these projects done.

A couple of other -- just kinds of things that we're working on. We've got many irons in the fire, but here's some that might be familiar to you. Arborvitae leaf miner has become a much more serious problem in the last couple of years all around Long Island in landscapes and in nurseries. And we've just completed a study showing very good control where they naturally derive product. And people in the industry have asked for some like that for years.

We're looking at biological control in greenhouses in particular for white fly and we're going to be expanding that into looking at other kinds of problems in some greenhouses. We're looking at alternatives for farms. And it could be cabbage, you can see here, some reduced risk materials are being evaluated. And in the lower right, I show some pictures of ticks. We've got a new program. We're working on ticks and tic management. You might have heard a little about that. But that's a

whole new area that we're getting involved with as well.

So that's what I want to present to you today. And I'd be happy to take any questions you have.

CHAIRPERSON VILORIA-FISHER:

Thank you, Dan. Questions? Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I had received a call from a constituent this year and in looking into it I actually found that this was something that wasn't isolated. It wound up as I discussed it with people throughout my district, it was something I heard more and more about, a particular type of burrowing wasp that kills cicadas. I believe that's what they're called actually cicada killer wasps; that this is -- I had folks calling me up saying, you know, basically our backyard has become unusable. How serious a problem is this? And is there anything that can be done to control them? Because the larvae get buried in the ground. They feed on that insect and then the next year they emerge. So you don't even know they're there until they're coming out and the cycle starts again.

MR. GILREIN:

Yeah. And I can invite Tamson Yeh to weigh on this as well, but we've had some -- we have had a lot of questions about that this year in particular along with an estate out in Yaphank, I've had calls out there prior to a summer event they were having. These are cicada killer wasps as you mentioned. They're generally considered more of a benign or beneficial insect. They do kill cicadas. That's all they feed on. While they look menacing, they're not menacing at all. They just act that way, very defensive around their nests.

There are several ways you can deal with them. Generally what I suggest is to improve the site in whatever way you can to improve the irrigation, the growth of the turf grass. They really like to be in more sandy and bare kind of ground. That's where you tend to find the poorer soils. So anything you can do to improve the site to get the grass to grow better and thicker can deter them substantially. That's probably the best thing. If you disturb the site repeatedly, that also helps deter them as well. They're only -- and they're also only out for a fairly short period. So for -- I would consider the more enlightened mere entomological types in the population if they can withstand or tolerate these because they are fairly interesting creatures, they're fascinating to watch. I encourage people to look at our environment a little bit more in that fashion, too. And they do not like to sting at all. They're very reluctant to do so. So those are the kinds of recommendations I'd provide.

LEG. LOSQUADRO:

I understand that. When I get calls though that someone's afraid to have their toddler in the backyard with these, you know, mini pterodactyls flying around their -- as you said, they do appear quite menacing. So I can understand folks' reluctance or concern to have a child playing around, you know, when these these are buzzing the tower so to speak.

MR. GILREIN:

Sure, sure. I appreciate that as well. And there are other exceptional circumstances where people have allergies to insect stings or bites. And those have to be looked at totally differently than in all the ways that I've mentioned before.

There are treatments you can use to control them, but we haven't done any research on it because it hasn't been a frequent question. It hasn't been something we've had a lot of inquiries about. So if we do get those, that would be the kind of project we would work on to try to address.

CHAIRPERSON VILORIA-FISHER:

Thank you very much. I don't see any other questions. Thanks a lot.

And Becky's coming up with the Agricultural Stewardship Program. Good to see you, Becky. Are you the last one?

MS. WISEMAN:

No, I'm sorry to say. We still have a couple more people.

CHAIRPERSON VILORIA-FISHER:

Okay.

MS. WISEMAN:

I am Becky Wiseman, the coordinator of the Ag Stewardship Program. And this is my second opportunity. I was here in April. And I believe at that time I had one of my staff with me. And we brought in some wasps, something that Dan was just speaking of, biological control that we did with white flies in greenhouses. So it's good to see you all again. We'll try to present this presentation a little bit different so you get a new taste.

The Agricultural Stewardship Program works in conjunction and cooperation with Suffolk County Soil and Water Conservation District, USDA's, NRCS and also all of the cooperative extension educators and the Long Island Horticulture Research and Education Center. So in many ways my role is to coordinate many individuals and work with each of them in making our program as successful as we can.

The goal of our project and the program is to protect the surface water and the groundwater. That's the overriding goal. There are really three main components to the stewardship program. The first and probably the most dramatic part of the program is the unfarmed administration projects. Many of the -- what Dan was speaking about the pheromone disruption as you see here in the top right, one of the staff hanging a trap in a fruit tree for pheromone disruption of the Oriental fruit moths. And then on the bottom, too, we have controlled release fertilizer study in both the field nursery and in vegetable production.

One of the things that I can say about the control release fertilizer program is that it is very brand new technology. It is -- we are seeing really wonderful results from this project and many farmers are participating. I'd like to say that this year we've had 29 cooperating farms. We're 36 percent from 2006. So we have more and more farms that are participating. And this is probably one of the areas where we work most directly with the farmer, the technicians, the staff work in the farms, in the greenhouses cooperating and working with directly the farmers. So from the very beginning of the season to harvest the technicians are working with them on various projects all aimed at reducing fertilizers and pesticides in field production.

Another component very important part of our program is the educational component. Over this past year we've had at least 350 farmers participate in a wide variety of educational programs from the agricultural environmental management work sheets where we sit with growers and work with them individually on looking at their pesticide and their fertilizer management practices on the farm. We also have fact sheets that go right along with that so we're educating them around best management practices.

In addition to this we have a variety of -- and sponsor and cosponsor stewardship seminars, work shops, agricultural forums with the growers. We have done a lot of work this past year on improving our websites and monthly produce news articles and publications to go in the agricultural news monthly letter.

The third component of the Stewardship Program is the cost share funding. New York State this past year has invested \$680,000. And that has been for cost share funding that has gone in through Soil and Water Conservation District for -- particularly for waste treatment facility for a duck farm. And then in addition to that we have seen funding come over \$500,000 to offset the cost for farmers building agricultural mixing facilities. At this point in time we have 25 applications in for agricultural mixing facilities. It's a great need. And as you can see just by the numbers that the need far exceeds the amount of funding for cost share programs that there are.

Federal government, federal funds come through NRCS. This particular fund is called EQIP, the Environmental Quality Improvement Program. And it has provided cost share for nine farms to implement irrigation and erosion control measures.

Finally just the last slide, these beautiful poinsettias that we have worked with Dan on doing some control through biological means. But our goal is not only preserving, which we have preserved so many thousands of acres of farmland and we're looking at ways to not only preserve the farmland but preserve the environment and preserve the business of farming as agriculture is a viable economic industry. We lead New York State in the growth amount of dollars that is produced through the agriculture industry. And we wanted to remain viable and at the same time, I'm pleased to say that farmers are more and more persuaded and absolutely invested in the environment. In fact, I think Dan has an article that we just -- recently was published in the local newspapers about -- I don't know where Dan went but he was going to hand it out. Did he? Okay. The article that growers are really moving forward being proactive. And thank you all for having us today. Any questions?

CHAIRPERSON VILORIA-FISHER:

Becky, thank you very much for being here. And thank you for your good work. And Dan and I also serve on the Soil and Water Conservation.

MS. WISEMAN:

Oh, great.

CHAIRPERSON VILORIA-FISHER:

And we do know how much work is being done, and the grant writing, reaching out so that we can get those federal and state dollars.

MS. WISEMAN:

That's right.

CHAIRPERSON VILORIA-FISHER:

For equipment and other programs. So thank you for the good work you're doing.

MS. WISEMAN:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay, Tamsen? Tamsen Yeh, come on up.

MS. YEH:

My colleague Joyce Rodler and I are with the Pest Management Program of Suffolk County. And while all these wonderful global things are going on through my colleagues, Joyce and I are sort of taking care of the things that run across your desk and the things that you might step on outside of County buildings. We're under a pesticide phase-out for all County properties so Joyce and I between us handle the indoor and the outdoor problems.

A lot of this involves reminding people that we are in a pesticide phase-out zone so instead of complaining and demanding a pesticide application for the ants on your desk, consider it to be a pesticide free zone and don't eat at your desk distributing crumbs and what have you.

It is a very tough business to substitute pesticides. Instead we use cultural, biological and exempt products. Now Joyce came up with a great idea when there was a bag worm outbreak on some of the evergreens outside of the big police precinct in Yaphank, we rigged up a super, duper vacuum cleaner that you wish you had one for your home. We sucked up the bag worms. Then we did the river dance on them. We squished them, which is a fabulous form of cultural control. This saved a

pesticide application and made people very, very happy because they had entertainment all afternoon.

On the other side you see a vitamin C based weed control product that we discovered by accident. We were looking for a biological stimulant to help turf grass grow out of certain diseases. And we found out that in higher concentrations it actually was a very effective and exempt herbicide. And you can see the difference between the treated side and the untreated side. So that's been very promising. And this is a good alternative for cracking crevice control and other things we traditionally used something like Round Up.

It is absolutely essential to maintain high standards of public and environmental health for Suffolk County. A lot of this involves things that use your eyeballs or your hands to simply exclude pests, for example, Joyce is there putting up screening to keep pigeons and rodents out of certain areas of public buildings on Suffolk County properties. And you can install barriers, as our technician Mike DeRuso, or you can monitor the pest populations. Oftentimes you need to find out what pest population is there before you can say that you even have a problem. And that involves going out there and physically monitoring. In this case we were monitoring for tics.

It is absolutely essential to reduce economic loss and structural integrity of buildings for those who live and work in Suffolk County. You don't want to reduce the structural integrity. You want to boost the structural integrity. But pests can interfere with economics. For example, if you're out there on the golf course enjoying a beautiful round of golf and all of a sudden a grub comes up and says, hi, how are you, I'm so and so, I'm a constituent, too, you're going to get a little bit upset. So what we have to do on a routine basis is we actually go out to the golf courses that belong to Suffolk County, we scout the greens, we scout the tee's, we scout the fairways. And we are able to through a combined knowledge and through monitoring tell the golf course superintendents before they have an outbreak which obviously allows them to implement cultural controls. Cultural problems can lead to pest problems, too. And you might not think about it. Something as simple as this Ph test kit which costs all of \$15 can actually help you to improve the area that the plants are growing.

For example, if your Ph is too low, you're going to end up with nutrient deficiencies which you might mistake for insect damage. If your Ph is too high you can have the same problem because the Ph acts as a bank teller that allows the plant to withdraw nutrients. It can also cause certain diseases in insects to come into the plant because it's not at its optimal nutrition because of a Ph problem so very simple solution. And pests obviously can prevent recreation and impact safety. If you're out there, you're trying to play soccer and you go slipping and sliding because there are 1,000 little grubs munching underneath the turf, obviously this can be an issue. We are here to prevent this on County properties and to reduce the amount of necessary use of any products at all through cultural control and environmental monitoring.

Pesticide use has dropped significantly on County owned properties. This has been through research demonstration and education. And that's really been the foundation and the phase out laws' success and continued work that we're doing. Education means safety. The people over there on the left have received certificates. They got 30 hours of training whether they wanted or not, but they're a very much more educated population. Education means proper diagnosis. The tree is too deep. If you treated it for diseases and insects that might come on because the tree was too deep, all you'd be doing is treating a symptom. You're not really getting at the root of the matter. And finally education means less pesticide. That's it.

LEG. D'AMARO:

Could you repeat that; I didn't hear any of it.

MS. YEH:

Any questions?

LEG. D'AMARO:

Are there any questions from any member of the Committee?

CHAIRPERSON VILORIA-FISHER:

Actually I just wanted to mention something.

LEG. D'AMARO:

Okay.

CHAIRPERSON VILORIA-FISHER:

And that is when we were working on the Homestead Assist Task Force and as you know Carolyn was a member of our Task Force and she did exhort us each time that when you start working your lawn the first thing you should do is have your soil tested just for that very issue that you mentioned with the Ph so that you're not trying to treat something that you don't have in your soil.

MS. YEH:

And if you don't want to do it yourself, you're always welcome to bring us a sample because we can do it for you.

CHAIRPERSON VILORIA-FISHER:

Thank you very much. Thank you, Tamsen. Do we have anybody else?

MR. WILLIAMS:

That's it.

CHAIRPERSON VILORIA-FISHER:

That's it. Thank you much for bringing out the troops. It's been really very informative. And based on the questions that you've heard you know that we were paying attention. Okay, now to the agenda. And I am going to be --

RESOLUTIONS TAKEN OUT OF ORDER

LEG. LOSQUADRO:

Can I make a motion to take 1996 out of order?

CHAIRPERSON VILORIA-FISHER:

You know, we have four people waiting to be interviewed.

LEG. LOSQUADRO:

Okay.

CHAIRPERSON VILORIA-FISHER:

And so I was planning on taking some of those out of order first. Why do you want --

LEG. LOSQUADRO:

That was for the reappointment of Mr. Proios. He's been waiting here.

CHAIRPERSON VILORIA-FISHER:

Right. He was my first person that I was going to call.

LEG. LOSQUADRO:

Okay. There you go.

CHAIRPERSON VILORIA-FISHER:

But I thought he was 1513. Did I have the wrong number?

MR. NOLAN:

That's an old one.

CHAIRPERSON VILORIA-FISHER:

Oh, I have an old one. I'm sorry. Okay, so can you make that motion?

LEG. LOSQUADRO:

Motion to take 1996 out of order.

CHAIRPERSON VILORIA-FISHER:

I'll second that motion. All in favor? Opposed? 1996 is before us. **(Reappointing George Proios as a member of the Suffolk County Soil and Water Conservation District) (Losquadro)** Mr. Proios, can you come up, please? And actually you're a reappointment so you really didn't have to come back, but it's good to have you.

MR. PROIOS:

I was getting educated from the department extension programs. Always learn a lot from them.

CHAIRPERSON VILORIA-FISHER:

Okay. And you know you had brought up the storm water program as mandated by the EPA that had come up at Soil and Water. And so I'm glad that you were here to hear that report as well.

MR. PROIOS:

Actually I chair the State Soil and Water -- State Soil and Water Conservation Committee has a storm water program for the state to help all of the districts throughout the state, the 58 soil water districts implement the -- both the construction program for the greater than one acre disturbance and the MS4 program. And as you probably know the deadline is right around the corner. It's January 8th when everybody has to be in compliance. And I'm sure there are going to be a lot of municipalities that are not. So I'm glad we're trying to catch up and make sure we meet that deadline.

CHAIRPERSON VILORIA-FISHER:

Yeah, I think Emerson -- I've heard a couple of his reports. And it looks like we're moving right along. Any questions for Mr. Proios?

LEG. LOSQUADRO:

I'll make a motion to approve.

LEG. KENNEDY:

Second.

CHAIRPERSON VILORIA-FISHER:

And I'll second that. Okay, Legislator Kennedy would like to second it. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Good afternoon. Thanks for your patience sitting through the presentations. We appreciate that. Mr. Proios, what position do you have with the County right now?

MR. PROIOS:

I'm the Chief Environmental Analyst for the County.

LEG. D'AMARO:

Chief Environmental Analyst for the County. What does that entail? Just give me a quick job

description.

MR. PROIOS:

It's changed dramatically over the last 15 years. But it involves basically looking at many different issues that affect the environment of Suffolk County. Most currently I was placed into the new Energy and Environment Department as of the beginning of the year. Two years before that I was with the Planning Department. And before that I was the County Executive Assistant for Environmental Affairs coordinating all of the environmental programs and ten different agencies and departments throughout the County.

LEG. D'AMARO:

So you're the Chief Environmental Analyst. Is that a full-time position with the County?

MR. PROIOS:

Yes, it is.

LEG. D'AMARO:

It is. Okay. And do you have a staff?

MR. PROIOS:

No.

LEG. D'AMARO:

No, okay. And it's under the Department of Environment and Energy?

MR. PROIOS:

Correct.

LEG. D'AMARO:

And you report directly to the Commissioner?

MR. PROIOS:

Yes.

LEG. D'AMARO:

Okay. And how's your work load?

MR. PROIOS:

Pretty extensive.

LEG. D'AMARO:

Extensive work load. Okay. And can you tell us this is one position that we're looking for appointment on. Can you tell us whatever boards and committees or commissions you sit on and how they impact your time or your ability to do your primary responsibility with the County?

MR. PROIOS:

Sure. They're all related. I guess one of the buzz words in the environmental field is this term inter relationships. This body, I guess, three, six, maybe nine years ago put me on the Soil and Water District. It's a non-paid voluntary position that interacts and inter works with the programs in the County. And you just heard part of it with what Beck Wiseman was talking about in terms of agricultural stewardship position. And actually that dovetailed a previous position I had as a member of the Water Authority. One of the projects we're working on is trying to get farmers to be more environmentally conscious of what they're doing. As you know Suffolk County is a sole source aquifer. We get only our drinking water from the groundwater. The Water Authority has nine wells out in the north fork that are all impacted with primarily nitrates and some pesticides out there.

LEG. D'AMARO:

Right, but that's -- I appreciate that information.

MR. PROIOS:

Well, I'm talking about the inter relationships. So the Soil and Water District helps, you know, work with the farmers and --

LEG. D'AMARO:

I wasn't asking about inter relationship. What I was asking, sir, was if you have a full-time position with the County of Suffolk, and it's an important position with a heavy caseload, does the -- does your membership on the boards and commissions take up time where you really can't devote enough time to your primary responsibility with the County?

MR. PROIOS:

Not that's it ever been brought to my attention in the last fifteen years.

LEG. D'AMARO:

Well, I'm just asking you, you know, what's your response to that?

MR. PROIOS:

No.

LEG. D'AMARO:

No. All right. So how many boards and commissions do you sit on?

MR. PROIOS:

Aside from the Soil and Water District?

LEG. D'AMARO:

Yes.

MR. PROIOS:

I'm a member of the State Soil and Water Conservation Committee. And that meets approximately once a month. And that committee distributes money to all of the 58 soil and water districts including Suffolk County here. Enables us to implement all the programs that you heard earlier that are being done throughout the County through the Soil and Water District. Roughly millions of dollars pass through our hands into the hands of farmers.

I am also the President of the Lower Hudson Long Island Resource Conservation Development District. And it would take me, you know, another half hour to explain exactly what they do. The two projects we're working on is venison for the poor. Last year working on that project we collected 8,000 pounds of venison meat here in Suffolk County and and passed it out to the Long Island Food Pantry.

We're also working on doing a project at the farm to handle a leachate that's being collected from the animal waste there in order to not contaminate groundwater. So there are projects that obviously that impact and benefit the County. And I'm trying to think -- there was another position I had as a former president of the -- I'm sorry -- President of the New York Association Environmental Management Councils, but I no longer have that position.

I think the only other position I'm Vice President of the New York Association of Conservation Districts; the only person from Long Island who's currently on that board and represents all the soil and water districts. They have board members such as the two legislators there. Every district has either five or seven board members throughout the state and as associates that represents them and I currently was just voted in as the Vice President last month.

LEG. D'AMARO:

So this would be the fourth board that you're active on and appointed to?

MR. PROIOS:

Yes.

LEG. D'AMARO:

This would be the fourth. And how much time does your board memberships take during your work week?

MR. PROIOS:

I haven't quantified the term work week but a lot of things occur on weekends. I go to evening meetings quite a bit. My time sheet pretty much reflects when I go to any meeting.

LEG. D'AMARO:

So in other words when you're functioning in the capacity as a board member, that is being -- you're considering that as being on the clock with the County?

MR. PROIOS:

Depends on which board. If it's for the Suffolk County Soil and Water Conservation District, because this body appointed me there and usually we meet like it's on a boarder line; it starts a four o'clock in the afternoon and goes to six. So it's usually just about an hour for, you know, in other words normal time. And then the rest of the time it's my own time.

LEG. D'AMARO:

All right. So do the boards ever require that you travel?

MR. PROIOS:

Yes.

LEG. D'AMARO:

Does the work with the boards require that you travel? How often is that?

MR. PROIOS:

It depends. The State Soil and Water Conservation Committee meets approximately I would say ten times a year. So in that case I'd be travelling ten times; ten days.

LEG. D'AMARO:

And when you're travelling, then, that's considered functioning within your job with the County?

MR. PROIOS:

It always has been.

LEG. D'AMARO:

Okay. Which is the Chief Environmental Analyst.

MR. PROIOS:

Yes.

LEG. D'AMARO:

Okay. With a substantial case load. My point that I'm getting at is that I appreciate your expertise very much, but, you know, there's a function to be carried out as the Chief Environmental Analyst for Suffolk County. And if you're spreading yourself too thin, then that function is going to suffer; okay? And I'm having a hard time understanding how you can perform on all of these boards and fulfill all of the functions and meet the job descriptions on these boards and function full-time as a County employee in such an important position.

MR. PROIOS:

Well, if you have any indication whatsoever that I'm not fulfilling, I'd like to hear it because in the --

LEG. D'AMARO:

Well, that's not a fair comment.

MR. PROIOS:

-- in the fifteen years I've been here --

LEG. D'AMARO:

That's not really a fair comment, sir.

MR. PROIOS:

I have never --

LEG. D'AMARO:

I mean my point is that just common sense tell me because, you know, I do a lot of things in a day, also. But common sense tells me that as you join more and more boards and commissions, and you want to do the right job, and I'm sure that you do, it seems to me that when you spread your time out that much, and you have a very responsible position with the County of Suffolk, how can you do both?

MR. PROIOS:

Well, I have that same concern. But you've just heard before Pat Halpin, if he read you all the committees and commissions he's on, they'd probably dwarf the ones that I'm on. I don't think that came up as an issue with him when you appointed him to the Water Authority.

LEG. D'AMARO:

Well, that is a very invalid argument. First of all, Mr. Halpin is not a County employee. He works for the Suffolk County Water Authority. So I don't know what that has to do with this.

MR. PROIOS:

Well, I think if you look at anybody who's been in government for 35 years you find they reach a pinnacle in their life where they are -- they work their way up the work ladder and they are getting on board. You don't usually put someone on these boards -- like the State Soil and Water Conservation Committee, it's never had someone from Suffolk County on it since its history. I was the first person to be on it. And normally we'd only had farmers on it. I was the first non-farmer. And it's not you'd take somebody from out of the work force and put them on it, it's after years of working in your field and getting to build up a reputation. And being put on there benefitted Suffolk County.

And I said inter relationship in the sense I'm not learning a new job a new title. It's the information I know I'm applying they're all very similar in their nature. We're dealing with contamination of our water supply. So whether I do it here as a Chief Environmental Analyst or up at the state where I'm trying to get them to approve projects that they never approved before, for example, removing underground storage tanks on farms to put better ones in there, that's benefitting Suffolk County. And it's not taking more time away from you. It's using the expertise I learned here and working with the Health Department -- I forgot a year that I worked as a sanitarian here, in order to bring back programs that are benefitting us here. I haven't seen any time when they have been in conflict with each other.

This issue came up when I was on the Water Authority and people questioned is there a conflict of interest being a Chief Environmental Analyst and being on the Water Authority Board. I said no, if you protect the land, you protect the water. You're making sure that the water doesn't have contamination, the Water Authority doesn't have to spend more money putting up filters. So if it

were something differently totally unrelated and it took more time, but I'm not spending more time in the sense that I'm going out and having to do further research. I'm taking knowledge that I have and applying it to these boards in order to benefit the local residents of the County.

LEG. D'AMARO:

Yeah, I don't question that it's a benefit. I really don't. And I don't question your expertise in the areas at all. But, you know, we also have a full-time position that you are carrying with the County of Suffolk that has a certain job description. And that job description does not include the board memberships, although I think it's wonderful that you're offering your services to those boards. Again, the question I have is whether or not that is impacting or preventing or interfering with your ability to function in such an important position with the County especially if you're traveling ten times a year just for one board alone. And attending to preparation for all the hearings and meetings that you have to go to and then attending the hearings. It's a question in my mind.

And, you know, I feel that you're somewhat combative in me asking these questions, but frankly, you know, the County and the residents of this County also deserve a full-time analyst when it comes to these environmental issues as well. And I don't have a real sense of how much time you spend in the County away from the County travelling or diverted to other boards. I don't really know what you do in a day. So it's difficult for me to go any further in my questioning, but common sense tells me based on my own life experience that, you know, when you're the member of more than one or two boards, it becomes problematic because you're just splitting yourself so many ways.

One of the things I would like to do is talk to the Department of Environment and Energy Commissioner to find out what impact putting you on this board might have and you having the ability to fulfill your job.

MR. PROIOS:

Well, she has already talked to me about that. And I think we're heading towards the position that if I take this time off that it should be coming out of my personal time either vacation time or personal leave time that I have which I plan on doing.

LEG. D'AMARO:

So it has been an issue.

MR. PROIOS:

I think only when it was raised by the County Executive recently it's become an issue. Only this time. I said I've been doing this for at least the last eight, nine years. And this is the first time it's ever been raised as an issue to me.

LEG. D'AMARO:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy; and then Legislator Losquadro.

LEG. KENNEDY:

Thank you, Madam Chair. I appreciate Legislator D'Amaro's questions. Certainly he poses important questions. I know Mr. Proios' expertise as many of us do over the last twenty years. And I think that he brings, you know, a unique skill set and a very important perspective to a variety of environmental issues for us here. The Soil and Water Conservation District plays an important role in many respects. But I also would be interested to hear what the Commissioner from Environment and Energy has to say. I know she's here in the audience as is Mr. Zwirn. You know, I think that it's important that we go ahead when we have somebody who comes before us to give them the opportunity to go ahead and present and then, you know, if it's prudent go forward and vote it out. So if this appointment presents, you know, as something that, you know, from the Commissioner's perspective is an issue, maybe we should hear about it.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Serving on the Soil and Water Conservation District for a few years now, I have to say that I don't find this to be something that is irregular. I don't find this to be something that we should be dissuading. There is an individual within county government that has this type of expertise and has elevated himself, such as Mr. Proios has, into a position to enhance his implements within a particular field and bring substantial benefits; substantial economic benefit and resources to Suffolk County. I think that's an asset to a department. I think that's an asset to Suffolk County. And I don't think we should be dissuading individuals from expanding that sphere of influence that they have and improving themselves professionally.

And when someone has the type of tenure that Mr. Proios has, that naturally doesn't just lend itself to, you know, continuing education courses. You take a leadership position when you've been around that long. And I think that's what Mr. Proios has done. And I think the position that he holds on the boards that he is on is evidence of that. And I think that Suffolk County has benefitted greatly from his actions. And as he pointed out for the first time to have a representative from Suffolk County on that state level, to be able to bring monies in to more -- and, you know, we hate to think of ourselves as urbanized, but we are far more urbanized than many of the very, very agricultural suburban counties in upstate New York.

So I see it as a positive for Suffolk County. And if it's something that, you know, if there's a policy change in the executive branch and they want to see something done differently than it has been in the past, well that's for them to work out internally. And I don't see that as being something again that we should, you know, hold against an individual because of an accepted policy that was in place in the past. They want to change something, that's their right to do it. And that should be worked out internally within that department.

MR. PROIOS:

I should point out that in response to that, when I was first asked if I was willing to serve on the State Soil and Water Conservation Committee, the governor's office did call up the County Executive at that time and requested his assurance that I would be able to attend those meetings. There are only five voting members throughout the state. And they were having trouble meeting quorums by the other members that were there. And he had to have an assurance that the person, whoever they appointed, would be able to make those meetings in order to make sure they could conduct their business. So that initially -- and I grant you I know that the administrations have changed but in the last four years nobody has ever questioned my attending those meetings. And this is the first time it has come up.

LEG. LOSQUADRO:

I just as a follow-up, I would say that that gives us a great deal of prestige and standing on a state level to have a member of our County administration serving in that capacity and gives us entree into the type of decisions that are being made on a statewide level that affect us.

CHAIRPERSON VILORIA-FISHER:

Thank you, Legislator Losquadro. I must say, George, that when we attend the Soil and Water District meetings and as Chair of the Environment Committee I sit on the commission, and Legislator Losquadro has sat there for years because he had been the former chair of this committee; and that you are able to glean a great deal of information that gives a broad perspective on many areas of our -- the balance of our ecosystem here. And I think you bring a great deal of knowledge there. But there are questions for the Commissioner and for Mr. Zwirn. And so I thank you very much for coming here. And you could sit down while we deliberate. Thank you. Are there are questions for the Commissioner or for Mr. Zwirn? Legislator D'Amato.

LEG. D'AMARO:

Yeah, thank you. I don't disagree with anything that Legislator Losquadro said. And I do appreciate the expertise that's being brought to this board and to the County and for the benefit of county residents.

My only question here, and you're right, the folks who are really in a position to work this out may in fact be on the executive side. And that's fine. But I want to be a little careful when we appoint a county employee to this board which is another in a series of appointments that this gentleman has, I want to make sure that we're still operating efficiently in his primary responsibility as Chief Environmental Analyst. And I guess I would put, Commissioner, that question to you.

COMMISSIONER MEEK-GALLAGHER:

Yes. Thank you. As George mentioned I did recently discuss with him that in looking over his time sheets he would need to start taking personal or vacation time because he does spend a considerable amount of time at these board meetings or at other committee meetings that he's either been appointed to or been a designee such as the Trap and Skeet Committee, several B and L committees, the Citizen Advisory Committee, the Executive Round Table. And there are a number of others. And I do -- you know, I could go back and check on his time sheet.

My concern, I guess, is -- it started to become a concern just because we have recently re-instituted a recycling program -- a pilot program in the Dennison Building just for paper. We hope to expand that to not only expand it beyond paper but expand it to all of the County facilities. His title is Chief Environment Analyst Division of Solid Waste and Recycling. Therefore, I just foresee that there's going to be a much larger workload in re-instituting and making sure that we are complying with all of our recycling laws on the books. And I just get a little concerned. I don't feel that, you know, there's just been so much going on. I haven't had the time to sit down review with him exactly again everything he is doing on a regular basis, go through those time sheets and see, okay, how are we going to work this out so if we know we're expanding this, you know, going to be implementing this massive program throughout the County now to make sure that we are recycling in all of facilities, along with the boards and committees and commissions he regularly attends, as he said, he does not have staff, how are we going to make that work? And that would be my concern at this immediate moment if you asked me.

LEG. D'AMARO:

Well, I mean I would be concerned about whether he takes personal or vacation time. I'm not even sure that that's permissible, but whether it is or it isn't I'll leave up to other departments to decide. But assuming that it is, you know you have a handle on the boards that he is sitting on and what they entail, what's required in order to be effective on those boards. And if that is going to inhibit his ability to perform his function in your department, that is something we need to know.

COMMISSIONER MEEK-GALLAGHER:

Right. And I think in fairness to George I'd like to have a chance to sit down with him and go through all that in light of this so that we at least come to a meeting of the minds on how this would or would not impact that. Because, you know, I agree also that his skill set, his knowledge is highly valuable. But unfortunately, you know, for him he's been put in a position where he's supposed to now implement a massive new program solid waste and recycling division that didn't exist before. And most of the committees, commissions and boards that he is attending and going to don't -- aren't related to that function.

CHAIRPERSON VILORIA-FISHER:

Okay. But as you said, that's an internal issue that you have to deal with with George regarding the allotment of his time and the division of duties and dividing his time into various duties. The Soil and Water District, though, I don't see as the commission that he should not be on. You know, possibly you could investigate with him and you probably have thought of this, I don't need to tell you your job, but Trap and Skeet is something much more peripheral to environmental issues, I would think, regarding his expertise. So I'm sure you're going to discuss with him all of the other

commissions he serves on?

COMMISSIONER MEEK-GALLAGHER:

Yes, that's what I'd like to have the opportunity to do. And then make sure we come to a meeting of the minds that if you are going to be appointed, if we move forward with you being appointed to this board, you will then, you know, give up certain other committees or commissions or boards. I'd just like to know that's all taken care of before another board is added to his slate. And I do have a list.

CHAIRPERSON VILORIA-FISHER:

Well, we're not adding to it. This is something he served on. Right? So we're not adding another one.

MR. ZWIRN:

Well, we're just concerned at the County Exec's Office is that not disparaging Mr. Proios in any way, but it winds up you're getting paid to work for the County or to sit on these boards. If he has to spend ten days a year with the state board that's on, that's ten days -- it's probably 20 days, you know, going up and back, wherever they're held around the state, I'm sure they're not all held on Long Island. And it becomes a point of diminishing returns within the department. We know we're shorthanded in the county personnel to begin with. We don't have an abundance or extra people. The 477 positions have been removed by the Legislature.

So, you know, Commissioner Meek Gallagher is dealing with a limited number of people. So if she has an individual there who's one of the highest paid in the department and that person is going to be spending their time at these commissions and boards around the state and in the County then they're not -- they can't do both. It's just impossible. Because these meetings are held during working hours. They're not held on weekends. And they're volunteer positions. They're not paid as far as I know. So in that sense it's great; but on the other hand it's the county taxpayers who really are paying to have Mr. Proios sit on all these boards across the state.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Obviously solid waste recycling is an important initiative. And as a matter of fact it's been something that there have been several attempts to go ahead and engage and embrace previously. It started. It's waned. It's waxed. Now if the administration was going to come forward and try to embrace it again, I personally think or my colleagues are thrilled to see that. But it also sounds like we're talking about a policy here. And I'm wondering, I don't know if this is so much a question for you, Madam Commissioner, as it may be for Mr. Zwirn, are we now contemplating that everybody in the Executive's Office will no longer participate in various types of boards?

It occurs to me that we have several high level appointees who are involved in a variety of different professional trade organizations. Any of us as a matter of fact that are attorneys have to engage in CLE's. So I'm wondering how that's going to square with what appears to be a dilemma with this one particular individual. I'd be very curious to see if that's the policy we're going to embrace.

MR. ZWIRN:

Our position has been consistent from day one. We have asked the Legislature time and time again not to set up all these boards and commissions and tasks force and tie up our individuals. I know Legislator Losquadro had one recently on land trust. And Jim Morgo came down here and begged the Legislature not to move forward on it because you're tying up personnel in the County to do that when they could be doing, you know, other work that they're getting paid for. So we have asked the Legislature to cooperate with us. This board is one that already exists. But we're trying

not to use as many -- the kind of personnel that the Legislature has asked for over and over again to take up the time of department heads and people who work in the County.

LEG. KENNEDY:

It occurs to me that while we attempt to go ahead and implement policy, it may be because it's issues that we prioritize and we see employees out there including commissioners as resources to implement that then. Recently as a matter of fact we had occasion to go ahead and go through the CPEP Legislative Task Force, which I believe in the -- I don't know if it was a veto message or if it was just pocket approved, but there was enabling memorandum by former Chief Deputy Sabatino saying that three commissioners would not approve or would not participate.

Look, my point is this. If we're looking at one individual that there appears to be some issues with associated with how he's spending his time, no County employee, I think, should be paid in positions that aren't fruitful. Some of what we're talking about seems to be that his expertise is beneficial. But I think if we're going to look at this one individual, we need to look at it across the board.

MR. ZWIRN:

Right on.

LEG. KENNEDY:

So are we then going to go ahead and go through a vetting of all executive level employees and their memberships and boards?

MR. ZWIRN:

Take for example the Public Safety Task Force when I first came in to work for the Levy Administration. The County Executive vetoed that I think on two occasions. And I wound up sitting on the task force because the County Executive was required to put somebody there. The Police Commissioner was there. I mean we tied up a lot of high level brass for that which we didn't think was necessary at the time.

LEG. KENNEDY:

Ben, look --

MR. ZWIRN:

So the answer is if you want to go look at it, it's your prerogative. We'd appreciate it if the County Executive's staff did not have to participate in a lot of these particular task force and other boards.

LEG. KENNEDY:

But we're talking about a state based --

MR. ZWIRN:

I understand. But you're talking about appointments.

LEG. KENNEDY:

No, no. We're talking here about a state based revenue generating Soil and Water Conservation District. For a man with --

CHAIRPERSON VILORIA-FISHER:

We just saw the numbers that were about \$700,000 that were brought in with the work that was done with the Soil and Water District through the EQIP Program.

LEG. D'AMARO:

If I could just jump in here through the Chair, I don't -- you know, let me see if I can put it in different terms. My only concern here, I don't have a problem with boards when they're necessary and commissions and people serving on them and bringing expertise. My only concern here is that if you are working full-time for any employer private sector, public sector, okay, and you have a job

responsibility; and in addition to that you're being told by your boss, in this case the Commissioner, that that job responsibility is going to increase for a very valid reason, you know, the issue in my mind is whether or not further appointments to boards are simply going to spread you too thin where you're not going to be able to meet your primary responsibility. I think any employer in the private sector would look and ask the same exact question. And I don't think that's unique now. And I have no problem asking that question of anyone being appointed to a board.

You know, if I was going to be appointed to the board, the first question in my mind is well, is it going to interfere with what I feel my primary job and responsibilities are? So -- and what I'm hearing here today is the Commissioner telling me that the responsibilities are going to be increasing for this individual. And that this has been an issue in the past. So what I want to hear from the Commissioner is that you know what, Mr. Proios brings this great expertise, we need him on this board, and I'm gung-ho happy that he's going on it. But I'm not hearing that today because there are issues that need to be worked out. And on that basis I think we should give you a couple of weeks to work out those issues before we go ahead and just approve this. Because my concern -- we're not talking about a private sector employee. We're talking about someone with a very responsible position being paid full time with the County of Suffolk. And I'd like to know that that job description as Chief Environmental Analyst will be met while also fulfilling all of these functions and responsibilities with the various commissions or boards that he sits on. That's all I'm asking.

CHAIRPERSON VILORIA-FISHER:

Okay, but Legislator Horsley was waiting to speak. And just before we go there --

LEG. HORSLEY:

Yeah, sure. Mine is just a quick question.

CHAIRPERSON VILORIA-FISHER:

Just very directly I don't believe that this is the particular hill to die on because I believe that Mr. Proios' participation in the Soil and Water District are critical. I believe that the expertise he brings to this particular group is very important as someone who sits at the meetings. I know what he brings there. There are probably other commissions and that's something that he has to discuss with his boss. But I will support this resolution because I support his participation in the Soil and Water District. And that's from someone who sits on that particular board. Legislator Horsley.

LEG. HORSLEY:

Thank you, Legislator. And certainly I wouldn't question the importance of this board because it does sound like it is a very important board to have representation on. Commissioner, I was just curious on your end how much time do you need to do this analysis of all the boards he's on and whether or not we could afford to let him sit on this one?

COMMISSIONER MEEK-GALLAGHER:

I would just need 'til sometime next week. George and I could sit down and go through the list of all the boards he's on, the commissions, the committees he regularly attends. And I would --

MR. ZWIRN:

I was just suggesting that maybe Mr. Proios could give up maybe eight or nine or ten of the boards that he's on, the others, and then do this one.

LEG. HORSLEY:

So he could do this one which is very important.

MR. ZWIRN:

Yeah.

LEG. HORSLEY:

That decision, you're going to be going through this process over the next week or --

COMMISSIONER MEEK-GALLAGHER:

I'll schedule a meeting with him right after this meeting. I just know that this particular week being committee week and other things going on will be tight. But definitely by next week we could sit down and discuss all this.

LEG. HORSLEY:

So if we table -- do we have another --

CHAIRPERSON VILORIA-FISHER:

Well, we're meeting on Tuesday. The General Meeting isn't 'til next Tuesday which is eight days away. We're meeting Monday not Tuesday?

COMMISSIONER MEEK-GALLAGHER:

Because of Hanukkah.

CHAIRPERSON VILORIA-FISHER:

Hanukkah already?

LEG. HORSLEY:

When does this appointment need to be made?

CHAIRPERSON VILORIA-FISHER:

It expires.

LEG. HORSLEY:

Is he a holdover?

LEG. D'AMARO:

Well, I would be inclined to table this for a cycle.

LEG. HORSLEY:

Yeah, I don't see this as a big deal.

LEG. D'AMARO:

I don't either.

CHAIRPERSON VILORIA-FISHER:

Well, being that it's been before us a couple of months, I'm going to make a motion to approve.

LEG. KENNEDY:

Second.

LEG. D'AMARO:

That's already made.

CHAIRPERSON VILORIA-FISHER:

We already made that motion. Okay.

LEG. D'AMARO:

And, Madam Chair, if you don't mind, I'd also like make a motion to table for that one cycle to give the Commissioner an opportunity to have that discussion. Mr. Proios is on the board. It's a holdover position anyway. There's no harm in that. But, of course, it's up to the Committee whether or not I get a second --

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay, there's a motion to table and a second. And that does take precedence.

LEG. LOSQUADRO:

On the motion?

CHAIRPERSON VILORIA-FISHER:

All in favor?

LEG. D'AMARO:

Hold on.

CHAIRPERSON VILORIA-FISHER:

Oh, on the motion.

LEG. LOSQUADRO:

On the motion. I will just say that this has been before us for sometime. Last month we tabled this. And there was -- this was no mystery to anyone that this was taking place. And I can't understand why now sitting in front of this Committee you'd say you need to schedule a meeting with someone. This reappointment has been before this Committee, again, this is not something that came out of the clear blue. Why now say we need to schedule a meeting and we need to hold off on it again to discuss it? That should have been a priority and should have been something that was discussed when the resolution was filed.

MR. ZWIRN:

It has been a --

LEG. LOSQUADRO:

Mr. Zwirn, I was --

MR. ZWIRN:

But it has been a topic of discussion, I mean, inside the office. And we were concerned about it.

LEG. LOSQUADRO:

Well, my point was I wasn't speaking to you. I was speaking to Ms. Gallagher.

MR. ZWIRN:

I thought you were looking at me. Okay. I'm sorry. I thought you were looking right at me.

LEG. LOSQUADRO:

Well, no. Ms. Gallagher's the one who said she need to schedule an appointment with her employee to discuss this. So I wanted to hear her comment on that.

MR. ZWIRN:

But you said this is the first time it's been discussed. It's the first time it's been discussed at the horseshoe, but it has been discussed outside the horseshoe as an issue. I was responding to that part of the question.

LEG. LOSQUADRO:

I see. Ms. Gallagher?

COMMISSIONER MEEK-GALLAGHER:

Honestly, I wasn't here for the last EPA Committee which was the first time that I noticed it on the agenda. And then with the budget cycle and working so hard on budget issues, it just -- there were

other priorities that had to -- you know, time-frame wise, deadline-wise had to be addressed because of legislative deadlines. So I did not have a chance to get to this yet. That's --

LEG. LOSQUADRO:

While I appreciate that, I also know that this administration is generally very diligent in examining the agendas. And I can't imagine that something slipped by the administration, that they didn't see this until it actually came before Committee. It's not a tremendous package in terms of other resolutions that are laid on the table. And I'm sure this registered on somebody's radar screen at some point before today; that they could have scheduled a meeting to discuss this -- to discuss what should be an internal policy issue.

CHAIRPERSON VILORIA-FISHER:

Okay, we're going to call the vote on this.

LEG. LOSQUADRO:

That's all I have to say.

CHAIRPERSON VILORIA-FISHER:

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

LEG. KENNEDY:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRPERSON VILORIA-FISHER:

There's a motion to approve? All in favor?

LEG. LOSQUADRO:

Aye.

LEG. KENNEDY:

Aye.

CHAIRPERSON VILORIA-FISHER:

Opposed? Motion carries. **(Vote: 5-0)**

We will now be looking at -- I'm going to make a motion to take **IR 2119** out of order. This is a CEO appointment. Eva Growney, if you could please join us. And I'm sorry that you've had such a long wait this afternoon. As you can see we are busy here in EPA Committee. **2119**, page three of the agenda. **(Appointing member to the Council on Environmental Quality Eva Growney) (Presiding Officer Lindsay)** Okay, can you tell us a little bit about yourself, please?

MS. GROWNEY:

Sure. My name is Eva Growney. I'm an architect. I work in East Hampton, New York. I am very active with the AIA. I have recently received a grant from the American Institute of Architect to do a study on conservation and preservation for the Hubbard County Park. It's a non-paying position. And I have been in the community of East Hampton for 30 years. I just recently also produced a symposium at Stony Brook Southampton campus for this project that I'm working on for the AIA. And it's a -- it's called the Duck Project.

CHAIRPERSON VILORIA-FISHER:

Okay. This is a question that I ask of anyone who comes before us to -- who is willing to sit on CEO. As you know the meetings occur in the mornings; on Wednesday mornings. And we do -- it is helpful to have some knowledge of SEQRA.

MS. GROWNEY:

Yes.

CHAIRPERSON VILORIA-FISHER:

And I was wondering what kind of experience you have with SEQRA.

MS. GROWNEY:

I don't have a lot of dealings with SEQRA quite frankly. I think in my thirty year career out here maybe there's been two projects that I've ever had to go through. And the -- more recently because I was working pro bono with past Commissioner Foley on the Teddy Roosevelt Park, that Dark Sky Park. I'm the consulting architect to that project. We had gotten into it a little bit with that. So my working knowledge is not elaborate. My generic understanding is there.

CHAIRPERSON VILORIA-FISHER:

Okay. We do have materials to help you learn -- we don't have a course on SEQRA but we would have available for appointees and members of CEQ to read up on it to get an understanding of it. And actually people who sit on CEQ even if they have had experience with SEQRA are always learning because it's so complex. And we often have to ask our staff people to read us the portions of SEQRA that would define the Type I Action or Type II Action in a particular set of circumstances. So it's not something you wouldn't have an opportunity to learn about if you want to put in the time.

MS. GROWNEY:

Of course. And certainly you have to read through a lot of code requirements and stuff, you know, for various different towns out here because I don't just work in East Hampton. You know, I've worked in many towns around Long Island. So I know there's always -- everything always has a learning process to it on some level. That's kind of the fun and the mystery of it at the same time.

CHAIRPERSON VILORIA-FISHER:

Legislator Kennedy.

LEG. KENNEDY:

Thank you, Madam Chair. Thank you, Ma'am, for coming out today. Certainly it's a long haul from East Hampton. And then more importantly thank you for expressing a willingness to go ahead and serve on a very important board.

MS. GROWNEY:

My pleasure.

LEG. KENNEDY:

Just tell me a little bit about the nature of your practice, I guess. I don't have your resume in front of me. Do you do commercial work, do you do residential work, do --

MS. GROWNEY:

Primarily I've been doing residential work, but I have done some commercial work; usually small projects. I also worked with the Port Authority up until 9/11. I worked on stainless steel buildings doing from the train to the plane. I've done a lot of large scale projects with firms in New York City before I really kind of footed myself out here on a permanent basis. And I -- again, it's mostly residential anything from small additions to, you know, swimming pools, hard scape to maybe 10,000 square foot houses.

LEG. KENNEDY:

Okay, primarily individuals, though.

MS. GROWNEY:

Primarily.

LEG. KENNEDY:

Municipal work, have you represented municipalities or --

MS. GROWNEY:

Never done any municipalities other than, well, the Port Authority. I mean I did work with them. I was consulting to them for a year, again, up until 9/11. That's the only municipality branch that I've even been involved with.

CHAIRPERSON VILORIA-FISHER:

Well, you worked with Parks, didn't you?

MS. GROWNEY:

Well, the Parks but not as a paid, you know --

CHAIRPERSON VILORIA-FISHER:

Oh, I see.

LEG. KENNEDY:

You were pro bono with them in order to assist with some of the design request or design concepts I guess that Commissioner Foley was looking at?

MS. GROWNEY:

Yes.

LEG. KENNEDY:

In addition to SEQRA do you have any familiarity with DEC work? I mean have you done any shore work, any wetlands work, anything along those lines?

MS. GROWNEY:

Very little. Most of my projects -- occasionally I get involved with them. I'd say probably 30 years ago I was more involved with that sort of work that came across, you know, my board if you will than today. So other than the pro bono work with the Parks.

LEG. KENNEDY:

Okay. Thank you. Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Are there any other questions? Okay, I'd like to entertain a motion. I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Approved. **(Vote: 5-0)** Ms. Growney, thank you very much for your willingness to serve.

MS. GROWNEY:

Thank you very much. I look forward to it.

CHAIRPERSON VILORIA-FISHER:

I look forward to seeing you at the CEQ meetings.

MS. GROWNEY:

Great. Thank you so much.

CHAIRPERSON VILORIA-FISHER:

Thank you. And you don't have to come on Tuesday to the -- on Monday to the General meeting.

MS. GROWNEY:

Okay.

CHAIRPERSON VILORIA-FISHER:

All right. Unless you want to kill a few hours. I'm going to make a motion to take 2102 out of order. **(Appointing Peter J. Elkowitz, Jr. As a member of the Long Island Regional Planning Council a/k/a the Nassau-Suffolk Regional Planning Board) (County Executive Levy)** 2102. That's appointing Peter Elkowitz to the Regional Planning.

LEG. LOSQUADRO:

Madam Chair?

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. D'AMARO:

2191, is that individual not here?

CHAIRPERSON VILORIA-FISHER:

Yes, she is. I'm going to be taking that out of order as well.

LEG. LOSQUADRO:

Oh, okay. I just wanted to make sure.

CHAIRPERSON VILORIA-FISHER:

We have four very patient people. Come on up, Peter.

MR. ELKOWITZ:

Thank you, Madam Chair, and members of the Committee. I'm Peter Elkowitz. My full-time job is with the Long Island Housing partnership as the President and CEO for those of you who are not familiar with myself. Let me just give you a little background.

First, my experience here in Suffolk County has been here for 47 years except when I went away to college. So I am a -- born here on Long Island, resident, Brookhaven Town resident for the last 47 years. I did get a Bachelor of Science degree from SUNY Albany in biology. I went on and got my Masters at Stony Brook. And I have a MS in policy analysis and public management. I did a fellowship at the Kennedy school at Harvard in local and state government. I'm also involved in the {Enegeo} Program class of 2007, which is a leadership program that Malloy College puts on.

As I said I worked for the Long Island Housing Partnership for the last 20 years. Long Island Housing Partnership is a not-for-profit organization whose main mission is to create affordable housing opportunities for those who couldn't afford to live here on Long Island, which we all know that's many, many individuals.

I just would like to thank you for the consideration for me to be a member of the Long Island Regional Planning Council more formerly known as the Nassau Regional Planning Board. And I will take any questions that anyone may have.

CHAIRPERSON VILORIA-FISHER:

Is your hand raised? Okay. I didn't know if you were stretching. Legislator Kennedy and then Legislator D'Amaro.

LEG. D'AMARO:

Let him go first.

CHAIRPERSON VILORIA-FISHER:

I didn't see you.

LEG. D'AMARO:

That's all right.

LEG. KENNEDY:

Hello, Peter, how are you?

MR. ELKOWITZ:

Good. How are you doing?

LEG. KENNEDY:

Very well, very well. I know your firm well and you do excellent work so I expect nothing but that coming from the Long Island Regional Planning Board.

Having said that, what do you think that the Regional Planning Board can do to help us put into practice what we all speak about so often? How are you going to move this body to help us try to actually construct enough affordable housing units that it's really going to make a difference?

MR. ELKOWITZ:

I think the first thing is to keep it in the forefront in everyone's attention. Keep it on everyone's mind. I think there's some legislation that's being proposed now that will create more affordable housing opportunities. There needs to be more of a team approach to conquer it. As I said, before there's no one simple solution so whether it's through legislation, whether it's through working with the lenders, whether it's through development or even providing technical assistance through various programs that are out there that are creating affordable housing opportunities, I think we all need to pool together as a team and get this accomplished. So the most important thing is to keep it on the forefront.

LEG. KENNEDY:

With your expertise, you also, I guess, and I've seen and I commend you on the fact that you're now trying to do some work for those that are in fiscal distress with the, you know, burgeoning foreclosure debacle that we're looking at. Do you find that lenders are willing to kind of, you know, step up to the plate now and make good on or help, you know, bail folks out where, you know, we all know that there's been some questionable practices in the past.

MR. ELKOWITZ:

That's a very good question. First, I sit on the National Advisory Council for the JP Morgan Chase. And we meet twice a year. One local, one national. And one of the things that the lenders are doing including JP Morgan Chase is looking at the people that are going into foreclosure. And the ones that are going to actually have adjustable rates. And we had to triage the situation into those that basically are being sold off on the municipal steps within the week or the month, those that were a couple of months behind to either six to nine months behind. And then those that were going to have an adjustable rate and those individuals could be helped before they actually got into a situation. So I see the lenders taking more a proactive role.

I think again as with affordable housing there's no one simple solution whether it's the state level changing some of the legislation, whether it's the federal level changing the FHA requirements, bringing in the government entities or basically Fannie Mae, Freddie Mac, all of them have to come together to resolve this. One of the things that I can say very positive is that they are not the families that the Long Island Housing Partnership has put into the homes because of the fact that

they were put into a correct mortgage product. It's those families that were desperate to get housing and went elsewhere to try to accomplish that means.

LEG. KENNEDY:

No, I know your counseling first hand is excellent and very above board. All I can say is thank you for willing to be able to take on yet another challenge and we look forward to good things. Thank you. Thank you, Madam Chair.

MR. ELKOWITZ:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Mr. Elkowitz, welcome and also thank you for putting yourself forward. And I know you must have a busy day with the Housing Partnership on a day to day basis. I just want to know have you thought through whether or not your position with the Housing Partnership would in any way conflict with the decisions that you have to make on the Planning Commission?

MR. ELKOWITZ:

I think you -- I have thought through that process. And my feeling is that basically as a true professional there will be conflicts in any position that you take or any board you sit on. And you have to separate yourself from the place where you are to what your, you know what your professional job is to do the right thing for Suffolk County, to do the right thing if it's the lender for the lender. But basically where you sit, you need to bring your expertise. And hopefully you can guide the team together to a mutual agreeable understanding of what needs to be accomplished.

LEG. D'AMARO:

So what direction would you want to see this board take to the extent that you have some impact or say over that?

MR. ELKOWITZ:

I think we have to watch out for the social need of the families here on Long Island to keep them here so they don't move off the Island. I think that will also have a major impact on our economic base, if we start seeing more and more families leave not being able to afford it. I think we need to provide this housing to improve the economic situation here on Long Island and to maintain the economic situation. This is a great place to live. I live here. I came back from school to live here. You know, I'm here with my wife right now. We've been here -- she's been here for many years and, you know, we don't have kids ourselves but we hope to continue to be able to stay here on Long Island and make it a better place for our future residents basically.

LEG. D'AMARO:

What's the single largest factor that prohibits us from meeting the workforce housing need?

MR. ELKOWITZ:

I think it's -- a lot of times people are for one simple solution. And we're a complex area out here. We have limited land available. We have environmental issues. We heard about the water out here earlier. I think, you know, we want to maintain our water quality but yet maintain our way of living out here. And in order to do that, it's very costly.

I think one of the things that we need to do is look at redeveloping existing properties that are already developed, making better use of our land here on Long Island and while maintaining the environmental as well because that's one of the beauties of this area.

LEG. D'AMARO:

Yeah, you know, as coming up to speed myself in the last few years and living this day to day, you know, you really have to strike that balance. And it's a very difficult thing to do. We talk about, you know, protecting groundwater and the need for sewers, if you want economic growth. At the same time, you know, people have legitimate concerns about how you place housing, where you put it, what does it do, how does it impact. And there's a lot of questions about that. So I think this board will greatly benefit from your perspective and your expertise. And I encourage you to try and move the board in a direction of tackling these very, very difficult issues. You know we need all the help we can get with that.

MR. ELKOWITZ:

Look forward to that. Thank you.

LEG. D'AMARO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Legislator Horsley.

LEG. HORSLEY:

Hey, Peter, how are you?

MR. ELKOWITZ:

Good, how are you doing, Legislator?

LEG. HORSLEY:

Good, good, good. First of all let me just applaud the County Executive for putting your name forward because I've worked with Peter for a number of years through the Town -- Town of Babylon and elsewhere. And he's always been, as he's said, a true professional would make that decision on what is your priorities and things like that; well, he's absolutely a true professional and I think that's wonderful that you're here before us.

I have just a quick question. Last year I got a whole bunch of us together, the Housing, Labor and elected officials to talk about the DiNapoli-Balboni bill and how positive that was, at least as a first step. Do you see that being resurrected on a regional basis or state basis? How do we bring that back to the table?

MR. ELKOWITZ:

It's being brought back to the table along with other legislation right now. The LIA is actually carrying that legislation forward, the inclusionary zoning. The partnership supports that legislation as well as the new legislation being supported by the County Executive which is basically incentives for local people, local zoning to build affordable housing and to look at if it's going to impact their taxes through, you know, an enrollment in school being increased, etcetera. So there's various legislation, legislative issues out there right now that we're looking to address. But that one is actually moving forward.

One of the nice things I should say about it, I know you spearheaded that, even though it didn't pass, we are creating hundreds of new units because municipalities have chosen to take that as an initiative and provide a certain percentage of those homes, whether it be ten percent, twenty, twenty-five percent you hear.

LEG. HORSLEY:

So it's being done on a local basis.

MR. ELKOWITZ:

So it's being done -- right. But it's not being a mandate because people are concerned about local zoning. It's not being done as a mandate but actually a lot of the municipalities and villages have

really initiated that as part of getting approvals whether they want them fast tracked or whether they want an increase in density. So it's been proven successful at the partnership. Our shift has gone a lot more from us being the developer to providing technical assistance to those municipalities, private developers, or not-for-profits that are looking to continue through forms of inclusionary zoning in their local municipality.

LEG. HORSLEY:

Interesting. Good luck to you.

MR. ELKOWITZ:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro has a question.

LEG. LOSQUADRO:

Thank you. That sort of leads into a couple of questions for me. One do you have -- and I know it's, you know, it's the 800 pound gorilla, do you have any specific thoughts of what you would do in this position to work with those municipalities that have the home rule power? And sort of get further the buy-in on their part? And you do you see any perhaps expanded powers that this Council could yield? I know there's obviously been a very strong reluctance on the part of towns and villages to give up any of that local planning power, but do you see an expanded role for this Council in terms of planning decisions and perhaps even, and I know it's always tough to even say it, but even wresting some of that control away from those local municipalities in the interest of more regional planning?

MR. ELKOWITZ:

First, to answer your first question, we are working with local municipalities. And about a year ago with the Long Island Senate Majority delegation, they had issued \$25 million to the Long Island partnership to administer a employer-assisted housing program, which basically would provide along with the other subsidies out there, the County subsidies coming through the Home Program and through the state program would allow an individual to obtain anywhere from 12 to \$92,000 to assist them in purchasing their home.

That said, one of the areas that we looked at was since we're an aging suburban market out here, some of those funds were also allocated to improve the home, rehabilitate the home so a person wasn't going into a home basically strapped. They could do some repairs to bring that home up to code.

The second part of that program actually which is the incentive part of the program was to provide up to \$25,000 not to the developer but to the purchaser who is buying a home to inclusionary zoning. Basically if the municipality, village, town chose to give a density incentive to a developer and he provided that home for under either 240,000 or 260,000 depending upon he was trying to reach or she was trying to reach a market at 120 percent of median income, they would get \$25,000 brought to the closing table to assist them in writing down the cost to the purchaser. And mainly that assisted -- because, you know, a high tax area, that assisted the individual to make that home more affordable. And there are two actually in the first year of operation, there are two programs that are using it. One is over in Central Islip and one is in Nassau County in Massapequa. So that program provided the \$25,000 incentive, again, not to the developer but to the purchaser to make the home more affordable.

Your second part of the question which is where do we see the Planning Board going in the future and how much role, you know, locally will play versus on a more regional basis, I think, I think the name alone regional is important. I think in my own position at the partnership one of the things that we looked was working closer to -- with other areas that had similar concerns or similar problems. And there's no one place whether it was Silicon Valley or the ski resorts out in Colorado,

whether it was in Massachusetts. And we looked at rather than reinventing the wheel what we could do to put in place on a more regional basis so it wasn't just Suffolk County, it wasn't just Suffolk and Nassau County. It was the downstate area as well as the Long Island region. And that's what we're looking at more is to, again, the more regional planning that's going to be required to resolve some of these larger issues; and not only housing.

LEG. LOSQUADRO:

Thank you. One other question, you brought it up earlier on talking about impact on school districts and rateables and what have you, are you familiar at all with the proposals that have been put forward for the County land in Yaphank?

MR. ELKOWITZ:

I'm somewhat familiar with it, yes.

LEG. LOSQUADRO:

In your opinion, are you more inclined to support larger scale projects such as that or smaller scale projects spread out across the County?

MR. ELKOWITZ:

Let me just -- in affordable housing there's three areas that we look at. One is the scattered site developments which can get in anywhere from one to three years. All right? The second is mid-size developments that we have which are subdivisions usually under 100 units. And they're 72 units sometimes, they're 40 units. Some are even 10 or 18 units. The basic of that takes five to seven years. All right?

And then there's these larger developments that we're looking at whether it be in Nassau in the hub or in Suffolk in Yaphank. Those developments require a lot of planning and a lot of good planning. And that's what's important. Those projects can take -- I mean just in -- developing the construction site is the easiest. It's usually 18 to 24 months depending upon the size of the mid-size ones. So the larger development's going to take a lot of planning, all right, a lot of addressing over a lot of issues. And we look forward to, you know, to start working on that. To say when a development like a Yaphank or Pilgrim or even a hub, once it gets started, you know, it's very hard to say where it's going to go in the future. But we need to look at the schools. We need to look at the impact in the community. We need to look at the transportation, the environmental impact, etcetera.

LEG. LOSQUADRO:

Well, we're getting into the nuances of that. I meant more on a philosophical level for a suburban county such as Suffolk, do you think that those type of larger, more centralized segregated but in the geographical sense obviously not in any sort of racial sense, segregated geographically communities, is that something that you are of favor -- and I understand your point, that there's a menu. I understand your point that there's a menu. But do you think that those large scale projects -- so what you're saying is those do have a place as well? It's part of the overall menu?

MR. ELKOWITZ:

I think you need -- exactly. I think you need a combination of all of them. Because some people would do the reverse and say one or two units here or there doesn't real have an impact while we've already built four or 500 of those units. Yet, you know, to get four or 500 units --

LEG. LOSQUADRO:

A little bit by a lot of people equals a whole lot; right?

MR. ELKOWITZ:

Yeah, exactly that one starfish story. But more importantly there's a place for all those various type of developments. And, you know, they're large developments that take a lot of planning upfront, a lot of time, etcetera. But they'll meet the biggest need, okay? Whereas if we're looking, because

we have an immediate need, if you look at some of the statistics, unemployment, of you look at some of the statistics on how many housing units we need at this time, that is going to happen, all right, at a much slower pace. But it will get done a little bit quicker by building one unit at a time. But the mega developments we would, you know, look at them as they're going to obviously hit a major part and a major impact in the need out here.

LEG. LOSQUADRO:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Peter, I just said to one of the my colleagues, gee, I thought Peter was going to be a slam dunk we'd go right through; but you're such a wealth of knowledge that we just like talking with you. I'm going to make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

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

MR. ELKOWITZ:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

And thank you for all you do, Peter. Thank you for your work.

I'm going to make a motion take **2091 out of order. (Appointing Maria Brown to the Wetlands Stewardship Committee) (Presiding Officer Lindsay)** Seconded by Legislator D'Amaro. All in favor? Opposed? IR 2091 is before us. Ms. Brown, can you please join us?

MS. BROWN:

Good afternoon.

CHAIRPERSON VILORIA-FISHER:

Good afternoon. And we had met a while ago.

MS. BROWN:

Yes.

CHAIRPERSON VILORIA-FISHER:

It's good to have you here. Thank you for your willingness to serve. Another good quality candidate. Can you tell us a little bit about yourself, please, Maria?

MS. BROWN:

Sure. Can you hear me? There we go, okay. My name is Maria Brown. I grew up on Long Island. I went to school at City University Queens College and had a double science major. I majored in biology and geology with a minor in chemistry. I graduated and worked as an environmental consultant, as an environmental scientist and did my masters at Long Island University. And I completed a masters in environmental science. And I'm presently working on a Phd in environmental science.

I worked in industry for 12 years full-time. Left as a senior environmental scientist to raise twins. And when they were four I decided that going back into that full-time consulting was not really going to work for me. I wanted to stay home with them and be around as much as I could and decided to teach. So I am now a teacher at Sayville High School. I have been there -- this is my ninth year. And I teach -- I have an interesting job. This year I'm on a special assignment where I'm a research

and engineering advisor. So I don't have any set classes. I work with students individually and work with them on projects and science and engineering.

CHAIRPERSON VILORIA-FISHER:

Thank you, Marie. Can you tell us a little bit about that neat project you did with the kids? You had told us about it last year. And I do know you're waiting.

MS. BROWN:

Which one?

CHAIRPERSON VILORIA-FISHER:

The environmental program that you developed at Sayville.

MS. BROWN:

Okay. We have two environmental programs; one is the college board program. When they hired me at Sayville High School, they did not have a environmental science program. So I was interested in developing one. And I developed it as a field based program so students are -- they really don't go into the classroom until around December. And the students are working throughout the year collaborating with various municipalities, industry, different organizations. They've collected field data for Greens Creek watershed over the past eight and a half years. And that data was used to help put together the watershed action plan for Greens Creek and Browns River although we didn't do the Browns River portion. And we worked with the consultants when they were hired by Town of Islip, provided them with the data that helped that plan which was implemented last spring.

We also have an environmental club there. And that club is also very interactive with many of the groups, the local groups, civic associations and Audubon Town of Islip, Parks Department. And they do a lot of educational outreach. This year they have a symposium on bay scaping and native plants and reduction of fertilizers and pesticides for sustainable land use.

CHAIRPERSON VILORIA-FISHER:

I thought everybody else would find that interesting. I mean it's a great authentic assessment. I'm really happy that you did for the kids. That's great. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. In hearing your current schedule which you have no affixed classes, I'm assuming will give you the flexibility, does this board meet during business hours generally speaking?

MS. BROWN:

Yes.

LEG. LOSQUADRO:

Well, my wife happens to be a teacher also. She's a math teacher. And I know that her schedule sometimes changes year to year. Obviously for this year your schedule would most likely be able to accommodate this. But have you spoken to the superintendent at your school, taking time if this will require time away from the district during the normal hours? Is this something that is agreeable to the local NYSET chapter? Have you gotten all the necessary clearances on that?

MS. BROWN:

Yes. As a matter of fact this is a new program that I designed. So it's set up for four years for its infancy. It goes in tiers; four different tiers. So the district is committed to allowing me to see it through for the first four years. So I do have this schedule and this flexibility for another three and a half. And, yeah, I did acquire all of the permissions necessary. I've been attending the meetings. I have to admit, though, I had to miss this past meeting. There was a death in my family and I was away from the students who, of course, had a dead line the same day for submission of research to the competition.

LEG. LOSQUADRO:

It's always the case.

MS. BROWN:

So I had to physically drive there, their competition paper work out to the site and was unable to get back in time for the meeting. But I've been attending the meetings. And I'm very committed to being part of that.

LEG. LOSQUADRO:

No, that's fine. I just wanted to make sure that you wouldn't be putting yourself into a situation, you know, where if your schedule changed or something happened that you would have to give up something that I think you're obviously very well qualified for. So thank you for your willingness to serve. Sometimes we're -- we never cease to be amazed at the people who are willing to put their time in. So thank you.

CHAIRPERSON VILORIA-FISHER:

I'd like to make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? Motion passes. **(Vote: 5-0)** Maria, thank you again.

MS. BROWN:

Thank you very much. Have a nice evening.

CHAIRPERSON VILORIA-FISHER:

You, too. I'll see you at meetings. And Maria, you might have heard me earlier say that you don't need to come on Tuesday for the General Meeting. Okay? Monday.

TABLED RESOLUTIONS

Okay, to the agenda. We're going to try to be expeditious because I know that Vito Minei has to get back to the Health Department. So I promised him we would get to 2172, 2175 and 22224 pretty quickly and I know that Michael White has been waiting to hear us discuss 2118 so Planning will be happy that we're probably not going to drive them too crazy. Right, John?

LEG. KENNEDY:

I got to be in Smithtown at 5:30, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

Excellent. Smithtown's not that far so -- okay, to the agenda, Tabled Resolutions.

IR 1554, adopting local law number -2007, a Charter Law to strengthen the Water Quality Protection and Restoration Program (Schneiderman) Motion to table by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **1554 stands tabled. (Vote: 5-0)**

1604, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, Open Space Component, for the Lawnsdale LLC property, Fresh Pond/Dickerson Creek, Town of Shelter Island. (County Executive Levy) This is going to be -- I'm going to make a motion to table subject to call, seconded by Legislator D'Amaro. All in favor?

LEG. LOSQUADRO:

What happened?

CHAIRPERSON VILORIA-FISHER:

There's a -- what happened, Legislator Losquadro, is that this should have been withdrawn. It wasn't so the County Executive request that we table it subject to call because there's another -- there's a new resolution where there's a partnership with Shelter Island. There's a motion to table

to subject to call and a second. All in favor? Opposed? Abstain? **IR 1604 is tabled subject to call. (Vote: 5-0)**

1720, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks Fund, Hobbs Farms property, Town of Brookhaven (Viloria-Fisher) Motion to table by myself, seconded by Legislator D'Amaro. On the motion.

LEG. LOSQUADRO:

Did this go before Farmland? Is that what we're waiting for on this?

DIRECTOR ISLES:

It did but I think you're reconsidering it.

CHAIRPERSON VILORIA-FISHER:

We're reconsidering it. I'm working with Mr. Morgo and with the owners of the property because we're looking at multi-uses here. It's a little complex. I haven't heard back from Mr. Morgo. I think he's been otherwise engaged. But we will be talking about this. Did I call it? Okay, there's a motion to table and a second. All in favor? Opposed? **IR 1720 is tabled. (Vote: 5-0)**

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

DIRECTOR ISLES:

We previously spoke on this several times. This is a parcel located on the east side of Wading River Road. It's kind of a long narrow parcel. We had rated it at 18 points. We, however, do not recommend the approval of the planning steps by virtue of the fact that the parcel is somewhat segregated from the water features that are further to the east. It is not contiguous to County-owned open space. There is a subdivision that does include some open space that was apparently dedicated to the State of New York. But here again it's fragmented. It's formerly farmed property, overgrown brush at this point. It would not seem to be a strong candidate for the County's Open Space Program.

CHAIRPERSON VILORIA-FISHER:

Okay. We have a motion to table and I'll second that. All in favor? Opposed?

LEG. LOSQUADRO:

I maintain my opposition.

CHAIRPERSON VILORIA-FISHER:

Okay. Please note the opposition. Motion to table passes. **(Vote: 4-1-0-0. Legislator Losquadro opposed)**

IR 1867, adopting local law number -2007, a local law to ban low-efficiency incandescent lamps and to create the Energy Efficient Lighting Task Force (County Executive Levy) Motion to table.

LEG. LOSQUADRO:

Be careful with those task forces.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. All in favor? Opposed? **IR 1867 stands tabled (Vote: 5-0)**

IR 1948, authorizing planning steps for acquisition under Suffolk County Multifaceted

Land Preservation Program, Smithtown Boulevard property, Town of Smithtown. (Kennedy) And I'm going to make a motion to table.

LEG. KENNEDY:

Madam Chair, on that motion.

CHAIRPERSON VILORIA-FISHER:

Okay. Let me just see if I have a second?

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. And, yeah, we do want to talk about this. This is the Bavarian Inn. Okay, I just had some questions about -- no, this isn't the Bavarian Inn, this isn't the one. Sorry.

DIRECTOR ISLES:

No, it is not. It's a gas station or former gas station along Smithtown Boulevard.

LEG. KENNEDY:

As a matter of fact that one I still have work to do with the community so I have no objection to tabling that one. I am still trying to get that group formulated that we've asked for as far as participation. So I don't have an objection.

CHAIRPERSON VILORIA-FISHER:

There's a motion to table and a second. All in favor? Opposed? **IR 1948 is tabled. (Vote: 5-0)**

We voted on 1996.

IR 2004, authorizing planning steps for acquisition under Suffolk County Save Open Space, Farmland Preservation and Hamlet Parks fund, Brookfield Presbyterian Church property, Town of Brookhaven. (Romaine) Motion to table by myself, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 2004 is tabled. (Vote: 5-0)**

IR 2027 (authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Bavarian Inn property, Town of Smithtown) This is the Bavarian Inn indeed. And, Legislator Kennedy, you would like to say something about that.

LEG. KENNEDY:

Madam Chair, from where we off at the last meeting, I think there was a concern from the Chair as far as sufficiency of capital. As I will refresh your recollection, this was actually the highest rated parcel I've ever had.

CHAIRPERSON VILORIA-FISHER:

Yeah, 42 points.

LEG. KENNEDY:

Yes, 42. And I would encourage the board to just go forward with the planning steps reso. This fulfills many of the planning documents that have been in place for a better part of 20 years as far as a policy for acquisition and for preservation surrounding the Lake.

CHAIRPERSON VILORIA-FISHER:

John, if I may just interrupt, I think one of my other concerns was that it was no longer viable as a restaurant. And what my thought process was that if indeed the business was going under, perhaps there would be a taking -- not a taking but the County would be acquiring this through tax default.

LEG. KENNEDY:

Madam Chair, with all due respect to the Chair I have to be honest with you. That may be the pragmatic reality as to whether this occurs. I have had some contact with the attorney for the property owners. As a matter of fact, it was the firm of my opponent which I continue to find ironic, but nevertheless -- but I don't know that this is no longer viable. As a matter of fact the Lake itself has dropped two feet. Mr. Minei, as a matter of fact, is in the audience. And I know that there was closure of the restaurant itself back in March of 2007 due to septic concerns. I don't know if that's the present case at this point. Public Safety for the Town of Smithtown also cited it for access issues. None of those issue are there at this point any longer. So I don't know it to be --

CHAIRPERSON VILORIA-FISHER:

Aren't the septic tanks under water?

LEG. KENNEDY:

You know, through the Chair, Madam Chair, I don't want to make this long. But if Mr. Minei can shed any light on this, I'd appreciate it.

LEG. HORSLEY:

John, what can you do by rights with the property?

LEG. KENNEDY:

It's zoned commercial. The property is zoned commercial at this point. And as a matter of fact a restaurant as far as I understand it is permitted use.

MR. ZWIRN:

Lloyd Bridges is interested, I understand.

LEG. KENNEDY:

So is Jacque Cousteau.

MR. ZWIRN:

He's going to bring back Sea Hunt.

LEG. D'AMARO:

Also, just through the Chair before Mr. Minei, John, didn't we establish at the last committee hearing that the septic system had been breached and that there were contamination issues on this site?

LEG. KENNEDY:

That I don't know for a fact at all as a matter of fact.

LEG. D'AMARO:

I know last time you had spoke about possibly a civic association use or using the building somehow. And then we talked about the septic systems and -- didn't we do that already?

LEG. KENNEDY:

Well, I sent actually e-mail to Commissioner Isles and indicated that in order to harmonize with some of the thinking of the department, we'd be more than agreeable to see it revert back to a more natural use; if that involved demo, that would be fine. We have enough other types of municipality structures in the general vicinity. As a matter of fact it's by default coming together actually as part district. That in an effort to acquire, the community would go ahead a abide by removal of the structure itself.

CHAIRPERSON VILORIA-FISHER:

Okay, let's listen to what Vito has to say about the septic system.

LEG. KENNEDY:

But I think -- yes.

CHAIRPERSON VILORIA-FISHER:

Okay, Vito, you're on the spot.

MR. MINEI:

Thank you. Vito Minei, Director of Environmental Quality for the Health Department. The answer to the waste handling system is if you've ever been to the Bavarian Inn, from the parking lot you have to walk by a very large steel tank encased in concrete. That holds the sewage. And they had a very attractive scavenger waste truck, a sewage pumping truck parked there that they owned that pre-dates my tenure as Director probably by about three or four decades. So the answer is, no, the sanitary system is not in groundwater. It's sitting above the parking lot. And I'm not sure that the

--

LEG. KENNEDY:

It lends to the ambiance.

MR. MINEI:

Well, it looks very attractive in an aerial perspective but not walking by it. So -- but seriously I'm not aware of the actual circumstances for its closing because that was grandfathered decades ago under various names of that restaurant.

LEG. KENNEDY:

Right. So all things being equal from the department's perspective they're not presently in violation, I guess, of whatever the waste -- all right, I'm not going to ask you to make a statement based on what the most immediate stuff is. But your remote recollection is --

MR. MINEI:

A very shaky situation in anyone's perspective of environmental protection but I'm not --

LEG. KENNEDY:

Agreed.

MR. MINEI:

-- again personally aware of there isn't --

LEG. KENNEDY:

But nevertheless still operating under some kind of a grandfathering is somewhat permissible.

MR. MINEI:

That's the way it was for decades.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER:

But if a -- if there were to be a new owner there, they would not be grandfathered.

MR. MINEI:

Well, grandfathering is an all --

CHAIRPERSON VILORIA-FISHER:

Does the grandfather go with --

MR. MINEI:

-- encompassing term. But in this situation, it probably would require other extensive efforts. There are septic systems called a mounded system where you have to bring in a lot of soil.

CHAIRPERSON VILORIA-FISHER:

That doesn't sound happy.

MR. MINEI:

No, it doesn't sound happy. And then you come up against town parking lot requirements for an establishment. It would be very difficult. And I for one would not advocate the grandfathering of that situation. It was very shaky. And in most situations we do not allow certainly today the installation of a holding tank in lieu of a sanitary disposal system. Anyone buying lunch now?

LEG. KENNEDY:

Through the Chair, Madam Chair, the title on that parcel did change only about 36 months ago. I've gotten a chain. And so clearly the current operator was able to go ahead and obtain his permit for a food handling purposes under whatever those circumstances were there.

LEG. D'AMARO:

Can I just pick up on that?

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro;

LEG. D'AMARO:

So are you saying that if a private individual has title to this parcel, that it can be used again commercially?

LEG. KENNEDY:

Well, there we go, through the Chair, Madam Chair, I don't represent the owner. I represent the electorate. But I would say that an applicant could at least make an application. And that through a contrived set of circumstances with groundwater down a bit now, there might be a circumstance where they would obtain a permit. Either that or it would be taken.

LEG. D'AMARO:

This parcel has a high rating. It has a 42, I believe, on the rating form. So --

LEG. KENNEDY:

Go figure. How did I get one of those?

LEG. D'AMARO:

So -- I don't know if Mr. Minei or Mr. Isles is still here, but assuming that the County acquires the property and gets the demolition costs taken off the top, I would assume before we go ahead and commit to purchase, this is only planning steps, we would do the environmental review and surveys required to make sure we're not buying a headache.

LEG. KENNEDY:

And a phase one.

LEG. D'AMARO:

And a phase one.

LEG. KENNEDY:

And a phase one, yeah.

LEG. D'AMARO:

Then you wind up with a parcel that has a 42 rating. So I think the tenor of the discussion last time was more about whether or not this would somehow be -- the parcel would be used with a structure on it or what have you. But if we get past that and we decide that, you know, we're going to just preserve this property, it has a high rating, we're going to get rid of the building, and that's going to forever prevent it from being developed, that's not something that I would be opposed to.

LEG. KENNEDY:

Well, I'm glad to hear that. Thank you. And as a matter of fact through the Chair I just spoke with Ms. Fischer again. And I believe the department has done some on site review; correct?

MS. FISCHER:

Yes, we went out to the site last week and evaluated it. And our recommendation would be that to look at it from purely an environmental perspective. We would recommend that the structure and all its associated sewage treatment, etcetera be removed. And then I wanted to reach out to Health Department, DPW and DEC to get a read on what their evaluation of the site is and what issues are -- we need to address with the site and then come back and make a presentation to you on that.

CHAIRPERSON VILORIA-FISHER:

Okay. So are you saying that you would like to do that before we pass this? Because once we make a planning steps -- once we pass this, you would have to go forward with all the planning steps?

MS. FISCHER:

Well, either way -- it's up to you to make that determination how you want to move forward.

CHAIRPERSON VILORIA-FISHER:

No, but I need -- we need to understand the process. If we pass this today, are you then thrown into the beginning of a process that you must follow through?

DIRECTOR ISLES:

Yes. And I think at this point since the last meeting which was only two weeks ago that this Committee met, we did get out there and look at the site. I looked at it personally. We've also reached out to Public Works because there's a flooding issue there. And whether that's something that's of relevance to them, we're still gathering information. If we had an answer or a recommendation today fully, we would. We are leaning in the direction that whether it's a County involvement or not, there should be an attempt to bring this back to more of natural environment.

What we'd like to be able to do is get more information. And the reason, I think, in this case we're putting the extra time in now to planning steps resolution is that this is not a typical situation. This is not an open space parcel we're buying. It's not a parcel -- it is a parcel that potentially has substantial cost to the County to restore it to the condition we're talking about. We want to have a good, firm handle on this. We also realize that this has implications to other parcels that are improved in the County. So it's a policy decision that's pretty significant.

CHAIRPERSON VILORIA-FISHER:

But I have a question about your statement just now, Tom. If in fact we were to -- we opt to demolish the structure, when the appraisals are done, the cost of demolition is borne by the current owner. I mean it's deducted from the -- what we're willing to pay for the property. So what other costs would the County incur other than the acquisition of the property?

DIRECTOR ISLES:

Well, I think that's probably something that's a matter of negotiation with the owner. I don't know what the outcome of that would be. I think you'd have to understand, too, that the -- it's not just the building which is rather substantial in itself. It's extensive paved parking area. It's a bulkheaded location. So I think -- I don't know what the cost is. I don't know what the environmental conditions are. But I think there's two parts of this. Number one, the existing conditions and investment are significant. And that would have to be -- we would have to have a

good handle on that.

The second part of it is -- and what we had talked about at the last meeting is that what is the intended use of this property? And we've since heard about the idea of a more natural environments, is that just strictly for park purposes, is it also for drainage and storm water remediation purposes, which I think it could fit into in this. So we think getting additional information perhaps in the next two weeks depending on how quickly we can get it back to you because we know you have your last meeting of the year in two weeks, to at least offer our recommendation from County Planning as to whether we think the proposal would fit into the County program as we understand it.

CHAIRPERSON VILORIA-FISHER:

Okay. Then I would ask the sponsor if you can table it for the two weeks.

LEG. KENNEDY:

I'll make the motion to table for one more cycle, Madam Chair, but I'm going to ask the Department to -- obviously I want you to have a good handle on what it is you may be getting into. But I think it's going to be beyond the department to necessarily quantify demo costs and things like that. Division of Real Estate is going to have that in the appraisal. And that's something as far as negotiation process with buyer and seller that is a little bit beyond, I think, Planning Department itself. So be comfortable with what's in your domain, but I think leave that, if you will, to the domain of where it belongs if that's okay.

DIRECTOR ISLES:

Right. Certainly to a finite degree, yes, I understand that.

MS. FISCHER:

If I also could ask -- request that you reevaluate the program. It is under Multifaceted Active Recreation. And we would suggest it going under multifaceted Parkland.

LEG. KENNEDY:

I'll ask Counsel to go ahead and make that change provided that that aspect -- is that adequately funded? Do we have anybody from BRO?

MS. FISCHER:

It's all Multifaceted so it's within the same -- it's the same funding sources all Multifaceted.

LEG. KENNEDY:

So we sufficient funds there, Kevin? Yeah, sure?

DIRECTOR ISLES:

Here again it's the same funding program that you have it in presently. So whether the funds are there or not is the same.

LEG. KENNEDY:

Lauretta, can you restate that for George? That's almost like a scribenor's, isn't it? It's just one word.

MS. FISCHER:

It's in the First Resolved where -- this is Multifaceted. You have it on as Active Parkland stage two. If you could put it under just parkland use. It's a more generic term. Under active parkland stage two you have to have a partner, etcetera. And all that really has to be in place with approvals by the finance department, etcetera.

LEG. KENNEDY:

So this way I don't have to try and drag Smithtown in here kicking and screaming again. Because

you know that's not going to happen. Pigs will fly before that happens.

MS. FISCHER:

Well, we certainly would encourage it but they -- the active use -- the active parkland use is what we're concerned about.

DIRECTOR ISLES:

Well, here again, we don't have a plan so we don't know what we're doing. It looks like it's going towards an environmentally based use of this property.

LEG. KENNEDY:

We're going to run jet skis off it.

DIRECTOR ISLES:

We're not done. You know, we haven't provide to you a recommendation so that's why we'd like some time to then come back with a firm, clear recommendation to you.

CHAIRPERSON VILORIA-FISHER:

Okay, and moving -- speed a little long -- Legislator D'Amaro, though, has another question.

LEG. D'AMARO:

Well, just very briefly I just want to be clear on what information we're looking for the next time we meet rather than going through each time and repeating the same. I just, you know, we have a rating form that we use as a guide. It has a decent rating. We've heard testimony that it's probably going to be not active but more of a preservation effort here. But because of the history of the parcel, you would just have more comfort doing the homework a little bit before as opposed to doing it as part of the planning steps; you want to make sure that we're not just, you know, getting into some kind of nightmare with environmental problems. Are you going to be able to do that in the next two weeks? To make a recommendation?

DIRECTOR ISLES:

We certainly will try. There are two pieces of information that I would like to get between now and your consideration of this; would be hearing from the Department of Public Works, which we've reached out to. There are definite storm water issues with this parcel, we believe. We'd like to get their review of it. Could this fit into a part of that in terms of what should the ultimate use of this property be? It may have a great benefit in terms of storm water remediation to Lake Ronkonkoma, but I don't know that at this point.

The second component I'd like to hear about is County Parks Department. It's adjacent to an existing County Park. What do they see? Is it you know, here again, a boat launching area? Is it active use? Here again, we don't need to have all the answers but personally speaking on behalf of the department is that it's too wide open and vague for us to really provide a recommendation to you as what we think is an appropriate course of action at planning steps.

LEG. D'AMARO:

I'll second the the tabling motion.

LEG. KENNEDY:

I thank you. And on that motion, I appreciate it, but the one last thing I'll --

CHAIRPERSON VILORIA-FISHER:

Did you get that, Alison, the tabling motion was by the sponsor, seconded by Legislator D'Amaro. Go ahead, I'm sorry.

LEG. KENNEDY:

As you go through acquiring this information, please just also, and maybe this is why it got the

rating that it got, reflect again on the fact that one of the recommendations, it came out of the Clean Lake Study done back in 1986, was acquisitions around the Lake. And this parcel was specifically identified for. So if we look at a continuum of prior planning efforts, we're really actually even though it's 29 years later, fulfilling what was one of the recommendations I guess at that time, and even though as we attempt to go ahead and in fill some of those other areas that are just north there, where we're fulfilling what were prior efforts to go ahead and review how to alleviate some of the stress in this area.

CHAIRPERSON VILORIA-FISHER:

Okay. And remember your 5:30 appointment.

LEG. KENNEDY:

Right, you got it.

CHAIRPERSON VILORIA-FISHER:

Okay. We have a motion to table and a second. All in favor? Opposed? **IR 2027 is tabled. (Vote: 5-0)**

IR 2066, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Kraft property, Town of Huntington. (Cooper) And we tabled this because we had some concerns last time we met. Have any of them been addressed?

DIRECTOR ISLES:

Not to my knowledge. I did speak to an aide today to Legislator Cooper. And she indicated to me that he is working on setting up a meeting with Cold Spring Harbor Laboratory and so forth to get further information to come back with a plan for the use of the property.

LEG. D'AMARO:

Right. At the request of the sponsor I'll offer a motion to table.

LEG. KENNEDY:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay, there's a motion to table and a second. All in favor? Opposed? **IR 2066 is tabled. (Vote: 5-0)**

IR 2068, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Froelich/Wicks Farm Preserve property, Town of Huntington. (Cooper) I believe that the Legislator has requested that that be tabled. I think he's still talking to people in Huntington, is he not?

DIRECTOR ISLES:

I'm sorry, I didn't hear the last part of what you said, Madam Chair.

LEG. D'AMARO:

No.

CHAIRPERSON VILORIA-FISHER:

Okay, I'm sorry. I don't have the mike close enough. Froelich Farm, isn't he talking to Huntington about that? Or is he ready for that to be passed?

MR. PERILLIE:

No, the Kraft property is what he's talking about.

LEG. D'AMARO:

Right.

CHAIRPERSON VILORIA-FISHER:

Oh, right. With Cold Spring Harbor, yes. Okay.

DIRECTOR ISLES:

That was with Kraft, which is 2066.

CHAIRPERSON VILORIA-FISHER:

Correct.

DIRECTOR ISLES:

2068 did receive a rating of 18 points which we reported last time. That's a little bit below the, you know, typical standard. We felt, however, in looking at this one, it is directly adjacent to -- on two sides, the County Park, Froelich Farm Park, Wicks Farm. And it is an approved subdivision. It would be two houses potentially built, we feel, directly intruding to the park; not too dissimilar from the Commerdinger matter in Ronkonkoma. So it's one that we would recommend to you as an in fill acquisition for planning steps. Just to make that clear. Your decision as to where you want to go with that.

CHAIRPERSON VILORIA-FISHER:

So is there a motion?

LEG. D'AMARO:

I'll offer a motion to table -- to approve.

CHAIRPERSON VILORIA-FISHER:

To approve.

LEG. KENNEDY:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Okay, seconded by Legislator Kennedy. All in favor? Opposed? **2068 is approved. (Vote: 5-0)**

2117 (adopting local law number - 2007) a local law to reduce nitrogen pollution by reducing use of fertilizer in Suffolk County. (County Executive Levy) This needs to be tabled. It was tabled in CEQ.

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **2117 is tabled. (Vote: 5-0)**

2118 (adopting local law number - 2007) a local law to refine procedures of the Planning Commission. (County Executive Levy) Is Mike White still here?

DIRECTOR ISLES:

This is for the County Planning Commission, not the Regional Planning Board.

CHAIRPERSON VILORIA-FISHER:

Oh, okay. All right. Thank you. I'll make a motion to approve.

LEG. LOSQUADRO:

Explanation, please.

CHAIRPERSON VILORIA-FISHER:

Okay. Let me just get a second on that.

LEG. HORSLEY:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Horsley. Counsel, can you please --

MR. NOLAN:

I'll defer to Tom.

CHAIRPERSON VILORIA-FISHER:

Oh, I'm sorry. Go ahead.

DIRECTOR ISLES:

Yes, the Legislature approved a bill, I think it was about two years ago, to require notification of Planning Commission applications where it was for commercial development within 500 feet of a municipal boundary. If you may recall, this was probably provoked mostly by development in the vicinity of Commack by the Commack Multiplex. And it was the border of Smithtown and Huntington. And there was dispute over the land uses. I think some residents in Huntington felt that they weren't given notice of the application in Smithtown and so forth. So you passed a law, then, to require that there be notification provided. So we have been doing that.

Now that we've had two years to run this and try it, we have found some problems with it, some practical problems with a couple of things which were outlined in here. And what we're simply trying to do and working with the -- closer with the Department of Law is to make it easier to administer and effectuate this essentially. So we just see it as a method of still retaining the intent, provide the notification but to do so in a manner that we think is just -- takes some of the bugs out of the original proposal. And I can go into detail if you would like.

LEG. KENNEDY:

On the motion, Madam Chair. I recall this vividly because the development is in my district. And Legislator Stern, who I think was the sponsor of the increased notification had the residents in Imperial Gardens there that raised some more ruckus. But the footage, didn't it go to a 1,000 or 1500 foot? It had been under state statute of 500 foot proximity.

DIRECTOR ISLES:

Yes, it went to a thousand feet.

LEG. KENNEDY:

Okay. Is that being preserved?

DIRECTOR ISLES:

It is.

LEG. KENNEDY:

Okay. And notification is going to be what, by certified mail or --

DIRECTOR ISLES:

Well, that's one of the problems. For example, it said in the original legislation that we had to notify residents and businesses. And it became a little problematic to have a way of identifying who a resident is, whether it's a tenant or an owner; what a business is. Somebody could have a business in their home and we wouldn't have any way of knowing that or verifying if it was accurate. So here

again working with the Department of Law --

LEG. KENNEDY:

What is the cure language? Land owner?

DIRECTOR ISLES:

We have two methods. One would be occupant, the general, whoever is there notification. And then a second one through the official land records of the respective town. And so using the assessor land base data record. So having that as two methods to ensure notification.

LEG. KENNEDY:

I apologize. I should have read this but I didn't get a chance to see it. What's the time frame, then? So owner and occupant is fine. Thirty days, 45 days, what's the time to reply or to --

DIRECTOR ISLES:

Okay. Keep in mind the County Planning Commission only has 45 days to consider a matter. We're specifying this at least ten days prior to the meeting that there be notification given.

LEG. KENNEDY:

Ten days prior to the hearing of the matter by the commission there be notice to owner or occupant?

DIRECTOR ISLES:

Yes.

LEG. KENNEDY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? Abstain? Motion is approved. **IR 2118 is approved. (Vote: 5-0)**

INTRODUCTORY RESOLUTIONS

IR 2085, authorizing planning steps for the acquisition of land under the New Suffolk County Drinking Water Protection Program, Fiore property, Town of Southampton. (Horsley)

LEG. KENNEDY:

Wayne, what are you doing buying land out in Southampton?

LEG. HORSLEY:

Oh, okay.

CHAIRPERSON VILORIA-FISHER:

There's a very logical explanation.

LEG. HORSLEY:

There is a logical explanation. And by the way, Mr. Schneiderman -- I'm sorry. What it is is it's a constituent of mine who apparently inherited the property out in East Hampton and is interested in putting it in the program. I understand from -- that Mr. Schneiderman is now cosponsoring it. If you can add that on. Can I do that for him? I can make the request on whether or not -- he can verify it at any time. But that's the reason.

DIRECTOR ISLES:

Okay, this is a relatively small parcel. It's outlined in the aerial photograph we've supplied to you. It's actually two parcels. The parcels in green are County-owned parcels. Presently this is just east of the Bowmark facility which is the County facility on the left of the map that's storage and so forth. It is a parcel that rated 17 so it's a little bit below. Here again the typical standard in this case given the fact that this is an area of significant County holdings, it is in a special groundwater protection area. It's in the compatible growth area in the Pine Barrens. It was a case that we did not have County parcels in the surrounding area. We would not recommend it. But I consider this -- we consider this to be an in fill proposal and would recommend it to you today.

CHAIRPERSON VILORIA-FISHER:

You want to make a motion, Wayne?

LEG. HORSLEY:

Sure, I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Oppose? **IR 2085 is approved. (Vote: 5-0)**

IR 2096, directing the Department of Planning to file open space rating system forms with the Legislature. (Romaine) I'm going to make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **2096 is tabled. (Vote: 5-0)**

IR 2098, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Rollstone Estates property, Town of Islip. (Presiding Officer Lindsay)

DIRECTOR ISLES:

Okay. This is property located in the hamlet of West Sayville in the Town of Islip. It is a parcel that is improved with a greenhouse operation; however, let me point out to you that this photograph was taken in 2004. The greenhouses have not been used for a number of years. The greenhouses are in a delapidated condition. So the site is now somewhat overgrown and the greenhouses are somewhat delapidated.

The parcel itself totals about 12 acres. The resolution before you is for consideration of planning steps for the purpose of a active recreational use. This was before you probably about a year or two ago for farmland use, which has not materialized, here again, basically on the virtue or the reason that the parcel has not been farmed in a number of years. Typical standard for the County is it has to be farmed within two years. And this does not meet that at the present time.

What's proposed is, I understand it from the sponsor and Planning has been working with the sponsor on looking for recreation sites in this area. And it was his intention to consider this now for a recreational purpose of some sort of athletic fields. And so we have reviewed this on that basis. And in terms of the rating, it comes into a rating of 37. And that's based on the information we have now and some of which we're still verifying. We had a quick turn-around and this meeting this week so a lot of this was done Friday and Monday.

But I think in terms of the basics of it, the location for the recreation use, we think, is acceptable. It is across from federal land which is on the north side of the railroad tracks. It's not too far. It's basically around the corner from the Baymen Soccer Fields that are owned by the Town of Islip and the Aero World parcel which you authorized recently for athletic use as well.

We are going to deal with the issues here in terms of management of the property. I believe the sponsor is in contact with the Town of Islip on that as well as a local youth league. He has indicated

that to me. So that's the information we have at this point. And we understand it's an impacted western Suffolk area with not a lot of land available. So we think it's probably worth considering in terms of at least the general aspects of the proposal.

CHAIRPERSON VILORIA-FISHER:

Tom, on the map there's another little red area to the east. Is there a reason why that's outlined? That's not part of this acquisition, is it? Oh, yes, there's that point 24 acres, isn't it?

DIRECTOR ISLES:

Right. That is part of the resolution so -- that's actually where the access to this property is. There's a long strip that extends along the railroad tracks that connects to {Allstone} Avenue. So you would enter the property for the greenhouse use from there. And there's a driveway there. And I assume it's proposed for that for the athletic field use, too.

As far as the -- where it says r/w, the right-of-way, I'm not sure of the status of that. And we'd have to look into that. That may also have to be -- if that's parceled out with the tax lot number, that should be included in the resolution, too. We haven't had a chance to check that yet.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. HORSLEY:

Is that a paper street? Is that what that is?

DIRECTOR ISLES:

No, it is not. It's not a mapped street. It's either a right-of-way or it's a -- part of the parcel.

MS. FISCHER:

I think it's a right-of-way with the Long Island Railroad.

DIRECTOR ISLES:

Oh, it is? Okay. The information I have tells me it's a right-of-way with the Long Island Railroad.

CHAIRPERSON VILORIA-FISHER:

Oh, okay.

LEG. LOSQUADRO:

So that was actually one of my questions.

CHAIRPERSON VILORIA-FISHER:

Well the fence --

DIRECTOR ISLES:

We have to research what that means, though, in terms of the County buying it.

LEG. HORSLEY:

So you can't buy it then; right?

DIRECTOR ISLES:

I don't know.

MS. FISCHER:

I'm sorry. It's the right-of-way that says r/w, that parcel in between the two red parcels is a right-of-way owned by the Long Island Railroad. The red parcel is privately owned. Both red parcels are privately owned.

CHAIRPERSON VILORIA-FISHER:

But people can access the soccer fields from the first red parcel which is off that street. They can use that right-of-way there; no?

DIRECTOR ISLES:

Here again, we're going to have to verify that.

MS. FISCHER:

We have to verify that.

DIRECTOR ISLES:

That's what we understand it to be, but we don't know that for sure at this point.

CHAIRPERSON VILORIA-FISHER:

I had recognized Legislator Losquadro, sorry. Dan, go ahead.

LEG. LOSQUADRO:

Well, that was one of my questions. And that -- that leads to a question that we're actually having on the Rails to Trails project right now is an issue of liability with the railroad owned or municipally owned right-of-way. Are they going to require any sort of hold harmless with that. And I know we're dealing with that right now. And we have a \$2 million grant on the line and they're still giving us a hard time about that. So there's no \$2 million holding over anyone's head here so I would have to imagine they would probably want to see themselves held harmless for any liability exposure. But that's something for the attorneys to work out.

But in physical characteristics on the rating form in location, when I look at the property to the north, the federally owned FAA property, in the second criteria of location, it says site is adjacent or near to other protected parklands. I generally don't see FAA property as considered parkland. In fact the FAA usually doesn't want you anywhere near their property and usually does a pretty good job of keeping people out with barbed wire and security cameras. So is that parkland or --

DIRECTOR ISLES:

Well, it's actually -- it's actually not FAA property any more. It was transferred this summer to the Department of the Interior.

LEG. LOSQUADRO:

Okay.

DIRECTOR ISLES:

So it's now been put into park categories as far as the federal government's concerned.

LEG. LOSQUADRO:

Well, if it hadn't said FAA, I wouldn't have even brought that up because I know they tend to be very touchy about their property.

DIRECTOR ISLES:

Yeah, and I understand. And that's what people refer to it as. They call it that locally, but the actual transfer occurred, I think, in August.

LEG. LOSQUADRO:

Oh, okay. That's good. And is there a potential use that has been considered for that site by the federal government?

DIRECTOR ISLES:

The intended use is a federal wildlife refuge, actually so it is intended to be conserved.

LEG. LOSQUADRO:

And that will be opened to the public.

DIRECTOR ISLES:

I don't know if it's going to be opened to the public. It's intended to be preserving the environment there. It's actually got an endangered species on it so it is -- the actual amount of public access and use, I think, is going to be very limited but I can't speak on it definitively at this point.

MS. FISCHER:

The protected plant is the sand plant Gerardia. It's a federally protected plant species; rare plant species.

DIRECTOR ISLES:

I mean if you'd like us to do further research on the railroad right-of-way or try to get something for the next meeting, we can certainly do that for you.

LEG. LOSQUADRO:

Well, I think that -- yeah, I think that would probably be something done during the planning steps process. But I just want to make you aware of it because that is something that we have seen with, you know, public benefit corporations; that they've been very touchy about that and exposing themselves or their ratepayers to any liability.

CHAIRPERSON VILORIA-FISHER:

Tom, would you be more comfortable holding off for two weeks while you investigate that before we pass this as you were with the other one?

DIRECTOR ISLES:

Yeah, I think it's not that much harm for two weeks. I'm not sure how far we're going to be able to get with it, but hopefully we can get a little more information than we had today to have a higher comfort level one way or another.

LEG. D'AMARO:

Make a motion to table.

CHAIRPERSON VILORIA-FISHER:

I'll second it. Okay. We have a motion to table and a second. All in favor? Opposed? **IR 2098 is tabled. (Vote: 5-0)**

IR 2100 (authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Schmitt property, Town of Brookhaven) (Browning)

DIRECTOR ISLES:

Okay, this is property, for the sake of time, I'm just going to start if don't mind, I'll make the presentation.

This is located in Yaphank. It's across from the County Police Headquarters. So it's on the east side of Yaphank Avenue. It's a 50 acre farm. The proposed resolution before you is a purchase under Multifaceted Program for active parkland stage two. It's our understanding the intention is to seek a purchase of the property for the purpose of developing athletic fields. We have done a rating which is supplied to you in the packet before you. It is rated based on the information we have available at this time at 35 points.

You know, the first use of this property, we think, should be farmland, which there was a resolution approved many years ago for this. It was unsuccessful in securing an acquisition of development rights. The purchase of the property for recreation, we think, was a good idea given the need for recreation in this area, the growth in this area, the lack of large flat parcels that are not

environmental sensitive and so forth. Obviously as we've talked about today with some of the other acquisitions, there will be issues to be dealt with regarding management and so forth, unlike some of the acquisitions we talked about such as the greenhouses, Emerald Stone or the Bavarian Inn. This is not a case where there's an extensive amount of development already on here that would have to be addressed as well. So we have no objection to this matter.

MS. FISCHER:

We need to have a partner.

DIRECTOR ISLES:

We do need a partner, by the way; that's another important part of this.

CHAIRPERSON VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Being familiar with this area and looking at the aerial, that is a high tension power line that runs through the, I guess, a little more than halfway down the parcel.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

Is that a similar situation where we have a LIPA right-of-way issue with that? Because underneath the high tension lines, they always have a right-of-way for maintenance purposes and what have you.

DIRECTOR ISLES:

It may very well be. It's not singled out as a separate parcel so it is probably an easement over the property. That would have to be researched and we'd have to respect the easement in terms of the layout of any fields and not conflict with that in any manner.

LEG. LOSQUADRO:

And not to open up a Pandora's Box, but one of the things the LIPA would probably want to see is a hold-harmless for any future claims regarding EMF, electric magnetic field, and admissions from the high tension lines even though there has been no successful litigations to date. They look at this in a perspective sense and would probably want to see something like that on this. And just caution, again, look into the legal ramifications of dealing with a separate entity going through property especially another one that we would be seeking to use for active recreation purposes.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

And, Tom, I believe you say we don't have a partner yet on this?

DIRECTOR ISLES:

To my knowledge we do not.

CHAIRPERSON VILORIA-FISHER:

I'm going to make a motion to table.

LEG. HORSLEY:

Okay.

CHAIRPERSON VILORIA-FISHER:

Because with active parkland you really do need to have a partner on this. The County isn't, you know, in the business of running active parkland. We have two weeks.

LEG. D'AMARO:

Yeah, they're going to investigate that?

CHAIRPERSON VILORIA-FISHER:

Right. Well, the sponsor is the County Executive. Who's the sponsor?

LEG. HORSLEY:

Kate Browning.

CHAIRPERSON VILORIA-FISHER:

So we'll speak with the sponsor and see if she knows anything about a sponsorship. Okay, Tom, will check that. I made a motion to table. I need a second.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **IR 2100 stands tabled. (Vote: 5-0)**

We've approved 2102. Okay. We now have the SEQRA. We'll do same motion, same second on these.

IR 2140, making a SEQRA determination in connection with the proposed traffic improvements on the southwest corner of County Road 85 and Atlantic Avenue, Town of Brookhaven. (Presiding Officer Lindsay) Motion by Legislator Losquadro, second by myself. All in favor? Opposed? And **placed on the consent calendar.** All in favor? Opposed? Abstain? Motion's approved and placed on the consent calendar. **(Vote: 5-0)**

2141, making a SEQRA determination in connection with the proposed County Road 17/Wheeler Road Early Implementation Project, Town of Islip. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 5-0 and placed on consent calendar)**

IR 2142, making a SEQRA determination in connection with the proposed Chandler Estate Revised Adaptive Re-use plan and proposed construction of new parking lot, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 5-0 and placed on consent calendar)**

IR 2143, making a SEQRA determination in connection with the proposed reconstruction of CR 97, Nicolls Road, Early Implementation Project, from Furrows Road to NYS 25, Middle Country Road, Town of Brookhaven. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 5-0 and placed on the consent calendar)**

IR 2144, making a SEQRA determination in connection with the proposed acquisition of land under the Multifaceted Land Preservation Program, parkland purposes known as the Three Mile Harbor County Park addition, Boys & Girls Harbor, Inc property, Town of East Hampton. (Presiding Officer Lindsay) Same motion, same second, same vote. **(Vote: 5-0 and placed on the consent calendar)**

IR 2145 making a SEQRA determination in connection with the proposed acquisition of land under the Suffolk County Save Open Space fund, Hamlet Parks component, for the Aero World Corporation property, Town of Islip. Same motion, same second, same vote. **(Vote: 5-0 and placed on the consent calendar)**

IR 2146, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Hallock Acres County Wetlands addition, Sebesta property, Town of Smithtown. (Presiding Officer Lindsay) Same motion, same second, same vote. (Vote: 5-0 and placed on the consent calendar)

IR 2147 making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Aspatuck Creek, Gary J. Sapiane and the estate of Frank Bilski property, Town of Southampton. (Presiding Officer Lindsay) Same motion, same second, same vote. (Vote: 5-0 and placed on the consent calendar)

IR 2155, amending the adopted 2007 Operating Budget to transfer funds from the Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program, and appropriating funds in connection with reducing and mitigating toxic discharges. (County Executive Levy) And this is one that was asked to be tabled; am I correct? That's a County Executive? I think they asked that it be tabled.

LEG. D'AMARO:

Yes, motion to table.

CHAIRPERSON VILORIA-FISHER:

I think they ask that it be tabled.

LEG. D'AMARO:

Yes, the next several.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. D'AMARO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator D'Amaro, seconded by myself. All in favor? Opposed? **IR 2055 is tabled. (Vote: 5-0)**

IR 2156, 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 a Fertilizer Nitrogen Reduction Residential and Golf Course Program. (County Executive Levy) Motion to table by Legislator D'Amaro, seconded by --

LEG. LOSQUADRO:

On the motion.

CHAIRPERSON VILORIA-FISHER:

Okay, we can ask the Commissioner to tell us why they're asking for them to be tabled.

LEG. LOSQUADRO:

Yeah, we seem to finally have a couple of 477's that are in the vein that we're looking for and we're tabling them. Are these just not ready to move? Are they going to be ready to move? They sound like very worthwhile projects.

COMMISSIONER MEEK-GALLAGHER:

Yes, they're absolutely are. They're going to move. It's just that we needed to correct some of the budget information in the resolutions. And I would rather have all the information in the resolution

absolutely correct before you vote on it so those are being amended. Budget assured me they would be filed by the end of the week in time, you know, meet the deadline. So I will be prepared -- I actually was prepared to today. I have all the information to hand out on them but we just it would be better to wait until we had the exact correct, you know, capital program numbers and everything correct in the resos before voting.

CHAIRPERSON VILORIA-FISHER:

We're with you. Same motion, same second, same vote on 2156. **(Vote: 5-0)**

IR 2157, 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 the planning for restoring the Peconic River's Historic Critical Fish Habitat, Grangebél Park Fish Passage. (County Executive Levy) Same motion, same second, same vote. (Vote: 5-0)

IR 2158, that has the same problem, right, Kerry?

COMMISSIONER MEEK-GALLAGHER:

Right. Yes, they all were just -- I guess it's the point number, it's the capital program point number that's assigned to it, were slightly off so.

CHAIRPERSON VILORIA-FISHER:

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 a Manufactured Gas Plant Investigation Monitoring and Mitigation Program. (County Executive Levy) Same motion, same second, same vote. Okay, Wayne? (Vote: 5-0)

LEG. HORSLEY:

Yep.

CHAIRPERSON VILORIA-FISHER:

IR 2159, 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 planning for the Suffolk County Vector Control Pesticide Reduction Action Plan. (County Executive Levy) Same motion, same second, same vote. (Vote: 5-0)

IR 2160, 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 an aquatic invasive/nuisance species eradication in Canaan Lake, N. Patchogue and Upper and Lower Lakes, Yaphank. (County Executive) Same motion, same second, same vote on 2160. (Vote: 5-0)

And now **IR 2161, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the McDonnell estate property, Mastic/Shirley Conservation Area II, Town of Brookhaven. (County Executive)**

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 2161 is approved. (Vote: 5-0)**

IR 2162, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the Papell property, Forge River watershed, Town of Brookhaven. (County Executive) Same motion, same second, same vote. **(Vote: 5-0)**

IR 2163, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the estate of Davi and Crino property, Swan River, Town of Brookhaven. (County Executive Levy) Same motion, same second, same vote. Motion carries. **(Vote: 5-0)**

IR 2164, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program, open space component, for the Malpigli property, Southaven County Park addition, Town of Brookhaven. (County Executive Levy) Same motion, same second, same vote. **(Vote: 5-0)**

IR 2165, authorizing acquisition of Farmland Development Rights under the Suffolk County Environmental Legacy Fund for the Topping property, Town of Southampton. (County Executive Levy) And, of course, Legacy Fund means that we have a partnership on that. Same motion, same second, same vote. **(Vote: 5-0)**

IR 2166, authorizing acquisition of Farmland Development Rights under the Suffolk County Environmental Legacy Fund for the Lundstrom property, Woodlea Nursery, Town of Brookhaven. (County Executive Levy)
Same motion, same second --

LEG. D'AMARO:

Hold on.

CHAIRPERSON VILORIA-FISHER:

No.

LEG. D'AMARO:

2166?

CHAIRPERSON VILORIA-FISHER:

Is there a problem with that? The question was that this is a partnership with Brookhaven. The money was set in place before they ran out, right?

MS. FISCHER:

Yes.

CHAIRPERSON VILORIA-FISHER:

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

IR 2167, authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program for the 353 Manor Lane, LLC property, Totino Nursery, Town of Riverhead. (County Executive Levy) And That looks okay to me. Same motion, same second, same vote. **(Vote: 5-0)** We have a guest. Several. This is when you know that our meetings are running long. We have relatives all over the auditorium.

2168, authorizing acquisition of land under the Suffolk County Environmental Legacy Fund for open space preservation for the Lawnsdale LLC property, Fresh Pond/Dickerson Creek,

Town of Shelter Island. (County Executive Levy) And this is the one that -- where we have now found a partner in the Town of Shelter Island.

MS. FISCHER:

This will be a 50/50 partnership now.

CHAIRPERSON VILORIA-FISHER:

Okay. Anybody like to make that motion? Okay, same motion, same second, same vote. **(Vote: 5-0)** Okay.

IR 2169, authorizing acquisition of Farmland Development Rights under the Suffolk County Multifaceted Land Preservation Program for the Hodun property, Town of Riverhead. (County Executive Levy) Same motion, same second, same vote. **(Vote: 5-0)**

IR 2170, 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 Manzi property, Town of Riverhead. (County Executive Levy) Same motion, same second, same vote. **(Vote: 5-0)**

IR 2172, appropriating funds in connection with Public Health Related Harmful Algal Blooms. (County Executive Levy) I don't think -- I had had a question about this regarding -- this is a -- is Walter still here? This is a contract with -- and Vito is also still here.

LEG. HORSLEY:

Oh, good.

CHAIRPERSON VILORIA-FISHER:

Hung in there, Vito? And looking so happy to be here.

MR. MINEI:

I have a standing request for a hot and cold buffet.

LEG. KENNEDY:

There's a vending machine in the back.

CHAIRPERSON VILORIA-FISHER:

This is one of our contracts with Cornell, right? No? Yes?

MR. MINEI:

Thank you. This contract with Chris Gobler at Stony Brook University.

CHAIRPERSON VILORIA-FISHER:

Okay.

MR. MINEI:

We've been studying harmful alga blooms as sort of an adjunct to the brown tide work. This has been intended for alga blooms that we believe has a public health link. It's started with fisteria which came to national prominence in 2000 on the 60 Minutes. We also looked at the paralytic shellfish poisoning. This is a red tide that we believe may be leading to massive shellfish die-off's in 2005. So Chris Gobler is the principal investigator from Stony Brook. Two year contract; after that we plan to zero it out.

CHAIRPERSON VILORIA-FISHER:

Okay. Questions?

LEG. D'AMARO:

Yes.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. So algal blooms, that's a red tide?

MR. MINEI:

Well, in this case it is. Algae can be green; blue/green in freshwater environments. They can be multi hued in marine environments. Yellow. Red tides are an international problem. Brown tide was an algal bloom. So they have different colors.

LEG. D'AMARO:

So, in other words, these blooms -- when was the last time we had a serious bloom?

MR. MINEI:

Brown tide as you heard from Chris Smith is probably '95. We had a great scallop crop in '94. The next year it was wiped out by brown tide. Totally different than algal association. This is red tide. And we thought it was associated with the paralytic shellfish poisoning which again is a worldwide phenomenon. But it turns out to be a different organism that may also lead to public health implications. But the primary link right now is an identified massive shellfish die-off in the western Peconic System in 2005.

LEG. D'AMARO:

Oh, in 2005. I thought you said 1995.

MR. MINEI:

Was the last brown tide. I've been throwing colors out at you. '95 was brown tide. 2005 we're talking about red tides.

LEG. D'AMARO:

And what do we expect to learn from the study that's being proposed?

MR. MINEI:

Well, it's important if you look at some of the background, Chris Gobler who's been leading a lot of our marine work in the Peconics is going to try to find a causative link. And again we think it might be related to nutrients, in this case, nitrogen in the marine environment.

Also it is unknowingly actual mechanism that if in deed this is causing die-offs of shellfish, is it a toxin, is it something else that's causing -- this is also associated with all the other efforts we're doing including what you heard today. The scallop restocking in the Peconics, we're spending considerable amounts of money on benthic mapping that will be related to aquaculture efforts in the Peconics so it's cause of it and also the mechanism for causing the die-off of shellfish.

LEG. D'AMARO:

What's the contract amount?

CHAIRPERSON VILORIA-FISHER:

62.

MR. MINEI:

It's two years about 62,000. This year 64,000 for the following year. About 128, \$130,000 total.

LEG. D'AMARO:

So it's a \$130,000 study that is -- is that sufficient funding to do this type -- this just seems like a

pretty broad mandate for this type of study.

MR. MINEI:

Well, again, some of the preliminary work has already started. And again Gobler was the principal investigator. We had drawn off some money that was being used for the other red tide to start this investigation. So we have a preliminary report on what he's found which turned into a work plan for the subsequent two years.

LEG. D'AMARO:

And the hope is that the report will tell us what the cause -- the actual cause is to -- of these red tides or brown tides, that kind of thing?

MR. MINEI:

This particular series of red tides. The cause of the bloom itself and also the mechanism by which this red tide kills off shellfish. There's at least two major components. There's actually about four or five different elements to the work plan.

LEG. D'AMARO:

Is that something that the state would be interested in funding as well?

MR. MINEI:

You would hope. And, in fact, with regard to the paralytic shellfish poisoning, we identified that the organism does exist in the Peconics system. And the state fisheries people have taken on some of that work so hopefully this will lead into another, you know, collaborative effort with State DEC.

LEG. D'AMARO:

Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:

And what about Fish and Wildlife? The federal level?

MR. MINEI:

Sometimes we get involved with them. In fact they're active partners in the Peconics system. They have shown interest in this work before.

CHAIRPERSON VILORIA-FISHER:

Wasn't Sea Grant doing some work? Isn't that their name, Sea Grant, the state people; isn't that what they're called? Sea --

MR. MINEI:

Sea Grant, yeah. They aren't doing specific research on this. What Sea Grant has done is take --

CHAIRPERSON VILORIA-FISHER:

They worked with the lobster die-off with us.

MR. MINEI:

They worked in the lobster die-off, but they've also taken our brown tide research and parlayed that into federal funds from NOAA. That's where they get their federal funds for additional research. So the answer to your question is yes; hopefully we can interest them in gaining some federal funding for carrying on the work.

CHAIRPERSON VILORIA-FISHER:

Does rainfall also impact the red alga blooms?

MR. MINEI:

Well, that's part of the investigation. Certainly rainfall run-off -- rainfall as it dries contaminated

groundwater into the Peconic system has long been --

CHAIRPERSON VILORIA-FISHER:

Chris mentioned earlier a dry period precipitated the last brown tide.

MR. MINEI:

Yeah. What Chris was referring to was the last major hypothesis we had that a brown -- an extended dry period that follows a very extensive wet period is the driving mechanism for that theory. And the reason is -- and it gets pretty arcane is the different types of nitrogen that enters the system.

CHAIRPERSON VILORIA-FISHER:

You don't have to go into it, then.

MR. MINEI:

But he was correct; that that was the theory that you had an extensive dry period that followed a very wet period.

CHAIRPERSON VILORIA-FISHER:

Okay. Did we make a motion yet? I can't remember. I'll make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? **2172 is approved. (Vote: 5-0)**

IR 2175, appropriating funds in connection with the Brownfields Program. (County Executive Levy) Is there a motion?

LEG. D'AMARO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator D'Amaro, seconded by Legislator Losquadro.

LEG. LOSQUADRO:

Brief explanation of the properties for improvement here.

MR. MINEI:

Sure. Again, the background will spell out a lot of the work. There were multiple facets to this. We're asking for about \$850,000 to be spread out on a number of projects; two at Gabresky Airport. One is a voluntary cleanup that we entered into with the State DEC. What's referred to actually a mis-application and turn the Bauman bus area that used to be leased to them, but it's actually an old fuel spill, jet spill there, we've entered into that. That's a couple hundred thousand of this 855.

There's another project on the airport referred to again misappropriately called the Canine Kennel because it was an area that they kept the guard dogs at decades ago, but it unfortunately was a site that they dumped old electrical equipment that was loaded with PCB's that leached into it so we have a major project there.

Also work with regard to what is typically referred to as the Brownfields Program, ERP, Environmental Restoration Program. One is for the Ronkonkoma Wallpaper, a project we've been pursuing now for nearly five years right near the Ronkonkoma Train Station. Another one for a project that's been on our list of contamination Blue Point Laundry down in Blue Point, to pursue an ERP there. Another project to follow up on a Bellport Gas Station. I'm doing this all from memory. Am I missing one?

CHAIRPERSON VILORIA-FISHER:

You're good.

MR. MINEI:

I put Walt to sleep if nobody else. But that's 855,000. We're working with the Department of Environment and Energy to review a list that the taxation put out, the Treasurer's Office puts out. So there's a lot of preliminary work, a lot of phase one investigative work and some actual cleanup work done at Gabresky.

LEG. LOSQUADRO:

Thank you. Call the vote.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? Motion carries. **(Vote: 5-0)**

Okay, now **IR 2224 (appropriating funds in connection with the Peconic Bay Estuary Program) (County Executive Levy)** I understand from Counsel that there was an amendment? A change made to this today?

MR. MINEI:

We're not aware of one. But we generally have them --

CHAIRPERSON VILORIA-FISHER:

I'll refer to Counsel, then. And let him just tell us what he has before him.

MR. NOLAN:

Yeah, I have an amended copy as of November 26, which was after the amended filing deadline so this can't be acted on today.

MR. DAWYDIAK:

Could you tell us what the amendment was?

MR. NOLAN:

Sadly it was just --

CHAIRPERSON VILORIA-FISHER:

This is the first I'm hearing about it.

MR. NOLAN:

-- a change to a new Whereas clause.

MR. MINEI:

I've only been in charge of this program for 15 years. It's good that I know the details.

LEG. D'AMARO:

So we can't move it.

MR. NOLAN:

We can't move it.

CHAIRPERSON VILORIA-FISHER:

Does anybody know --

MR. NOLAN:

Can't vote on it Tuesday.

MR. MINEI:

It doesn't affect our or funding. We're about to hear from the State Funding. But obviously this is

an important component to the feds when we get our EPA funding.

MR. DAWYDIAK:

It is certainly possible to pass this next cycle?

MR. NOLAN:

Yes.

CHAIRPERSON VILORIA-FISHER:

Sure. It just came in after the deadline so we can't move on it. Okay, so I'll make a motion to table 2224, seconded by Legislator D'Amaro. All in favor? Opposed? **Tabled. (Vote: 5-0)**

And that concludes our business. If there is anyone who has any comments, business for this Committee, okay, we stand adjourned.

**(THE MEETING CONCLUDED AT 5:27 PM)
{ } DENOTES SPELLED PHONETICALLY**