

**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 February 25, 2008.

**MEMBERS PRESENT:**

Leg. Jay H. Schneiderman, Chairperson  
Leg. Lou D'Amaro, Vice Chairman  
Leg. Daniel P. Losquadro  
Leg. Brian Beedenbender  
Leg. Jon Cooper (not present)

**ALSO IN ATTENDANCE:**

John M. Kennedy, Jr., Twelfth District  
George Nolan, Counsel to the Legislature  
Ian Barry, Assistant Counsel  
Kevin Duffy, Budget Review Office  
Barbara LoMoriello, 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 & Management  
Lauretta Fischer, Department of Planning  
Janet Longo, Department of Real Estate  
Carrie Meek-Gallagher, Commissioner of the Department of Environment and Energy  
Linda Bay, Aide to Minority Leader  
Paul Perillie, Aide to Majority Leader  
Debra Alloncius, AME Legislative Director  
Vincent Taldone, Riverhead Estates, Inc.  
Frank Castelli, Department of Energy and Environment  
John Aldred, DEE  
Julie Hargave, Central Pine Barrens Commission  
James B. Tripp, appointee for Suffolk County Water Authority  
Justin Littell, Aide to Leg. D'Amaro  
Lora Gellerstein, Aide to Leg. Cooper  
Bill Shilling, Aide to the Presiding Officer  
Gail Lollis, County Attorney's Office  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 1:16 PM)**

**CHAIRMAN SCHNEIDERMAN:**

Good afternoon. I would like to call this meeting to order of the Environment, Planning and Agriculture Committee this 25th day of February 2008. If you all would rise and join us for the Pledge of Allegiance led by Legislator Lou D'Amaro.

**(SALUTATION)**

And if you could remain standing just for one moment for a moment of silence for all of our sons and daughters, brothers and sisters who are in harm's way in Iraq and Afghanistan and other conflicts around the world, if we could all give them a moment to thank them for their sacrifices as well as those who have perished paying the ultimate for our freedom.

**(MOMENT OF SILENCE OBSERVED)**

Thank you. Okay, we'll start with public portion. I only have one card. Madam Clerk, are there any other yellow cards that I need to be aware of?

**MS. LoMORIELLO:**

No.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Will Mr. James Tripp please approach the podium.

**MR. TRIPP:**

Good afternoon. My name is James Tripp. I did notice that a matter involving me IR 1043 is on the agenda. So if you want to take it in the regular course of events, that's fine with me. I was asked -- some suggested I fill out that card, but I do direct your attention to --

**CHAIRMAN SCHNEIDERMAN:**

Okay, if you are up for possible appointment, we could take care of that matter now. We typically would give you a brief interview in front of the Committee. Although is there even a vacancy at this point?

**MR. NOLAN:**

It's going to become vacant in March.

**CHAIRMAN SCHNEIDERMAN:**

There's a vacancy in March.

**MR. NOLAN:**

You just appointed James Gaughran to fill this spot, but it's only for a short period. It's expiring in March. Mr. Tripp's resolution had been put in for the same spot. It's been amended to fill the terms starting in March when it comes open again. There is going to be another resolution for Mr. Gaughran being laid on the table at our next meeting.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So it is eligible for action.

**MR. NOLAN:**

It is.

**CHAIRMAN SCHNEIDERMAN:**

Okay. And, Mr. Tripp, I know you were a former member of the Suffolk County Water Authority, is that --

**MR. TRIPP:**

That is true, yes.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**MR. TRIPP:**

So do you want to take this matter now or --

**CHAIRMAN SCHNEIDERMAN:**

Yeah, I think so.

**LEG. LOSQUADRO:**

I'll make a motion to take it out of order.

**CHAIRMAN SCHNEIDERMAN:**

Okay, yeah I think so. We'll take it out of order, absolutely. So we have a motion by Legislator Losquadro to take resolution 1043 out of order, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? It is now before us. **(Appointing member to the Suffolk County Water Authority, Mr. James T. B. Tripp)**

And We have Mr. Tripp present. So, Mr. Tripp, if you would start out by telling us a little bit about yourself and also why you'd be interested in serving in this capacity.

**MR. TRIPP:**

Yes. Well, my name is James Tripp, T-r-i-p-p. I am general counsel of the Environmental Defense Fund, a national environmental organization that was founded in Suffolk County and incorporated in 1967. I have worked at EDF since 1973 coming on 35 years. I serve as general counsel of the Environmental Defense Fund.

I have had through my work at EDF a long standing interest in the management and protection of the quality of the groundwater of Suffolk County. I actually prepared the petition shortly after Congress adopted the Save the Water Act in 1974. I prepared the petition and submitted to EPA the petition to have the groundwater of Nassau and Suffolk Counties designated as a sole source aquifer. And I think that actual designation happened around 1978.

I also served as a voting member of the Citizen Advisory Committee that worked on the 2008 plan for Nassau and Suffolk Counties which in effect became to my knowledge the first the groundwater watershed plan in the country.

I was appointed to the board of the Suffolk County Water authority in 1987 and served for 15 years. I will point out for what it's worth during the period of time I never had a car, never had a credit card. I've known Ed Romaine for probably 25 years and he is the one, I believe, who has submitted my name for consideration for this position on the board.

There is a -- I believe that Mr. LoGrande, the Chair of the Board sent a letter to this Committee of the Legislature with the suggestion that there is good reason to have somebody -- an

environmentalist or somebody with known environmental credentials serving on the board. Succeeding me was George Proios who certainly had environmental credentials and then succeeding him was Michael Deering who I've known also for 25, 30 years, an outstanding environmentalist, very knowledgeable. And I would urge this Committee, whoever is appointed to think about appointing somebody who has environmental credentials.

A basic reason for that is, you know, the ultimate or an important goal of the Suffolk County Water Authority is to help Suffolk County manage and protect this remarkable groundwater system. I certainly know quite a bit about the federal Safe Drinking Water Act. That is the Act under which the federal government and through the -- through EPA, the state developed groundwater drinking water quality standards. EPA, of course, now has elaborate rules governing the treatment of groundwater as well as surface water.

While I was on the board, there were a couple of things that I certainly focused on in 1987 to 2002. One was the building of the current lab, the space -- the lab space when I joined the board in 1987, I think, was around 2000 square feet. And it is now at least ten or twenty times that size. Of course the regulatory requirements for testing of water are much more elaborate now than they were. The ability to test very, very small quantities of contaminants has improved dramatically. Concerns have mounted during that period of time.

The other thing that I was interested in and worked closely with Michael LoGrande on was helping to draft some of the legislation that became the Central Pine Barrens Protection Act. And then I served as a co-chair of the Transfer Development Rights Committee with Don {Iversoll} and, you know, setting up the TDR program. And then I was asked by the then Supervisor of Brookhaven to be his representative on the Pine Barrens Credit Clearing House, the TDR bank. And I was appointed by the Commission at that time to be the Chair of the Pines Barrens Credit Clearing House. And I continue to serve in that role. And I felt then as I do now that Suffolk County should do everything it possibly can to protect these central rechargers, the deep flow recharge areas of this groundwater system, protect them from contamination. And clearly the Pine Barrens credit -- the Pine Barrens Program has been one of the primary ways of doing that over the last 15 years through limiting -- severely limiting and restricting any kind of development of the preservation area.

And the TDR program has played a critical role in an economic and legal sense in helping to transfer development -- privately owned development out of the core area into designated receiving areas that were established by the three towns at the time that they served by that program in 1995.

I think the challenges that lie ahead, and you ask, Mr. Schneiderman, why I'd be interested in serving on the board again, I think that the Pine Barrens Program accomplished a whole lot in terms of changing, altering the pattern of development that was then occurring in Brookhaven and Riverhead and Southampton. Clearly there was development in accordance with the zoning one acre, two acre, five acre zoning that was occurring and just proceeding at pace. And that kind of development is not useful in terms of protecting groundwater. And certainly would not -- if that kind of development had continued throughout the Central Pine Barrens, it would not have been helpful in terms of, you know, preserving very high quality of the deep flow recharged groundwater.

So the concept there was to alter the pattern of development and take development out of the -- of the core, the 15 thousand acres of the 50 thousand that was still in private ownership in 1993, 1995 and move it elsewhere, where higher density development or that transfer development could more appropriately go from the groundwater management point of view. And I will point out that a sort of central focus of the work of the Pine Barrens Credit Clearing House has been to make the TDR Program economically equitable as well as efficient. IE, I felt very strongly and the other members of that clearing house board feel that land owners who participate in the TDR Program should be treated at least as fairly as landowners who are able to get into the acquisition cue.

But I think that concept needs to be extended. When we look at the compatible growth area, we look at other parts of Suffolk County that are not yet developed where there are still significant

amounts of unfragmented land that's not in the preservation area, the question is, you know, what would we like? What would this County like? What would the members of the Legislature like? What would the environmental community like? What would I like to see?

And I think it's a continuation of the concept that is incorporated in the state Central Pine Barrens legislation which is to protect as much as we can of the remaining undeveloped, unfragmented land, the larger pieces of land in the compatible growth area within -- that are within the deep flow recharge area and to try and focus development as much as we can either in new more compact villages or in the over more populated, densely populated parts of Suffolk County.

That serves all kinds of purposes concurrently. It can serve the environmental purposes of protecting the remaining Pine Barrens that are not within the preservation area as well farmland protecting biodiversity, this remarkable ecosystem, but it also is a development pattern that makes more -- takes more efficient use of the existing infrastructure transportation and sewer infrastructure. The cost of providing infrastructure including sewers services that need be to compact more densely populated areas is lower than if it's spread out. There's a capability with that of removing nitrogen from waste water which there isn't with septage flow. And there's also the possibility in the longer term of thinking about compact development in a way that can make it -- can take advantage of the transit system, the Long Island Railroad System and so on that exists.

So my -- that would be my overall interest in returning to this board; is not simply to do what I did before, but to look at the larger challenges facing Suffolk County and to help think in a collaborative way with other county agencies, the towns, this body, State DEC in a collaborative way, what can we do and what can the Suffolk County water Authority do to help move the towns and the -- as well as the County in a direction of a pattern of development, in a pattern of land ownership which is compatible with the continued and intensified preservation protection of the groundwater quality in the Pine Barrens. So that is in general my overall interest returning to the board.

**CHAIRMAN SCHNEIDERMAN:**

All right. So we'll go to questions. Let me start by saying, one, it's nice to meet you finally. You're somewhat of a legend in terms of groundwater protection in Long Island so it's nice to finally meet you in person. And I certainly appreciate all the work you've done and your interest in serving the County in this capacity. As you know you are now one of two candidates who are vying for this seat on the board. You've served in that capacity before.

Let me ask you the same question I asked Mr. Gaughran. As an east end Legislator, as you mentioned Legislator Romaine on the north fork, south fork is my jurisdiction, and we certainly have a lot of private wells out there in areas where there's currently no public water. There's always a fear of public water leading to increased development but there's also concerns that the groundwater quality particularly after years of agri chemicals being, you know, used in farming entering -- even though they may have been used twenty years ago, they are suddenly showing up in ground water. And trying to balance this need to provide people with good quality water at the same time of, you know, not spurring on additional development. So any thoughts particularly on that issue, as well as on the north fork where there's even been more farming and shallower depths to groundwater. We did work very hard to preserve that Pine Barrens which you were instrumental in. Yet I don't know that the Pine Barrens is being used to provide water to the north fork or the south fork. Any thoughts on that?

**MR. TRIPP:**

Well, the groundwater which is recharged through the deep flow portion of the Pine Barrens, you know, spreads out under the force of gravity and goes all over the place. So that in fact if you put a well down along the south shore in portions of at least the Town of Southampton, the more western portions or in Brookhaven for that matter, you're going to be withdrawing magothy water. And a lot of that water is going to come from the Central Pine Barrens. So in that sense protecting the Central portion of the Pine Barrens helps to protect the magothy aquifer source of water for the more coastal communities.

I think to deal with the issue that you raise, the Suffolk County Water Authority has to work very closely with the towns and villages of Suffolk County. There has been an effort on the north fork to provide water in the hamlet areas and not provide it outside of those areas. IE, if there's going to be higher density growth, this is where it should be and this is where water ought to be made available.

But the Suffolk County Water Authority can't really do that all by itself. It has to do that in conjunction with in that case the Town of Southold because it involves, you know, ultimately zoning power. Or is there going to be a TDR program in that kind of a community where you're going to move development rights off of the farmland or the forested land that remains and move it into the hamlet areas so it has to be done in conjunction. And I'd say the same thing about Southampton and East Hampton. I mean the cost of putting in water everywhere where you have one house, one acre, two acres or five acres can be very, very high. And ultimately the legal responsibility of the Suffolk County Water Authority is to provide water that meets federal and state drinking water standards to everyone who needs it. But on the other hand there is a land use consequence to the provision of water.

So this is why in the future as we think about management of groundwater provision of water and the patterns of development and land use that the Suffolk County Water Authority has got to work in collaboration with the Town of Southampton, the villages of the south fork and DEC.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Other questions. Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I appreciate you coming down. It's always very interesting to hear your take on this. I mean your environmental credentials are obviously impeccable. Are you aware or -- I don't know if you saw a piece of legislation that I recently passed regarding drinking water distribution standards? Had you seen anything on this bill?

**MR. TRIPP:**

I didn't. I haven't seen that. So I'd be happy to look at it.

**LEG. LOSQUADRO:**

I worked very closely with the Water Authority on this to create a uniform drinking water system distribution standard. And I just wanted -- it's something we can talk about in person later. If you haven't seen the bill, I'm not going to explain the whole bill to everyone here. It would just take far too long. But one of the things I just wanted your input on was some of the systems that had been installed prior to my new piece of legislation, systems that perhaps were not up to the same standards as a public water authority, when you had large amounts of treated water, if there were a break in one of these systems, being reinjected into the ground or perhaps systems that did not have the same back flow prevention devices as the public authorities would install, could you just maybe give us your thoughts on some of the consequences of those type of scenarios and how that would affect the Water Authority's overall mission and goals?

**MR. TRIPP:**

Well, see if I understand what you're -- what you're talking about. If you're going to be injecting anything into the groundwater you --

**LEG. LOSQUADRO:**

Groundwater -- say you had a break in a system that's past the meter. It's in a private development. You get a break in a system, develop -- the homeowners association, the condo association decides it's too expensive to fix. It's actually cheaper to let it reinject back into the ground. What are some of the consequences of that type of scenario?

**MR. TRIPP:**

Yeah, well, first of all, somebody has to be responsible for fixing something like that. Whether the Water Authority or the Department of Health, is a whole other issue. In terms of the overall management of the system, the question is the location of that development and where that -- where that water is going to be recharged. If it gets recharged into the table water aquifer at that point, then those -- any contaminants is just going to move with the flow of groundwater. It may not affect the drinking water system all that much depending on its location or it may. If it's in a deeper flow recharge area, it may have long term implications for the groundwater system. If contaminants get into the more surface water flow near the coastal areas, then eventually it's going to end up in rivers like the Forge River, the Carmens River or in Great South Bay. So that's ultimately what's going to happen.

**LEG. LOSQUADRO:**

Okay. And I just want to point out for the record, and I think I said this to Mr. Gaughran when he was here, I certainly don't have anything against Mr. Gaughran or his desire to serve or his background of holding public office, but I truly think that that body needs the type of expertise that Mr. Tripp will bring back to that body. And I think that's very important. So, again, I thank you for coming down and I thank you again for wanting to serve again in this capacity.

**MR. TRIPP:**

Yeah. I mean it's important to point out that some of the contaminants that we're now concerned about getting into the groundwater system, we hadn't heard about twenty years ago when I was initially appointed to the board like in {DPE}. And one of the benefits of outright watershed protection, the Pine Barrens plan is the likelihood of these unknown contaminants or pharmaceuticals or chemotherapy drugs or whatever anyone is concerned about, toxic chemicals getting into the groundwater, that is greatly reduced if there are parts of the Central Pine Barrens that are off limits to development. And the more of that, the better.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions? Legislator D'Amaro?

**LEG. D'AMARO:**

Yes. Thank you. Mr. Tripp, welcome. Right here. How are you today?

**MR. TRIPP:**

Very well, thank you.

**LEG. D'AMARO:**

Thank you for coming in. Your credentials are extremely impressive. I just want to ask you a couple of questions. Are you currently a practicing attorney?

**MR. TRIPP:**

Yes. Well, I work full-time for the Environment Defense Fund so, yes, I am a practicing attorney. Yes.

**LEG. D'AMARO:**

In the capacity of general counsel?

**MR. TRIPP:**

Right.

**LEG. D'AMARO:**

Right. And I have a copy of your resume in front of me. It says Board Service. And it lists several boards that you are a member of. These are all current?

**MR. TRIPP:**

They're -- I think they're all current, yes. Yes.

**LEG. D'AMARO:**

They are.

**MR. TRIPP:**

Yes.

**LEG. D'AMARO:**

So you're serving on 12 other boards in addition to your full-time work with the Defense Fund?

**MR. TRIPP:**

Yeah. I mean most of those -- well, one I listed was the Pine Barrens Credit Clearing House. I'm on the board of several environmental organizations. You know, they take various amounts of time but, yeah, that's an accurate list of various boards that I serve on.

**LEG. D'AMARO:**

Okay. And also looking at your resume you list two addresses. One in Bellport here on the Island and the other one in Manhattan.

**MR. TRIPP:**

Yes.

**LEG. D'AMARO:**

New York. Where do you reside?

**MR. TRIPP:**

Well, my voting residence is in Bellport. My voting residence has been there since 1987. Obviously we've owned a house in Bellport since 1981. We pay taxes there. I vote there. If you -- if the question were how do I divide my time between 49 East 96th Street and 8 Gerard Street, in the course of a year I probably spend 75 percent of the nights in Manhattan. I work in Manhattan. And 25 percent here.

**LEG. D'AMARO:**

Okay. So what was that? 75/25 roughly?

**MR. TRIPP:**

Yeah, I would say roughly.

**LEG. D'AMARO:**

You know, we're just talking round numbers here.

**MR. TRIPP:**

I mean we've just spent a significant amount of money renovating our house in Bellport so I think we're going to be spending more time there.

**LEG. D'AMARO:**

Right. Right. But of course you can renovate a house and own a house; it doesn't mean you necessarily reside there.

**MR. TRIPP:**

Well, for whatever -- I mean residence has a number of different purposes. As I pointed out for -- you know, that is my voting residence. Bellport.

**LEG. D'AMARO:**

Yeah. Okay. Now you're a member of the New York City Water Board since 1993. That's on your resume. That's accurate.

**MR. TRIPP:**

Yes. Yes.

**LEG. D'AMARO:**

Now, are you presently the Chairperson?

**MR. TRIPP:**

Yes.

**LEG. D'AMARO:**

You are. Does New York city require that you be a resident of the city to be on that board?

**MR. TRIPP:**

Yeah, I don't know the answer to that. I don't think so.

**LEG. D'AMARO:**

Okay. I'm going to ask our Counsel to please take a look at that as a threshold issue. I just want to make sure that --

**MR. TRIPP:**

I mean I do know that the Public Authority's Law that set up the Suffolk County Water Authority requires that a board member be a voting resident of Suffolk County.

**LEG. D'AMARO:**

Well, I don't know that voting resident is the actual qualification so --

**MR. TRIPP:**

Yeah, well, that was my understanding; what I was told in any event, yep, yep.

**LEG. D'AMARO:**

Yeah, that's not my understanding. And what I'm going to do just so we have clarity is I'm going to ask our Counsel to take a look at the requirements of the Suffolk County Water Authority as well as the New York City Water Board to determine whether or not you need to be a resident to serve on one or both of those boards. I'd like to know.

**MR. TRIPP:**

Yeah. As I say, I think, you know, residency has a lot of different meanings to it. And there are many people who are resident in more than one place so --

**LEG. D'AMARO:**

But the issue here would be are they resident -- is that acceptable when you're talking about having a position on these various boards.

**MR. TRIPP:**

That's right. I have never read the Public Authority's Law of the State of New York to require that a board member spend a majority of the nights, for example, you know in the place in which that board sits. So as far as I know I satisfy -- if what you're interested in is the legal -- the legal satisfaction compliance with the Public Authority's Law of New York, I believe I satisfy it.

**LEG. D'AMARO:**

Okay. Well, we're going to take a look at that --

**MR. TRIPP:**

But if somebody disagrees with that, fine.

**LEG. D'AMARO:**

-- through out Counsel.

**MR. TRIPP:**

Yeah.

**LEG. D'AMARO:**

Because in effect then you would -- if it turns out that both boards would require residency, then you would need to have dual residency.

**MR. TRIPP:**

Yes, which I think I have.

**LEG. D'AMARO:**

But you're not sure.

**MR. TRIPP:**

Yeah. I mean as far as I know and I may be wrong, I don't think I have to be registered to vote in New York City so serve on the New York City Water Board.

**LEG. D'AMARO:**

No, I'm not talking about where you're registered to vote. I'm talking about the legal residency requirement for each of these boards.

**MR. TRIPP:**

Right.

**LEG. D'AMARO:**

That's a vastly different issue in my mind.

**MR. TRIPP:**

Right.

**LEG. D'AMARO:**

The other question that I had is, you've been on the New York City Water Board since 1993. How long have you chaired that board?

**MR. TRIPP:**

I've been Chair of it for, I think, about three years or something like that.

**LEG. D'AMARO:**

Okay. And --

**MR. TRIPP:**

Yeah, I was originally appointed by Mayor Dinkins. And then for various reasons I've continued to serve on the board.

**LEG. D'AMARO:**

Okay. How is that board funded?

**MR. TRIPP:**

Well, how is the board funded? I mean the Water -- the water and sewer system in New York City is funded by the ratepayers. And the job of the New York City Water Board is to set rates.

**LEG. D'AMARO:**

Okay. And let's talk about that. Set rates. How have the rates been going in the City of New York? Have they been going up, down, staying the same?

**MR. TRIPP:**

Well, they've -- if you go back to 1992 or three, if you look out over the last 15 years, you know, the rates for many years went up an average of say three or four percent. In the last couple of years they've gone up significantly more than that. You know, the New York City Water Board is required under that state legislation to set rates at a level that will cover the operating costs of the New York City Department of Environmental Protection and pay the debt service costs of outstanding bonds. And we have -- that water board has no legal control. We may make recommendations and so on but we have very little legal control over either the operating cost of DEP or the size of the capital program. So, and the bond resolutions obviously, you know, specify all that.

**LEG. D'AMARO:**

So you're saying you don't have control over the rate increases in New York City for water?

**MR. TRIPP:**

The New York City Water Board has the legal authority to set rates. We are obliged under that New York State legislation to set rates at a legal as certified to cover costs that are certified to us in the case of debt service cost certified as by the New York City Water Finance Authority, which is an independent authority and cost certified to us by the Director of OMB, the City OMB in certain cases and the operating cost for DEP. So I don't want to suggest that the New York City Water Board has, you know, plays no role.

**LEG. D'AMARO:**

Right. No, I understand. But if rates were increasing as imposed by the New York City Water Board, wouldn't it then be incumbent upon you to try and find a way to lessen the increase? I mean isn't that part of managing the Water Authority?

**MR. TRIPP:**

Yes.

**LEG. D'AMARO:**

Okay. So you do have accountability and responsibility for that?

**MR. TRIPP:**

Well, we -- we don't have -- the New York City Water Board does not have ultimate legal responsibility to set the operating costs for DEP. That is set by the Commissioner of DEP and the Mayor of New York.

**LEG. D'AMARO:**

The information that I have is that, and you can tell me if this is accurate, in that July of '06 that there was a rate increase of 9.4 percent.

**MR. TRIPP:**

That is right.

**LEG. D'AMARO:**

And then in 2007 just this past July there was on top of that another increase of 11 and a half percent.

**MR. TRIPP:**

Right.

**LEG. D'AMARO:**

Is that correct?

**MR. TRIPP:**

Yes.

**LEG. D'AMARO:**

That's not -- that wasn't the Water Board setting that rate?

**MR. TRIPP:**

No. Understand, I'll try and clarify what I said. We are -- we set the rates. So if you ask me did I vote in support of those rate increases, the answer is yes. We are obliged under New York State legislation that set up the Water Board and the New York City Water Finance Authority to set rates at a level to cover DEP costs and outstanding debt service cost.

**LEG. D'AMARO:**

Right. I understand that.

**MR. TRIPP:**

Now, do I and do other members of the New York City Board, are we concerned about those kinds of escalating rate increases, the answer is yes. Are we trying to do something about it? The answer is yes. You know, a whole lot of things we're trying to do. It's a big -- it's a big and difficult issue.

**LEG. D'AMARO:**

Well, okay, fair enough. You know. Dealing with the County budget I can appreciate how difficult it is to deal with escalating costs, but it's also a matter of being accountable --

**MR. TRIPP:**

Sure.

**LEG. D'AMARO:**

-- for that. And you're looking at a 20 percent increase in water rates in the last two years alone in New York City.

**MR. TRIPP:**

Right. And the forecast, if you look at the forecast, if you look at the capital program, and where debt service costs are apt to go, you know, the forecast over the next five years is put together by DEP is for rate increases along those lines. A lot of the reason for that is that, you know, the City is required, the City -- Department of Environmental Protection is required by EPA and the State Department of Health to do all kinds of things under the Safe Drinking Water Act.

**LEG. D'AMARO:**

Sure.

**MR. TRIPP:**

The set up -- the legal set up for the Suffolk County Water Authority is different. The Suffolk County Water Authority controls -- has its own capital budget. It controls its capital budget. The board decides what that capital budget is going to be and what its operating costs are going to be and it sets the rates. So that the legal set up is simply different in Suffolk County from what it is, you know, in New York city.

**LEG. D'AMARO:**

Okay. While the rates were going up in the city of New York, and I do understand that you set the rate but it's reflective of spending items that are beyond your control, I do understand that point, some of those spending items are within your control. And my next question is does the New York City Water Board operate with a balanced budget, with a deficit budget, a surplus budget?

**MR. TRIPP:**

A balanced budget. There's a very small amount of surplus which is used for paid in capital.

**LEG. D'AMARO:**

What's that, paid in capital?

**MR. TRIPP:**

Well, it means making a contribution to the capital needs of the capital program from operating revenues rather than the sale of bonds. I mean if you look at the Capital Program for the Suffolk County Water Authority, a rather significant portion of the Capital Program in any different times comes out of revenues; current revenues, you know, whether it's 25 or 30 percent or something like that. So the capital program of the Suffolk County Water Authority isn't solely -- by any means solely funded out of bonds. Now, New York City, the amount of contribution, the paid in capital from revenues has been less than 5 percent. In my personal view it's too low.

**LEG. D'AMARO:**

Now, what was the small surplus for 2008 with the New York City Water Board?

**MR. TRIPP:**

You mean for the -- the city's fiscal year ends June 30th.

**LEG. D'AMARO:**

Right.

**MR. TRIPP:**

So if you say 2008 --

**LEG. D'AMARO:**

Fiscal year '08.

**MR. TRIPP:**

Okay. This is the fiscal year that ends this coming June 30th. I think the -- you know, it's --

**LEG. D'AMARO:**

Roughly. I'm not --

**MR. TRIPP:**

20, 30 million dollars, you know. It's a very modest amount of money.

**LEG. D'AMARO:**

I have information in front of me that says that for fiscal year '08 you have \$84.5 million surplus.

**MR. TRIPP:**

Well --

**LEG. D'AMARO:**

And just for the record that letter is from the Comptroller of the City of New York. And it's dated October 2nd of 2007.

**MR. TRIPP:**

Yeah. It's out of projected -- the amount of so called surplus after paying off the -- oh, I'll tell you what that is. The city is obliged and the water board is obliged to make a payment to the City representing the water system's pro rata share of the City's general obligation bonds that are outstanding in 1985 when the current legal system was set up under state law. So that we make a -- we make a contribution to the city. And actually that's not the amount. I believe the amount is \$78,000 -- \$78 million this year to pay for not debt that has been sold by the New York City Water Finance Authority but was pre-1985. And the water system is also obliged to make a payment to the city that represents 15 percent of the outstanding debt service cost less the amount of money that is used to make this contribution to pay the City's general obligation bonds. And for this current year that amount is \$72 million.

**LEG. D'AMARO:**

Okay. So --

**MR. TRIPP:**

And that would be -- the letter from the Comptroller would be specifying what portion of that would be used to --

**LEG. D'AMARO:**

Well, the letter from the Comptroller is kind of interesting. It's addressed to you. And I'm sure you're aware of it. It says "Dear Chairman Tripp, I am deeply troubled by the recently announced \$200 million revenue shortfall regarding the City's water and sewer system. The magnitude of this shortfall and the City's inability to identify its causes reflect a breathe taking failure and strongly suggest that DEP must better understand and manage its finances." Do you agree with that? I mean it's not necessarily saying you're to blame for it but is that true? Is that accurate?

**MR. TRIPP:**

The --

**LEG. D'AMARO:**

A \$200 million shortfall?

**MR. TRIPP:**

The City has had a -- when I say the City, really New York City Department of Environmental Protection that is responsible for collecting these service charges, has had great difficulty recovering water charges from people who don't pay because it's had very, very limited enforcement powers.

**LEG. D'AMARO:**

Sure.

**MR. TRIPP:**

So one of the issues that came up had to do with the City Counsel adopting legislation that would give New York City DEP greater enforcement power through the sale of independent water lands. And the Comptroller very much wanted that to happen and supported that as did the Water Board that has happened in that \$200 million estimated shortfall which really comes from non-collection of revenues, that's the source of that shortfall, has now been addressed.

**LEG. D'AMARO:**

Here's the point of what I think this letter was telling me, and you can of course comment on it, let me know if you agree or disagree. But it seems to be saying that there's a \$200 million revenue shortfall. And I can understand that if there's delinquencies and some reason revenue is less than what was projected or expected. And we, again, experience the same thing in county budgeting often.

Then it goes onto say "however in '06 and '07 you collectively raised rates by 20 percent." Perhaps

part of the reason for that was because of the shortfall. Again, I understand that. But then it goes onto say that there's almost an \$85 million surplus in this water board. And rather than -- the letter says it is critical that these funds be used first to offset any further rate increase.

**MR. TRIPP:**

Well, I believe the 85, that amount of money to which the Comptroller is referring is what I was just describing, which is this rental payment that the New York -- the water system pays to the City. The Comptroller has supported a revision in the legal arrangement between the New York City Water Board and New York City under which we would not make that rental payment and could use that rental payment in that amount. And as I say I don't believe it's exactly that amount but approximately that amount either to hold rates down or as additional paid in capital. But, you know, the Suffolk County Water Authority --

**LEG. D'AMARO:**

Why wasn't that done? I don't understand why the rates were allowed to increase when there's that type of surplus available.

**MR. TRIPP:**

It is a legal contract agreement that was worked out between the City and the Water Board in 1985. And I can assure you I've spent countless hours trying to persuade people in the Mayor's office to change it. It's an outrageous arrangement. It makes no economic sense. But, you know, the Suffolk County Water Authority typically collects 99.5 percent of its bills. It sends out bills and it collects. And every six months or so when I was on the board there clearly are bills that are never going to be collected and they're just written off. In New York City rather than being half of one percent, it's been much closer to 15 percent. I mean it's just a huge amount. And so there was a big effort this year to get the City Counsel to pass legislation to address that to give DEP enforcement powers so it can collect on its bills.

**LEG. D'AMARO:**

Okay. And I appreciate that as well, but the water board which you chair increased rates but at the same time you were trying to urge the City, and whatever boards and commissions had the authority, the city council to adopt resolutions that would permit you to apply that surplus that couldn't be done on your own initiative through the Water Board?

**MR. TRIPP:**

The big sort of legal and political struggle --

**LEG. D'AMARO:**

Well, let me just make my point. I apologize for -- my point is -- my concern with this letter, and I want to give you every opportunity to speak to it because I'm just taking the words at face value. I understand that sometimes you have authority to do things and sometimes you cannot. But the appearance of the information that I have is that while these rates were going up, there were funds -- first of all, the appearance that I have is that there was a shortfall, which is unexplained. Then rates were increased 20 percent. And then after that there was a surplus which could have been used to stabilize rates and was not done. And I'm concerned about that because, you know, every one who is entering public service today has to be mindful, and I'm sure you are, of the fact that people cannot afford to keep paying increases in whatever tax or fee or whatever we're talking about, we have to be very careful before we do that. And this letter seems to be saying that there's an indifference or lack of sensitivity to that.

**MR. TRIPP:**

Yeah, I don't think that's what that letter says. I know -- I know the Comptroller -- the Comptroller appeared after writing that letter at our request before the New York City Water Board. And we talked about these two issues that I've just been talking to you -- you know, was I as a member of the New York City Water Board frustrated and angered about a potential \$200 million shortfall that resulted from the fact that the City was not being paid for billed services. If I were on the Board of

the Suffolk County Water Authority and 15 percent of the rate payers didn't pay their bills, I'd certainly want to do something about it. And this has been an issue brewing for many years. And fortunately because of what the Comptroller did, what the Water Board did, what DEP did, what the Mayor did and ultimately what the city council did, it has been resolved at least a piece of it in the \$200 million shortfall through the adoption of enforcement authority that allows New York City DEP to collect on its bills.

**LEG. D'AMARO:**

But that's not going to allow you to undue the 20 percent rate increase in water rates.

**MR. TRIPP:**

It's not going to allow us to undo the 11.5 percent rate increase that went into effect last July 1, no.

**LEG. D'AMARO:**

Right. All right. I appreciate you answering --

**MR. TRIPP:**

Then there is this other issue. There is the enforcement issue collecting on bills. There is another issue that has not yet been resolved having to do with what I call the rental payment. And the Comptroller when he testified before the Water Board had a proposal as to how to deal with that. I happen to agree with the Comptroller. But for that to be resolved the Mayor -- the City of New York, you know, has to agree to letting the water system keep the 15 percent that is not used to pay off the general obligation bonds.

**LEG. D'AMARO:**

I just want to make very clear for the record and for my colleagues that this letter is not necessarily saying you are to blame for this. But I think it's important that as a member of this board that's experiencing substantial rate increases, we understand what was the mind set and why is this happening. That's important at least in my decision.

**MR. TRIPP:**

No, I understand that.

**LEG. D'AMARO:**

The other issue I'll leave to our Counsel as far as the threshold issue of whether or not you can have a dual residency in the state of New York and serve on both boards simultaneously. And we'll just wait for the answer on that. Thank you very much, sir. I appreciate it.

**LEG. LOSQUADRO:**

Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**MR. TRIPP:**

Let me just say I am as -- since you've been asking me a lot of questions about my capacity as Chair of the New York City Water Board, very grateful to the Comptroller for what he did to bring these various issues to a head successfully with respect to, you know, one of them, the enforcement issue. The other issue is, you know, unresolved sadly.

**LEG. D'AMARO:**

Right. Okay. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Dan.

**LEG. LOSQUADRO:**

I think far from saying that -- that letter seems pretty clear to me that the language in it seems to say that the Department of Environmental Protection are really the ones that are clearly to blame for that. And I have to say that sounds like a wonderful arrangement that I'm sure any number of people who run departments here in Suffolk County would love to have. Just certify their expenses and have another taxing agency have to levy the taxes for that. Sounds like a pretty raw deal for the Water Board to have to -- to be responsible to cover those expenses. I have to say that given that type of environment, it really lends itself to a complete lack of accountability on the part of those other agencies. And, listen, I know it puts you in a tough spot because you don't want to necessarily have to criticize the people that you're working with, but I think the Water Board given this set of circumstances obviously faces a very difficult process in which they have to set these rates.

**MR. TRIPP:**

Yeah. It's not a question that the New York City Water Board has a raw deal. This is a legal arrangement that we worked out under state law in 1985 at a time when the City was having a very difficult time selling debt to set up a legal arrangement where this new water finance authority could sell bonds to rehabilitate and bring up to standard the, you know, all the infrastructure of the New York City Water Finance Authority.

I mean the other thing that aside from the enforcement issue, let me assure you that surface water systems like the New York City water system which is entirely or about 98 percent surface water system, surface water systems in this country face a whole host of problems in particular quality problems that fortunately groundwater systems don't face. And, of course, Suffolk County Water Authority up until today is not responsible for any kind of sewerage. It's not responsible for that piece of the action. In New York City -- the New York City DEP runs the, you know, the sewer system, the 14 sewage treatment plants for New York City and has to meet federal and state standards. You know, something like two thirds of its Capital Program is a result of what it calls mandates from EPA under the federal Clean Water Act. There are consent decrees. You know, there's a huge challenge for any surface water system to meet standards today.

The Suffolk County Water Authority is in a very, you know, different position. It has this magnificent gem of a groundwater system. This County has been very progressive in terms of protecting the watershed for this groundwater system. It simply does not face the quality problems that a lot of drinking water systems in this country do.

**LEG. LOSQUADRO:**

Thank you. And I think that's sort of the point. We are very different from New York City and I --

**MR. TRIPP:**

Yeah. And unfortunately sadly if you look at what's going on with water rates for most of the large urban areas in this country, rates are going up seven, eight, nine, ten, eleven, twelve percent a year. Again, Suffolk County has been lucky -- in my view the Suffolk County Water Authority has been very well run over the last -- since -- particularly since 1990. And, you know, rates during the time when I was on the board went up only very modestly. And even since I've gotten off the board over the last six years they've gone up only very modestly.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, again, Mr. Tripp, for your time and for your interest. We do have a second candidate not here today so I don't expect there will be any action on this. I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro.

**LEG. LOSQUADRO:**

Abstain.

**CHAIRMAN SCHNEIDERMAN:**

One abstention. All in favor? Opposed? **(Vote: 3-0-1-1. Leg. Losquadro abstained. Leg. Cooper not present)** Okay, thank you, Mr. Tripp.

Okay. We're moving to -- actually before we move to the agenda is there anyone else who wished to be heard who has not filled out a yellow card on any of the items in front of us? Okay.

**CEQ RESOLUTIONS**

We'll start with **CEQ resolutions number 01-08, ratification of recommendations for legislative resolutions laid on the table January 2nd, 2008 and February 5th, 2008.** Maybe if Mr. Bagg could step forward. Jim, if you could explain this first one.

**MR. BAGG:**

Yes. The CEQ has to make a recommendation of all County initiated projects and activities which include the resolutions laid on the table. So the Council the packets that the Legislature has laid on the table. They then review them and they make a recommendation primarily in terms of the classifications of the actions. And this is the CEQ's recommendation concerning the two packets January 2nd and February 5th of 2008. Primarily all of the actions recommended are either Type II Actions, which no further environmental review is necessary or SEQRA has been complete.

**CHAIRMAN SCHNEIDERMAN:**

Okay, thank you, sir. Okay. Is there a motion?

**LEG. BEEDENBENDER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**Resolution 02-08, proposed acquisition of land for Open Space Preservation purposes known as Carlls River County Park Addition, Napoli Construction property in the Town of Babylon.**

**MR. BAGG:**

This project involves the acquisition of point 33 acres of land by Suffolk County for Open Space Preservation purposes. Council recommends an unlisted action that will not have a significant impact on the environment for the following reasons. None of the proposed criteria within SEQRA are exceeded. The proposed use of the subject parcel is for passive recreation and if not acquired the property will most likely be developed for residential purposes incurring far greater environmental impact on the proposed acquisition and preservation of the site would have.

**CHAIRMAN SCHNEIDERMAN:**

Jim, I thought we were treating all passive park acquisitions, open space acquisitions for passive uses as Type II actions. Why is this now an unlisted action?

**MR. BAGG:**

Basically SEQRA, one of the consistencies or requirements of SEQRA is that the acquisition of land cannot be a Type II Action. That's set forth right in the rules and regulations. So, therefore, if acquisition cannot be a Type II Action, that means it's either an unlisted action or a Type I action

requiring a negative declaration or a positive declaration under SEQRA.

**CHAIRMAN SCHNEIDERMAN:**

Acquisition of land for preservation purposes can't be a Type II Action? Can't you amend the list?

**MR. BAGG:**

No, that was done by the SEQRA rules and regulations as part of the state law.

**CHAIRMAN SCHNEIDERMAN:**

Because this an issue, you know, with CEQ and the amount of time it takes for them to review each land acquisition. Maybe if I can Commissioner Isles -- if I get any additional information because it would certainly streamline our process if we could treat some of these acquisitions for passive park uses as Type II Actions.

**MR. BAGG:**

Well, CEQ did review the Master List for the Mastic/Shirley area. Also Master List one and two, they've also reviewed the proposed acquisitions within the Pine Barrens zone. And there is what you call a blanket negative declaration that applies to those uses. However, with respect to certain parcels that aren't on any of those lists, then technically those blanket negative declarations don't apply. So in essence you have to go through and review those projects individually and make a recommendation.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner Isles, is there anything procedurally we can do to make these fall into a Type II category?

**DIRECTOR ISLES:**

Nothing different from what Jim said which is that it is mandated under part 617 of the rules implementing SEQRA. But I think the key thing that he did mention is that the last half of last year we did bring to CEQ and the Legislature the master lists, plural, and had all those done as a neg dec. So that has significantly reduced the load of going to CEQ only for passive park purposes.

**CHAIRMAN SCHNEIDERMAN:**

Since CEQ is an advisory board and basically makes a recommendation to this body --

**MR. BAGG:**

That's correct.

**CHAIRMAN SCHNEIDERMAN:**

-- could we as a legislative body pass something that would treat all those passive parks even though they're unlisted make a kind of a blanket negative declaration in advance provided it's for passive uses?

**DIRECTOR ISLES:**

To my knowledge we can't but we could certainly check with the Department of Law and run that question by them. It's a legal question.

**CHAIRMAN SCHNEIDERMAN:**

Just to save time at the CEQ level.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Okay, I appreciate that. All right. So on 02-08, we'll take the same motion, same second. All in favor? Opposed? Abstentions? **02-08 passes. (Vote: 4-0-0-1. Leg. Cooper not present)**

## TABLED RESOLUTIONS

Moving onto tabled resolutions, **IR 1021, to promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties (Romaine)**

**LEG. D'AMARO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? It's tabled. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**IR 1022, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Smithtown Boulevard property in the Town of Smithtown identified by the Suffolk County Tax Map designation of 800-168.00-04.000-01.000 (Kennedy)** I will make a motion to approve.

**LEG. D'AMARO:**

I'll make a motion to table.

**LEG. BEEDENBENDER:**

Second to table.

**LEG. KENNEDY:**

Mr. Chair, on the motion?

**CHAIRMAN SCHNEIDERMAN:**

Although Mr. Kennedy is not on the Committee, he is the sponsor of this resolution and I will allow him to comment.

**LEG. KENNEDY:**

Thank you very much. I appreciate it. And as a matter of fact I appreciate the motion to approve; however, I'll yield with my colleagues at this point. This one of those projects that's been an ongoing project for quite sometime. We's still working with a community group in order to come up with a supported use, if you will, and that's in accord with the request from Planning Department to have a stewardship group or partnership group.

I also note that we recently have now received a request from the Planning Department to define what the vision for this property is, which I will complete and get into you. I'm hopeful that we'll have this group completed for our next cycle. If not certainly I'll let your office know beforehand. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

All right, I'll withdraw my motion to approve and support the tabling motion. All in favor? Opposed? Abstentions? **1022 is approved. (Vote: 4-0-0-1. Legislator Cooper not present)**

**1025, authorizing planning steps under Suffolk County Multifaceted Land Preservation Program, the Kraft property, Town of Huntington, Tax Map number 400-89-2-18. (Cooper)**

**LEG. D'AMARO:**

Motion to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **1025 is tabled. (Vote: 4-0-0-1. Legislator Cooper not present)**

**INTRODUCTORY RESOLUTIONS**

Moving onto Introductory Resolutions, **IR 1037, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program, the Coffey property, Town of Smithtown, identified by the Suffolk County Tax Map designation of 800-164-4-2. (Kennedy)** And I think we have a presentation by Planning.

**DIRECTOR ISLES:**

Sure. This is a property that was previously approved for planning steps under the SOS Program. That program expired at the end of last year. This resolution, as we understand it, has been submitted to reaffirm this now under a new program which is the Multifaceted Program.

We had it -- I guess two points with this matter before you. At the time of the consideration of the original resolution the Planning Department had some issues with this. It is a ten acre parcel located in the hamlet of Nesconset in the Town of South -- Smithtown, pardon me and had carefully reviewed it at that point on a rating and so forth.

It rated, I recall, I think a 15. There was information provided that there is a vulnerable species, an orchid species. Subsequently the Legislature did recommend and approve the planning steps resolution.

As far as those matters are concerned and the rating nothing's really changed so that is as it was back then.

As far as the resolution before you today, we did make note of the multifaceted component of this; was indicated as parkland. I believe we conveyed this to legislative Counsel that perhaps this should be considered for open space. And we understand that's being considered at this time or being done at this time. Okay. So those were our concerns.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Commissioner. Sponsor's here. Any comment?

**LEG. KENNEDY:**

Yes, Mr. Chair. As a matter of fact the -- first of all, I'm going to ask that my colleagues support me in this as they have previously. As a matter of fact from the time that the first resolution passed, much work has been done to the point where this matter has actually progressed through the Environmental Trust Review Board. And so we now actually have an approved offer waiting to be presented to the owners for acquisition of the property. Similar to other parcels that I and my colleagues have put forward, I did reach out to the Nesconset Tax Payers Association. We do have them as a formalized recognized group in the community agreeable to act as stewards for the property as Planning Department has requested. We've asked and sought a passive use of the property. It is the last privately held largest contiguous parcel in that end of the township. I think it represents a significant old growth stretch of property that is a habitat both for live animals as well as aviary. And I'm hoping that the Committee will pass this confirmatory as Mr. Isles had said so that we can make the offer to the owners.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Thank you. This was previously approved in 2005 through the Chair to the sponsor?

**LEG. KENNEDY:**

Yes, it was.

**LEG. D'AMARO:**

Okay. And what happened was the program expired that it had been approved under?

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

Okay. And at the time of the initial approval, it was not recommended for approval by Planning; is that accurate?

**DIRECTOR ISLES:**

We did a rating and it came up with a rating, as I recall, at 15 points. The standard rating is 25 as a suggested cutoff. It is a guide. There was information presented from the Town of Smithtown from their Environmental Director pointing out a rare or vulnerable species of concern being an orchid plant on the property. And on that basis it was approved. Now if your question -- your question was did Planning recommend it? And I'd have to go back and just double check exactly how we characterized it. If it's below 25, you know, there's a flag with that.

**LEG. D'AMARO:**

Right. It's not an absolute but we do take another look.

**DIRECTOR ISLES:**

Right. And I think some of the consideration at that point is this western Suffolk developed area.

**LEG. D'AMARO:**

But you gave the history there. You said someone had made the case that there was a rare species of plant on the property.

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

And on that basis caused it to, you feel, was one of the reasons why it went forward with the lower rating?

**DIRECTOR ISLES:**

Yes. It was actually, I think, rated at eight points before that as I recall. And I'll turn to Laretta if she has more information on it. And it went up to 15 at that point.

**CHAIRMAN SCHNEIDERMAN:**

After John planted the --

**LEG. D'AMARO:**

And what is the --

**LEG. KENNEDY:**

Thank God I'm a horticulturist.

**LEG. D'AMARO:**

What is the rating today? Is it the same 15?

**DIRECTOR ISLES:**

As far as we know there's nothing new but it is the 15 at this point, yeah.

**MR. ZWIRN:**

Box turtles could be moving there at this very moment, though. We saw John at the pet store earlier.

**LEG. KENNEDY:**

Through the Chair if I can just point out, though, nevertheless -- oh, I'm sorry.

**LEG. D'AMARO:**

Well, John, before you do that, just very quickly, usually we get backup with these resolutions. Did we have that made available? Do I have that?

**DIRECTOR ISLES:**

Here again, it was a repeat from the 2005 but certainly we can make it available to you.

**LEG. D'AMARO:**

I wasn't a member of the Legislature in '05 so I'd like to --

**CHAIRMAN SCHNEIDERMAN:**

Can I go to John?

**LEG. D'AMARO:**

Yes. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Kennedy.

**LEG. KENNEDY:**

Yes, if I -- thank you, Mr. Chair. I think the important issues to see here are that we had the discourse, we had the dialogue. We did have the ability to go ahead and approve the resolution. And that commenced the procedures that we have in place by virtue of the resolution from 2004 that actually outlined the acquisition process. So we did have the solicitation letter. We had a positive response. We had the appraisals obtained. We had evaluations and contact from the Department. And so we have done all the things that were necessary in order to progress the acquisition process.

What actually occurred at this point is that a five year acquisition program sunsetted under which we had originally scheduled this parcel for acquisition. And so actually all we're looking at at this point is at the request of the recommendation of the Department is a viable program under which to actually tender the offer from.

**CHAIRMAN SCHNEIDERMAN:**

Seems Mr. Zwirn is poised as the box turtle to comment here so go ahead.

**MR. ZWIRN:**

No. We saw Legislator Kennedy at the pet store earlier. We weren't sure exactly what he was coming out with. I think it was a puppy; maybe a box turtle.

We would just ask since it's gone back to 2005, has the Town of Smithtown expressed any interest in acquiring this property or partnering with us on this particular parcel or --

**CHAIRMAN SCHNEIDERMAN:**

Legislator Kennedy.

**LEG. KENNEDY:**

At this point I have not heard any outright willingness to actually do acquisition by the Town of Smithtown; however, the Town of Smithtown has agreed to undertake the demolition cost associated with the delapidated structure that is on the property. And I'll point out that this acquisition program really doesn't involve any collaborative work unlike Legacy. Legacy, I believe, is set up to actually be a 50/50 acquisition type of an effort. Multifaceted does not have that local acquisition requirement component. But I appreciate the fact that Mr. Zwirn did ask.

**MR. ZWIRN:**

Well, I only say that because I know that the east end towns, and I live in Legislative Schneiderman's district, we pay taxes ourselves to help partner with the County on acquisitions as does Town of Shelter Island, Town of Brookhaven which does not have a CPF fund, has partnered with us a number of times. And I think -- you know, it's a good faith effort on the part of the local jurisdiction to join with us when we're going to be purchasing properties in those communities.

**CHAIRMAN SCHNEIDERMAN:**

Just one comment on that. We are somewhat fortunate out on the east end to have the Community Preservation Fund, which has been a great engine for bringing in money to help partner. And that Legacy Fund, that's great to have that because chances are most of that -- I think 50 million over that time will end up heading east because of the fact that we have, I think, deeper pockets to spend on preservation right now because of that CPF fund. And I don't know that we shouldn't be pursuing lands elsewhere like Smithtown that are important. If this is all growth forest and there are rare flora on it, it seems like it's certainly worth the County taking a close look at it.

**MR. ZWIRN:**

Yeah. I'm just saying the Town of Brookhaven, for example, does not have a CPF fund. They floated a bond. You know, a CPF fund doesn't come, you know, nowhere. I mean people tax themselves; you need state legislation, you need a referendum and the people in the community agreed that it was worth the effort to tax people on land purchases. Any town has that option. And --

**CHAIRMAN SCHNEIDERMAN:**

Right. It would be nice to see Smithtown also stepping up to the plate, no doubt. Okay.

**LEG. D'AMARO:**

Just one other comment.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

That was a question on my mind as well if the Town would be interested. But also looking now at the tax map, this parcel is completely surrounded, it looks like, fully developed single family dwellings virtually. So we're creating an awful nice parkland for most of their backyards here. And looking at the rating form, the -- it's true it's 15 points. Eight of those points out of the 15 are because it's between 10 and 50 acres. So, okay, it's bigger rather than smaller. But looking to the real environmental sensitivity of it it only gets seven points.

**DIRECTOR ISLES:**

Correct.

**CHAIRMAN SCHNEIDERMAN:**

On that though, Tom, Commissioner Isles, the size of a property does relate to its environmental benefits as well, though; the larger the block of woodland, you know, the further it is from houses,

the more habitat it potentially provides so I'm not sure that size could be dismissed as an environmental benefit because I don't think it can.

**DIRECTOR ISLES:**

Yeah. The environmental attribute of the parcel is measured by a number of factors. And the potential for supporting them greater diversity of species. And looking at the fact that the County generally is considered to be a regional provider of park and open space land and the towns and villages, the smaller lots; so that's why the program is slightly oriented towards larger lots. But the environmental side of this would be, you know, beyond the size would be the -- it's in groundwater management zone one, deep flow recharge zone as well as the species of special concern with the orchid species.

**CHAIRMAN SCHNEIDERMAN:**

I want to know I guess more from the sponsor, this property, we're seeing it again because the last time I guess there's no funds left in the way you put it through the first time. And so now you have to put it through in a program that has some money.

**LEG. KENNEDY:**

Well, Mr. Chair, you bring up an interesting point. As a matter of fact when --

**CHAIRMAN SCHNEIDERMAN:**

Well, I haven't actually gotten to the point yet because that's only -- that's one consideration. But I'm looking at it because now I have the benefit of the aerial that Legislator D'Amaro has. And it does look like the kind of thing that ought to be -- could be a hamlet park, maybe a ball field unless it's wetlands and things like that on it.

It could provide a benefit to those who live near it. It's hard to see the benefit for county-wide although Commissioner Isles did mention it is in a deep water recharge area. But maybe you could comment because as a hamlet park it certainly would make sense for Smithtown to be involved if it's going to be primarily used by the people around it. But the funding source that you're using now, you would not be allowed to do any active structures on it.

**LEG. KENNEDY:**

Well, that's correct. As a matter of fact I think one of the primary values that it has is not only as a preserve for wildlife and as recharge, but also we've had the benefit of having the Audubon Society do an aviary inventory on it as well. And certainly birders and ornithologists from throughout the County would have the opportunity to go ahead and travel and do bird observations. We have many properties throughout the County where they may have different benefits or values both from a passive as well as an active use. And this one has been one that certainly we've had the benefit of having a lot of interest in from the surrounding community.

Further as I pointed out, it is -- in our town we are about 97 percent built out. It is the largest contiguous parcel of undeveloped land in the eastern part of the area.

And, finally, again, as I'll point out having had the opportunity to make this decision back in 2005, there was a willingness to put the acquisition steps in motion. And unfortunately that took the better part of 24 months in order to go ahead and have it occur. That's what bring us to the point now where literally all we need to do is just establish a viable funding source to go ahead and make the offer to achieve the acquisition.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Legislator Kennedy. All right. If there's no further comment or discussion -- I don't believe we've had actually a motion yet.

**LEG. D'AMARO:**

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

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator D'Amato to table.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

A second by Legislator Beedenbender. I will make a motion to approve.

**LEG. LOSQUADRO:**

Second on the motion.

**CHAIRMAN SCHNEIDERMAN:**

There's a second by Legislator Losquadro. Tabling motion comes first so we'll vote on the tabling.

**LEG. KENNEDY:**

On the motion, Mr. Chair, if I can just inquire, then, from my colleagues as far as the tabling motion, since we really have had the better part of two years process go into the acquisition, is there a question or an issue or something that either of my colleagues might have on this property as far as the process? Substantively we've gone through quite a bit of deliberations and discussion about it. And really from a view of where we're at we're very much into the ministerial part of it so I'm curious as to what prompts the tabling?

**LEG. BEEDENBENDER:**

Well, just through the Chair --

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

From my standpoint I'm not really convinced -- I mean it's got a low score, and, you know, the debate between Legislator Kennedy and Legislator Schneiderman about whether the size matters notwithstanding, pun not intended, but that debate notwithstanding, I'm not sure that, you know -- the rating point is only 15. And I wasn't here to vote for the first one. But it just seems to me that -- you know, and not with this particular resolution in mind but with a broad aspect of them, of many of them, that we seem to be picking a piece of property finding a way to justify it rather than picking justified properties. And that doesn't seem to me to really be the same thing. So I'm not saying that I couldn't be convinced but I'm telling you that I'm not convinced right now.

**LEG. KENNEDY:**

Well, I'd be happy to go ahead and have some personal conversation with you, Legislator Beedenbender, and I appreciate your comments and certainly I was unaware that there were questions and I should have made the contact with you in order to go ahead and see. But I will point out to you that I did I think every one of us has been faced with the issue of voting for, supporting or being a part of laws and regulations and issues that precede the time that we came onto the Legislature. That is something that anybody who sat on these Chairs for the last 30 years has worked with. And so I guess what I would say is I'll be happy to have the discussion about this particular parcel. But, again, as I have said here before and as I've shared with each and everyone of my colleagues, I'm a firm believer in process. I'm a firm believer in working within the context of the frame work that we as a body established. And the acquisition process was established by resolution in 2004. This piece as every piece that I brought forward I've worked with the Planning Department and within the frame work.

If we are sitting here at this point now and deciding that we want to contemplate other matters,

different matters that we've not codified, I say to you and anybody else, well, then we're basically looking at nothing more than a whim or random action because that's not what we have said in the code and we operate off of at this point.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

All right. Thank you. I don't consider any questioning -- my questioning of this bill as on a whim at all. Like Legislator Beedenbender, I wasn't here in 2005. I'm looking at a rating sheet. I've had a couple of years experience now reviewing these. I'm looking at the tax map. I'm looking at a parcel that's slated to be preserved smack in the middle of a residential neighborhood. I'm looking at no town participation. And it draws, I think, legitimate questions into my mind and it's not whimsical at all. So on that basis --

**CHAIRMAN SCHNEIDERMAN:**

Can I ask, Commissioner Isles, when did we begin using the rating system? It wasn't that long ago.

**DIRECTOR ISLES:**

It's been in different forms for a number of years so --

**CHAIRMAN SCHNEIDERMAN:**

In 2005 did we have a rating on this property? Is this the first time we're seeing a rating? We did. That was the eight that got up to the 13 or so or 15?

**DIRECTOR ISLES:**

Yeah, what you have in front of you is from 2005. It's been refined -- sorry.

**LEG. KENNEDY:**

Mr. Chair, I guess I would -- it's not my intention to take up the time of the Committee. And certainly it appears that the Committee's intention -- well, I don't know. Actually I think we've got --

**CHAIRMAN SCHNEIDERMAN:**

It's a two/two. Look, I think you make a valid point. This is something that's already gone through this body. A decision has been made, not only by Committee, by the full Legislature to pursue planning steps on this. Those planning steps are well in progress. The funding source is now changing it to kind of a small amendment to the original bill but it's being used as an opportunity to re-visit the initial decision. And that's certainly within the Legislators' prerogative.

**LEG. KENNEDY:**

All right.

**CHAIRMAN SCHNEIDERMAN:**

But I'm going to support this primarily because -- respecting the decision of the earlier body. And let the vote -- I think there's -- I'm not sure with two votes to table and two votes to approve, what will -- it'll fail. So if you want to keep this alive then --

**LEG. KENNEDY:**

That's my -- certainly that is my desire at this point and --

**CHAIRMAN SCHNEIDERMAN:**

All right, then. I will switch over to table it then.

**LEG. D'AMARO:**

Right. And just on that note, you know, again, not having had the initial opportunity, you know, I

would like to take another look at this and have that opportunity. I'd rather table the bill. I'm not telling you that I'm going to change my position but certainly I'm willing to give it the attention that it deserves. Okay.

**LEG. KENNEDY:**

Fine. And I will be more than happy to go ahead and address any questions that I might be able to for you, Legislator D'Amaro. You know, as I've said, it's always my objective to go ahead and answer questions of any Legislator. Okay. Thank you, Mr. Chair.

**CHAIRMAN SCHNEIDERMAN:**

All right. I'll call the vote on the tabling. All in favor? Opposed? Abstentions? Dan, are you supporting the tabling?

**LEG. LOSQUADRO:**

Yeah, I'm interested in keeping it alive.

**CHAIRMAN SCHNEIDERMAN:**

All right. It's unanimous to table. **(Vote: 4-0-0-1. Legislator Cooper not present)**

All right, resolution 1043, appointing member to the -- oh, we took this one out of order. We tabled it, I'm sorry.

**1045, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by local law 24-2007, the RND LLC property, Town of Islip. And I'm going to read the Suffolk County Tax Map numbers, 500-89-4-1. And also 2. 500-89-4-2. (Lindsay)**

**LEG. D'AMARO:**

Mr. Chairman, at the sponsor's request I had an opportunity to speak to him. He requested tabling. I'll so move.

**CHAIRMAN SCHNEIDERMAN:**

Okay, there's a motion to table by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **1045 is tabled. (Vote: 4-0-0-1. Legislator Jon Cooper not present)** Tom, do you want to hold onto these for next time? Planning Department just passed out information. It might be better if you hold them 'til next time, save the paper.

Okay, **IR 1049, adopting local law, Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman)** Let me as a sponsor briefly explain what this does. This limits the amount of 477 fund that can be used for salaries to 50 percent. This is a program, a very important program that comes through sales tax revenues that was designed to improve water quality. I think all of us believed it was it was going to kind of -- the brick and mortar type of, you know, storm drains and cleaning up groundwater type of programs as well as even the shellfish restoration programs that we've done. I don't think any of us envision that so much of the money would be going toward salaries particularly for jobs that were already in place when this program went into effect. In other words, displacing money for other County things. And I think 50 percent is already a high threshold. And I set it at 50 percent thinking that any more than half of the money going towards salaries should not really be tolerated. And if I can get from BRO where we are now in terms of 477 funds, what percentage are going towards salaries?

**MR. DUFFY:**

I looked this morning at the --

**CHAIRMAN SCHNEIDERMAN:**

I'm being told it has to be tabled for public hearing, but if we can at least have that piece of information.

**MR. DUFFY:**

I looked this morning preliminarily. And at the current time there are 52 positions that are funded by Water Quality, of which 50 are filled. The total cost in just salary alone is approximately 2.3 million. The filled positions is 2.2 million and vacancies are roughly \$67,000.

**CHAIRMAN SCHNEIDERMAN:**

At what is it in terms of percentage of 477 funds?

**MR. DUFFY:**

What we have is we have an amendment of the program. And I would prefer if you would give me time to check this for the next meeting.

**CHAIRMAN SCHNEIDERMAN:**

Sure. We're going to need to table it anyway for public hearing.

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

So we have a motion to table by Legislator Losquadro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions?

**LEG. D'AMARO:**

Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

If you could have that information for the next meeting or also for the public hearing.

**LEG. D'AMARO:**

And if I could just through the Chair just to -- I think we've been down this road before on this particular subject. Not only what the snapshot is now with the fund, but identifying resources should we -- if we're above the threshold and we want to come into compliance with the threshold, how would we do so? Recommendations or funding available to do that?

**MR. DUFFY:**

One of the thing that has not occurred as far as I know, when we were meeting last year on this, we had the various departments that utilize 477 funds submit statements as to what the employees were doing. If you recall we did have a problem with the Parks Department. And my recollection is that the last time it was addressed that the Department was going to submit additional information which I have not seen yet. And since the Parks Department encompasses -- there are -- 36 positions of the 477 funding are in the Parks Department. The one in Planning and the one in -- the 16 -- or 17 positions in EME, they had supplied the Legislature with information as to what the individuals were doing. And this would help in the analysis of what you're asking us to do.

**LEG. D'AMARO:**

Not to belabor this, I know it requires a public hearing, but, you know, when you get past just the thresholds, which may or may not be a good idea, probably more likely is a good idea but then the devil is in the details because then we have to decide, okay, if these are vital functions that are being paid for through this fund and we're above the threshold, well, you know, it begs the question on how are we going to pay to continue funding whatever salaries or whatever costs that are above the threshold? So then that requires an analysis really of -- or a detailed analysis of who's being paid, what are they doing, should those jobs that they're doing be cut, should they be funded from another mechanism; if so, what is the other mechanism?

**MR. DUFFY:**

Well, those are one of the things that the Legislature had done in the omnibus resolution that you had abolished the vacant positions that were being funded by 477 requiring that the Departments -- and if you'll note on the -- I guess, on the list of resolutions, the Planning Department is asking for the reinstatement of one of the environmental planner that had been abolished as parts of omnibus.

**CHAIRMAN SCHNEIDERMAN:**

Related to this, Kevin, of those positions that are funded by 477, do we get a sense not only of what, as Legislator D'Amaro is saying, what they're doing but what percentage of their time they're doing those things? So in other words let's say 50 percent is legitimately groundwater related but the other 50 percent of the time is not, could we fund potentially a position half through 477 and half by other means?

**MR. DUFFY:**

That would be a decision of the Executive and the Legislature. But our problem was during the operating budget is that Parks which constituted the majority of the positions had not supplied us with what we felt was sufficient detail to determine the extent to which the employees were being used for 477.

**LEG. D'AMARO:**

I think your right. If I may, through the Chair, I think the initial response from Parks at the time was all the jobs are important and we're well below the threshold, I think, is where it came in.

**CHAIRMAN SCHNEIDERMAN:**

Right.

**LEG. D'AMARO:**

And then we started to dig a little deeper and a little deeper and then just simply ran out of time. So I'd be all in favor of picking up that --

**CHAIRMAN SCHNEIDERMAN:**

Some of the rationale, though, is pretty -- I don't know what the word I'm looking for is, but it's pretty out there; like, you know, the guys who are mowing the lawns at the golf courses are being paid out of 477 and --

**MR. DUFFY:**

Some of those jobs were our concern that people were doing work that appeared to be --

**CHAIRMAN SCHNEIDERMAN:**

Okay. Right. Now the argument has been, well, it's an organic lawn maintenance program or an IPM or pesticide reduced and, therefore, it ought to be water quality. But they would have to mow the lawn whether we had an organic program or not. So I think we ought to be looking very carefully at every one of these positions and make sure it truly is meeting the intent of this program which is to protect, you know, drinking water quality. Okay. So, did we do the motion to table? I don't think so, not yet. Did we do the motion to table and voted on it? Okay. **(Tabled. Vote: 4-0-0-1. Legislator Cooper not present)**

Then we'll move into **1099, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program PB Developers Incorporated, Town of Brookhaven. (Schneiderman)** Commissioner Isles?

**DIRECTOR ISLES:**

Okay. This is a parcel located in East Moriches in the Town of Brookhaven. It's a parcel relatively small point 22 acres; however, it is in an area that has both County ownership as well as Town of Brookhaven ownership of open space parcels and a number of parcels that are on the Master List.

This parcel was rated based on our rating system and came up with a point value of 35 points.

When you look at the aerial photograph, it's outlined in red. And it's an obvious and logical acquisition at least from the County Planning Department's standpoint to include in the program. We were speculating as to why it wasn't on the Master List and we believe there may have some issue with the ownership at that point or some other explanation. But we feel it's a good acquisition or at least for planning steps at this point.

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro.

**LEG. D'AMARO:**

I agree with everything Director Isles is saying. I just want to point out that this has rating of a 35 and zero based on size.

**DIRECTOR ISLES:**

Well, that's true.

**CHAIRMAN SCHNEIDERMAN:**

So size doesn't matter.

**DIRECTOR ISLES:**

So it's a multi-variable rating form. But it's part of a larger area of conservation, of course.

**LEG. D'AMARO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Motion by Legislator D'Amaro to approve, second by Legislator Losquadro. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Legislator Cooper not present)**

**Resolution 1100, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Flanders property, Town of Southampton, 22 acre parcel. (Schneiderman) Commissioner?**

**DIRECTOR ISLES:**

Okay, the aerial photograph and the rating form is being circulated. The parcel is indicated in red. There is ownership -- public ownership in this area indicated with the Town of Southampton in the orange, the Peconic Land Trust in the purple. And there are master list parcels that are also in this area.

This is along -- this is basically the intersection of Route 105 and County Road 24. So this is just south of the bridge that goes over Flanders Bay. The rating form was completed. As indicated there are a number of criteria that did score points on this. The total point value is 39. We feel that this is an appropriate parcel for planning steps approval.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

It looks as though this piece is almost entirely wetlands affected?

**DIRECTOR ISLES:**

We believe it's more than 50 percent wetlands affected.

**LEG. LOSQUADRO:**

Okay. And I see to the south it's owned by the Peconic Land Trust.

**DIRECTOR ISLES:**

Right.

**LEG. LOSQUADRO:**

Is this piece also owned by the Peconic Land Trust. No? This is -- I didn't get a chance to --

**DIRECTOR ISLES:**

We don't believe it is. And we think it would have shown up on our search but let me just check that. It's right here.

**MS. FISCHER:**

Look at Exhibit A.

**DIRECTOR ISLES:**

According to the sponsor Exhibit A --

**MS. FISCHER:**

If you look in Exhibit A, the owners are listed there; multiple owners.

**LEG. LOSQUADRO:**

All right. Thank you very much.

**DIRECTOR ISLES:**

None of whom are Peconic Land Trust.

**CHAIRMAN SCHNEIDERMAN:**

Is this Legacy? This is a Multifaceted; right?

**MS. FISCHER:**

Multifaceted.

**CHAIRMAN SCHNEIDERMAN:**

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

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**Resolution 1101, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Curtis property, Town of Brookhaven. (Schneiderman)**

**DIRECTOR ISLES:**

Here again, we're circulating an aerial photograph. The property is located in an area where there has been significant conservation occurring by both the County and the State as well as the Town of Brookhaven, I believe. Pardon me. Suffolk County as well and IR 2172. However, our concern with the subject application of this resolution is the detail in the aerial indicates that it is a developed property. We're not sure what the intention is. And perhaps it was a mistake. I don't want to clarify --

**CHAIRMAN SCHNEIDERMAN:**

There were three lots in this area that I identified with officials from the Town of Brookhaven that on the map I looked at showed undeveloped. Now maybe this is a recently developed property.

Yeah, it looks like a nice one. So why don't we table this. I probably will withdraw it and perhaps the lots -- the two lots to the south of it -- I think it's two lots.

**DIRECTOR ISLES:**

Yeah, there is one lot to the south which is rated a little bit further down. It's 1103, I think, it is. But this one 1101 --

**CHAIRMAN SCHNEIDERMAN:**

Okay. He who hesitates is lost. So it looks like this one got developed but the one to the south we'll be getting to in a minute. So I will withdraw 1101 and move onto **1102, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Levine property, Town of Brookhaven. (Schneiderman)**

**DIRECTOR ISLES:**

This is a similar situation. This is to the north of the parcel we just spoke of. This is also a developed lot. Does not appear to have any further subdivision potential to it. And here again --

**CHAIRMAN SCHNEIDERMAN:**

All right. So this one I'm working off an older aerial that had these as vacant lots. So just withdraw this one. That's a shame though because these are contiguous to a large block particularly the state-owned property.

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

And there is a planning steps resolution already in for that other large piece that's --

**DIRECTOR ISLES:**

To the west.

**CHAIRMAN SCHNEIDERMAN:**

Right. That's shown as IR 2172 on the aerial. Okay. **IR 1103, authorizing planning steps acquisition under Suffolk County Multifaceted Land Preservation Program for the Widenor property, Town of Brookhaven. (Schneiderman)** Commissioner?

**DIRECTOR ISLES:**

From the information we have it's not developed.

**CHAIRMAN SCHNEIDERMAN:**

All right.

**DIRECTOR ISLES:**

Although you caused me to question now, right. The subject parcel is indicated in the red on the aerial photograph that's being circulated to you. It's adjacent to land owned by the State of New York. It's on Seatuck Cove. We've done a rating as indicated in your package. And the parcel comes to a rating of 33 points for a variety of environmental criteria. We would recommend your consideration of this given the proximity to state land and probably county land as that other parcel's acquired to the west.

**CHAIRMAN SCHNEIDERMAN:**

And the pace of development apparently. Right. I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**Resolution 1104, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program the Carbon Beach property, Town of Southampton. (Schneiderman)** 1240 has not been developed yet.

**DIRECTOR ISLES:**

This is a parcel that's on Master List II.

**MS. FISCHER:**

I'm sorry. That's the next one.

**DIRECTOR ISLES:**

That's the next one.

**CHAIRMAN SCHNEIDERMAN:**

This is already approved for planning steps?

**DIRECTOR ISLES:**

So 1104 is on Master List II. When we did our search of this parcel -- so the one you were just handed out, ignore because that's the next one. But 1104, which is one we're on currently which is Carbon or Carbon Beach property, we've have identified as being on Master List II. So it already has a planning steps.

**CHAIRMAN SCHNEIDERMAN:**

For some reason then in our review we didn't come upon this on the Master List.

**DIRECTOR ISLES:**

Okay. I'm not sure. Maybe we can help you with that if you want.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Well, we check them all but we must have missed this one.

**DIRECTOR ISLES:**

If you want to check records with what we have just to make sure, we can do that but our records indicate it was on Master List II.

**CHAIRMAN SCHNEIDERMAN:**

Then it is. Why don't we table it for now. And if it turns out that it is on the Master List, I'll withdraw it. So I'll make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstention? Okay. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**1106, authorizing planning steps for acquisition under the Suffolk County Multifaceted Land Preservation Program the Hedges Creek County Wetlands addition, Town of Brookhaven. (Eddington)** Commissioner?

**DIRECTOR ISLES:**

Okay, the subject parcel is indicated on the red in the aerial photograph circulated. It's 25.1 acres.

It's in East Patchogue. It is predominately wetlands as well as surface waters. There is apparently the option of one building permit on the property. The area in green are other county parcels that are rather extensive, most of which were acquired by tax defaults and transfer to County Parks. We did do a rating which is attached and on a number of factors the parcel scored high. It achieved a rating of 46. And with that we would recommend your approval of the planning steps resolution.

**LEG. BEEDENBENDER:**

Mr. Chairman?

**CHAIRMAN SCHNEIDERMAN:**

And this one was not on the Master List?

**DIRECTOR ISLES:**

No, it wasn't.

**LEG. BEEDENBENDER:**

That was my question. How did we miss it?

**MS. FISCHER:**

This was another area that we hadn't earmarked on the first Master List, but an area that we have been acquiring pieces through tax liens in this area for a longtime. We were going to add this into our next list but you beat us to it.

**LEG. BEEDENBENDER:**

I mean if you know off the top of your head is there a particular reason that people are leaving their houses not paying taxes here?

**MS. FISCHER:**

They're very small lots. Most specifically to the south of the piece I outlined in red, people have just abandoned it because of the fact that they just can't build these lots. And it is a very wet low lying area so there's trepidation, I'm sure, of, you know, an intelligent developer to actually develop in this area.

**CHAIRMAN SCHNEIDERMAN:**

Okay, thank you. Is there a motion?

**LEG. BEEDENBENDER:**

Motion.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN::**

Motion by Legislator Beedenbender, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Legislator Cooper not present)**

**1108, donation and dedication of certain land now owned by Riverhead Estates, Inc, to the County of Suffolk, Suffolk County Tax Map 900-135-1-59 (County Executive Levy)** Do we have any further information from the Planning Department?

**DIRECTOR ISLES:**

Just to elaborate a little bit on the resolution that's before you, this was a matter involving an overlay parcel in the Pine Barrens as part of an application to the Board of Review of the Department of Health Services. The Board of Review has a condition that an offer of donation be made to the County on this. There is not a specific transfer and development rights as a result of this donation

with this parcel, but it is a case where there's an overlapping title.

So the County of Suffolk has an interest and Riverhead Estates has an interest. One benefit of the acceptance of this donation would be to remove the cloud in the title and to remove the overlay situation and to have clear title held by Suffolk County. So, here again, it's an offer of donation. In this specific parcel there is no sending of any credits as far as the Health Department's concerned and would clear up the ambiguity in the title.

**CHAIRMAN SCHNEIDERMAN:**

Okay, I'll take a motion. Motion by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Legislator Cooper not present) Approved.** Thank you, Commissioner.

**1109, authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Bayne Estate property, Miller Place/Yaphank Road NP addition Town to Brookhaven. That's Suffolk County Tax Map designation 200-188-4-16 (County Executive Levy)** It is approximately point 04 acre, very small property, \$5,000 acquisition.

**DIRECTOR ISLES:**

Okay. This is, here again, a small parcel but it's in a much large area where the County owns -- has significant holdings. This is -- would be a situation where we're -- as part of Master List Two, a number of the out parcels that remain to be preserved are now being acquired through the efforts in the Division of Real Property Acquisition and Management.

So where the County has the predominant ownership presently in this nature preserve, and it is classified as nature preserve, we own approximately 95 percent of the land here. We are now going through to pick up these remote out parcels. This resolution, and the next two after this do that, so it's a relatively small parcel as part of a much larger program which we think makes sense in terms of consolidating the County owns holdings and providing for a better management structure in terms of having unified ownership. If you have any questions we'll do our best to answer those.

**CHAIRMAN SCHNEIDERMAN:**

Questions?

**LEG. BEEDENBENDER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Beedenbender.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Legislator Cooper not present)**

Let me just pause for a second because I know I have Mr. Aldred from the Shell Fish Hatchery out in East Hampton who is here. And I think he's here on IR 1144. He's already sat through two hours of this meeting. Maybe we could take that out of order and let him go home. He's got a long drive back to East Hampton. Is there anyone else who's here on any particular issue on our agenda? All right. I'm going to make a motion to take -- I probably should have done this a good hour ago but let me take 1144 out of order. Second by Legislator Beedenbender. All in favor? Opposed? Abstention? Okay, **1144 is before us. It's amending the Adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2008 Capital Budget and Program and appropriating funds in connection with a three year Bay Scallop**

**Restoration Project. The capital budget number is 8710. (County Executive)** And, thank you, Mr. Aldred for coming. Do you want to -- hello, Commissioner Gallagher. Do you want to explain this a little bit? I know this has been through the Water Quality Committee already.

**COMMISSIONER MEEK-GALLAGHER:**

Yes, this actually was approved at the fall meeting of the Water Quality Review Committee. And then because it is a project where it's County-sponsored but the town is going to actually implement the project, and it's an intermunicipal agreement, we wanted to make sure we had time to go through and get the proper town resolutions, the town SEQRA designation, etcetera before bringing it to this body. And since we do have John here and he's the expert, I'll let him provide you with a little bit more explanation of the project.

**CHAIRMAN SCHNEIDERMAN:**

Commissioner, it is a 50/50 as well? The town is contributing, I believe, on this --

**MR. ALDRED:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Up to a certain amount.

**COMMISSIONER MEEK-GALLAGHER:**

John, could you just for the record identify yourself, your name.

**MR. ALDRED:**

John Aldred, East Hampton Town.

**CHAIRMAN SCHNEIDERMAN:**

And I should say Mr. Aldred is also a member of our Aquaculture Lease Program Advisory Committee.

**MR. ALDRED:**

Thanks, Jay. Yeah, the town is contributing 50 percent of this. About \$73,000, I believe, is coming from the town funds and about almost \$20,000 is going to be contributed by the town trustees who are separate elected body who own the underwater lands in which we'll be carrying out this restoration work.

Our plan to is to grow 300,000 bay scallops for each of two years, this year and next year. In each of those years we'll hold the scallops -- we'll grow them through one season starting them in the hatchery. We'll hold them over the winter, the upcoming winter. And we'll deploy them to three different sites, 100,000 scallops per site in the following spring. And then there'll be an evaluation of that seeding. We'll evaluate survival, growth, whether or not they spawned and when they spawned. And we'll be looking at spat fall in the area meaning when the larvae that result from the spawning process actually settled to the bottom. That's called spat fall. And that'll indicate to us the beginning of the process of recruiting and to the population of this seeding being able to recruit and to the general population. And we'll be doing the evaluation -- we'll be growing in 2008 and 2009. We'll be evaluating the 2008 seedings in 2009; and the 2009 seedings in 2010.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask methodology-wise this spawning sanctuary, are they like in tubes or beds or they're growing up to a certain size before they're released?

**MR. ALDRED:**

The growing process grows them up to about the size of a half dollar -- quarter to a half dollar size by the end of this growing season, which would be around November. And then the overwintering

process pretty much protects them from whatever predation might occur over the winter which might be significant in the fall period. If they were seeded in November, there might be a lot of predation until the water got really cold in the middle of December. So the overwintering process protects them until the following spring. And then they're seeded around April 1st. Usually predators don't become active in the spring until the water really warms up in mid to late June. So it would give the scallops a certain period of time from, say, April to June to acclimate themselves to their new surroundings and have a much better chance of survival.

I might add that a lot of our technique is following our work we did with the state wildlife grant spawner sanctuary program in Northwest Harbor. That was monies made available by the federal government to the state for a species of greatest conservation concern. The bay scallop was one of the nominated species. And we entered into a project with DEC, Long Island University, the Nature Conservancy, Cornell Cooperative Extension, East Hampton Town Shellfish Hatchery, creating a spawner sanctuary and studying many of these same things I just described in Northwest Harbor. So this was back in 2004, 2005.

**CHAIRMAN SCHNEIDERMAN:**

Now, would you describe this, this project here, is this a research project or is this something, you know, you're trying out something new or is it we're funding something that the town typically already does?

**MR. ALDRED:**

Well, I would say that the SWLG, the State Wildlife Grants project was more the research aspect of it to determine what components of a bay scallops spawner sanctuary worked and how it all came together. This is now more an implementation of lessons learned from that study.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask you one other thing about scallops. My understanding is, you know, one of the problems we've had with scallops is the disappearance of the eel grass beds which I guess apparently is pretty important to protect them maybe at the earlier stages of their life. When you reintroduce these after they've overwintered, is it into an area where they have the protection of eel grass or is it into some other area?

**MR. ALDRED:**

Now, the areas we've identified as potential sanctuary sites, we've identified looking at eel grass first and foremost, so there'll be three sites, one off Three Mile Harbor, one in Hogg Creek and one in {Napeek} Harbor. And we'll be seeding them into the eel grass. The only site -- and I wouldn't call it question but in {Napeek} Harbor there are a variety of areas where there are eel grass and they're not always the same density every year. So we'll be picking the specific site in which to set up the sanctuary in {Napeek} Harbor depending on where the eel grass is thickest there.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions for Mr. Aldred? You just want some scallops?

**LEG. D'AMARO:**

No, I have a few.

**CHAIRMAN SCHNEIDERMAN:**

Okay, Legislator D'Amaro.

**LEG. D'AMARO:**

Okay, I'm going to ask the more basic questions so bear with me just for two minutes. This program is about \$160,000? Is that the cost; the total cost? And split roughly 50/50 with the town and the County?

**MR. ALDRED:**

It's 178, I think, it is.

**LEG. D'AMARO:**

Or 178. Okay. And you're going to grow scallops and then seed them into areas; protected areas in the Bay? That's what you're doing?

**MR. ALDRED:**

These areas will be protected from harvesting, yeah.

**LEG. D'AMARO:**

As best you can, yeah. And the study has already been done. This is more of the implementation of the study based on the recommendations of the study? Is that --

**MR. ALDRED:**

Basically.

**LEG. D'AMARO:**

Basically. I know, this is very basic. So how confident are you that the scallops will actually take?

**MR. ALDRED:**

I'm not going to make promises I can't keep. This is a very tricky -- obviously scallops have been highly impacted by the brown tide and other -- for unknown reasons haven't made their way back as a population for many, many years. And all I can say is we'll do the best we can. But the thinking -- the latest thinking goes -- in terms of some of this population restoration work goes to the idea that the population -- we feel the population has been knocked back so far as a result of the brown tides primarily that scallops are basically having a hard time finding one another to reproduce in large part. The idea of these concentrated seedings, these spawner sanctuaries is an attempt to get the scallops together so that spawns can occur and a resulting population has the chance to develop. But we can only take it so far.

**LEG. D'AMARO:**

Have there been any other attempts to repopulate scallops?

**MR. ALDRED:**

There's a large program underway now being carried out by Cornell Cooperative Extension in the Bays on the north shore -- north fork primarily. And they have some preliminary data indicating that they're having results, they're seeing spat fall, being able to document increased spat fall. And there's a belief that there is a population beginning to set up in some of the areas they've seeded.

**COMMISSIONER MEEK-GALLAGHER:**

I had something just to add to that. We actually at the Water Quality Review Committee in the fall, we had Cornell and Long Island University come and give a presentation on the success of the Peconic Estuary Program, Scallop Restoration Project. And one of the reasons we felt confident in moving forward with this project was that they were showing that for the first time since 1995 there seemed to be self-sustaining populations; and that when you compared the non-sanctuary populations to the sanctuary populations you had 8 to 80 times the concentration of scallops where you had these spawner sanctuaries. So we felt this was a good model now to try to replicate an implementation on the south shore.

**LEG. D'AMARO:**

You know, there's a lot of questions in my mind. Just, I know we're running short on time but how do you protect -- let's say you're successful. How do you protect the population while you're trying to revive it? You know, what's the cost of doing that?

**MR. ALDRED:**

Well, a lot of it is -- this really is enacted through the town trustees. They have the jurisdiction over these harbors. And they have the ability to limit harvest. And it would be primarily through that mechanism that if they -- a population was developing, in order to build the population you would probably want to limit harvest in those areas. And they're willing to look at this although I don't have any ability to tell them what to do.

**LEG. D'AMARO:**

Okay. And if you go ahead and the funding is approved and you do the work as recommended, I mean you're just not guessing, this is based on studies and I'm sure experts in the field evaluating this, but it doesn't work, would you come back and try again?

**MR. ALDRED:**

We run the shellfish hatchery for the town. We grow clams, oysters and scallops and have for many years. And we've been doing this kind of work for many years and we will continue to do this work. This is an enhanced three year project; a specific project to enhance our capabilities in terms of growing more scallops and being able to do the evaluations necessary to determine success.

**LEG. D'AMARO:**

So you must have some confidence that it's going to be successful.

**MR. ALDRED:**

I do.

**CHAIRMAN SCHNEIDERMAN:**

It is an experiment, though. And I know Mr. Aldred for quite sometime. And, you know, they've had to try different things. Aquaculture is a, it's a growing field of study. And they're able to test ideas. And sometimes they hit a big one. And it's really important that we see the recovery of these species. And if this is going to help, I'm certainly going to support it. It's interesting that they're having trouble finding each other. I thought scallops met at sand bars. Just kidding. Seeing if everybody's awake.

**LEG. D'AMARO:**

Motion to adjourn.

**CHAIRMAN SCHNEIDERMAN:**

All right. So I'll make a motion. And list me as a co-sponsor on this resolution. Do we have a second?

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro, who's hungry for scallops. All in favor? Opposed? Abstentions?  
**(Vote: 4-0-0-1. Legislator Cooper not present)**

**LEG. LOSQUADRO:**

Where do you get a scallop joke? Do you have a book?

**CHAIRMAN SCHNEIDERMAN:**

I make them up as I go. See, clams meet at clam bars. We know that. All right, thank you, John. You're welcome to stay but I know you have a long ride. We try to be entertaining.

Okay, going back now to, **1110, authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the McLaughlin property, Miller Place/Yaphank Road NP addition, Town of Brookhaven (County Executive Levy)**

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

Do we get information on this?

**MS. FISCHER:**

It's similar to the one before it, 1109. Same place, different piece of property, same issues.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve by Legislator Losquadro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Legislator Cooper not present)**

**1111, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program, the Holder property, Carlls River watershed addition, Town of Babylon, Suffolk County Tax Map number 100-41-3-21 (County Executive Levy)** It's about a third of an acre for 50,000 I think is the price?

**DIRECTOR ISLES:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**LEG. D'AMARO:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**1112, authorizing acquisition of land under the Multifaceted Land Preservation Program, Open Space Preservation Program, for the Crystal Bay Construction, Inc property, Town of Riverhead, Suffolk County numbers 600-127-7-12 and 600-129-6-17 is the other property. (County Executive Levy)**

**LEG. D'AMARO:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator D'Amaro, second by myself.

**LEG. BEEDENBENDER:**

On the motion real quick.

**CHAIRMAN SCHNEIDERMAN:**

Yes, Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Does the Legacy Fund require that it be 50/50 or that it just be a partner? Legacy requires 50/50?

**MS. FISCHER:**

(Nodded yes)

**LEG. BEEDENBENDER:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

This is a 7.7 acre property, a purchase price of 1.6 million. 1.61.

**DIRECTOR ISLES:**

Right. And it's a 70/30 acquisition with the Town of Riverhead in this case.

**LEG. BEEDENBENDER:**

That's why I asked. I didn't realize --

**DIRECTOR ISLES:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

Any other questions? All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Legislator Cooper not present)**

**1124, amending the 2008 adopted operating budget and appropriating funds from the Water Protection Fund, 477 Fund balance to cover the cost of an Environmental Planner position in the Planning Department (County Executive).** Commissioner?

**DIRECTOR ISLES:**

If I could just say a few things on this, this was a position we had filled in the Planning Department specifically for the purpose of assisting 100 percent water quality projects. We have within the Planning Department a total of \$1,328,000 worth of projects including one that was mentioned earlier which was the aquaculture project in Gardiner's and Peconic Bay. We have a total of two positions. This would be one of those positions.

As I indicated, it was created in 2006. It was filled in two thousand -- the latter part of 2006. Unfortunately the person took another position in April of 2007. With the situation going on with the state assembly last year we weren't able to fill the position. It was then removed in the budget process. Respectively what I'd like -- what I'm here for today is to request the consideration of the Committee at this time and for two points. Number one, it's not a situation where this is a position that existed prior to the program and we're now funding it through 477. This is a position that was created strictly to help us administer these programs.

Secondly, the position that -- the total funding we have for staffing within the Planning Department without benefits, it's 5.47 percent of that 1.3 million of staffing, a very small amount with benefits, to me it's a little less than 8 percent from what I can estimate in the numbers. So we're no where near the 50 percent threshold that's been talked about today. I know that was in a macro sense in the entire program, but looking at it from the Planning Department it's still a very small part of that.

And the last point I just wanted to bring to your attention is that what we've had to do now is that -- I understand the philosophy of bricks and mortar completely, but I also would make the point that doing water quality projects such as the three that we've been directed to do should not be at the expense of other County programs. And that's essentially what's happened. We had brought on someone to help in our open space planning, environmental planning with the idea that they would be able to do that for us. They've been pretty much put full time now on aquaculture and the other water quality projects we're doing so a lot of that has suffered.

So with your consideration we're respectfully asking for your consideration to refund this position in this budget as a 477 position. It's one of only two positions in the Planning Department. I do believe it's needed. I think it's justified. It is a professional position. It's not -- we don't mow lawns, and no disrespect for that, but it is a heart and soul of the administration of the aquaculture project. If you have any questions, I'll do my best to answer those questions.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Back in '06 when this was funded, how was it paid for then?

**DIRECTOR ISLES:**

477.

**LEG. LOSQUADRO:**

It was out of 477.

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

I think that's what I recalled. This was requested in your budget?

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

And as I recall the County Executive's position on that was not in support of putting this position back into the --

**DIRECTOR ISLES:**

No, he did support it. And it was in the County Exec's budget, too.

**LEG. LOSQUADRO:**

It was.

**DIRECTOR ISLES:**

I think the problem that happened is that it was vacant in mid-October when the vacant 477 positions were then removed. So I think that's what happened.

**LEG. LOSQUADRO:**

I see. Is there any way -- and this is certainly nothing against your department, but is there any independently verifiable way we could have of knowing -- getting an accounting of what work was performed by the individual who was previously in that position to make sure -- you said this was work that was a hundred percent in water quality.

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

Could we get some sort of accounting of that? I mean, I'm sure you understand our concern that in the past this fund has been used for purposes other than water quality.

**DIRECTOR ISLES:**

Right.

**LEG. LOSQUADRO:**

And I for one have been very adamant that I don't want to see that happen so --

**DIRECTOR ISLES:**

We had a qualified environmental planner, great qualifications. She attended the aquaculture

meetings during that time that she was with us. She had full responsibility for the planning work -- professional planning work assisting Dr. DeWitt Davies, who's the project manager on that. So a hundred percent of her time was spent on that project. She was a God send to us actually in getting that work done. And I'd be happy to furnish you with that -- perhaps a memorandum from DeWitt Davies if you'd like that; whatever would be satisfactory to you to establish that.

**LEG. LOSQUADRO:**

And I'm gathering from your testimony that there is sufficient water quality work to keep this position occupied full-time if it were to be filled?

**COMMISSIONER MEEK-GALLAGHER:**

And then some.

**DIRECTOR ISLES:**

Right. At this point in time, yeah. At this point in time we have, I said \$1.3 million in projects. The fact is -- two other projects I'll mention. I mentioned aquaculture but the Mudd Creek project in East Patchogue, we had to delay that. And we're only now just starting that because we haven't had personnel to write up the RFP, to write up the work descriptions and so forth. Robinson Duck Farm, that's another one which is in the Town of Brookhaven, in Brookhaven hamlet. It's a County farm, a County park, pardon me. We did receive funding to do a -- commence a feasibility of a restoration on that from the Old Duck Farm property. We're doing environmental reviews on that but we haven't really been able to launch that because we don't have a body to do that. So, in terms of the work for the foreseeable future, which I'm looking at in the next couple of years, we do have more than adequate work to occupy this person full-time.

**CHAIRMAN SCHNEIDERMAN:**

Is there time of the essence here? Is this person -- you want to hire the person now, is that --

**DIRECTOR ISLES:**

Well, I'd love to. At this point, you know, we -- obviously I'm not taking any steps until I know I have a position in the budget so I don't have that. So is it a time of the essence? I will not represent that it is. It's something that we'd like to get as urgently as possible. Aquaculture is very intense right now. But whatever your pleasure is. I can furnish a memorandum to the Committee between now and next week if you'd like that. If you do want to move it, if you feel you want more time, then I'll respect that.

**CHAIRMAN SCHNEIDERMAN:**

I mean I would support it. I would discharge it without recommendation perhaps. And then if you don't have the information by next week, if there's a concern that it's not fully water quality, then I'll support a tabling.

**LEG. LOSQUADRO:**

I'm agreeable to that.

**CHAIRMAN SCHNEIDERMAN:**

All right. So, I'll make a motion to discharge without recommendation.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Legislator Cooper not present)**

All right. **1130, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Schmitt property, Town of Brookhaven, Suffolk**

**County Tax Map 200-706-1-4 (County Executive)** 50 acres.

**DIRECTOR ISLES:**

This is what's known as the Schmitt Farm in Yaphank. It's across from Police Headquarters. It's a 50 acre farm presently. The resolution is a active parkland stage two under the Multifaceted Program. While we don't have any issue with that per se, with active recreation and historic preservation and so forth, it is the point -- the position of the Planning Department that we feel we need more information to evaluate these. So in this case all we really know is that the intent is for some sort of active recreation. We don't know if there's been a plan, if there's been an organization, if the town has any interest. Obviously this site would be conducive to athletic fields since it's a big flat farm field. It's well located and so forth.

I have contacted the sponsor and requested additional information which I haven't received thus yet, but it only went out last week when I got the agenda and so forth. So we would respectfully request a tabling in order to assemble more information. We could then complete a rating and give you our evaluation at that time.

Let me just point out to you this is on the County farmland list. There were prior efforts to buy the development rights but obviously have not been successful in completing it.

**CHAIRMAN SCHNEIDERMAN:**

So this is a full fee acquisition proposal.

**DIRECTOR ISLES:**

Right, as we understand did.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Losquadro.

**LEG. LOSQUADRO:**

That was actually going to be part of my question was about farmland development rights but you answered that. Immediately to the west, what is that large building?

**DIRECTOR ISLES:**

To the west is Police Headquarters.

**LEG. LOSQUADRO:**

That is.

**DIRECTOR ISLES:**

Yes.

**LEG. LOSQUADRO:**

So this is the property directly across the street. That's what I thought, on Yaphank Avenue.

**DIRECTOR ISLES:**

Right. Yes.

**LEG. LOSQUADRO:**

Oaky. All right. I'll make the motion to table.

**DIRECTOR ISLES:**

Hopefully we'll have it ready at the next meeting.

**CHAIRMAN SCHNEIDERMAN:**

This appears to be a farm.

**LEG. D'AMARO:**

Is this a farm?

**DIRECTOR ISLES:**

Yes, it is.

**LEG. D'AMARO:**

Do we ever consider buying just the development rights? We do that.

**DIRECTOR ISLES:**

Yes.

**LEG. D'AMARO:**

So that's another part of the inquiry here?

**DIRECTOR ISLES:**

The County -- there was a resolution passed a number of years ago authorizing planning steps for the purchase of development rights. An offer was made and not accepted or rejected at that point. It's a great --

**LEG. D'AMARO:**

So maybe they want to get out of the farming business.

**DIRECTOR ISLES:**

It's a great farmland piece; no question about it.

**CHAIRMAN SCHNEIDERMAN:**

Was there a motion to table?

**LEG. LOSQUADRO:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

So Legislator Losquadro made a motion to table. And was there a second? Legislator D'Amaro making a second. All in favor? Opposed? Abstentions? **1130 is tabled. (Vote: 4-0-0-1. Legislator Cooper not present)**

**1135, authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the Entwistle property, Miller Place/Yaphank Road addition, Town of Brookhaven, Tax Map number 200-213-1-3 (County Executive)**

**LEG. LOSQUADRO:**

Motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion by Legislator Losquadro, second by Legislator D'Amaro. This is a \$10,000 acquisition of a -- about a tenth of an acre, it appears, of property. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Legislator Cooper not present)**

**Resolution 1142, authorizing planning steps for acquisition under the Suffolk County Environmental Legacy Program, the Manzi property, Town of Riverhead, Suffolk County Tax Map 600-80-2-2.001. (Romaine)** This is a 51 acre property. It's Legacy. It's with the

Town of Riverhead as a partner.

**DIRECTOR ISLES:**

Okay. This is obviously planning steps resolution. As you can see by the aerial photograph the parcel's outlined in red. The -- we have a couple of concerns with this. Number one, the parcel directly to the east is the Town of Riverhead landfill. It is -- as far as the proposed acquisition which is under Open Space, this is not a location with an extensive open space network. There's certainly no other public land within this area and specifically no County land. So we're a little unsure as to what the purpose of this is, if, here again, it's not enhancing a County park. And in terms of its proximity to the landfill we would question its utilization for environmental purposes.

And so we have done a rating. And it came up as 18 points. That's not the worst, but on the other hand, here again, looking at other mitigating factors such as, here again, proximity to other lands, small parcels we've seen today which are part of much larger County acquisition areas and so forth, we don't find this in this case. So we would have severe reservations about a planning steps resolution on this piece given the lack of County interest and the proximity to the landfill.

**MR. ZWIRN:**

And if I might, Mr. Chairman, we have information that the -- contrary to the resolution, the Town of Riverhead is not interested in partnering with us. So the Legacy -- which would be required of this particular account. So if we could get this probably tabled until we can get that all squared away, but we've had conversations with the Town of Riverhead. And the person in charge of the land acquisition program has said that the town does not have an interest in this property.

**CHAIRMAN SCHNEIDERMAN:**

It's a big piece of property. Okay. Is there a motion to table?

**LEG. D'AMARO:**

I had a quick question.

**CHAIRMAN SCHNEIDERMAN:**

Question, Legislator D'Amaro.

**LEG. D'AMARO:**

Director Isles, has this parcel ever been proposed for acquisition in the past as far as you know?

**DIRECTOR ISLES:**

No. To my knowledge, no.

**LEG. BEEDENBENDER:**

Didn't we do another property with this name? It looks awfully familiar. I think we did one last year?

**MR. KENT:**

Yes, it was farmed.

**LEG. BEEDENBENDER:**

So it's unrelated area, different spot. Not this.

**MR. KENT:**

Different area.

**LEG. BEEDENBENDER:**

Okay.

**DIRECTOR ISLES:**

Mr. Kent informs me it's a different area, but, yeah, the name is familiar. Yes.

**LEG. D'AMARO:**

I'll offer a motion to table, Mr. Chairman.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **1142 is tabled. (Vote: 4-0-0-1. Legislator Cooper not present)**

We did 1144.

**1146, amending the 2008 Capital Budget and Program and appropriating funds in connection with the Suffolk County Multifaceted Land Preservation Program and Workforce Housing Program (County Executive)**

Commissioner or Mr. Kent?

**MR. ZWIRN:**

This is to take four and a half million dollars for the affordable house component. There are a number of projects that are in the works and it takes time for everything to be worked out. But we have, I think, over \$15 million worth of projects in the hopper right now. And Commissioner Gallagher was talking with the Affordable Housing unit, trying to see how much money they would need. And this is -- we've already, I think, appropriated some. Eventually they're going to need about \$10 million to get started. But this is the first -- the first movement of money for workforce housing. And it covers pretty much the entire Suffolk County -- I can give you a list of the projects that they're working on.

**CHAIRMAN SCHNEIDERMAN:**

It's acquiring the land.

**MR. ZWIRN:**

And infrastructure, things like that.

**COMMISSIONER MEEK-GALLAGHER:**

No. It's just for land acquisition.

**MR. ZWIRN:**

Just for land acquisition. I stand corrected.

**COMMISSIONER MEEK-GALLAGHER:**

And only for the portion of the land that will be affordable. So if you're acquiring -- if the total housing project is going to be on four acres but only 20 percent is going to be affordable, then we would put money towards the -- only the portion that's affordable.

**CHAIRMAN SCHNEIDERMAN:**

Do we do this is a grant? The County doesn't end up owning the land, does it?

**COMMISSIONER MEEK-GALLAGHER:**

No, I'm not really clear on all those details.

**CHAIRMAN SCHNEIDERMAN:**

We transfer it to the town?

**MR. KENT:**

I think we transfer it to the developers.

**CHAIRMAN SCHNEIDERMAN:**

To the developer?

**MR. ZWIRN:**

There are projects in Meford, Greenport, Huntington; multiple projects in Huntington. Greenport, again, Coram, Selden, Patchogue. And Patchogue, again. As I say it comes to --

**CHAIRMAN SCHNEIDERMAN:**

Are we getting anything in perpetuity in terms of guaranteeing that, you know, they're going to stay affordable projects? I mean we're basically buying the land and giving it away for affordable housing. How do we know it stays affordable housing?

**COMMISSIONER MEEK-GALLAGHER:**

There are some conditions set in, but I think that's dependent upon the -- you know, it's project by project. I don't think we have anything specific that you're talking about in perpetuity. I know we don't have something in perpetuity.

**CHAIRMAN SCHNEIDERMAN:**

I mean it's just a lot of money. And I want to see housing. I just don't want us to be making a gift of public funds.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**CHAIRMAN SCHNEIDERMAN:**

That, you know, ten years from now suddenly it's somebody's who's basically hit the lottery now with all this money that they've gotten.

**MR. ZWIRN:**

Yeah, I would ask at this point if we can get it to the floor. And then we're going to have Jim Morgo and Jill come in and talk to the entire Legislature so they can get a better handle on it.

**COMMISSIONER MEEK-GALLAGHER:**

Right, right. I mean our concern is that this is the annual capital program for Multifaceted which is 13.3 million. Normally, you know, in the past couple of years more of it has gone to open space. This year because they were so many projects that needed funding available --

**CHAIRMAN SCHNEIDERMAN:**

Legislator D'Amaro; then Legislator Beedenbender.

**LEG. D'AMARO:**

This is -- just the appropriating means that you're ready to go; right?

**COMMISSIONER MEEK-GALLAGHER:**

No.

**LEG. D'AMARO:**

I mean I understand we're amending the capital budget so you're taking or segregating out a portion \$4.5 million. But then you're going the next step and appropriating those funds which --

**MR. KENT:**

This puts the money into the projects; into the capital project numbers. It doesn't actually expend the monies until you have an authorizing resolution that authorizes you to go forward with the acquisitions. This funds it. This funds the programs.

**LEG. D'AMARO:**

Appropriating the funds means that you can float the bond, doesn't it?

**MR. KENT:**

Yes.

**LEG. D'AMARO:**

So are we going to do that?

**MR. KENT:**

Then we have to come back with the -- we have to come back with the individual projects.

**LEG. D'AMARO:**

I didn't ask that, though.

**MR. KENT:**

Okay.

**LEG. D'AMARO:**

Are we going to float the bond?

**MR. KENT:**

We will probably -- well, there's going to be a 30 date estoppel period that after this is adopted there will be a requirement that it be published in the newspaper, the official papers of the County. It'll be a 30-day estoppel period. The bonds will probably be sold sometime in May.

**LEG. D'AMARO:**

So unlike other capital projects, this capital project we will have the money sitting there ready to go accruing interest but not knowing when we're going forward with the project.

**MR. KENT:**

Well, you like to set up the projects. As soon as this is adopted, the projects will come -- will be presented to you hopefully within the next couple couple of weeks.

**COMMISSIONER MEEK-GALLAGHER:**

That's authorizing resolutions.

**MR. KENT:**

Authorizing resolutions to go forward with the expenditure of the money. Authorizing resolutions to go forward with the acquisition of the properties that will --

**LEG. D'AMARO:**

Normally we appropriate and authorize simultaneously?

**MR. KENT:**

You want to have the monies into the program before you authorize the expenditures of the money.

**LEG. D'AMARO:**

Why?

**MR. KENT:**

Why, because when we negotiate, we have to know we have the money there. If you don't approve the --

**LEG. D'AMARO:**

But are we paying interest before we --

**MR. KENT:**

I don't know. That's a finance question. I can't say I'm completely versed on when we start paying interest, but we will start paying interest once we sell the bonds which will probably be the beginning of May.

**MR. ZWIRN:**

Actually we will be earning interest and paying interest. And then it becomes another issue.

**CHAIRMAN SCHNEIDERMAN:**

If we're going to discharge it without recommendation, we can also answer these question, too, at that point.

**MR. ZWIRN:**

Yeah, but I would like to get this to the floor because I know -- these projects take so long to get going. We have had this fund in place for quite sometime. And now we are really -- we have a bunch of projects lined up that are very exciting.

**COMMISSIONER MEEK-GALLAGHER:**

That's the thing is we can't go forward and close on acquisitions right now that have been assigned to this funding source until we know we have the funding in place so it's holding up acquisition.

**LEG. D'AMARO:**

So you have acquisitions ready to go?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. D'AMARO:**

Based on appropriating today?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**MR. KENT:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Have those acquisitions been before any County committee? No? Or Legislature?

**MR. KENT:**

They won't come before -- well, they've been before --

**COMMISSIONER MEEK-GALLAGHER:**

They've been -- right, in the planning steps, ETRB.

**CHAIRMAN SCHNEIDERMAN:**

They've gone through planning steps.

**COMMISSIONER MEEK-GALLAGHER:**

They're all -- they've gone through everything. The last piece is to make sure we have the funding in place so we can get the final executed -- come for an authorizing resolution and get the final executed -- we don't bring forward an authorizing resolution until we know the funding is available to us.

**LEG. D'AMARO:**

Right. And then we review, you say, well, you know, you already authorized the funding so how

could you stop now?

**CHAIRMAN SCHNEIDERMAN:**

Right.

**COMMISSIONER MEEK-GALLAGHER:**

Well, you can use it for a different project but that would require a lot.

**LEG. D'AMARO:**

I mean we're being asked to appropriate funds for projects that we have no knowledge of right now.

**COMMISSIONER MEEK-GALLAGHER:**

Well, all of them have gone through the prior stages. They've gone through planning steps and ETRB, all the -- the usual process. They haven't been authorized.

**MR. KENT:**

This funds the approved programs that you approved when you adopted the capital budget.

**CHAIRMAN SCHNEIDERMAN:**

I think though --

**LEG. D'AMARO:**

Well, the capital budget's just a planning document.

**MR. KENT:**

That's correct.

**LEG. D'AMARO:**

We always have the oversight and actual review later on. Right, but this is building the momentum to go forward now and provide all the funding, start accruing interest, pay our bond counsel, right? And then we come back and look at the projects and say, and by the way, if you don't approve this project you already paid interest, paid your bond counsel, you know, and then we're into those arguments.

**MR. KENT:**

We already have -- I can tell you we already have projects. We already have acquisitions that are lined up ready to be laid on the table to expend the monies that we're appropriating --

**LEG. D'AMARO:**

Then why aren't they here today? Why aren't I reviewing them if I'm spending these funds?

**MS. LONGO:**

Right now we get planning steps resolutions so Real Estate goes out and we negotiate the acquisition. Right now we have \$16 million in accepted offers. But we can't go to the contract stage until we have money in the bank. I can't go make contracts with people unless the money's there.

**LEG. D'AMARO:**

But we do that all the time. Isn't it contingent upon the Legislature authorizing the funds?

**MR. KENT:**

We do go to contract. We can't authorize the resolution to approve the expenditure until the money's -- until we bond the money.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. D'AMARO:**

We go to contract all the time before we take this step.

**COMMISSIONER MEEK-GALLAGHER:**

We do go to contract.

**LEG. D'AMARO:**

So you just told me we can't go to contract.

**MS. LONGO**

Well, we have \$11 million in contract with -- fully executed contracts that we're ready to close on. Those authorizing resolutions are coming to you. But the money has to be there or we can't complete -- we can't close. And we have different -- we have different concepts of what a contract is. The Budget Department and the County Exec will not sign -- they're the last leg of the contract -- when a contract's fully executed, the seller signs, the County attorney signs, the Director signs. But Budget won't approve those contracts so that the County Exec won't sign it unless the money is there. So on my sheets I'm carrying that as in accepted offers. And I have \$16 million worth of projects ready to go that we can have a fully executed contract and come back to you for authorizing resolution so that we can close them.

So we've been negotiating these all along. But we can only get to a point. If we don't have the money in the bank, we can't move any further. So we've got all these projects ready to go. And actually with that \$8 million like on our spread sheet, we anticipated you authorizing \$8 million. So far between in contract and accepted offers and what I have currently in negotiation, it's almost all gone.

**LEG. D'AMARO:**

Right. Okay so my question is this. Why don't we have specific resolutions on each project and appropriating the necessary funds?

**MS. LONGO**

You actually have. And some of these do already have authorizing resolutions. But I can't close without money. Some of them we're ready to bring to you, but the money needs to be there.

**LEG. D'AMARO:**

Well, that's inconsistent with what I just heard. I just heard that, no, you're going to have another opportunity to review these. And now you're telling me you're ready to close. Well, which is it?

**MS. LONGO:**

Well, it depends whether it's in contract or accepted offers.

**LEG. D'AMARO:**

Okay. But you're just not making that distinction and just saying we have some that are accepted offers and some that are ready to close.

**MS. LONGO**

Right.

**LEG. D'AMARO:**

So we want you to just appropriate all the funding for all these projects now.

**MS. LONGO**

It'll get spent really quick. It doesn't hang around very long. When this money is authorized and we bond it, we spend it immediately. It'll be gone -- it'll be gone in two to three months.

**MR. KENT:**

We will be presenting authorizing resolutions to be laid on the table next week. In fact we've already presented them. They will be in your packet next week as introductory resolutions, which will authorize the purchase of properties under these programs that you're funding with these resolutions. Okay?

**LEG. D'AMARO:**

Well, I would like to see those before I vote for the funding.

**MR. KENT:**

Well, that's inconsistent with what I've been told has occurred in the past. In fact --

**LEG. D'AMARO:**

Well, have we ever -- do we even know what the projects are?

**MR. KENT:**

In the past what I've been told is the money is appropriated first. And then the resolution number that appropriates the money is included in the authorizing resolution which authorizes the acquisition. So we're actually going to go forward with authorizing resolutions next week that authorize the moving forward for the acquisition of properties that these resolutions provide the funding for.

**LEG. D'AMARO:**

I don't know. It just seems to me that I'm being asked to appropriate bonds for a project that I know nothing about.

**MR. KENT:**

Well, I would suggest that maybe -- maybe we have the finance --

**CHAIRMAN SCHNEIDERMAN:**

If it's going to help -- because at some point I'm going to make a motion to discharge without recommendation. And if we are not able to get these questions answered by next week, we can always recommit this, you know, if you're comfortable with that, Legislator D'Amaro. And I know Legislator Beedenbender also has questions. And I'm going to reiterate my concern; it's not so much this procedural stuff, but I need to know since ultimately we are buying land, what happens to that land, what happens to the County's interest? What guarantees do we have that it will remain affordable. And if it doesn't remain affordable that we'll be re-compensated in some way for that. And if I can get some answers to that by next week, I certainly would support discharging it without recommendation.

**MR. KENT:**

Okay. We'd ask that you do that. We'll try to put together some type of presentation to provide you the answers to the questions about the affordability. I'm sure Jill Rosen-Nikoloff or Jim Morgo can respond to the Legislature at the next meeting as to what conditions are placed upon the affordability of these houses once the property is transferred to the developer. We'll provide that information to you at the next Legislative meeting.

**MS. LONGO:**

Unfortunately we have two different departments lumped together in this one funding source.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Well, just to respond that question real quick, I know there's a proposed project in my district. And

that's one of things that's negotiated. It's not a set date, set amount for each project which is why earlier in Labor why I asked when they were recommending 15 to 30 years for the project to stay workforce, why they would recommend that because I've seen recommendations across the board from 10, 20, 30 to 99 years. So those are things that are negotiated at the time. But the question I had is this -- did bond counsel say we should do it this way?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**LEG. BEEDENBENDER:**

Can we have bond counsel come on Tuesday if we discharge it without recommendation so at least he can tell us why.

**LEG. D'AMARO:**

Well, do you know why?

**COMMISSIONER MEEK-GALLAGHER:**

And I can just be clear, the questions are on -- Legislator Schneiderman, you have questions specifically on the affordable housing portion. Legislator D'Amaro, it's in total? Again, you know, basically we're following the procedure that's been laid out and we've been told to follow by bond counsel and the Law Department.

**CHAIRMAN SCHNEIDERMAN:**

I mean for my question it's easy when we buy land for open space. We own it forever. Here we're buying land and I have no idea how long we're going to own it, what period of time and what's going to happen to it, if somebody's going to -- some private individual may be benefitting from our actions, you know, with taxpayer funds. I just need to know what the conditions are.

**MR. ZWIRN:**

Yeah, it's not a problem. We'll provide as much information as we can. But in response to Legislator D'Amaro, we have done it both ways.

**LEG. D'AMARO:**

Oh, okay, but I don't understand how bond counsel -- I mean you tell your bond counsel to prepare a bond, they prepare a bond. How are they dictating the time line of these projects?

**MR. ZWIRN:**

Well, it's not the time line but the way we're doing this particular borrowing. We have done it both ways. We have done it on an individual acquisition basis. We've done it with a lump sum. Historically before last year we would do it the way we're doing it now recommending in this particular proposal. Last year we did a different way. And we had some difficulties with the questions of cash flow. Bond counsel has recommended that we do it this particular way and we'll ask him to explain it to the Legislature on Tuesday. But in answer to your question we have done it both ways. And you'll see that one of the ways -- the way we did it last year, as in the next resolution, that we over authorized out -- we were supposed to spend \$20 million. We actually spending \$21 million and that's why we have the next resolution.

**CHAIRMAN SCHNEIDERMAN:**

I'm going to make a motion to discharge without recommendation. Do I have a second?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Thank you, Legislator Beedenbender. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Legislator Cooper not present)**

**1147, appropriating funds for the Suffolk County Environmental Legacy Fund (County Executive).** This is 13, almost \$14 million in serial bonds to cover the cost of acquiring land under the Legacy Fund. Not too much we need to know about it. We're doing this over a three year period; is that right?

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, Legacy Fund is three years. So last year was 20 million, this year's 15 million and next year's 15 million. It's the same, you know, same scenario, we're asking for the funds to be appropriated. And we're trying to do -- one of the things that bond counsel recommended is trying to do all three programs in the same way so doing Multifaceted, Legacy Fund and any bonding that we'll be doing to Quarter Percent trying to do them all in the same fashion this year. So we have not yet come forward with the Quarter Percent funding appropriation. We're still working out the details of that based on the new formula, etcetera and so forth. But then all three would hopefully be done in the same fashion so it would be following the same format.

**CHAIRMAN SCHNEIDERMAN:**

Same fashion; maybe the same bond offer?

**COMMISSIONER MEEK-GALLAGHER:**

No, not the same bond offer, meaning that the same procedure, the same format, appropriating the funds upfront for each --

**CHAIRMAN SCHNEIDERMAN:**

We'll, I'm just thinking if you go out for more money, you probably get a better rate on the money. So maybe they're compiling -- they're putting them all together, it might be three separate bonds but all -- they might be bid collectively. I don't know. But the higher amount typically the lower the interest we'll get on them.

**COMMISSIONER MEEK-GALLAGHER:**

Right. I think the Quarter Percent it might be its own because it's going to be at least 50 million which is a big chunk but --

**CHAIRMAN SCHNEIDERMAN:**

Okay. I'll make the motion to approve, second by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Legislator Cooper not present)**

That concludes our agenda and we are adjourned. Thank you.

**(THE MEETING CONCLUDED AT 3:47 PM)  
{ } DENOTES SPELLED PHONETICALLY**