

**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 December 10, 2007.

**MEMBERS PRESENT:**

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

**ALSO IN ATTENDANCE:**

Leg. William J. Lindsay, Presiding Officer  
George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Ben Zwirn, 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 Acquisition  
Lauretta Fischer, Department of Planning  
Janet Longo, Department of Real Estate  
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy  
Tamara Sadoo, Environmental Analyst  
Leighann Thomas, Assistant to Commissioner Meek-Gallagher  
Frank Castelli, Environment Project Coordinator  
Brian Pedersen, Environment Analyst  
Thomas Ryan, Aide to Chairperson Vilorio-Fisher  
Seth Squicciarino, Aide to Chairperson Vilorio-Fisher  
Lori Murphy, Aide to Leg. Losquadro  
Justin Littell, Aide to Leg. D'Amaro  
Linda Bay, Aide to Minority Leader  
Paul Perillie, Aide to Majority Leader  
Tamson Yeh, Cornell Cooperative Extension  
Alexandra Wolfe, Society for Preservation of Long Island Antiquities  
Bob DeLuca  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 1:11 PM)**

**CHAIRPERSON VILORIA-FISHER:**

Good afternoon and welcome to today's Environment, Planning and Agriculture Committee. Can you please stand and join us in the Pledge of Allegiance?

**Salutation**

Thank you. I don't see any cards. Is there anyone who has not filled out a card that would like to speak? Tamson Yeh, can you come forward, please?

**MS. YEH:**

Do I need to get a card?

**CHAIRPERSON VILORIA-FISHER:**

No, just have a seat and identify yourself, okay, and make sure that the mike is on.

**MS. YEH:**

I'm Tamson Yeh from Cornell Cooperative Extension of Suffolk County. I just wanted to make a couple of points because I know you have a very full schedule. There's been a lot of excellent work out there done on nitrate leaching with respect to turf grass, groundwater, different places, along the coast, inland etcetera. I just wanted to point out that although there are many studies that have many statistically significant results, there is also a tremendous amount of variability in the research that's out there. And I think that the book is not closed yet simply because there is so much interaction between the turf grass physiology, the root system, the microbes in the soil, and the way they interact with the cationic exchange capacity of the soil and even the PH.

Just the one thing I wanted to bring up was that during the summer, when the grass has a very short root system and is unable to take up any kind of fertilizer or nitrogen in the soil efficiently, that's when you have the major amount of chemical action going on by the microbes in the soil. They are releasing tremendous amounts of nitrates into the soil and those levels do not drop until beyond the late fall and the early winter. So there's a lot of background nitrite in the soil.

Any study that you use when you're preparing these kinds of things should have correct controls in them in that there needs to be pre-samples taken to see what the actual level of nitrates in the soil before you do the experiment is, and also during the experiment proper controls have to be in place and those controls have to be large enough and separate enough from your experiment so there's no source of experimental error. That was the only point that I wanted to be brought up because I don't think that that was pointed out before.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Tamson, how does that impact on the discussion that we've been hearing before this committee regarding the date of your last -- the time that you fertilized the lawn.

**MS. YEH:**

Well, again, it is a matter of experimental design. What I am trying to point out is that you can have two totally conflicting experiments which are technically correct in terms of the results they have gotten, but for different reasons, and that was what I wanted to point out.

You just have to be careful when you're reviewing any kind of information on nitrogen that all the proper factors were placed into the experimental design. And that's just when you're thinking about nitrogen or any bills like this in the future. It has to be considered because even though one experiment will definitively say yes, late fall fertilization is a causing problem, another experiment

somewhere else in the same {naru} with a different design will say no it's not, and that's what you just have to be aware of. The experiments may come out with the same results or different results, but the result that they get may be incorrect because of the design.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Thank you. Are there any questions? Thank you very much. Thanks for coming down.

**MS. YEH:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We will begin with our CEQ resolutions. Where's Jim? Oh, did you want to speak? I'm sorry. Come on up. Mr. DeLuca, come on up. Come on down.

**MR. DE LUCA:**

My apologies. I missed a card, I think, when I came in. Good morning, or good afternoon, I'm sorry. My name is Bob DeLuca and I serve as the President of Group for the East End and I'm here this morning briefly to speak in favor IR 2117, the proposed bill to reduce the use of fertilizer in Suffolk County. I'd also like to speak in support of IR 2156, which is the appropriation of funds for implementing the nitrogen reduction program, and IR 2159, which is the appropriation of funds for the vector control and pesticide reduction plan.

The first two, I think, kind of go together and I just briefly want to say this. You know, I came out to the east end in 1985, just about the same year that the brown tide began to affect the Peconic Bay estuary. Shortly thereafter the public ran to the Suffolk County Legislature for help and the first initial funding for the brown tide management plan, which I believe started around '87 or so and went forward a couple of years, really formed the basis for the entire nomination document for the Peconic Estuary Program. And Suffolk County because of its thorough analysis also was able to earn State and federal support for that estuary plan going forward. One of the things that came up from the first day to this day is the importance of dealing with nitrogen reduction or nutrient reduction in the estuary.

Since that time obviously the Long Island Sound Study and the South Shore Estuary Program have also documented the importance of trying to maintain control over the presence of nitrogen in the environment. And I think the bill before you has done a very good job of trying to manage the needs of those who maintain lawns and turf, but also trying to reflect the outcome of what close to 20 year's worth of research and study has documented in that somewhere near 50% of the surface water -- the nitrogen getting into surface waters in medium density areas is coming from residential application of fertilizers. We know that we have other places to look as well and we've tried to address those through no discharge zones. Obvious to where I am, you know, we've implemented some of the first rebate programs for the replacement of septic tanks and old septic systems in the Town of East Hampton. We've also spent an awful lot of time and money and earned voters support for storm water abatement programs throughout these years.

So I guess what I'd like to say is that there's a tremendous amount of research that has been done. You have a great deal of information behind you. The law seems to be a reasonable approach to a legitimate problem that's been documented over the years and has been worked on by Suffolk County for at least 20 years, probably more. And I would hope that you would go forward with it. I think that at the end of the day this legislation coupled with the education program that is also proposed will do a lot for all of us in the future in terms of better maintaining the turf around our homes and also better maintaining water quality. I thank you very much for the efforts that you are making with this bill and hope that you will pass it.

The other point I just wanted to make on IR 2159, in somewhat the same trajectory, the issue of pesticides and how those pesticides affect the environment has come along as it did with nitrogen 20 years ago. We're starting to look more closely at these things. I think the Vector Control Plan is

the first step in taking a hard look. And I think that the funds that could be allocated for research gives us the tools that we need to go forward and make the best plans for the future, specifically with respect to alternatives to the current pesticides and larvicides that we're using. And also with respect to getting pre-reviewed science on the ground from here in Suffolk County. I think those are both very admirable goals and I would just like to speak in support of those appropriations and again express thanks for that program going forward.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. It's good to see you, Bob.

**MR. DE LUCA:**

It is nice to see you.

**CHAIRPERSON VILORIA-FISHER:**

Happy holidays to you.

**MR. DE LUCA:**

Thanks.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Is there anyone else who did not submit a yellow card but would like to address this committee? Okay. Now, Mr. Bagg, can you come forward, please, so that we can do the CEQ resolutions.

**MR. BAGG:**

Good afternoon.

**CHAIRPERSON VILORIA-FISHER:**

Hi, Jim. Good to see you.

### **CEQ Resolutions**

**MR. BAGG:**

Okay. The first resolution you have before you is CEQ resolution **121-07, Ratification of Recommendations for Legislative Resolutions Laid on the Table November 7th, 2007 and November 20th, 2007. (Type II Actions)**. It's the Council's recommendation concerning the classification for Legislative resolutions laid on the table November 7th and November 20th of 2007 pursuant to Chapter 279 of the Suffolk County Code. Basically Council's recommendations identify those that are Type II Action. Anything else is either been through SEQRA or is currently in the process of being reviewed by SEQRA, so it's fairly pro forma.

**CHAIRPERSON VILORIA-FISHER:**

Motion by myself, seconded by Legislator D'Amaro. All in favor? Opposed? 121 is approved. **(Vote: 5-0-0-0)**.

**MR. BAGG:**

I might point out that the next CEQ resolutions No. 122-07 through 128-07 have corresponding Introductory Resolutions in your packet that parallel that. And those are IR resolutions 2280 through 2286.

So your first CEQ recommendation on resolution **122-07, CP 1805 Improvements to DPW Trade Shop, Building C-318 Hauppauge. (Type II Action)**. SEQRA classification and determination for the proposed purposes of Chapter 279 of the Suffolk County Code for the proposed capital project 1805, improvements to the DPW Trade Shop building, C-318 in Hauppauge. Council recommends that it's a Type II Action.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

CEQ resolution number **123-07, Francis S. Gabreski Airport - NYSDOT Grant for Noise Berm. (Unlisted Action, Negative Declaration)**. The Francis S. Gabreski Airport New York State DOT grant for a noise berm. The project involves the construction of a vegetated earthen berm along the northeastern portion of the airport, boundary to mitigate perceived noise problems in an adjacent neighborhood.

Council recommends that it is an unlisted action that will not have an impact on the environment for the following reasons. None of the criteria contained in Section 617.7 of Title 6 NYR -- CRR is exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code. The parcel does not appear to suffer from any severe environmental development constraints and the project will help mitigate aircraft noise impacts on adjacent residential neighborhoods. I believe the New York State DOT gave the County \$200,000 to construct this berm.

**CHAIRPERSON VILORIA-FISHER:**

And I'd also like to add to that. In the discussion in CEQ, I believe in the presentation it was presented that there wouldn't be any non-native or invasive plants used in the vegetative berm.

**MR. BAGG:**

That is correct.

**CHAIRPERSON VILORIA-FISHER:**

I just wanted to put that on the record. Same motion, same second, same vote. **(Vote: 5-0-0-0).**

**MR. BAGG:**

CEQ resolution **124-07, Proposed Emergency Communications Facility at the GATR Facility, T. Roosevelt Co. County Park, Town of East Hampton. (Unlisted Action, Negative Declaration)**. 124 of 07 is the proposed emergency communication facility at the GATR facility, T. Roosevelt County Park, Town of East Hampton. Project involves the construction of two wireless communication antennae poles and associated equipment structures at the Roosevelt County Park GATR site to transmit 911 and emergency service calls.

Council recommends that it is an unlisted action that will not have a significant impact on the environment for the following reason. None of the criteria for SEQRA are exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental, cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code. The parcel does not appear to suffer from any severe environmental, developmental constraints. The project is compatible with an historic use of the site, which served as a cross Atlantic telecommunication facility during World War II and after. And the two antennae poles will replace existing poles on the site.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

CEQ resolution **125-07, S.D. 22 Hauppauge Municipal Recharge Improvement Project. (Unlisted Action, Positive Declaration)** deals with Sewer District No. 22 in Hauppauge Municipal recharge improvement project. Project involves the installation of up to 110 leaching pools in a new 2.5 acre, approximately, area adjacent to Veterans Memorial Highway near the existing wastewater treatment plant and its research beds due to the fact that the existing beds do not consistently

drain. This is due partially to fluctuating groundwater levels and partially due to the soil conditions beneath the existing beds having a mix of poor drainage characteristics.

This new leaching pool area is proposed so that there is sure to be a place for treated effluent to be recharged when the existing beds are not draining and to prevent an emergency situation.

Council recommends that this is an unlisted action that does exceed the criteria contained in 6 NYCRR part 617.1(C)1 and therefore are recommending that a positive declaration be done and an impact statement be done on that proposal, especially to review alternative sites in the area.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator Kennedy, seconded by Legislator D'Amaro. All in -- yes? Oh, did you want to, on the motion?

**LEG. KENNEDY:**

Just on the motion, Madam Chair. I wanted to thank the Council for the opportunity to be in front of them to present on this. As you know, this is a significant issue in my district, but nevertheless one where the proposal that was brought forward, the EAF in my opinion, I guess, was -- just had a lot of holes in it. Clearly it presented many questions and I think the board very wisely made the recommendation to go with a pos dec. So I appreciate the opportunity to be there.

**CHAIRPERSON VILORIA-FISHER:**

We had a lot of discussion on this. Thank you, Legislator Kennedy. So there's a motion and a second. All in favor? Opposed? Abstain? Motion passes. **(Vote: 5-0-0-0)**. Go ahead, Jim.

**MR. BAGG:**

Next is CEQ resolution **126-07, CR 65 Middle Road @ Brown Creek Stormwater Remediation. (Unlisted Action, Negative Declaration)** involving CR 65, Middle Road at Brown Creek storm water remediation. The project involves the replacement of existing inadequate drainage system to the west and east of Browns Creek with leaching basins and structural storm water treatment units to prevent the current direct discharge of storm water and to provide treatment to the run off.

Council recommends that it's an unlisted action that will not have a significant impact on the environment. None of the SEQRA criteria will be exceeded. The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in a New York State Environmental Conservation Law of the Suffolk County Charter and Code. The project is necessary to comply with Suffolk County policy limiting direct discharge of storm water run off to surface water and the action is in conformance with the Long Island South Shore Estuary Reserve Comprehensive Master Plan in New York State DEC storm water remediation manual.

**CHAIRPERSON VILORIA-FISHER:**

You're captivating us, Jim. It's just so exciting.

**MR. BAGG:**

I can tell.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator D'Amaro, seconded by myself. All in favor? Opposed? Abstain? Motion carries. **(Vote: 5-0-0-0)**

**MR. BAGG:**

These next CEQ recommendations --

**CHAIRPERSON VILORIA-FISHER:**

Try to liven it a little bit, Jim.

**MR. BAGG:**

These next CEQ recommendations are similar in nature. CEQ recommendation number **127-07**, regards the proposed **CR 85 Montauk Hwy @ Green Creek Stormwater Remediation. (Unlisted Action, Negative Declaration)**. The project involves the installation of storm water treatment units at a point of each discharge, thus mitigating the impact of storm water and associated pollutants such as sediment, floatables, etcetera, on adjacent areas. The project also includes restoration of any disturbed area during construction. Council recommends an unlisted action which will not have a significant impact on the environment for the reasons so noted previously.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. BAGG:**

And CEQ resolution **128-07**, is for the proposed **CR 101 Patchogue Yaphank Road @ Mud Creek Stormwater Remediation. (Unlisted Action, Negative Declaration)**. Project involves the construction of a surge and sedimentation retention basin in order to redirect the current discharge of storm water flow from adjacent wetlands and creek. Council recommends an unlisted action for the same reason that is so noted before.

**CHAIRPERSON VILORIA-FISHER:**

Same motion, same second, same vote. **(Vote: 5-0-0-0)**. If everyone can now turn to page ten, the corresponding -- did we just get another card? Okay. Alexandra Wolfe? Maybe it was from another committee. No -- it's a land acquisition so it is this committee. Alexandra Wolfe? We're going to get through this set of votes very quickly and then we'll get right to you, okay, Ms. Wolfe? Thank you for being here.

If everyone could turn to page ten of your agenda you see the -- no, can't do it? I'm sorry, page five. Sorry, Renee. Tom, I guess, gives me an expanded version of the agenda. These you'll see as SEQRA resolutions, SEQRA determinations. We're going to start with 22 -- IR 2280.

They correspond directly with the CEQ resolutions that Mr. Bagg just went over. So I'm going to read the titles and we will do a motion to put them on the consent calendar.

**IR 2280, Making a SEQRA determination in connection with the proposed (CP 1805), improvements to the DPW Trade Shop Building, C-318 Hauppauge. (Pres. Off)**

Motion to approve and place on the consent calendar by myself. Seconded by Legislator Losquadro. All in favor? Opposed? 2280 is approved and placed on the consent calendar. **(Vote: 5-0-0-0)**.

**IR 2281, Making a SEQRA determination in connection with the proposed Francis S. Gabreski Airport -- NYSDOT Grant for the noise berm, Town of Southampton. (Pres. Off.)**

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

**IR 2282, Making a SEQRA determination in connection with the proposed Emergency Communications Facility at the GATR Facility, T. Roosevelt Co. Park, Town of East Hampton. (Pres. Off.)**

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

**IR 2283, Making a SEQRA determination in connection with the proposed S.D. #22 Hauppauge Municipal Recharge Improvement Project. (Pres. Off)**

**LEG. KENNEDY:**

Madam Chair, I'll make the motion to approve, but I also have a question on the reso as well.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll second that motion.

**LEG. KENNEDY:**

I seek to have it placed on the consent calendar as well. I'll amend the motion to go ahead and have it placed on the consent calendar as well. But as -- since CEQ's recommendation is that this is unlisted pos dec, and I go to the first resolved clause and I scan it quickly, I see that it's titled as an unlisted action. And I see there's reference that there would be a significant effect on the environment.

But I see nothing --

**CHAIRPERSON VILORIA-FISHER:**

Is Jim Bagg still here?

**MR. BAGG:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Jim, can you come up, please, because it's my understanding that our SEQRA determination is accepting the recommendations of CEQ unless we note it otherwise. But Legislator Kennedy is reading one of the resolveds in 2283, which lists it as unlisted neg dec.

**MR. BAGG:**

No, no, no. It says positive dec.

**LEG. KENNEDY:**

Well, no, no, no. As a matter of fact, as I read it quickly, and maybe I'm just not seeing it, I see reference to a significant effect on the environment but I don't see anything that actually speaks about pos dec. Maybe I'm just not --

**MR. BAGG:**

Well, a significant impact on the environment is a positive declaration.

**LEG. KENNEDY:**

So then it is my unfamiliarity with the language, is that correct? Those words then translate to pos dec?

**MR. BAGG:**

Right, translate into a positive declaration in preparation of a DEIS as well as a recommendation for scoping here. I believe that's in last paragraph, the last sentence.

**LEG. KENNEDY:**

Yes, as matter of fact, you're right. Significance, pos dec requiring DEIS. Okay. Just wanted to make sure it was there. I apologize. Thank you, Madam Chair. Thank you, Jim.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Everybody see that it is right in the resolution? Thank you, Jim. Okay. There's a motion and a second to approve and place on the consent calendar. All in favor? Opposed? IR 2283 is approved and placed on the consent calendar. **(Vote: 5-0-0-0)**.

**IR 2284, Making a SEQRA determination in connection with the proposed CR 65 Middle Road @ Brown Creek stormwater remediation, Town of Islip. (Pres. Off.)**

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

**IR 2285, Making a SEQRA determination in connection with the proposed CR 85 Montauk Highway @ Green Creek stormwater remediation, Town of Islip. (Pres. Off)**

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

Okay. Thank you. We'll go back to our tabled resolutions and -- yes, did I miss one? 2286. Thank you.

**IR 2286, Making a SEQRA determination in connection with the proposed CR 101 Patchogue Yaphank Road @ Mud Creek stormwater remediation, Town of Brookhaven. (Pres. Off.)**

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

And now we will go to the tabled resolutions.

**Tabled Resolutions**

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

I'll make a motion to table. Seconded by Legislator D'Amaro. All in favor? I'm sorry, there was the person -- you'll have to indulge me for a moment because we do have someone who came from the public to speak. You may stay there, I'll ask her to go to the podium. Ms. Wolfe?

**LEG. LOSQUADRO:**

Do you want to call that vote?

**CHAIRPERSON VILORIA-FISHER:**

Yes, I will call the vote as she comes up. There's a motion to table and a second. All in favor? Opposed? IR 1554 is tabled. **(Vote: 5-0-0-0)** Ms. Wolfe.

**MS. WOLFE:**

I apologize for being late and sort of falling out of the schedule here. I'm here representing the Society for the Preservation of Long Island Antiquities. We are the regional advocate for preservation on Long Island and we urge you to -- we urge the committee to adopt IR 2066, to authorize planning steps for the acquisition of the Kraft property located in the Town of Huntington.

The Kraft property is significant for various reasons and its acquisition would be advantageous to the County. It has exceptional architectural and environmental attributes which include a distinguished National Register eligible house and magnificent natural setting featuring several mature specimen trees. Furthermore, the property is strategically located to link Cold Spring Harbor State Park with other town and County owned open space and if this is added to the County holdings it will augment Long Island's contiguous greenways, which I think is very important. So in light of these attributes I hope the committee sees this as a good opportunity for acquisition. And I have this as a statement. Should I hand it to someone?

**CHAIRPERSON VILORIA-FISHER:**

You may hand it to the Clerk right there. Ms. Wolfe, there is a question Legislator Losquadro would like to ask.

**MS. WOLFE:**

Yes.

**LEG. LOSQUADRO:**

Thank you. Since you're here, you spoke of significant architectural features, obviously there's

historic structure. Are you aware of a group or an organization that would partner with the County for the upkeep of that property? Because one of the problems that we have for these when we take something on with a structure on it is obviously they are very expensive to maintain and sometimes even just to bring up to code to have them available for the public to access.

**MS. WOLFE:**

There are some sort of discussions about what a partner would be. It might be by the Cold Spring Harbor Laboratories and, you know, it's very preliminary. And I think if these planning steps are adopted there may be more of an incentive for a partner to come forward and be more committed to it.

**CHAIRPERSON VILORIA-FISHER:**

You're correct and Legislator Cooper is speaking with Cold Spring Harbor Labs and he asked us to table it so that he could continue those conversations.

**LEG. LOSQUADRO:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

For a partnership.

**LEG. LOSQUADRO:**

Very good. Just as we move forward with these process, one of the things we do like to see is something, at least an agreement in principle in place prior to moving forward, because even moving forward with planning steps such as this becomes a costly process to set the wheels in motion. So, I'm glad to hear there is further discussions. Thank you.

**MS. WOLF:**

Okay. Thank you. Are there any other questions? Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you for coming down.

Okay. **IR 1720, Authorizing planning steps for acquisition under Suffolk County Save Open Space (SOS), Farmland Preservation, and Hamlet Parks fund (Hobbs Farms property) Town of Brookhaven. (Viloria-Fisher).** I'll make a motion to table, seconded by Legislator Losquadro. All in favor? Opposed? Abstain? 1720 is tabled. **(Vote: 5-0-0-0)**

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

I'll make a motion to table. Seconded by Legislator Losquadro. All in favor? Opposed? Is someone opposed? Okay. IR 1795 stands tabled. **(Vote: 5-0-0-0)**

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

**LEG. HORSLEY:**

Motion to table.

**CHAIRPERSON VILORIA-FISHER:**

Motion to table by Legislator Horsley. Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1867 is tabled. **(Vote: 5-0-0-0)**

Before we get to the next item I do want to mention that I spoke to Commissioner Meek-Gallagher earlier. There had been a request at the General Meeting that we have the -- the status of our Acquisition Program with the fund balances and so I spoke with the Commissioner regarding that. Because we had been doing it in committee and we have had such a robust period the past couple of months, the Department is trying to catch up with all of the balances. And so the Commissioner has agreed to bring that report to the full Legislative meeting on Tuesday. It doesn't mean that we have to have a long discussion on it. She will just have the report available. It was Legislator Alden who specifically asked for that, and I told him that we would have that report for everyone in the -- at the General meeting.

Oh, is everyone reading Mr. Zwirn's -- I was wondering why everyone looked very distracted. There is a travel bag that Mr. Zwirn has with a notice on it. It's not a bomb.

**LEG. KENNEDY:**

Madam Chair, I'm looking at this sign here. What does this say? I can't read it.

**LEG. LOSQUADRO:**

For the record?

**MR. ZWIRN:**

Only with permission of the Chair. I don't want to be out of order.

**P.O. LINDSAY:**

Please.

**CHAIRPERSON VILORIA-FISHER:**

You may read it. It's the holiday season.

**MR. ZWIRN:**

It says "Legislator John Kennedy, Suffolk County land acquisition personal tour equipment. Required to view property suggested by Legislator Kennedy for planning steps resolutions." Well, I may as well, I was going to save it for one of the resolutions but --

**LEG. KENNEDY:**

I'm intrigued, Mr. Zwirn. Thank you. Thank you.

**MR. ZWIRN:**

It's only because that Legislator Kennedy has suggested most of the property that was found in the lost city of Atlantis for Suffolk County land acquisition. And I was waiting until we got to the Bavarian Inn, but sort of spoiled my surprise.

**LEG. KENNEDY:**

At what point am I going to go -- I mean, I'll be happy to go when we go to the Bavarian Inn. Actually, the reso we're on right now is a gas station.

**CHAIRPERSON VILORIA-FISHER:**

Can we just get a motion on it first so that we try to get back to a level of normalcy? But actually we all commiserate that so much of the area that you represent has water problems.

**LEG. KENNEDY:**

Absolutely. And as a matter of fact --

**CHAIRPERSON VILORIA-FISHER:**

And so we do -- we try to smile at the levity.

**LEG. KENNEDY:**

I appreciate the support I've gotten from my colleagues, Madam Chair. For this one as I've indicated --

**CHAIRPERSON VILORIA-FISHER:**

Let's get a motion.

**LEG. KENNEDY:**

I'll make a motion to table. I'm still working with groups in the neighborhood.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll second that motion. On the motion, go ahead Legislator Kennedy.

**LEG. KENNEDY:**

Again, as has been a desire on the part of the administration, any time I seek to do acquisitions, or actually I think any of us do, to have a neighborhood partner. Mr. Isles and I have worked extensively about trying to craft bona fide stewardship groups. I'm still in the process of actually trying to formalize a neighborhood association that would take over the stewardship aspect associated with this property. So I'm happy to go ahead and table it knowing that I'll be introducing it in the beginning of next year. And by the way, this one's not underwater. This one's quite dry.

**MR. ZWIRN:**

That's why I was waiting for the next one. This is only an abandoned gas station. Not under water yet.

**CHAIRPERSON VILORIA-FISHER:**

But that sign was very obvious. Okay. There's a motion to table and a second. All in favor? Opposed? Abstained? IR 1948 stands tabled. **(Vote: 5-0-0-0)**

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

**IR 2027, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Bavarian Inn property) Town of Smithtown. (Kennedy).** And I believe that, Ms. Fischer, you were there Friday and you have more information for us on this?

**DIRECTOR ISLES:**

Okay. The Planning Department did inspect the site on Friday. We've been out there previously before the last EPA Committee meeting. We indicated we wanted to get out there again. We indicated we wanted to meet with a few of the other departments that may be able to provide input into this. And we included in the meeting the Department of Health Services, the Department of Parks as well as the Department of Public Works.

The property, I think all of us know the Bavarian Inn, and the location on Lake Ronkonkoma; but I think what we particularly wanted to get a handle on were two things. One is, how does this fit into County land acquisition policies. We deal with many proposals here and actually a fair number of improved properties. And the question being when should the County move forward with that and when should it not.

We have had some cases of -- certainly that have been recommended by the Committee and approved by the County and we've actual acquired. We've had some where we've, through your actions, have tabled them and not moved forward. Some recent examples would include the Reichert property in Southold which was a restaurant that we recommended disapproval on and the Committee concurred with that or tabled it anyway. Another one would be the -- let me just get my

notes out here -- because I think it is an important policy question, would be the -- remember a couple years back there was a proposal to buy some stores in downtown Amityville and put up a little neighborhood park and a mill. We felt that since they were improved properties, substantially improved, substantial cost and so forth, we did not recommend it and the Legislature did not move forward with it. We also had the Kentucky Fried Chicken building up in Port Jeff Station at one point, the Romeo, Romaeo property in Southampton.

So there are some that you've recommended, Sagtikos Manor Historic properties and so forth, but some that have been turned down. So the question is where is it appropriate, where is it not appropriate in terms of serving a County interest. So the one issue then is the overall policy issue, which obviously is a judgement but that's one reason why we're looking at this so closely.

The second point, though, I just want to bring you up to date on is the way of information, is with the help of the Departments that I referenced before, we have gotten some additional information that I will share with you that perhaps can help in your decision making.

The Department of Health Services through Walter Hilbert and a member of his staff have indicated that there are actually two sanitary systems on this property. One is a {Holden Hall} System which handles the kitchen waste. And I think we heard about that last time that it actually pumps out the material and removes it from the site. There is, however, also an on-site and in-site, on-site sanitary disposal system that handles all the other waste materials. That includes both septic tanks as well as leaching fields that are underneath the parking lot area on this site.

The second, the Health Department also provided comment in terms of their policies on the re-occupancy of the building. It is vacant. We're not certain when it was vacated. But there are certain rights of re-opening but those rights do terminate and change after a period of two years of vacancy.

We did also speak with the Department Public Works, Mr. Colavito, I'm sorry, Bill, I'm mispronouncing your name, Bill's here today actually; DPW joined us in the inspection which we appreciate. Laretta was there on behalf of the Planning Department. It was indicated that the drainage for the County road there does appear to be adequate. The County has done extensive work in this area to improve drainage. So in terms of an impending need, and I don't expect to speak for Bill since he's here today, but my understanding is that there is sufficient drainage to handle what's coming off the road for standard County requirements. Of course, if there was additional drainage provided in the site that couldn't hurt as an overflow, but fundamentally there is drainage provided there.

Parks Department, including Commissioner Pavacic as well as Nick Gibbons, were present. And they indicated that there would be concern or an interest that if the County were to purchase this property that there would be a complete removal of the buildings as well as the sanitary structures; that that's not something they would be able to handle from a cost standpoint.

I guess that leads to the last point for your consideration would be we're dealing with -- as I said, we deal with many properties. Sometimes we deal with de minimus structures. Sometimes we deal with more significant structures, many of which are historic buildings. But I think, you know, another issue here is going to be the -- this is a site with a rather extensive building on it. Whether the owner would agree to demolish it or not, it would have to be dealt with and certainly it could be a significant County cost impact. But there's also bulkheading on this property and there's parking areas. We spoke about the sanitary and drainage systems.

So as part of your consideration on this, we would just caution in terms of the County policy that we have probably over, you know, all coastal edges considered, well over 800 miles of coastal properties in Suffolk County. The idea of protecting vacant coastal properties that are naturally conditioned and so forth is something this County has done over and over again. The idea of buying improved properties has been done on a limited basis and certainly should be done with great care.

So in this case there is an attraction to this property in terms of the Lake Ronkonkoma location, but it's also a case whereby we may be setting a precedent that I think we have to think about very carefully in terms of other restaurants and improved properties. At this point in time we're continuing in County Planning to look at this. But I did want to bring you up to date on that and just to give you -- framing the perspective on the policy standpoint as we've been looking back at what have we acquired and what have we passed on, too, in terms of acquisitions.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So part of an important piece of new information is that we were under the impression at the last meeting of this Committee that the septic system was above ground, but there's a secondary sanitary system which is under the parking lot and so it's underground.

**DIRECTOR ISLES:**

Right. There's a septic tank and a leaching field which would handle anything other than kitchen waste so it would be the bathrooms and sinks for bathroom use.

**CHAIRPERSON VILORIA-FISHER:**

Right. Okay. Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, Madam Chair. It occurs to me that we as Legislators always benefit from information. And I admire the fact that the Department has gone to such great lengths to scrutinize this property. Nevertheless, I think what I would point out is as we saw at the last meeting or probably two meetings ago, for me this property, I think, is probably a high point notwithstanding the fact that it's approximate to water. It scored a 47 on the rating system.

I am struggling to understand why we are continuing to go through this exhaustive pre-planning steps process. It occurs to me that a 47 more than warrants a resolution to approve. I know that my colleagues have brought forward a number of improved properties throughout the County and each and every time I've supported the acquisition resolutions for them. So I'm further trying to figure out why it is that I'm sitting now for the third or fourth meeting regarding some exhaustive preliminary scrutiny. However, as I've said, information is always best. Though I don't think any of my colleagues has ever had to go ahead and defend property being approximate to water or anything else.

Mr. Zwirn, you may find that funny. I don't. I don't think my constituents find it funny. More importantly, I don't think that's the way the County Exec feels. Nevertheless, humor is humor. I'm not going to go ahead and take it one way or the other. I'm going to make a motion to approve this property because I think what it does is it fits in with many, many, many types of previous recommendations as I pointed out, going all the way back to the 1986 Clean Lake Study for acquisitions in that general area.

I'm also -- I read the language. And as a matter of fact if you'd like I'll go back and pull the report. Lauretta, you may have been part of it. I don't know if you were part of that process, Tom.

**DIRECTOR ISLES:**

I wasn't. I want to make sure we have clear information. I asked Lauretta to review that report. We don't find any reference to this property. There are specific properties that are recommended. There are few general statements and maybe those are being interpreted. I'm not going to quarrel with that. But just so you have full information, with all due respect, the reason I've made recommendations to disapprove or recommend to you disapproval --

**LEG. KENNEDY:**

I didn't hear disapprove --

**DIRECTOR ISLES:**

No, I'm not --

**LEG. KENNEDY:**

But I'm glad that you went ahead and said that, Tom, because quite candidly --

**DIRECTOR ISLES:**

No -- but -- I'm sorry.

**LEG. KENNEDY:**

Go ahead. You were speaking.

**DIRECTOR ISLES:**

I'm sorry. I have made recommendations in the past to recommend disapproval. And at times the Committee has agreed with that and times they haven't. At this point in time we have not issued a recommendation. I am very cognizant of the fact that I sit here before you as I've done with bills by other Legislators where I've argued against them. And I want to make sure at least as far as this Department is concerned that we are consistent. And so I've looked at every improved property we've bought that I can remember and tracking how did we act on this, what was the basis of the recommendation and so forth. So, sir, in respect to the comments of the work we're doing is that I take this seriously. And if we are recommending approval, which we haven't done yet, I want to be able to say that this parcel stands on its merit and its policy. And when the next one comes along that's exactly like it I can do the same thing. If it doesn't stack up to that, I would then make a recommendation to not approve but be able to support it to you and other Legislators.

So we're doing our homework on this. It's been a very rapid time frame on this because there's been such quick meeting schedules. But just getting back to the point in terms of the study because we did -- I asked Loretta look at it, did it recommend that? And I'm not saying that that's the end all of whether it should be recommended or not. We didn't find a specific reference. And if there is one we'd be happy to report that as well. But at this point we haven't.

**LEG. KENNEDY:**

I'll be happy to make copies of the language that was generally referenced to acquisition; and whether or not it referenced this specific restaurant, I cannot recall. And I'm not going to take issue with you as far as specific reference. But I do believe that there was an overall policy that was adopted at that time towards supporting acquisition of as many properties as possible surrounding what is the only kettle hole lake on Long Island. It is unique, I believe, at least in its size and magnitude. And clearly a body of water that has been stressed and heavily impacted from the surrounding commercial development and/or road run-off. And there are many, many efforts that are undergoing at this point in order to go ahead and rehabilitate the quality of that water body. And I believe that acquisition of this property would go towards that as well.

The other thing that I'm going to make reference to my colleagues on the committee is, is while information, I think, is important, my reading of the resolution that most recently addressed the acquisition process spoke about an evaluation by the Department and a recommendation and then a movement forward. There are a number of different things that seem to be coming forward here as far as what was a very specific process. Demo. Demo is something that's identified in the appraisal and is something that actually winds up being negotiated between a land holder and the County. As I understand it, demo is a cost to be borne by the land owner. If it's 50 grand to demo the building, that's something that the owner decides to absorb or not. If it's a -- if it appraises at 700 or 800 grand and there's a \$50,000 demo, then it's an offer for 750,000. Plain and simple. I don't think that there's something that's really mystical or, you know, precedent setting regarding policy. It's a finite number that gets factored in.

Now, if we choose to go ahead and overlay some of our policy to acquire, if the owner rejects that demo offer, that comes up in ETRB. As I understand it, there's a process to address all of these

items step by step. And it's not something that's really mystical or, you know, left to a particular whim. So here at the outset all we're really doing is saying can we just justify the 20 or \$25,000 associated with the appraisals and with some of the preliminary title work that's accompanied with a planning steps reso. Plain and simple.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have other questions.

**DIRECTOR ISLES:**

Could I just comment to that?

**LEG. LOSQUADRO:**

I'll second the motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion to approve and a second. Mr. Isles?

**DIRECTOR ISLES:**

I'm not going to be argumentative but I'm not disagreeing, Mr. Kennedy, with your fundamental point of about demolition being factored into cost, but I'd like to bring to attention that in addition to the building, there's -- this is a substantially improved parcel with bulkheading, fill material, paving, sanitary structures, storm water drainage rings. It's not a common situation for what we've dealt with in the past.

It's your decision to proceed and I respect that fully, but I also think I have a duty to do my part in terms of doing the homework in terms of you making the best decision and the County Executive making the best decision. So I would agree with you that we deal with demolition not too uncommonly. This one is probably on the higher range of how much we're talking about in terms of the current improvements on the property.

**LEG. KENNEDY:**

I'll yield, Madam Chair.

**CHAIRPERSON VILORIA-FISHER:**

Presiding Officer.

**P.O. LINDSAY:**

I want to ask John a real basic question. What do you envision happening there if we were to acquire the property?

**LEG. KENNEDY:**

Bill, here's what I've been able to find out most recent -- I'm sorry, Mr. Presiding Officer. Here's what I've been able to find out most recently.

**P.O. LINDSAY:**

You can call me anything you want. Just tell me what you envision.

**LEG. KENNEDY:**

I recently had a chance to attend a Nissequogue River Watershed meeting. And as you know, the Ronkonkoma Advisory Task Force has met over the course of the last couple of years. And there are representatives from the DEC who have expressed an interest in partnering with us for acquisition specifically to go ahead and provide access, fishing pier access, particularly if we can go ahead and constitute it as handicapped accessible area. I think it lends itself to having groups be able to access the water body for fishing. And I also know that there's a lot of interest by the Lake Ronkonkoma Chamber and also the Lake Ronkonkoma Civic Association to possibly utilize it for wind driven or paddle driven recreational boating. At one time, if you go back to the '20's, as you know,

this whole area was a major recreational area from New York City.

**P.O. LINDSAY:**

I'm not that old, John.

**LEG. KENNEDY:**

I'm sorry. No, in other words, if you look at the history, and I know you're conversant with work there in the Ronkonkoma area, through Raynor Park.

**P.O. LINDSAY:**

But my -- I mean really to cut to the chase, so you envision knocking down the building, taking out the septic system, leaving the parking lot and the bulkheading?

**LEG. KENNEDY:**

I think as a matter and this has been my conversations with Planning, that we would go better to even actually remove at least some of the asphalt, if we can, to allow for some return to natural percolation. You know, in an area where you have nothing but groundwater flooding, one of the first things you attempt to do is make areas available for natural recharge. The bulkhead itself, DEC has expressed an interest in that because it does provide a natural fishing area. And right now, as a matter of fact, it's heavily fished.

**P.O. LINDSAY:**

I haven't been by there for a while. But I know at one point within the last year the parking lot was underwater.

**LEG. KENNEDY:**

No, actually the water level's gone down probably around 18 to 20 inches. And that parking lot area is dry and is actually being accessed fairly regularly.

Now, the other thing that I point out, which Planning has said, and forgive me, Mr. Isles, if I, you know, take exception or whatever, but I'm trying to move forward with something that I think moves towards the concept of a park district; as you know I've worked very hard in this area. It's immediately contiguous to our Suffolk County Lake Ronkonkoma Park. So, it's a natural type of, I guess, acquisition, if you will, because once again we're sharing a common boundary.

You know at the end of the day I have no idea whether the owner's going to accept this or reject it. I do think that there may not be any other uses for it. I know Mr. Zwirn's talked about the fact we might just get it for delinquent tax. I have no idea nor no way to go ahead and predict what the owner will or won't do. I've had conversation with the owner's counsel. And I think it warrants, you know, an approval at least on a planning steps reso. I think it stands on its merits.

**CHAIRPERSON VILORIA-FISHER:**

Okay. We have other questions. Legislator D'Amaro.

**LEG. D'AMARO:**

Director Isles, just make the assumption if this property were vacant and undeveloped, would there be still an objection to acquisition?

**DIRECTOR ISLES:**

Here again, we haven't necessarily opposed at this point. We've raised some questions. In terms of your question we have not specifically analyzed that so we haven't done a rating as a natural environment. Generally speaking I would say that if it was an undeveloped natural parcel at this location we would probably recommend it. It would probably score higher than 25 or it would be, if it was less than 25, it would be given consideration by proximity to the Lake Ronkonkoma County Park.

**LEG. D'AMARO:**

The park -- the County park is to the west along the shore?

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

And this is directly or immediately adjoining the County park --

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

-- at this time. And part of the planning steps would include an environmental evaluation of the premises of the property; is that correct?

**DIRECTOR ISLES:**

It would be at least a phase I environmental audit; possibly a phase II.

**LEG. D'AMARO:**

What's to the north? I see a lot of county-owned land to the north. Is that also part of the park?

**DIRECTOR ISLES:**

That is also County land. It's all wetlands.

**LEG. KENNEDY:**

That's the nature preserve actually. Through the Chair, that's the Lilly Pond Nature Preserve.

**LEG. D'AMARO:**

So I'm just trying to understand your comments. You haven't taken a position yet and I appreciate that. But what further investigation do you need to make to take a position?

**DIRECTOR ISLES:**

Good question. Here again I apologize for the shortness. When we left the last meeting it was -- the idea was presented. We talked to Mr. Kennedy afterwards about modifying the active recreation idea and going to something a little bit more natural. We then sought to set up a meeting with the other departments to get their input and here again that happened Friday morning. So we've been digesting this very quickly.

Here again, there are who aspects; primary aspects to this from County Planning Department's perspective. One is the policy question of when should the County of Suffolk be buying improved properties. And here again having appeared before this Committee and argued against certain acquisitions in similar somewhat situations, we want to be consistent with that and give prudent advice to you. So, that's the first question. Ultimately it's a judgement but we want to give you sufficient information on that.

The second question is there in terms of the fact that we often deal with minimal structures when we're buying open space, this one is substantially different and disproportionately high. We just want to be careful with that.

And I think maybe the last point is that as we're seeing more active recreation or the purchase of improved properties, I think we're seeing a little bit of a red flag going up. And from our perspective in the County that they may be perfectly good, they may be fulfilling important County needs, but I

think we've got to be careful in terms of the policy precedent of buying improved properties. And that I think the priority should be open space parcels that are not yet developed that can still contribute to the environment in terms of their natural functioning role. But as we go into improved properties, I think it has to be crystal clear that there are purposes for historic preservation perhaps and we've heard many times at this Committee that satisfy a County purpose. There are purposes where there -- what I call the donut holes where they're filling in around -- where they're surrounded by existing County parkland. The Arthur Kunz Park was a recent example. Commerdinger was an example of that where it's in the middle of a County park essentially and of course we should buy it, even if it did have a structure on it.

So when you're asking the question of the hesitancy or, you know, why are you being -- why is Planning looking at it in this manner, because it's an improved property. We think it's a big step and a step the County should take carefully. We understand it is adjacent to County parkland and that certainly is a big plus for this. We also understand there's a motel next door. Is that the next one we're going to go after? Is that good or bad as far as County policy? So, here again, it's been a short time frame. We've been trying to get the information together and to provide a policy perspective on it as well.

**LEG. D'AMARO:**

Thank you. I had one more question.

**DIRECTOR ISLES:**

Sure.

**LEG. D'AMARO:**

I'm looking at the rating form. And the form I have, Legislator Kennedy, was a 42 not a 47. I assume that's what he meant, 42. But is the rating relating to its proposed use and that it's contiguous or is more about an environmental sensitivity or environmental purpose to this property?

**DIRECTOR ISLES:**

Right. The rating was completed with the initial resolution which was, I think, contemplating more of an active type use, and maybe even the boat launching you talked about or whatever.

**LEG. D'AMARO:**

Right.

**DIRECTOR ISLES:**

I think we've been talking now that if the County were to proceed with this, that it be, well, also spoken of in terms of reducing the paving surfaces, cutting back on the manmade improvements and softening it so it wouldn't be as active, maybe more of a passive recreational type use. So the rating form reflects the original proposal two weeks ago and we have not revised it to reflect natural environments at this point.

**LEG. D'AMARO:**

So it's a different rating form that you would use, isn't it?

**DIRECTOR ISLES:**

I'm sorry.

**LEG. D'AMARO:**

I remember the last time we met we were talking more about preserving this or returning it to more of a natural state. And if we were to evaluate it on that basis or limited use, it would be a different rating form, wouldn't it?

**DIRECTOR ISLES:**

Yes, it would be. It would be our natural environments rating form.

**LEG. D'AMARO:**

Would it be a different rating form for the uses that Legislator Kennedy just talked about? Or would it be still this rating form?

**DIRECTOR ISLES:**

That's a good question. The -- I think I'd have to know more precisely because some things were just mentioned about the boat launching which I wasn't familiar with. Here again, if it's -- so I'd have to make sure I understand the answer to that question in terms of what the use is intended. As I understand it, if the use is a very small parking area, maybe some -- a bench where you can sit there and look at the water and maybe a hand-carried craft launching, kyacks and canoes, not motorized boat launching, and then restoration of it more to a natural environment, that would probably -- that could qualify as a natural environment thing. So if the -- if that's the use, then the answer is yes, it could qualify as natural environments. If it's more intensive than that, then it might have to stay in this form.

**LEG. D'AMARO:**

Now if the acquisition were for the -- to return it to its natural state, the flooding would not necessarily be a concern or the water table would not be a concern because it would just be preserved or returned to its natural state and preserved that way for environmental purposes, I would assume. But if we were to go with this rating form and take a look through planning steps on the acquisition for the limited use contiguous to a County park and maybe augmenting whatever the uses are in a County park, does part of the planning steps take into account the history, the water table, the flooding history, that kind of thing when you make a recommendation?

**DIRECTOR ISLES:**

So the question is does the planning steps take into account those environmental factors?

**LEG. D'AMARO:**

Well, let me ask it another way.

**DIRECTOR ISLES:**

Yeah, to make sure I answer your question.

**LEG. D'AMARO:**

Could you go through the planning steps and say, you know what, this parcel is ideal but for the fact that, you know, the tests show that in all likelihood it may, you know, flood again or the water table's too high; do we look at that?

**DIRECTOR ISLES:**

Yes. We look at that in the sense that land acquisitions are required to consider their impact on the environment under SEQRA. Therefore, they were referred to CEQ. Therefore, they do require the preparation of an Environmental Assessment Form. So there is some analysis of that.

In addition, we advocate the preparation of a site plan which is typically a requirement also of CEQ for the EAF, the Environmental Assessment Form. So there would have to be typically a conceptual plan drawn of the site. There would have to be some environmental analysis which would include such aspects of depth to groundwater, methods of sanitary disposal if it's intended to be an occupied active type recreational use.

So, yes, in answer to your question would those be taken under consideration, depending on the use. So if it's just open space, that's not really that critical. If it's starts to have an active use to it, then that would become more important; depending on the degree of activity and the nature of the use.

**LEG. D'AMARO:**

And where do you come down on the policy question in acquiring developed parcels that may otherwise, you know, based on rating forms or review, your review, your department review, say, you know, these are good parcels if we can preserve them; but now we have to talk about the policy of buying developed parcels and having demolition costs. Where do you come down on that?

**DIRECTOR ISLES:**

Okay. That's a very good question. And the answer, here again, it's not black and white but I think there's two aspects to the answer. One is on the basis -- the parcel itself, does this make sense? And is this a good acquisition representing County interest? And we've certainly talked about that today with this parcel.

The other part, however, that we don't talk about a lot here is the comparative side which is we have finite resources. And so then it becomes a choice, which is here again, a legislative and executive decision in terms of, you know, the opportunity cost of the pie we have for acquisitions is so large, a certain size, how much of that should preserve farmland, should preserve drinking water, critical coastal natural environments of wetlands and so forth which have super high value to Suffolk County. And then certainly we need active recreation. So it's your elected job as the decision makers of all of that.

So I think, and here again, in answer to your question how does the County Planning Department come down in the question of should we be buying improved properties, the answer is yes. Should we buy every improved property that is brought before us? Probably not. And, in fact, this Committee and this Legislature has been selective and you've said yes to many, some. You've turned down some as saying that that really doesn't represent a County interest in all things considered. I think what we'd like to see a little more -- since we're doing this, I think, it's more and more is a little more clarity on purpose as we go forward. And so as I mentioned there are certain historic properties that stand on their own as having Countywide historical significance.

**LEG. D'AMARO:**

So just my final question.

**DIRECTOR ISLES:**

Sure.

**LEG. D'AMARO:**

I appreciate the fact that you and your department are putting so much time and effort into this. But are we -- you know, aren't these all issues that could be discussed in the planning steps process? In other words, to get passed this resolution, we've been tabling this resolution. And you're telling us that you have not yet really determined what your recommendation will be. But we're not getting to that point.

**DIRECTOR ISLES:**

Right.

**LEG. D'AMARO:**

Okay. Isn't that the purpose of getting to the planning steps, so we can then start to take all of these different aspects of evaluation and pull it together and see if it makes sense?

**DIRECTOR ISLES:**

In answer to your question on that, you know, here again, we've been confronted with a very tight time frame on this. Here again, we did the inspection Friday and we're trying to -- if this were a plain vanilla acquisition of standard open space, we'd buy it. It would be simple.

**LEG. D'AMARO:**

Right.

**DIRECTOR ISLES:**

In the terms of the point, well, it's planning steps and we can look into that, we certainly would look into that. The only caution on that, and I think we brought this up before and Commissioner Gallagher has as well, is we have to be a little bit careful on planning steps because it launches the boat. And the next time you see it is when it's in contract and -- except for the ETRB process. But I think that's just a concern in the sense that the effort is -- there's a certain cost, maybe it's, you know, ten or \$20,000 which has maybe a minimal impact --

**LEG. D'AMARO:**

Let me tell you my thinking on this. My thinking is that you're right; there are a lot of issues that have to be discussed and talked about and reviewed. And in my mind that's part of the planning step. So, when I am required to make a decision on whether or not to vote for the planning step, I have to just go on the assumption that all of those issues will be resolved positively. In other words, do we in the end, if we can work out all the issues whether it's water table, demolition, bulkheading, whatever the issue -- how it's going to be used, if those issues could all be worked out, in the final analysis would we want to acquire this property? And that's when we turn to the rating form and we look at a rating form with a rating of 42. So I appreciate the fact that this is not plain vanilla. And I appreciate the fact that you want to take a good hard look at it, but we've been doing this for several cycles at this point; right?

**DIRECTOR ISLES:**

Two weeks.

**LEG. D'AMARO:**

Two weeks. Is that all it's been?

**DIRECTOR ISLES:**

Yeah, we had a quick turnaround.

**LEG. D'AMARO:**

Okay.

**DIRECTOR ISLES:**

Two weeks ago we had our meeting and then today, yeah.

**LEG. D'AMARO:**

But, you know, again, it seems to me that we don't really get into the comprehensive review unless and until we pass the planning steps. So it's kind of, you know, I'm struggling with this to say the least. Thank you.

**DIRECTOR ISLES:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Before we go to the next question, I do want to say that the comments that the Planning Department has made have been taken very seriously here. In fact, taken very seriously by the sponsor, who, I believe, began the process looking at this as an improved parcel. And because of the many issues that were brought to bear through the investigations of the Planning Department, the sponsor has pulled back on that vision and has said let's try to bring it back to its natural state as much as we can and make the impermeable areas -- the parking areas permeable so that we do have that acting as a sponge rather than just adding to the run-off.

And as I look at the map, and I've looked at many, many maps and have had many discussions both here and in other committees where I sit, when I have had concerns about acquisitions where I've been in the negative, the Planning Department has said to me that a piece -- pieces that I've seen

that look very similar to this are important if we're going to manage our property so that we have contiguous properties, you know, water management is important to be able to step on that property. And so it would seem to me that having that large preserve just to the northwest and having this piece of property sit between -- is it the Lilly Pond Park?

**LEG. KENNEDY:**

Yes, Lilly Pond Preserve.

**CHAIRPERSON VILORIA-FISHER:**

And the Lake, it would seem that this would be an important piece for us to have in management scheme. But that's, you know, something that you -- the people who are boots on the ground would be working on later on. But actually we can go on and on talking about this. It seems to me that we're ready to vote on this.

There's a quick point. And I do want to further say that the 42 point assessments of it, I don't see where it would change as I look through the rating sheet. It certainly does still have many of those qualities with access to the water. And having a 42 point rating in one of the five western towns, I think, is something that we have to look at very seriously. This is very rare. And we are trying to protect an area where we've seen a lot of -- except for Little Venice.

**LEG. HORSLEY:**

That's right, American Venice.

**CHAIRPERSON VILORIA-FISHER:**

American Venice did very well. And wasn't there a lot of development around there?

**LEG. HORSLEY:**

Absolutely, yeah.

**CHAIRPERSON VILORIA-FISHER:**

And so, you know, I really see that as something that's congruous to this. But in any case, I certainly am going to approve the motion --

**MR. ZWIRN:**

Madam Chairwoman?

**CHAIRPERSON VILORIA-FISHER:**

May I just finish my statement, please?

**MR. ZWIRN:**

Absolutely.

**CHAIRPERSON VILORIA-FISHER:**

Because I do feel that the use is now different than what the sponsor began with and, you know, I've known the Bavarian Inn since I've lived here in Suffolk County and the area. And I just think that it's something that stands out to the communities in Suffolk County as some place that we might want to preserve. I do have people on the list and I didn't ask a question so I'm just going to hold off your comment. Dan.

**LEG. LOSQUADRO:**

Thank you. I certainly don't want to belabor this point and I'm glad to hear that there seems to be support for moving this out. I will just say that obviously there's never any guaranty that we'll have an accepted offer. And this could be a situation where the stipulations that we place upon the property owner could incur significant costs to them for the type of demolition or remediation that we would want to see on the site to make it palatable for us to acquire it. And that may be something that at the end of the day they're not willing to take part in, but I, as my colleagues are,

certainly willing to put that forward to the property owner and see if they will be willing to take part in that and absorb those costs. And hopefully we can get a partner here, as Legislator Kennedy indicated, maybe with the State, DEC or another local partner. I think this would be a wonderful addition. And I think that's a key word here, addition, to our County parkland because it is contiguous. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

And, you know, sitting on ETRB with you, Legislator Losquadro, that is something that I mentioned to Planning also, that we put it before the seller and say, look, you're going to have to do the -- absorb the cost of the demolition. And they can say yay or nay. It's a voluntary program. Legislator Horsley.

**LEG. HORSLEY:**

Yeah, this is -- hi. This is just an add-on to Dan's question here. On the -- when we assess the property itself, do we and can we set up the assessment to say that the property has to be minus the demolition costs?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. HORSLEY:**

And that would take care of it.

**DIRECTOR ISLES:**

Mr. Kent is here from Real Estate.

**LEG. HORSLEY:**

Then we have a real dollar figure on what this is worth to us. We'd make a decision at that point. And a lot of your concerns seem to go away with that argument.

**DIRECTOR ISLES:**

So long as it's comprehensive enough in terms of -- because, I think, here again --

**LEG. HORSLEY:**

Well, that would be up to you.

**DIRECTOR ISLES:**

Well, I don't know that we typically order appraisals like that. I've sat in the ETRB now for four years --

**LEG. HORSLEY:**

Can you do that? That's where I was going.

**DIRECTOR ISLES:**

I'm sorry?

**LEG. HORSLEY:**

Can you make a comprehensive assessment?

**CHAIRPERSON VILORIA-FISHER:**

Mr. Kent is nodding like crazy back there so we'll let him come up.

**MR. KENT:**

Yes, we can do that. That's exactly the way we've been doing appraisals. We've been appraising the cost of demolition. We've been getting independent reports on the cost of demolition and we've

been offering it to the sellers to either do the demolition and pay the full value or subtract the cost of demolition from the --

**LEG. HORSLEY:**

Or subtract the cost out of we're to be the sole purchase of the property. And then there are all those issues that you're concerned with seem to go --

**DIRECTOR ISLES:**

I respectfully disagree. Just on the point that, as I pointed out, the Parks Department advised us on Friday morning, we met on this 11:20 today, they really can't deal with the building. They don't have the funds to deal with the building and we've talked about that. But they also say we really can't deal with this sanitary system either, can that get removed, too. So I would just point the question back could that be part of the appraisal, too.

**LEG. HORSLEY:**

Well, that was my question. That is what I was talking about, a full --

**DIRECTOR ISLES:**

But the answer I heard is we deal with this all the time, which is the demolitions. Sitting on the ETRB, we've only dealt with buildings. I don't recall a case where we've dealt with an acre or more of sanitary systems. If that's the case, fine. But I want it to be clear here today --

**LEG. HORSLEY:**

I was going with you -- yeah, I was thinking the same thing, so maybe we'll ask.

**DIRECTOR ISLES:**

I don't want people --

**MR. KENT:**

I would say that just to clarify or to further elaboration on that, there are going to be instances where we are going to want to control the demolition. And especially in sensitive environmental areas where they have certain types of -- certain types of structures, we want to be sure that either through inspection or proper demolition that the environmental conditions will be protected.

**LEG. HORSLEY:**

But would that be factored into the assessment itself?

**MR. KENT:**

The assessment of cost of demolition?

**LEG. HORSLEY:**

Yeah, all those -- all those issues when we -- when we take a look at this property that we could have those -- the full remediation of the property factored into the cost of this property.

**MR. KENT:**

Yes. I think it should be and I think if we did go forward with this acquisition that it would be.

**LEG. HORSLEY:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

We have a motion and a second. All in favor?

**MR. ZWIRN:**

Madam Chair?

**CHAIRPERSON VILORIA-FISHER:**

Okay, yes. I'm in the middle of calling it.

**MR. ZWIRN:**

I asked you if I had a chance to respond and the answer, I guess, is --

**CHAIRPERSON VILORIA-FISHER:**

But I hadn't asked a question. But go ahead and speak. I'm in the middle of a roll call, but go ahead.

**MR. ZWIRN:**

I just wanted to respond because Legislator Kennedy made a lot of statements in the very beginning and I didn't respond because you had questions of the Legislature and I patiently sat here.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Go ahead.

**MR. ZWIRN:**

I'm sorry that you didn't find any of my props amusing, but the County Executive takes this very seriously and that's why we attend the committee hearings. When you talk about spending 15, \$25,000 on planning steps, that's taxpayer money. The last time the Legislature looked at a piece of property Legislative Kennedy suggested that was underwater was a private home on a building lot in the Town of Smithtown. And the County Executive objected at that time and the Legislature overruled him. We are being consistent. This is a very unique piece of property. And before the County starts going ahead and spending taxpayers' money appraising it, doing surveys and spending all the money that it has to associate it with planning steps, we want to make sure where are we going with this? And the County Executive's concerned about it.

This property is underwater. It's a restaurant that's pretty much underwater. I mean, it's not as if there's a lot of pressure for development to reopen the restaurant which they can do as of right. There's a septic system underneath it. Who else is going to buy this property except the County of Suffolk. I didn't hear the Town of Smithtown stepping up to the plate. Legislator Losquadro was talking about the Kraft property that Legislator Cooper suggested; and the first question he asked of the speaker who was up here, well, who's going to partner with the County on this? I haven't heard any mention except for maybe the Smithtown Aquarium Club might be somebody we might consider. This property is going to be very, very difficult. And before we march forward at the very last meeting of the year -- the property's not going anywhere. If it's going anywhere, it's going under. So it's not going to go probably up in value.

The Health Department controls any ultimate new development on that property and it's unlikely it could ever be developed again with the kind of septic systems that would be required today. We don't see that there's a rush on this. We think it's bad policy. It was bad policy the first time when the County Legislature overruled the County Executive on that private piece of property.

And I brought these props in because this isn't the first piece of property that we dealt with like this in Legislator Kennedy's district. And I don't know how many more that are going to come up. But I tried to make fun of it because I think, you know, it's almost a little bit jovial. But, again, I am sorry if you didn't find my antics humorous, but I was trying to make a point and it's a serious point. And that's all I have to say.

**CHAIRPERSON VILORIA-FISHER:**

Oh, you have a question?

**LEG. D'AMARO:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

Okay, there's a question.

**LEG. D'AMARO:**

That's why I'm here, right?

**CHAIRPERSON VILORIA-FISHER:**

Actually -- well, let's not get testy. We've been talking about this for quite a while and we were in the middle of a vote. I let Mr. Zwirn speak because I had told him to wait. Okay? I just told Mr. Losquadro that I would like to finish the vote because we were in the middle of the vote. So we'll finish the vote. There's a motion and a second to approve. All in favor? Opposed? Abstained? Motion carries. **(Vote: 5-0-0-0)**

**LEG. KENNEDY:**

Thank you.

**LEG. LOSQUADRO:**

Madam Chair, point of personal privilege?

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**LEG. LOSQUADRO:**

I would just like to say to Mr. Zwirn that on the property that I alluded to, that was for the maintenance and upkeep of a structure. It had nothing to do with inquiring who would partner as to monies for the acquisition. Apples and oranges, sir. Completely different. And I would also caution you that in speaking as you seem to be for the Health Department that nothing could ever be done with a property such as this, you seem to be indicating that the County is predisposed in how they would rule on a future application. And that's a dangerous situation to put the County into.

**CHAIRPERSON VILORIA-FISHER:**

Okay, you're going beyond the personal privilege so let's go on with the agenda.

**MR. ZWIRN:**

I would just like to say I said it was unlikely that the Health Department --

**CHAIRPERSON VILORIA-FISHER:**

Okay. That's another issue. And we're going on with the agenda. We are on IR 2066.

**IR 2066, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Kraft property) Town of Huntington (SCTM No. 0400-089.00-02.00-018.000) (Cooper)**

I will make a motion to table at the request of the sponsor. Seconded by Legislator Losquadro. All in favor? Opposed? IR 2066 is tabled. **(Vote: 5-0-0-0)**

**IR 2096, Directing the Department of Planning to file Open Space Rating System forms with the Legislature. (Romaine)**

I'll make a motion to table. Seconded by Legislator D'Amaro. All in favor? Opposed? Mr. Lindsay, did you have a comment on it?

**P.O. LINDSAY:**

No.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All in favor? Opposed? IR 2096 stands tabled. **(Vote: 5-0-0-0)**

**IR 2098, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Rollstone Estates property) Town of Islip. (Pres. Off.)**

**LEG. LINDSAY:**

I'm going to make a motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by Legislator Lindsay. Seconded by Legislator D'Amaro.

**LEG. LOSQUADRO:**

Could you just refresh our memory on this, please?

**CHAIRPERSON VILORIA-FISHER:**

Yes. Planning?

**DIRECTOR ISLES:**

This is property located in West Sayville in the Town of Islip. It was originally put in as a farm purchase of development rights. It has subsequently not been farmed in quite some time. There is a proposal. The resolution then proposes this for active recreation. It was considered at the last meeting and there was a question about the right-of-way accessing out to Rollstone Avenue. We've subsequently gotten a copy of the deed and the deed does make specific reference to the right-of-way and I certainly don't speak to a legal opinion, but it's explicit in the deed and it's, here again, part of the planning process. There would obviously be more title work on that. So, the application is for active recreation for the purpose of development of athletic fields on this property of about 12 acres. It's across the street from the FAA property that we talked about last time. It was transferred last -- this summer to the Department of Interior.

**CHAIRPERSON VILORIA-FISHER:**

But we still call it FAA property.

**DIRECTOR ISLES:**

Yeah, I should correct myself.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There is a motion and a second to approve. All in favor? Opposed? 2098 is approved. **(Vote: 6-0-0-0 Presiding Officer Lindsay included in the vote)**

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

I had asked if the sponsor had reached out to Brookhaven regarding partnering. I haven't heard back so I will make a motion to table.

**LEG. LOSQUADRO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

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

**IR 2117, Adopting Local Law No. 2007, a Local Law to reduce nitrogen pollution by reducing use of fertilizer in Suffolk County (County Executive).**

Now, this must go back before CEQ. The Commissioner -- did you want to make a comment before we make a motion on that, Commissioner? And we do have a letter from -- I believe it's been

distributed to everyone on the committee, from Martin Petrovic. Did I say -- is it Petrovic? It is Petrovic, isn't it, Marty.

**COMMISSIONER MEEK-GALLAGHER:**

Well, people say it both ways. I did just want to ask -- I could draw your attention to something in that letter, but I did want to ask respectfully that you would discharge it pending CEQ's determination since all of the changes that CEQ requested have been made to the law in the amended version that was filed.

**P.O. LINDSAY:**

Motion to discharge without recommendation.

**CHAIRPERSON VILORIA-FISHER:**

Yes, that's exactly what I planned to do. There's a motion by Legislator Lindsay to discharge --

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

-- without recommendation, seconded by Legislator D'Amaro. But on the motion, we'll now discuss the letter that came from Dr. Petrovic which he seems -- I just received it, so I haven't had a chance to look at it very carefully, but he does seem to agree with a later time fertilizing in this.

**COMMISSIONER MEEK-GALLAGHER:**

Yes, exactly.

**CHAIRPERSON VILORIA-FISHER:**

That confuses me because he had spoken at a public hearing and it seemed to me that the dates that we concluded would be the good dates in the Homestead Assist Task Force were in line with those that he had recommended which was the beginning of November; is he saying here the end of November?

**COMMISSIONER MEEK-GALLAGHER:**

No. Well, he --

**CHAIRPERSON VILORIA-FISHER:**

I haven't had a chance to read it. I've been busy.

**COMMISSIONER MEEK-GALLAGHER:**

No, he's in line with the prohibition during the period of November 1st to April 1st.

**CHAIRPERSON VILORIA-FISHER:**

Okay, all right.

**COMMISSIONER MEEK-GALLAGHER:**

Essentially because, again, we're looking to protect groundwater, and in coastal areas like Long Island, that's where you have -- when you have most of your recharge is occurring during those time periods. And the studies that he did locally on Long Island showed a much higher propensity for leaching, anywhere from 29 to 66% if you apply fertilizer during that time period.

**CHAIRPERSON VILORIA-FISHER:**

And the grass isn't active then so it wouldn't be absorbing all those nutrients; isn't that part of the problem?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Okay. All right, there's a motion and a second to discharge without recommendation. All in favor? Opposed? Abstain? Okay, **2117 is discharged without recommendation pending CEO approval (VOTE: 6-0-0-0 Presiding Officer Lindsay was included in the vote)**

2155 -- and all of these now that are coming up, Commissioner, are ready to go regarding the budgetary --

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

-- problems in the resolutions?

**MS. MEEK GALLAGHER:**

Yes. Budget assured me they are all correct. Some of the budgets were modified slightly, but they are all ready to proceed with the vote.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**IR 2155, 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 reducing and mitigating toxic discharges (CP 8710). (Co. Exec.)**

I'll make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? IR 2155 is approved. **(Vote: 5-0-0-0)**.

**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. (Co. Exec.)**

**LEG. LOSQUADRO:**

Same motion.

**CHAIRPERSON VILORIA-FISHER:**

We had been looking at something similar. I think it changed a little bit in this iteration, hasn't it?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. It's changed to incorporate a lot of the recommendations of the Homestead Assist Task Force, increasing the emphasis on education and outreach and bringing in Cornell Cooperative Extension and Cornell University to, in addition to the golf course fertilizer reduction program, to also work on those education outreach components.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? IR 2156 is approved. **(Vote: 5-0-0-0)**

**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 planning for restoring the Peconic River's Historic Critical Fish Habitat - Grangebél Park Fish Passage (CP 8710). (Co. Exec.)**

Motion to approve by Legislator D'Amaro, seconded by Legislator Horsley. All in favor? Opposed? 2157 stands approved. **(Vote: 5-0-0-0)**

**IR 2158, 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 (CP 8710) (Co. Exec.)**

**LEG. HORSLEY:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by Legislator Horsley.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstain? 2158 stands approved. **(Vote: 5-0-0-0)**

**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. (Co. Exec.)**

**LEG. D'AMARO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator D'Amaro.

**LEG. HORSLEY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Horsley. I have a question about this for you and maybe Mr. Dawydiak as well because -- would you mind coming up also, Walter? Is this that \$350,000 two year plan on studying the use of larvicides?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. Well, it would be two years peer reviewed research to do two different things. One, to study local impacts of larvicides or pesticides, but most likely the emphasis would be on local impacts on methaprene and also to do research into alternatives to pesticides, including an extensive literature review and possibly some pilot projects.

**CHAIRPERSON VILORIA-FISHER:**

Now, I voted and I believe Legislator Losquadro was on the Environment Committee when this came up. We put an awful lot of money in doing the long-term plan and there was a lot of money in looking at literature reviews on local impacts, on alternatives. In fact, all of those alternatives for those of us who read the long-term plan and then the finding statements, the findings rather, we looked at the alternatives. Why are we now spending \$350,000 more? I just feel like this was a media hit, okay? Somebody was being beat up by environmentalists and felt that it was time to say okay, I'm throwing up my hands and we are going to do a study on this. I don't think we should be using \$350,000 for this at this time. We should allow the long-term plan, the three years that we

had said we would be allowing it to develop and then look at it. I don't know why we have to throw \$350,000 on it right now other than for the media.

**COMMISSIONER MEEK-GALLAGHER:**

No. Well, the long-term plan actually does commit us to continue to evaluate and conduct research and look into alternatives to pesticides. Part of the goal, of course, is the 75% reduction in larvicides over 12 years. Part of the goal was proactively going out there and conducting research. Peer reviewed research would be that we could expedite that. It would also help us in terms of the tri-annual plan update that is due at, you know, every three years. Would there -- could we make recommendations for changes at that point that would be consistent with what was said in the long-term plan. But it is consistent with the finding statement in committing us to --

**CHAIRPERSON VILORIA-FISHER:**

It's consistent only to a point. I think that the 350 goes beyond what we had anticipated doing because we do have a lot of literature review that had been done while we were developing the long-term plan. I'm not -- this is one that I'm not going to be supporting at this time. But we do have a motion and a second. I'm not going to belabor it, but I would like my colleagues to consider when this particular proposal came out, that it was a -- it was because -- I think it's just simply to appease in the media critics of the plan and I believe that we've just spent millions and millions on studies that had done literature studies, that had done -- it was millions that we spent on doing the long-term plan. Yes, Legislator Losquadro.

**LEG. LOSQUADRO:**

I really don't have much to add to that. You actually raised the concern that I had about this, that this seemed a very short window to be -- I understand that we want to continue to do research, but it seems as though we just did a significant amount of work on this and it doesn't seem like there is a large enough window of time between the two that would justify spending another \$350,000 dollars now. I mean, I think we would -- what period of time was anticipated that we would allow some of these changes to go into effect and then move forward with ascertaining their effectiveness? This seems like a very short window of time. Could you comment on that?

**CHAIRPERSON VILORIA-FISHER:**

Especially with the kind of resources we put into it.

**MR. DAWYDIAK:**

Maybe I can elaborate if I could. Walter Dawydiak, Chief Engineer for the Suffolk County Department of Health Services. Just for the record, it was \$3.9 million. It was contracted out over roughly a three year period for a number of expert consultants and subconsultants.

**CHAIRPERSON VILORIA-FISHER:**

That's a lot of money.

**MR. DAWYDIAK:**

That time period, essentially the monitoring analysis or the risk assessment ended as of 2006 when the impact statement and plan were drafted and finalized. So already the information there is about a year old. This is an extremely rapidly evolving area in a number of different ways. The ways that the federal and state governments permit these vector control agents and do the risk assessments is evaluating rapidly. The state of scientific literature continually evolves rapidly. Our ability to measure and detect both parent pesticides and degraded also evolves very rapidly.

Now, there is a policy issue about who should be funding this work. All along there was that argument that these are federally and state registered pesticides and that it was incumbent upon those levels of government to actually look at these pesticides. Well, I don't need to tell anybody that that's never stopped Suffolk County before. We have a world class laboratory, we have a US geologic survey, we have a Stony Brook University. We have people that can measure these chemicals down to the low part per trillion level, orders of magnitude that have ever been measured

before and they continue to get better at it.

So in terms of what window we were looking at, we were looking at doing this annually, collecting data as well as evaluating the literature and potentially even updating the risk assessment, definitely on a tri-annual report basis updating this information. There wasn't any funding or resources provided to it. On the scale of research projects this is actually fairly modest. I mean, organizations like Sea Grant routinely fund half million dollar projects without blinking, so, you know, again, it's your policy direction, but --

**CHAIRPERSON VILORIA-FISHER:**

But our budget is tight so we need to blink and this is talking about amending the 2007 Capital Budget. Now that confuses me, too. Commissioner?

**COMMISSIONER MEEK-GALLAGHER:**

Because it's introduced in 2007 I believe that it has to go into amending the 2007 and so it -- it moves forward, though, and you'd still have that for a capital program. It runs through 2009.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Well, there's a motion -- go ahead.

**LEG. LOSQUADRO:**

When you said that we planned on updating this tri-annually, every three years, when we were spending all this money, almost \$4 million as you said, as Legislator Viloría-Fisher pointed out she and I were here and I don't -- at least I don't recall having discussed with us these type of continuing cost to be putting, you know, 350,000, \$500,000, on an annual basis. This was only a year ago. I certainly don't recall having those types of figures put forward to us. This is a lot of money, and as I said, I understand your point that it changes quickly but if we're updating this on a tri-annual basis, again, I think this is a very short window to be putting this type of money back in after spending \$400,000 on it, but that's just my opinion.

**MR. DAWYDIAK:**

Just for the record, we try and absorb whatever we can into operating, both in terms of in-house resources for monitoring as well as any discretionary budget. This money just doesn't exist anywhere else in my knowledge in Health or Environment and it's a legitimate purpose of this Quarter Percent Program.

I wanted to make one other point for the record if I could. Most everybody around the horseshoe I'm sure is aware of how litigious this entire program has been for better or for worse. This money is important scientifically, technically, for environmental protection and for health protection. But one way or the other we do need to make an affirmative commitment to continue taking the hardest look we can on an annual basis at this. If we don't we'll continue to be vulnerable to lawsuits and I just wanted to bring that point up as well.

**CHAIRPERSON VILORIA-FISHER:**

Okay, but, you know, our -- from where we sit we also need to protect our 477 account and try to use that money as proactively as we can for our Water Quality and Storm Remediation Programs.

So there is a motion and a second. All in -- who made the motion to approve? Was there a motion?

**LEG. D'AMARO:**

I made the motion.

**MR. NOLAN:**

She has no motion.

**CHAIRPERSON VILORIA-FISHER:**

You have no motion. Okay. Then I'm going to make a motion to table.

**LEG. LOSQUADRO:**

I'll second that motion.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? 2159 is tabled. **(Vote: 5-0-0-0)**.

**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 (CP 8710). (Co. Exec.)**

Can you explain this?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. What this project is essentially designed to do is help us determine the best methodology to eradicate aquatic weeds in the lakes. So it would be partly to study and come up with that and then also to do a pilot project and then take the lessons we learned from these three lakes that have already been identified as having significant aquatic invasive species problems, be able to kind of create a template that we could use in other water bodies across Suffolk County, which we know a lot of water bodies are experiencing these types of problems. So we kind of need a pilot project and a test case and we also have -- there's other funding and there is partnerships with the Town of Brookhaven available.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 2160 stands approved. **(Vote: 5-0-0-0)**.

**IR 2224, Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235). (Co. Exec.)**

Is there a motion? Legislator Kennedy, motion to approve? Legislator Losquadro second. All in favor? Opposed? IR 2224 stands approved. **(Vote: 5-0-0-0)**. And that brings us to Introductory Resolutions.

### Introductory Resolutions

**IR 2231, Amending the 2007 Capital Budget and Program and appropriating funds in connection with the study for the occurrence of brown tide in Suffolk County Marine Waters (CP 8228). Is there a motion?**

**LEG. LOSQUADRO:**

I'll make the motion for purposes of discussion. I just wanted to get an explanation.

**CHAIRPERSON VILORIA-FISHER:**

I'll second it and we'll talk about it.

**LEG. LOSQUADRO:**

Just get an explanation because I know we've actually had a number of resolutions put forward recently regarding algal blooms and red tide --

**CHAIRPERSON VILORIA-FISHER:**

I think it was red tide. Last time it was red tide, wasn't it, two weeks ago?

**LEG. LOSQUADRO:**

And if we could just get the water a nice bluish-green, get these other colors out of there. I hope that's what we're moving towards.

**MR. MINEI:**

We also have problems with blue-green algae, but I'll leave that to you. Hi, I'm Vito Minei, Director of Environmental Quality for the Health Department. Specific question on brown tide?

**LEG. LOSQUADRO:**

Just -- no. Just an explanation of what this study would entail.

**MR. MINEI:**

Okay, sure. This is the continuation of nearly 15 years of effort by Suffolk County with regard to brown tide. If you recall, the middle of the 80's we had problems. Brown tide wiped out the scallop. What wasn't known was how widespread brown tide was. We had it in the eastern Great South Bay and other south shore bays, {Aquantic} and others to the east. This specific money is being requested to look at the role of groundwater. You had a nice discussion by Cornell at your last meeting where we discussed the input of groundwater with regard to nutrients, specifically nitrogen. That's what the lion's share of this money is aimed for, is that the groundwater investigative part of that component of nutrient enrichment leading to these kinds of harmful algal blooms.

**LEG. LOSQUADRO:**

I was going to say I knew there had to be some sort of different component to this because as far as I know from what I've read, that much of this is attributed to eutrophication, which is the over abundance of nutrients in the water -- in these bodies of water. So in this case it's specifically not looking at just surface run off, but how groundwater and the nutrients in that groundwater are affecting this, that's the specific --

**MR. MINEI:**

That's the lion's share. The remainder is for analytical equipment for the enumeration of that specific algae. But, yes, we are homing in on the groundwater component which is significant in the Peconic system because of all the agricultural fertilizer and other inputs of nutrients.

**LEG. LOSQUADRO:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

What's a fluorometer?

**MR. MINEI:**

A fluorometer is -- it uses light to differentiate the little critters in the water. In this case we are looking at phytoplankton, the lowest level of the food chain. That was an engineers description of marine biology.

**LEG. HORSLEY:**

Vito, who owns the equipment after we've studied?

**MR. MINEI:**

This equipment is to be purchased by a marine unit to be used by people you know very well, Legislator Horsley.

**LEG. HORSLEY:**

Okay. I see study and then I want to know.

**CHAIRPERSON VILORIA-FISHER:**

Okay. There's a motion and a second. All in favor? Opposed? IR 2231 is approved. **(Vote: 5-0-0-0)**. IR 2248. A question by Legislator D'Amaro. Vito, come back.

**LEG. D'AMARO:**

Mr. Minei, just a quick question. This -- the bill that we just approved is for further study and I heard your testimony on that, I appreciate it. When do we get the results of that study?

**MR. MINEI:**

We get work plans and status reports on an annual basis. We can discuss this work with you next year. This is very sophisticated. This groundwater investigation uses unique equipment developed here in Suffolk County by Cornell and a colleague of mine at the Health Department. So we'll be very pleased to give you a status report.

**LEG. D'AMARO:**

I appreciate that. Who is doing the study? Is it inhouse?

**MR. MINEI:**

In this case it is Cornell being the lead, Cornell Cooperative Extension.

**LEG. D'AMARO:**

Right. Okay.

**CHAIRPERSON VILORIA-FISHER:**

All right. **IR 2248, Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program and appropriating funds in connection with storm water remediation to CR 65, Middle Road @ Browns Creek, Town of Islip (CP 8240.114). (Co. Exec.)**

Okay. And this is drainage I'm assuming?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. This is a storm water remediation. It was approved by the Water Quality Review Committee back in April of this year.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? IR 2248 stands approved. **(Vote: 5-0-0-0)**

**IR 2249, Amending the Adopted 2007 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2007 Capital Budget and Program and appropriating funds in connection with storm water remediation to CR 101, Patchogue-Yaphank Road @ Mud Creek, Town of Brookhaven (CP 8240.115). (Co. Exec.)**

And same type of issue. I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 2249 is approved. **(Vote: 5-0-0-0)**.

**IR 2268, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] - for the Wheatly Property - Carlls Rivers Watershed addition - Town of Babylon (SCTM No. 0100-083.00-01.00-080.000). (Co. Exec.)**

**LEG. D'AMARO:**

Motion.

**LEG. HORSLEY:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

And this is one of those tiny, tiny pieces, nine-tenths of an acre. It's almost an acre.

**LEG. LOSQUADRO:**

Just under an acre.

**CHAIRPERSON VILORIA-FISHER:**

There's a motion by Legislator Horsley, second by Legislator D'Amaro.

**LEG. D'AMARO:**

And it has no sanitary system on it.

**CHAIRPERSON VILORIA-FISHER:**

No sanitary system, no huge buildings. All in favor? Opposed? IR 2268 is approved. **(Vote: 5-0-0-0)**

**IR 2269, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program - open space component - for the Muller property - Southaven Park addition - Town of Brookhaven. (SCTM Nos. 0200-707.00-02.00-007.000, 0200-707.00-02.00-008.000 and 0200-707.00-02.00-012.000). (Co. Exec.)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

Motion by Legislator Losquadro, seconded by myself. All in favor? Opposed? IR 2269 is approved. **(Vote: 5-0-0-0)**

And there were a few of these, completing that Southaven Park. And that is it for our -- yes?

**COMMISSIONER MEEK-GALLAGHER:**

I did just want to take the opportunity, since I have new staff on board, to introduce them to the members of this committee. I asked them to come today. So, Tamara, if you --

**CHAIRPERSON VILORIA-FISHER:**

And by the way, that's great news that you have new staff because we know the kind of workload you have and it was -- it's too much for one person to juggle. Are they coming up?

**COMMISSIONER MEEK-GALLAGHER:**

Yes. Well, apparently Leann just walked out of the room, but Tamara Sadoo is my new Environmental Analyst, just started December 3rd in the Water Quality Division. She'll be working on a lot of the aquatic habitat restoration projects and some of the projects that approved today. Brian Pederson was here but I guess he left. I think I had introduced him at CEQ. He is working on the fertilizer initiative. Frank Castelli, I can't remember if I introduced him last time, is the new head of the Water Quality Division, Environmental Projects Coordinator. So finally some, you know, staff beefing up to handle these. If Leann comes back in I will --

**CHAIRPERSON VILORIA-FISHER:**

We'll wave.

**LEG. KENNEDY:**

Madam Chair, I have a question for the Commissioner as well.

**CHAIRPERSON VILORIA-FISHER:**

Let me just say welcome to you and we hope to see you and ask you lots of questions as the year comes. Is that Leann walking back in?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

Hi, Leann. Welcome.

**COMMISSIONER MEEK-GALLAGHER:**

This is Leighann Thomas, my new Assistant to the Commissioner. She's been on board three weeks.

**CHAIRPERSON VILORIA-FISHER:**

Good to see you. Legislator Kennedy has a question for you before we adjourn.

**LEG. KENNEDY:**

Commissioner, one of your existing staff was there at the DEC, 100 Oser Avenue meeting.

**COMMISSIONER MEEK-GALLAGHER:**

Yes, Amy Juchatz {Comonzo}.

**LEG. KENNEDY:**

Amy Juchatz, yes, as a matter of fact. And I appreciate the fact that she was there to go ahead and track that issue because as you know it's a very important issue again in my district, again involving water, in this case polluted water as a matter of fact, and the efforts that the DEC is making in order to remediate.

**CHAIRPERSON VILORIA-FISHER:**

And there is Amy walking back in, and I appreciate her help with the Homestead Assist Task Force.

**LEG. KENNEDY:**

Thank you.

**COMMISSIONER MEEK-GALLAGHER:**

Amy just recently got through a long desk audit. I think it was in the works almost two years. Finally got the title Environmental Toxicologist, which really is the type of work she does. She's the only one in the County and we are very lucky to have her.

**LEG. KENNEDY:**

Wonderful. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Losquadro.

**LEG. LOSQUADRO:**

Just very quickly if we don't happen to see any of the staff at the General Session, Merry Christmas, Happy Holidays, Happy and Healthy New Year. We'll see you next year.

**CHAIRPERSON VILORIA-FISHER:**

Happy Holidays one and all. We stand adjourned.

**(THE MEETING WAS ADJOURNED AT 3:00 PM)  
{ DENOTES SPELLED PHONETICALLY }**