

**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 May 5, 2008.

**MEMBERS PRESENT:**

Leg. Jay H. Schneiderman, Chairperson  
Leg. Lou D'Amaro, Vice Chairman  
Leg. Daniel P. Losquadro  
Leg. Brian Beedenbender  
Leg. Jon Cooper

**ALSO IN ATTENDANCE:**

William J. Lindsay, Presiding Officer of the Legislature  
George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Kevin Duffy, Budget Review Office  
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  
Rick Brand, Newsday  
Catherine Stark, Aide to Legislator Schneiderman  
Justin Littell, Aide to Legislator D'Amaro  
Kevin McDonald, appointee to Water Quality Committee  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Kraus, Court Stenographer

**(THE MEETING COMMENCED AT 1:09 PM)**

**CHAIRMAN SCHNEIDERMAN:**

I'd like to call the meeting of the Environment, Planning and Agriculture Committee to order this 5th day of May 2008. If you all will rise and join us for the Pledge of Allegiance and then remain standing for a moment of silence to follow. I will ask Legislator Beedenbender to lead us in the Pledge of Allegiance.

**SALUTATION**

And if you'll remain standing. As we absorb ourselves in the business before the Committee, I think it's important to remember that half a world away our sons and daughters are engaged in a hostile battle. One of those sons lived in my district, a man named Jordan Haerter who was 19 years old who was deployed to Iraq and stationed at a check point. And a water truck had approached and didn't stop when he was supposed to stop. And there was about 30 marines just up the road. And Jordan Haerter opened fire on the truck and actually pushed down one of the other soldiers that was with him behind a barricade while he stood and shot at this truck. And the terrorist behind the wheel did use the explosives and killed Mr. Haerter and one other soldier; but he did save the life of the other as well as all the marines at the check point. It was a tremendous act of heroism. And our prayers go out to the family and to all those who are there in the conflict as well as all their loved ones here who are praying for their safe return. Let's have a moment of silence to thank them for their sacrifice.

**MOMENT OF SILENCE OBSERVED**

Thank you. You may be seated.

If we could also have another moment of silence. Lou, do you want to mention about your father, I know, recently passed; and if we could take a moment to remember.

**LEG. D'AMARO:**

Thanks. Okay, thank you, Mr. Chairman. Just very briefly. If you haven't heard, my dad did pass away last week. And I appreciate the Chair recognizing a moment for him and on his behalf. I don't have a lot to say today; just that he was probably the greatest person I ever knew. And I appreciate your indulgence with this. Thank you.

**MOMENT OF SILENCE OBSERVED**

**CHAIRMAN SCHNEIDERMAN:**

My condolences.

Okay. We have no presentations today. Do we have any cards from the audience? Seeing none, we'll move to the agenda. We're going to start with CEQ resolutions.

**CEQ RESOLUTIONS**

**Resolution 07-08, this is IR number 1186-2008, amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share of the reconstruction of CR 80, Montauk Highway, Mastic/Shirley for construction of sewer infrastructure.** It's a Type II Action. All in favor? Opposed? Oh, I need a motion.

**LEG. COOPER:**

Motion.

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

I'm in a rush. Motion by Legislator Cooper, second by Legislator Beedenbender. I don't think we need an explanation on this one unless anybody wants one. All in favor? Opposed? Abstentions? Carried. **(Vote: 5-0)**

**08-08, proposed Temporary Little League Fields at Gabreski Airport.** I'll make a motion, seconded by Legislator Cooper. All in favor? Opposed? Abstentions? **(Vote: 5-0)**

**09-08, stormwater remediation to CR 36, South County Road at Patchogue and Bellport Bays.** It's also an unlisted action, negative declaration. Is there a motion?

**LEG. COOPER:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Cooper, second by Legislator Beedenbender. South County Road or South Country Road, Jim?

**MR. BAGG:**

South Country Road.

**CHAIRMAN SCHNEIDERMAN:**

South Country Road. It's a typo. Okay. Is there any need for explanation? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0)**. Welcome, Dan.

**Resolution 10-08, proposed acquisition for open space preservation purposes known as the Lake Ronkonkoma County Park addition, Casaga Builders, Incorporated as contract vendee of the Strum Street Corporation property in the Town of Smithtown, unlisted again, negative dec.** Same motion, same second. All in favor? Opposed? Abstentions? Carried. **(Vote: 5-0)**

**11-08, proposed acquisition of open space preservation purposes known as the Nissequogue River addition, Decarmine property, Town of Smithtown.** Same motion, same second, same vote. **(Vote: 5-0)**

**12-08, proposed acquisition for open space preservation purposes known as the Lecky & Randall property in the Town of Smithtown.** Same motion, same second, same vote. **(Vote: 5-0)**

**13-08, proposed acquisition for open space purposes, again, Lecky, Randall & Leighton property in the Town of Smithtown.** It's a different tax map so I assume it's a different piece. Same motion, same second, same vote. **(Vote: 5-0)**

**14-08, proposed acceptance of a donation of property to Suffolk County Parks to satisfy a Suffolk County Department of Health Services Transfer Development Rights requirements in the Town of Brookhaven.** Same motion, same second. Any questions? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0)**

## **TABLED RESOLUTIONS**

Moving onto tabled resolutions, **IR 10-21, to promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine)**

**LEG. COOPER:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table. And that was Legislator Cooper, second by Legislator D'Amaro. Anything on the motion? If not -- okay, Legislator Losquadro.

**LEG. LOSQUADRO:**

I was just wondering if there was any new information regarding this. I'm trying to recall the discussions from the last time we talked about this. I know that Legislator Romaine has been adamant in his insistence of the inclusion of language in our contract process. Could you just maybe give us an update.

**MR. KENT:**

Let me give you a brief update because I think there's more to this than just what we're doing here. We have been discussing this inhouse and trying to work up some new rules, new proposed rules to present to the Legislature. I had an opportunity to speak to Val Washington, who's the Deputy Commissioner of the New York State DEC and she's in Albany. She handles environmental programs for the DEC. And she told me about the moratorium that was enacted on April 23rd at the state level that's good for 90 days. It's going to be a 90-day moratorium until July 23rd.

And they're working on, in her words, they must adopt reform legislation at the state level. And right now they're not accepting any applications for even the voluntary cleanup program under the state Brownfields Program.

So she suggested that any intent that we had to make changes to our program should wait until after the state comes down with their program. So I was going to present that to you today to explain to you that we might want to wait until the state adopt its reform legislation on the Brownfields program.

**LEG. LOSQUADRO:**

At the end of that 90-day period, they will be promulgating a new set of rules?

**MR. KENT:**

They're working on new language for grants for cleanups and the tax credit program. I don't know if you saw today's paper, Nassau County had put out an RFP to sell all of their tax liens on Brownfields properties within the County to one or two -- to whoever would respond to the RFP. They got one response to the RFP and they rejected it. So this is kind of -- this is just not a Suffolk County problem. This is a statewide program that the rules really aren't in place. They're about to change the rules. The funding mechanisms are going to be altered. There's reform legislation that's being discussed at the state level. And I think our program we need to kind of follow the state because they're the ones who offer the voluntary cleanup plans and the applications for both grant money and tax credits. And with that being uncertain, I think at the County level we need to wait until the state adopts some type of reform legislation to amend their program.

**LEG. LOSQUADRO:**

I understand. And we have a fairly lengthy. I don't want to monopolize too much time but do you have any idea what some of the changes the state is considering are?

**MR. KENT:**

I know on the tax credit side, they're thinking about -- right now the tax credits are very generous. They allow you to get credits based not on the value of the cleanup but on the value of the redevelopment. So they're looking to make some changes there. They're also making some changes to allow for some of that money that might have gone to tax credits to be available in grant money up front to do the cleanups. So, again, anybody who -- right now they're not even accepting voluntary cleanup plans. So anybody in our program, one of our requirements is for them to enter a voluntary cleanup plan with the State DEC and they're not accepting them right now so.

**LEG. LOSQUADRO:**

All right. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Very detailed. And this becomes important when and if we actually auction Brownfield properties. And we don't have any coming -- in other words, you're holding off right now on auctioning these properties even if we identify Brownfields properties that we own until we have --

**MR. KENT:**

We're not going to have another auction of tax liens until we have new rules presented and approved by the Legislature.

**CHAIRMAN SCHNEIDERMAN:**

Right. Right. I mean at some point we need to have the conversation whether we're going to -- if we're going to release these properties without conditions attached to them. I think that's important before we actually have that auction so at least the bidders know what they're getting into. But we don't have to do it today, I agree. As long as we know that you're also not moving forward with auctioning properties then there's no immediacy to it.

**MR. KENT:**

No, we're not.

**CHAIRMAN SCHNEIDERMAN:**

All right. So there's a motion to table and a second. All in favor? Opposed? Abstentions? So that was tabled. That was 1021. **(Vote: 5-0)**

**IR 1025 (authorization planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, Kraft property, Town of Huntington) (Cooper) has been withdrawn.**

**IR 1049, adopting local law --2008, a Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman)** This is the bill that sets a 50% cap on how much 477 funds could be used for salaries.

**LEG. COOPER:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

Motion to table by Legislator Cooper.

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to approve by Legislator Losquadro. I'll second the motion to approve. And Legislator Beedenbender is seconding the motion to table. Tabling motion comes first. Any discussion? We'll just call the vote. All in favor? Cooper, Beedenbender and D'Amaro. Opposed? Losquadro and Schneiderman. Three to two. And it is tabled.

**(Vote: 3-2-0-0. Legislators Losquadro and Schneiderman opposed)**

Okay, **1130, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Schmitt property, Town of Brookhaven. (Browning)**

**LEG. COOPER:**

Motion to table at the request of the sponsor.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

There's a tabling motion by Legislator Cooper, second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions. **1130 is tabled. (Vote: 5-0)**

**1180, authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program, the Pattersquash Island property, Town of Brookhaven. (Browning)**

**LEG. COOPER:**

Motion to table at the request of the sponsor.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Same motion, same second. All in favor? Opposed? Abstentions? Same vote. Approved. The tabling is approved. **(Vote: 5-0)**

**IR 1184, adopting local law - 2008, a local law to prevent litter by restricting the distribution of plastic encased advertising matter. (Viloria-Fisher)**

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

We had a public hearing on this. There is a motion to approve by Legislator Cooper. Is there a second?

**LEG. LOSQUADRO:**

I'll second, but I have a question.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator Losquadro.

**LEG. LOSQUADRO:**

Counsel, I know that this does not apply to the US Postal Service but when I was thinking about this, this is -- it just has to do with advertising material because as in applying to the Postal Service, I know like United Parcel Service and Fedex and things of that nature, sometimes they have these bags that are plastic that they drop things off. This only pertains to advertising material, not to any

deliveries or things of that nature? I just want to make sure that organizations like that wouldn't run afoul of this.

**MR. NOLAN:**

It applies only to advertising matter that's wrapped in plastic.

**LEG. LOSQUADRO:**

Okay, great. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Is there a lot of this, do we know? I mean I know that the newspapers -- but they're exempt. All right. Okay. We have a motion and a second to approve. On the motion, Legislator D'Amato.

**LEG. D'AMARO:**

George, just another quick question similar to what Legislator Losquadro is asking about. It applies only to advertising matter. And there is an exemption here that you can exempt it out as anything -- the distribution or advertising of matter by hand delivery or fixing or placing in close proximity to the residential dwelling. Just from a legal perspective, do we need to be more specific in that type of language to give more guidance to people who need to follow this rule or not follow it?

My second question is what if a newspaper has advertising as part of its content, which they generally do, how do we deal with that?

**MR. NOLAN:**

Well, the law specifically exempts newspapers. So even a newspaper that has advertising it would not be covered by this law. In terms of that last provision which allows somebody to distribute this material to put it close to the house so that it doesn't scatter, we really put that in because even commercial speech, you have to give them an opportunity -- there are some protections in free speech protection so we put that into the law so that they would still have an avenue to disseminate their materials. I believe that language is specific enough. I think what the law is trying to get at is when it's tossed into the driveway.

**LEG. D'AMARO:**

Right.

**MR. NOLAN:**

And the front lawn. If it's close to the house, I think that language is sufficient.

**LEG. D'AMARO:**

So the intent here is if you're going to affect speech even if it's commercial speech, if you tailor it to the specific problem you're trying to resolve and don't exclude it, and you provide another mechanism where if you comply, it's not prohibited, that would meet the constitutional thresholds.

**MR. NOLAN:**

Right. That's specifically why that language is put in the law.

**LEG. D'AMARO:**

Okay. Thank you.

**LEG. LOSQUADRO:**

That's interesting, though. Through the Chair?

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**LEG. LOSQUADRO:**

Would telephone books fall under the category of advertising material? Because individuals do pay to have their -- you know, like the yellow pages, they pay to have their numbers and ads listed. And those, you know, for the purposes of not having them ruined by the weather are provided wrapped in plastic.

**MR. NOLAN:**

I don't think the definition would cover phonebooks. The definition is unsolicited handbill, circular flyer, brochure or other printed advertising matter in a plastic bag. I don't believe that is the intent of the law is to cover the distribution of phonebooks.

**CHAIRMAN SCHNEIDERMAN:**

That's a good question, though.

**LEG. COOPER:**

But the way it's worded, wouldn't it --

**CHAIRMAN SCHNEIDERMAN:**

Because it's primarily an advertising function, those yellow books.

**LEG. COOPER:**

Well, no, but maybe it's -- well, is it?

**CHAIRMAN SCHNEIDERMAN:**

It sounds kind of gray.

**LEG. LOSQUADRO:**

It's not as though you have an opt in/opt out clause. And technically that would be unsolicited.

**MR. NOLAN:**

That might be a question you would pose to Legislator Viloría-Fisher on the floor so that she can make clear what her intent was on that particular issue. And that would have some meaning later if the law was ever -- had to be -- was challenged or had to be interpreted, her intent is important. I do not believe that was her intent to cover phonebooks.

**LEG. COOPER:**

Is that enough or do you think that we shouldn't discharge it without recommendation and Legislator Viloría-Fisher could amend it to further exempt phonebooks?

**CHAIRMAN SCHNEIDERMAN:**

I think that would be better.

**MR. NOLAN:**

Either way. I think the more specificity in the bill, the better. But I think quite often if there's ambiguity in the law and the court is interpreting it, they will look at the legislative intent. They can look at the minutes of our meetings as to what the sponsor meant.

**CHAIRMAN SCHNEIDERMAN:**

Could be tabled as well.

**LEG. LOSQUADRO:**

To Counsel, though, would that -- I'm sorry, but on the same note, would that change be substantive enough to warrant a new public hearing?

**CHAIRMAN SCHNEIDERMAN:**

No.

**LEG. LOSQUADRO:**

Or would that be in the same -- thank you, alternate counsel to counsel.

**MR. NOLAN:**

I agree with Legislator Schneiderman. No, I think you can make that change and not be required to reopen the public hearing.

**LEG. LOSQUADRO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Of course, you know, I base my opinion on all similar conversations I've had with Counsel. Legislator D'Amaro.

**LEG. D'AMARO:**

Just to give my two cents on that issue, the definition of advertising matter, any unsolicited handbill, circular or flyer or brochure, and then it says "or other printed advertising matter." And I think Mr. Nolan would back me up on this, the other printed matter is really often interpreted as just amplifying the more specific items that come before it. And I don't think that a phonebook would be classified as a handbill, circular, flyer or brochure or a phonebook is in any way similar to any one of those four items in that it really -- the main content of it is provide telephone numbers. It's not necessarily -- it's less about advertising although it is somewhat about advertising and more about providing contact information as opposed to the other type of advertisement that's listed here. So I don't object to tabling or -- I'm sorry, I don't object to discharge without recommendation but I don't feel the need to do that.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask on the penalty is it per distribution, per event? I mean if -- let's say they did get in trouble for distributing phonebooks, is it \$500 for each phonebook or is it -- how does that work?

**MR. NOLAN:**

Well, it says for each violation of law so I suppose theoretically each time they threw it in a separate driveway it could be a separate offense but I doubt very seriously it would be enforced in that manner.

**CHAIRMAN SCHNEIDERMAN:**

So then it may be -- and if it's just \$500 for distributing material county-wide that could be just the cost of doing business. If it costs you \$500 and a penalty and you can distribute something to every driveway in the County, I don't think it's going stop anyone.

**LEG. LOSQUADRO:**

Technically it's per violation.

**CHAIRMAN SCHNEIDERMAN:**

Anyway, it doesn't seem to matter. You want to discharge it without recommendation so that the bill can be modified? I'll make the motion to discharge without recommendation.

**LEG. COOPER:**

I want to think about this.

**LEG. LOSQUADRO:**

I'll second the motion to discharge without recommendation.

**CHAIRMAN SCHNEIDERMAN:**

Okay. We have a motion to discharge without recommendation and a second.

**LEG. LOSQUADRO:**

She can explain it on the floor.

**CHAIRMAN SCHNEIDERMAN:**

It has the same effect. Are you guys okay with that? All in favor? Opposed? Abstentions? Unanimous to discharge without recommendation. **(Vote: 5-0)**

**1216, adopting local law number - 2008, a local law to reduce the use of fertilizer near wetlands in Suffolk County. (Schneiderman)** I'll make the motion to approve. The hearing is closed.

**LEG. COOPER:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN,**

Motion to table.

**LEG. LOSQUADRO:**

I'll second the motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

There's a second on the approval.

**LEG. D'AMARO:**

I'll second the table.

**CHAIRMAN SCHNEIDERMAN:**

Gee, thanks. There's a second on the motion to table. On the motion, I think this is a very important law particularly this time of year when people are out fertilizing their lawns. We've had, you know, tremendous problems with the quality of our water in our bays and harbors. There seems to be mounting evidence that a lot of it has to do with nitrogen and phosphorus pollution that is running off from fertilizers. It seems to be, you know, perhaps what caused the brown tide which was the algal bloom that really destroyed much of our shellfish population particularly the scallops.

So I think it's important to put a restriction like this in place. We do have the authority to put this in place similar to the fertilizer restrictions we put in place from November 1st to April 1st so that residential properties would not apply fertilizers to lawns during that period.

During that discussion there was a pamphlet handed out by some of the proponents of that bill. And it had a list of, you know, like the ten most important things you can do to keep nitrogen and phosphorous out of the harbors. And the first one was make sure you don't apply them within a hundred feet of wetlands. That's what this bill does. It establishes a one hundred foot setback. Delaying it to me doesn't help anything. This is just common sense. And I'm going to urge that it be approved. I see Commission Gallagher is here and also wishes to be heard so I guess we'll move to the Commissioner.

**COMMISSIONER MEEK-GALLAGHER:**

Yes, I would just ask that perhaps give us some time, really Health Services, but some time to talk to DEC since they have jurisdiction over wetlands. And we'd have to work out some way if we were actually going to enforce this to work with them on knowing whether the wetlands are mapped. I mean, I think, you know, people aren't going to initially know if it's wetlands that they're applying stuff near sometimes. And we would only be able to enforce it if they're mapped wetlands; DEC mapped wetlands. So we need to work out some mechanism of working with DEC and we haven't had a conversation with them yet. Health Services hasn't and I haven't.

**CHAIRMAN SCHNEIDERMAN:**

When do you think you could have that conversation? Could you have that before the next time we meet?

**COMMISSIONER MEEK-GALLAGHER:**

Yes.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**COMMISSIONER MEEK-GALLAGHER:**

I'll make sure. And the other thing, I don't know if you've changed this, but I believe that you might just need to switch the references to the ECO. I think they just were put in opposite meaning that fresh water wetlands is 24-107 and tidal wetlands is 25-0103. I think they might have just been juxtaposed. I don't know. I may be looking at an older copy of the bill so I don't know if it's been --

**LEG. COOPER:**

That's exactly why I wanted to table because I caught that.

**CHAIRMAN SCHNEIDERMAN:**

Sure. Counsel's making a note.

Can I ask, Commissioner Gallagher, on the enforcement of the recently passed bill that this is amending, the November to April bill, how are we enforcing that?

**COMMISSIONER MEEK-GALLAGHER:**

Well, that's much more straight forward in the sense that either someone's applied fertilizer during the period that it's prohibited or they haven't applied it. So you can go out and find out whether there's been fertilizer applied or not. This actually requires you to determine a) whether fertilizer's been applied, if it's been applied within a hundred feet of a wetlands. If those wetlands are mapped, did they know that there are wetlands, you know, where they're applying. I mean it's just not as quite as straightforward.

**CHAIRMAN SCHNEIDERMAN:**

So the question -- I mean whether they've applied it or not is still the same.

**COMMISSIONER MEEK-GALLAGHER:**

Whether they've applied or not. Whether --

**CHAIRMAN SCHNEIDERMAN:**

The question is whether they're a hundred feet to the wetland and how would they know if they're a hundred feet to the wetland.

**COMMISSIONER MEEK-GALLAGHER:**

Right. And how do we know. You know, so it's do they know, do we know, has DEC mapped those wetlands? Because if they're not mapped wetlands, they could come back and say, well, they're not mapped wetlands, how do we know they're wetlands?

**CHAIRMAN SCHNEIDERMAN:**

And I know the towns and the DEC sometimes have different ways of determining the boundary of the wetland.

**COMMISSIONER MEEK-GALLAGHER:**

Right. I'm just saying it's a little bit -- it's not as clear-cut as the existing, you know, bill. So if you give us a chance to talk to DEC, I'll let DHS know and maybe we can all have a conversation together with DEC.

**CHAIRMAN SCHNEIDERMAN:**

No, as long as we're moving in the right direction I'm content. Legislator D'Amaro; and then Legislator Cooper.

**LEG. D'AMARO:**

The question I had either to the sponsor or to Commissioner Gallagher was if you have property within a hundred feet and you can't fertilize it, what do you do with it? You know, are there some fertilizers that may be acceptable within a hundred feet of a wetland?

**COMMISSIONER MEEK-GALLAGHER:**

Well, that would then have to be part of, I guess, what was made clear in this bill is that would you promote using organic or slow release fertilizers, you know, perhaps slow released fertilizers would be acceptable but any of the quick release fertilizers would not; you know, would you prefer that you use organic versus not organic. I mean that -- there's some that would be -- that obviously would be better. We would prefer that people only use slow release fertilizers because of water quality issues.

**LEG. D'AMARO:**

Does the current law that we have in place in Suffolk County cover that now? Do we limit --

**COMMISSIONER MEEK-GALLAGHER:**

No.

**LEG. D'AMARO:**

We just limited the time period of all fertilizers?

**COMMISSIONER MEEK-GALLAGHER:**

We just limited the time period of all fertilizers. And we want to see how effective that is. And if it turns out that it's not as effective as we had hoped, we would go back and re-visit, well, now is it time to start changing the availability, you know, or banning or prohibiting the use of certain types of fertilizers in Suffolk County because they are detrimental to our water quality.

**LEG. D'AMARO:**

I see. Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Cooper.

**LEG. COOPER:**

Legislator D'Amaro raised the exact question that I had. I would be opposed to a blanket prohibition on the use of fertilizer within a hundred feet of wetlands but --

**CHAIRMAN SCHNEIDERMAN:**

You don't happen to have water front property, do you?

**LEG. COOPER:**

Well, as a matter of fact -- but I would be more open to allowing the use of organic or slow release fertilizer. I mean we have thousands of residents, patriotic tax paying residents in Suffolk County that live along the water and some of them may have expensive specimen plantings within a hundred feet of the wetlands theoretically.

**LEG. LOSQUADRO:**

Are they an invasive species?

**LEG. COOPER:**

And it would be problematic -- it could be problematic if they suddenly can't use fertilizer and see the

plantings die. So I'm open to considering an amended version of the resolution but I couldn't support it in the current version.

**CHAIRMAN SCHNEIDERMAN:**

All I can say is I just hope that we base whatever decision we make ultimately on scientific data. And that we get some input then from some of the people who are involved in this issue who can tell us on some of the products you may think are benign whether they truly are benign. And hopefully we'll put the health of our waterways ahead of our plantings that we, you know, our fancy species.

**LEG. COOPER:**

I'll get back to you on that.

**CHAIRMAN SCHNEIDERMAN:**

Yes.

**LEG. LOSQUADRO:**

I was just wondering if the blooms on the specimen plantings were red, white and blue and that led to the patriotism of the individuals in question?

**CHAIRMAN SCHNEIDERMAN:**

Okay. So let's see. There was motions to table, motions to approve. The tabling motions come first. I'm going to concur with the tabling and allow the Commissioner to gather more data. So all in favor of tabling? Opposed? Abstentions? So tabled. **(Vote: 5-0)**

Moving on rapidly to **1256, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation Program, the Ostler property, Forge River addition, Town of Brookhaven. (County Executive Levy)** And Planning or -- yeah?

**COMMISSIONER MEEK-GALLAGHER:**

Yeah, we would request that this be tabled another cycle. This is one that may be switched to another funding source. And we're just checking the -- which year the funding originally was appropriated for this one.

**CHAIRMAN SCHNEIDERMAN:**

As you wish.

**LEG. LOSQUADRO:**

Jay, just quick question. This is -- it's an acquisition so obviously we're ready to move with this. A delay, the owner is aware that we're not going to be setting the closing now for a little while longer?

**COMMISSIONER MEEK-GALLAGHER:**

Yes, I'll --

**LEG. LOSQUADRO:**

This isn't going to cause us any --

**COMMISSIONER MEEK-GALLAGHER:**

But I believe all the --

**LEG. LOSQUADRO:**

-- problem in perhaps having this deal fall through? The owner is aware of it?

**MS. LONGO**

The owner is aware of it.

**LEG. LOSQUADRO:**

Because I know these processes can be lengthy to begin with so I don't want to cause anyone any undue grief.

**MS. LONGO:**

No, the owner is aware --

**LEG. LOSQUADRO:**

That microphone's not on, Janet.

**MS. LONGO:**

Got it. It's on. Yes, the owner is aware that we're discussing which funding source it needs to go in. So right now until we have some confirmation, they know it's going to be another month or two so it's all right.

**LEG. LOSQUADRO:**

Well, I guess this begs the next logical question because we -- it seems to change or vary depending on the resolution. Would this require a new planning steps resolution to change the funding source? I see a shake of the head. So why no on this one and why yes on some other ones?

**MS. LONGO:**

I don't know why the planning steps resolution would have to change. First of all, this one is Forge River so that's Master List II so the planning steps include all of the funding sources. The planning steps pays for the appraisal because that's the first bill that gets paid. But once we get to -- even if it were a different funding source. But once we get to the acquisition stage, if we run out money in that funding source and it complies with another funding source, we can use that for the actual acquisition of the property. But Master List Two, that includes everything. That's -- all the funding sources were included in that planning steps resolution.

**LEG. LOSQUADRO:**

I understand what you're saying. But in the past, and I think Counsel can concur with this, we have had -- and I don't have the transcripts in front of me, but we have had many occasions where we have been told we need a new resolution to be able to change something. So if in this case that's not the case --

**MS. LONGO:**

In this case it's not the case.

**LEG. LOSQUADRO:**

I just don't want to see something get held up here and have to go through yet another cycle, wait for something to get laid on the table.

**MS. LONGO:**

No, this one's fine. And the times that we have had to change the planning steps resolution is if a funding source has expired. If it was in Greenways or SOS --

**LEG. LOSQUADRO:**

I understand recently that's been the case.

**MS. LONGO:**

Yeah, even Greenways was a few years ago.

**LEG. LOSQUADRO:**

But I'm even going back to when I was Chair of this Committee, we had multiple standards on when new resolutions were required. But as long as in this case it's not going to hold us up, you know, an undue amount of time, that's all I wanted to confirm. Thank you.

**MS. LONGO**

It'll drag it out but it won't hold us up.

**CHAIRMAN SCHNEIDERMAN:**

Can I ask a question because if -- and we haven't changed -- the County's still moving forward to acquire this. And obviously it wouldn't have an acquisition resolution unless you have reached some kind of agreement with the owner. So if the only question is what program are we buying it out of, why don't we either discharge this without recommendation and amending it before it hits the floor next week or it can be done by CN. Why table?

**COMMISSIONER MEEK-GALLAGHER:**

That's true, we hadn't thought about that. You can discharge without recommendation and we could amend it in time.

**CHAIRMAN SCHNEIDERMAN:**

It can always be done by CN.

**MS. LONGO**

If you do a CN, that would be best.

**CHAIRMAN SCHNEIDERMAN:**

Again, why don't we discharge it without recommendation. That gives you both options and then we'll deal with it on Tuesday.

**LEG. LOSQUADRO:**

Motion to discharge without recommendation.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to discharge without recommendation by Legislator Losquadro, second by Legislator Cooper. All in favor? Opposed? Abstentions?

**MS. LONGO:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Discharged without recommendation. Trying to help you out.

**IR 1273, adopting a local law number - 2008, a Charter Law to limit the use of water quality protection funds for employee salaries. (Schneiderman)** And the public hearing was closed. I will make a motion to approve.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Seconded by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0)**

**1274, to promote land acquisitions for Open Space, Farmland Preservation and Hamlet Parks in underserved communities. (Cooper)**

**LEG. COOPER:**

I had a question for Carrie or Tom, but the rating system for active recreation hamlet parks, you get points for the size of the parcel. I know that for open space, for example, farmland for larger parcels, you get a certain number of points. Is that the case with active parkland, general parks,

hamlet parks? And if so, what is the point value?

**DIRECTOR ISLES:**

We'll get you that answer. We can get you that answer. I'll have somebody call the Department. We think it does provide an adjustment for that.

**MS. FISCHER:**

It does. I just don't know how many points, how the -- it's divvied up. But it is part of --

**LEG. COOPER:**

There's no rush on this. So I'll table the resolution but if you can get me that information, please. So a motion to table, please.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

All in favor? This is to table. There's a motion and second to table on 1274. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0)**

**IR 1300, adopting local law number - 2008, a local law to expand the membership of the Water and Land Invasives Advisory Board Viloría-Fisher)**

**LEG. COOPER:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to approve by Legislator Cooper.

**LEG. LOSQUADRO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

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

Okay. Moving onto **IR 1286, appointing a member to the Water Quality Protection and Restoration Program and Land Stewardship Review Committee, Kevin McDonald. (PO Lindsay)** If you recall at the floor we were asked to review this again in the Committee because we had not interviewed the candidate. And the candidate is here now. Mr. McDonald, if you'll step forward, you can come -- just come to the table if you would, you can have a seat, relax, make yourself comfortable. Although I think we're all or mostly familiar with you, it is our policy to interview a candidate before putting them on a board.

So at this point I'd like to you ask you to introduce yourself, tell us a little bit about your interest in the Water Quality Committee and if you have any plans or directions you'd like to see the committee move, that would all be germane.

**MR. MC DONALD:**

Thank you for the opportunity. And I apologize if there was any confusion at the last session. My -- when I found out that the hearing was being held, my -- I explained to a few folks that my 16-year-old who was a pitcher in high school hurt his shoulder. And if any of you have ever made an appointment with an orthopedic surgeon, you know that when you get the time slot, you have to go or the world comes to an end. And when you have a 16-year-old who believes his future, favorite life support is in jeopardy, you doubly have to go so I apologize for that.

So as to the committee consideration, the section of the law that I think I'm being nominated under

is the portion that deals with representative from one or two or three citizens advisory committees that are involved in an estuary management plan in Suffolk County. So it's the Long Island Sound, Peconic and the South Shore Estuary Reserve.

And I've been involved in water quality related issues in the Peconic since 1988, '89. I was involved in the passage -- or the passage of the congressional act. I got the Peconic into the estuary program, very involved in watershed planning matters affecting water quality and habitat. And I have been for the last twenty years of my professional life in a number of capacities with different non-profit organizations that were involved in environmental matters.

My hope would be that -- my principal hope would be on the committee that if the original legislation that passed in '99 that was voted on by the public, I think -- I'm sorry, passed in '98 and voted on '99, there was a section that we always intended to help guide some of the water quality projects that would -- that they should have their origin in the watershed management plans for any of the watersheds in Suffolk County, whether it's the Long Island Sound Study or the Peconic Estuary Study or the South Shore Estuary Reserve Study.

So my hope would be that my familiarity with a number of those different studies and what those priorities are would be something that I would be able to help guide the committee and the Legislature on the nature of projects that one would hope would be eligible for funding. That determination is yours in the end as is this appointment, which I respect completely.

Some of you know me from a number of different capacities. I've been involved in a lot of land conservation measures. I was involved in some habitat restoration work both at the state and the county level and funding attached thereto. And I was also involved in a nitrogen work and the legislation that you folks all passed earlier this spring. I'm sorry. I guess it was late in the fall of last year.

So, you know, I'll stop there. And if you have any further questions, I'll take them. And I'm not sure if I'm speaking too much or too little.

**LEG. COOPER:**

Too much.

**CHAIRMAN SCHNEIDERMAN:**

Okay, questions. I'll start if nobody else has questions. Okay, the Water Quality Committee is really the first place where an idea goes for water quality improvements even before it gets to this body or to the Legislature. Somebody thinks of something like a storm drain in an area, maybe a town request it, maybe it's -- like in East Hampton the recent scallop spawning type of sanctuary that they're setting up there, the scallop program. It goes to Water Quality Committee. And this is the money from the Quarter Penny tax which you're familiar with. There's a certain component which generates around \$8 million a year. Now under the new program, because this component actually went up in size, I know you're very active in promoting the New Quarter Penny Program, it has to pass through that committee, these ideas, before it gets here. If it doesn't pass, we never even see it. So what types of thing are you in favor of, not in favor of?

**MR. MC DONALD:**

Well, you know, I would hope that there would be a request made of every one of the three watersheds that when the -- in Suffolk County; and that each of the watershed plans should say these are our priority actions that we want to get done strategically in the next year, two and three years. And that I would expect that if this is a well integrated plan between matching the funding with what the program managers are suggesting are the most important funding priorities, whether they are pollution reduction or habitat restoration or a pilot or something else, you know, I think that's an appropriate conversation that has take place between, for example, the South Shore Estuary Reserve staff and the Legislators in those districts, you know, what are your collective strategies.

I would -- and I did this at the meeting that I attended even though I don't think I was -- my votes mattered, I was -- I think I was invited as a courtesy to the first meeting. I would be cautious to think that the public wants to have funded projects that should otherwise be covered through the normal budget process that the Suffolk County government has. And at the meeting, I said as much. And that gentleman was there and I wasn't too shy about it. And I made a point that I think -- if I get the appointment, my job is to be the spokes person for the knowledge that is embedded in a number of the watershed plans that we have across Suffolk County, and are these the best plans we can be doing to give the public good value for its dollar in improving the region's water quality and its habitat.

And to the extent that I'm able to, I would be pleased to meet with the different program offices and suggesting to them, you know, if you had your way, what would your top five or six priorities be in the next few years and why? And if we can link those with Legislators that want to introduce them as, you know, resolutions or as part of a long term strategy, I think that's probably the most effective outcome on some of those types of projects; rather than having independent projects filtering through without a strategy, just coming out of nowhere. So, you know, I think that would be the contribution I'd like to make. I think it would be valuable and I hope you agree.

**CHAIRMAN SCHNEIDERMAN:**

Other questions? One comment maybe on that, I like the idea of the various regional maps or localized plans on people determining or municipalities determining what their needs are, but not forgetting that, you know, Suffolk County also should be looked at as a whole. And there may be some broad stroke type of ideas that would improve water quality throughout as well that maybe will be generated through the County, Department or the Environment or through other not-for-profit types of groups.

**MR. MC DONALD:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

One of the issues that gets -- is really kind of right on point in what you're saying, of that \$8 million I mentioned three million currently goes toward salaries; county salaries. And I have a bill that I have a feeling is going to be discussed later that has to do with giving the Legislature the information it needs to determine what percentage of the times that each of those employees are spending on water quality related issues. Do you have any comments in terms of the use of 477 funds towards salaries and --

**MR. MC DONALD:**

Yeah, I mean --

**CHAIRMAN SCHNEIDERMAN:**

-- to what degree those positions need to be examined.

**MR. MC DONALD:**

I think it's a matter of policy; would be advisable to only have people that can make a clear demonstrable showing that their job function is if not exclusively, you know, 90 percent or thereabouts attached to a strategy that consistently works to improve water quality, habitat restoration or other surface water quality beneficiary projects, whatever they are. And, you know, if I was the manager, which I'm not, you know, I'd want to identify what those projects are and I'd want to identify what those tasks are that we're doing. And if people fit it within that category, you can make -- you know, that's your decision, not mine. But the tendency in challenging budgetary times is to be a little creative in how staff are assigned to different programs. And my hope is that everybody continues to check that, because what the public asked you to do was to improve water quality, not have certain other job assignments attached to it that may not be that well documented that they are having water quality or habitat improvement component.

**CHAIRMAN SCHNEIDERMAN:**

All right. Any other questions? Okay, I'm going to make the motion to approve Mr. McDonald.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by -- whoever. Second by Legislator Losquadro. All in favor? Opposed? Abstentions?

**LEG. COOPER:**

In favor.

**CHAIRMAN SCHNEIDERMAN:**

Thank you. Including Legislator Cooper on that.

**MR. MC DONALD:**

Thank you very much. Nothing more?

**CHAIRMAN SCHNEIDERMAN:**

No. I don't believe you'll need to come to the full Legislature. This was pro forma. We needed to have this interview. And I appreciate you coming down.

**MR. MC DONALD:**

My pleasure. If you need me, let me know.

**CHAIRMAN SCHNEIDERMAN:**

Exactly. I don't suspect any problem on the floor. Thank you, Kevin.

## **INTRODUCTORY PRIME**

Okay, Introductory Prime, **1314, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Crab Creek, Judith C and Howard C Brandenstein property, Town of Shelter Island. (PO Lindsay)** There's a motion to approve. Does this need to go on the consent -- all right, so the motion is to --

**LEG. LOSQUADRO:**

To approve and put on the consent calendar.

**LEG. D'AMARO:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator D'Amaro. Any discussion? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0 and placed on the consent calendar)**

**1316, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007, St. Joseph's property, Town of Islip. (Montano)**

Same motion, same second? Oh, this is not SEQRA. This is a planning steps. I'm sorry. So we don't have a motion yet. This snuck in there with all the other SEQRA ones.

**LEG. COOPER:**

Is this a typographical error or is the rating 8?

**DIRECTOR ISLES:**

The rating is 8.

**CHAIRMAN SCHNEIDERMAN:**

I thought the typographical error was that it was a Montano resolution for land acquisition. I've never seen one before.

**LEG. LOSQUADRO:**

Through the Chair just quickly, and I'm looking forward to hearing this presentation because it's a sizeable parcel, and I just -- I can't imagine that it doesn't have any redeeming qualities other than its size. So, I guess there's nothing else that fits in along -- other than the size of the parcel so I guess there's nothing else that fits in to any of our other criteria in terms of ranking these properties.

**DIRECTOR ISLES:**

Based on the information we've evaluated thus far, which is the criteria that's outlined in the rating form, there's certainly no wetlands or adjacent buffer areas. It's not a regulated or protected groundwater area, special groundwater area. Natural habitat, here again, further information regarding the species on the property may reveal something that might score points but at this point it hasn't been observed or documented in any records that we have.

The other criteria deal with geological and locational aspects beyond the size. So based on what we have right now, it does score the 8 based on the 47 acres that are outlined in the aerial out of the larger 209 acre parcel.

**LEG. LOSQUADRO:**

All right. Well, I guess that's your whole --

**DIRECTOR ISLES:**

I don't -- we do understand that there's an application pending with the Town of --

**LEG. LOSQUADRO:**

Please, go on with your presentation.

**CHAIRMAN SCHNEIDERMAN:**

What's the purpose of the acquisition?

**DIRECTOR ISLES:**

Okay. I'm sorry.

**CHAIRMAN SCHNEIDERMAN:**

It's the perforated? It's the dotted area, right? The dashed area?

**DIRECTOR ISLES:**

Right.

**MS. FISCHER:**

That's what we're assuming.

**CHAIRMAN SCHNEIDERMAN:**

And there are no structures on that?

**DIRECTOR ISLES:**

To our knowledge, there are not.

**MS. FISCHER:**

No. We believe that there's a cemetery in the very --

**DIRECTOR ISLES:**

There is.

**MS. FISCHER:**

-- corner of the property, but we've --

**LEG. LOSQUADRO:**

Carved that out.

**MS. FISCHER:**

-- eliminated that out. And we believe that basically there is no development in that segment identified by the white dotted line.

**CHAIRMAN SCHNEIDERMAN:**

What is the large property that it adjoins? It looks like --

**MS. FISCHER:**

It's part of the St. Joseph's property.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So it's college. No? Seminary?

**DIRECTOR ISLES:**

It's a convent.

**MS. FISCHER:**

No. A Nunnery.

**DIRECTOR ISLES:**

Convent. They do have a satellite campus of a college on part of the property. We checked with the Town of Islip. And they've indicated there's an application pending to do a re-zoning of this property from half acre residential to planned development district. They're beginning their SEQRA process with a hearing this week. It's possible that it's part of the PDD, a Planned Development District. Most likely there would be a set aside for conservation purposes as part of that.

**CHAIRMAN SCHNEIDERMAN:**

Okay.

**LEG. LOSQUADRO:**

Through the Chair, to the west the County does own that other parcel over there but I guess it doesn't fall within the specified distance to give it that additional rating?

**DIRECTOR ISLES:**

Correct.

**LEG. LOSQUADRO:**

What is that property that's -- the large property that's just to the north of the property we already own? Is that a school?

**DIRECTOR ISLES:**

That's a school, right. Those are the Brentwood High Schools right there, two of them. And the

parcel that's outlined in green is known as Bishop's Tract. It was purchased in the late '80's by Suffolk County. There's no question that open space is important in Brentwood. It's the most highly populated community in Suffolk County with about 80,000 residents. But as far as an environmental acquisition, it would not score high. But I think as part the PDD that's being considered at the town level, an opportunity for conserving the open space certainly could be considered in that process.

**LEG. LOSQUADRO:**

And the property just to the east, I see, sticking out of the corner there, that Town of Islip property, that doesn't even fall within the 300 foot boundary for -- to other protected parklands?

**MS. FISCHER:**

It's very close. But those are long lots and they're definitely over 200 feet those long lots. We can verify that. It's close.

**DIRECTOR ISLES:**

If you look, there's a scale at the bottom so each of those little marks is 500 feet.

**LEG. LOSQUADRO:**

Right. Okay.

**DIRECTOR ISLES:**

That's a broad scale.

**LEG. LOSQUADRO:**

And I'm not doubting you.

**DIRECTOR ISLES:**

Right. That's fine.

**MS. FISCHER:**

That's okay.

**LEG. LOSQUADRO:**

It just seems a shame for such a low rating for something that is really obviously becoming incredibly scarce and I'd almost dare to say unique in this area, you know, there's so little left there so.

**DIRECTOR ISLES:**

Perhaps as part of the PDD that could be worked into the application.

**LEG. LOSQUADRO:**

In through -- many a PDD process up in the Shoreham area as of late, and I know that you don't always get what you're looking for when you you're looking for a mixed use. And quite often especially in a suppressed market, the developers are going to ask for more and more and more in terms of density, in terms of the amount of commercial space to give really any sort of give backs. Any sort of community benefit is going to come at a high cost in this market. And I've seen that up in my district in an area where homes are selling for quite a bit more than in this community. So I would imagine in this community the price to pay, so to speak, on the part of the community to get a tract of this size as part of a PDD would be substantial in terms of the additional density or commercial space that a developer would want to get out of it so -- I know that's all part of the planning process but I'm just speaking from experience up in my area.

**DIRECTOR ISLES:**

Yeah. I'm not certain that that's the case here. And certainly there are examples of planned development districts that have worked out very well in terms of conserving open space. But we

don't know enough at this point to judge this case certainly.

**LEG. LOSQUADRO:**  
All right. Thank you.

**DIRECTOR ISLES:**  
Thank you.

**CHAIRMAN SCHNEIDERMAN:**  
Any other questions? So what are we doing here?

**LEG. COOPER:**  
Motion to table subject to call.

**LEG. D'AMARO:**  
Second.

**CHAIRMAN SCHNEIDERMAN:**  
Motion to table subject to call and a second. All in favor? Opposed? In favor?

**LEG. LOSQUADRO:**  
I'll abstain.

**CHAIRMAN SCHNEIDERMAN:**  
Abstentions? All right. So we have four to table subject to call and Legislator Cooper -- I mean, I'm sorry -- Legislator Losquadro abstaining. **(Vote: 4-0-1-0. Leg. Losquadro abstained)**

**LEG. COOPER:**  
Jay, did you want to make a motion to reconsider 1273?

**CHAIRMAN SCHNEIDERMAN:**  
You want to do that now?

**LEG. COOPER:**  
Yeah.

**CHAIRMAN SCHNEIDERMAN:**  
Okay, so there's a motion to reconsider 1273 by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? 1273 is back before us. **(Adopting Local law Number 2008, a Local Law to expand the membership of the Water and Land Invasives Advisory Board - Vilorio-Fisher)** There's a motion to discharge without recommendation.

**LEG. COOPER:**  
Right.

**CHAIRMAN SCHNEIDERMAN:**  
Just make the motion first.

**LEG. COOPER:**  
Yes, motion to discharge without recommendation.

**LEG. D'AMARO:**  
Second.

**CHAIRMAN SCHNEIDERMAN:**

Second. So motion by Legislator Cooper, second by Legislator D'Amaro. On the motion, Legislator Cooper.

**LEG. COOPER:**

I just wanted to point out that the sponsor made a number of changes to the resolution which I support but failed to revised the title of the resolution so the title is really misleading. So I would request that this sponsor take this opportunity to amend the title to coincide with the amended purpose of the resolution.

**CHAIRMAN SCHNEIDERMAN:**

Right. And I think I have time 'til 5 o'clock today to do that. So, yeah, I agree that the title is -- doesn't really accurately describe what the bill is doing. What the bill simply requires that the County Executive when he proposes the budget for the following year, any jobs that are proposed to be funded with 477 funds, there would be a description of that job so that we as a legislative body can determine the degree to which it's appropriate. That's all that the bill does. And it doesn't limit the use of water quality protection funds as the title implies. So I will make that change.

**LEG. COOPER:**

Thank you.

**CHAIRMAN SCHNEIDERMAN:**

Okay, what I'm thinking a local law to require disclosure of -- disclosure of job descriptions for proposed allocations of 477 water quality funds, something like that.

**LEG. COOPER:**

Something like that.

**CHAIRMAN SCHNEIDERMAN:**

Something along those lines. Okay? So there is a motion and a second to discharge without recommendation. All in favor? Opposed? Abstentions? So that is **discharged without recommendation. (Vote: 5-0)**

Now we're going now to **1319. We're back at the SEQRA resolutions, 1319 making a SEQRA determination in connection with the proposed construction of an aircraft hangar at Francis Gabraseki Airport to implement 365/24/7 Medevac Services in the Town of Southampton. (PO Lindsay)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRMAN SCHNEIDERMAN:**

Motion to approve and place on the consent calendar by Legislator Losquadro. And who seconded it?

**LEG. BEEDENBENDER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved and placed on the consent calendar. **(Vote: 5-0 and placed on consent calendar)** Can we do the same motion and second for --

**LEG. LOSQUADRO:**

Absolutely.

**CHAIRMAN SCHNEIDERMAN:**

Okay, 1349. I think Mr. Bagg is still here if we have any question on the SEQRA resolutions.

**1349, making a SEQRA determination in connection with the proposed CEQ Review of Introductory Resolution number 1186-08 amending the 2008 Capital Budget and Program and appropriating funds in connection with the County share of the reconstruction of CR 80, Montauk Highway, Shirley/Mastic for construction of sewer infrastructure (PO Lindsay)** Same motion, same second. On the motion.

**LEG. BEEDENBENDER:**

Yeah, I just have a question. Is 1186, was that Legislator Browning's bill, the one that we modified and doesn't have money in it anymore? I'm not trying to throw -- but if it doesn't have money --

**CHAIRMAN SCHNEIDERMAN:**

If that doesn't change the status of making a SEQRA determination.

**LEG. BEEDENBENDER:**

Okay. No, I'm just curious what are we making a determination on if there's no money?

**CHAIRMAN SCHNEIDERMAN:**

The SEQRA determination basically is -- I'm sorry. Counsel?

**MR. NOLAN:**

Go ahead.

**CHAIRMAN SCHNEIDERMAN:**

No, I was going to say you're basically making a finding as to the potential for adverse impacts. If the project does move forward at some point you would at least have that --

**LEG. BEEDENBENDER:**

No, I understand. This is for sewer infrastructure. And the bill that we passed -- that we voted on on Tuesday doesn't have any money in it for a project. It's just a design. I'm just asking if this is necessary; that's all. If it is --

**MR. NOLAN:**

It probably is not necessary now because I believe 1186 was actually withdrawn by the sponsor. So you could table it, you could approve it. There would be no harm in that either but it's up to the Committee.

**CHAIRMAN SCHNEIDERMAN:**

What are you comfortable with? You want to table it? You want to table subject to call just to get it off the agenda?

**LEG. BEEDENBENDER:**

Sure.

**CHAIRMAN SCHNEIDERMAN:**

All right. Motion to table subject to call by Legislator Losquadro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **Tabled subject to call. (Vote: 5-0)**

Okay. **1350, making a SEQRA determination in connection with the proposed temporary East End Little League Fields at Gabreski Airport, Town of Southampton. (PO Lindsay)** I'll make the motion.

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

Second by Legislator -- thank you -- second by Legislator Cooper. That's a motion to approve and place on the consent calendar. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0 and placed on the consent calendar)**

**1351, making a SEQRA determination in connection with the proposed reconstruction of stormwater remediation to CR 36 South Country Road at Patchogue and Bellport Bays, Town of Brookhaven. (PO Lindsay) Motion by Legislator Losquadro.**

**LEG. LOSQUADRO:**

Motion to approve and place on the consent calendar.

**CHAIRMAN SCHNEIDERMAN:**

Motion by Legislator Losquadro, second by Legislator Beedenbender to approve and place on the consent calendar. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0 and placed on the consent calendar)**

**1352, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Lake Ronkonkoma County Park addition, Casaga Builders, as contract vendee of the Strum Street Corporation property, Town of Southampton. (PO Lindsay) Do we need to pass it again?**

**DIRECTOR ISLES:**

CEQ issues a recommendation then you have to make the SEQRA determination.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So, same motion, same second, same vote. **Approved. (Vote: 5-0 and placed on the consent calendar)**

**1353, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Nissequogue River addition, DeCarmine property, Town of Smithtown. (PO Lindsay) Same motion, same second, same vote. (Vote: 5-0 and placed on the consent calendar)**

**1354, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Lecky and Randall property in the Village of Head of the Harbor, Town of Smithtown. (PO Lindsay) Same motion, same second, same vote. (Vote: 5-0 and placed on the consent calendar)**

**IR 1355, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Lecky, Randall & Leighton property in the Village of the Head of the Harbor, Town of Smithtown. (PO Lindsay) Same motion, same second, same vote. (Vote: 5-0 and placed on the consent calendar)**

**IR 1356, making a SEQRA determination in connection with the proposed acceptance of a donation of property to Suffolk County Parks to satisfy a SCDHS transfer of development rights requirements, Town of Brookhaven, (PO Lindsay) Same motion, same second, same vote. (Vote: 5-0 and placed on the consent calendar) Let me rewind for a second. The motion is to approve and place on the consent calendar for all of those. Okay.**

**IR 1405 authorizing inclusion of new parcels into existing agricultural districts in the County of Suffolk. (County Executive Levy)**

**LEG. COOPER:**

Motion to approve. Why?

**MR. NOLAN:**

There's going to be a public hearing on this at our next meeting so this has to be tabled pending that.

**LEG. LOSQUADRO:**

Motion to table.

**CHAIRMAN SCHNEIDERMAN:**

There's a motion to table by Legislator Losquadro, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **1405 is tabled. (Vote: 5-0)**

**1408, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program for the Red Enterprises Limited property, Carlls River watershed addition, Town of Babylon. (County Executive Levy)**

**LEG. D'AMARO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

This is a point 09 acres, about \$15,000. There's a motion by Legislator --

**LEG. COOPER:**

Second.

**CHAIRMAN SCHNEIDERMAN:**

-- D'Amaro, second by Legislator Cooper. Mr. Isles, can we get a little more information?

**DIRECTOR ISLES:**

This is part of Master List Two. It's part of the Carll's River Corridor which drains down into the Belmont Lake area. The County has done extensive acquisitions in this vicinity. We do have a map if you want it, but it's a small parcel but it's in-filling on other -- around other county holdings.

**CHAIRMAN SCHNEIDERMAN:**

How do we arrive at a value on a property so small?

**DIRECTOR ISLES:**

It was done through an appraisal process through Real Estate.

**CHAIRMAN SCHNEIDERMAN:**

It's un-developable property, though.

**DIRECTOR ISLES:**

I believe it is not developable.

**CHAIRMAN SCHNEIDERMAN:**

You can't put a house on point 09 of an acre.

**DIRECTOR ISLES:**

No, but you can combine it with another lot potentially. But the value at 15,000 reflects --

**CHAIRMAN SCHNEIDERMAN:**

How many square feet is that? Not very many. Is it a tenth of an acre or is it one hundredth of an acre? It's under under a tenth, right, point 09 so about a tenth of an acre. Okay, about 4,000 square feet so I guess theoretically you probably could get something on it. All right. So we had a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0)**

**IR 1409, authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program, Open Space Preservation Program, for the Brandenstein property, Crab Creek, Town of Shelter Island (County Executive Levy)**

**LEG. LOSQUADRO:**

Motion to approve.

**CHAIRMAN SCHNEIDERMAN:**

This is 12.7 acres roughly for \$5 million, Shelter Island. We have a motion to approve by Legislator Losquadro. I will second. On the motion Legislator Cooper.

**LEG. COOPER:**

Yeah, just on the motion I wanted to find out what the rating was of this parcel?

**DIRECTOR ISLES:**

This parcel was done as part of Master List Four. So it wasn't given an individual rating. In checking and we'll hand out the aerial, it certainly would qualify as being more than 25 points even taken by itself. You'll see it's waterfront property. It has extensive wetlands and upland vegetation in a nitrogen stressed creek corridor.

**CHAIRMAN SCHNEIDERMAN:**

What's the development potential on this? What's the zone, in other words?

**DIRECTOR ISLES:**

That was analyzed as part of the real estate process. And the valuation is based upon the highest and best use which would allow for further residential development. I'll defer to Real Estate on the details but it certainly could be developed further, no question about it.

**LEG. BEEDENBENDER:**

Through the Chair.

**CHAIRMAN SCHNEIDERMAN:**

Legislator Beedenbender.

**LEG. BEEDENBENDER:**

Tom, I just have a random sort of related but not really related question. How big is Shelter Island, just curiously? Do you happen to know that off the top of your head?

**DIRECTOR ISLES:**

It's the smallest town in the County.

**LEG. BEEDENBENDER:**

Well, yes. In terms of land do we know how big that island is? Yes, I know this big, Ben (indicating).

**CHAIRMAN SCHNEIDERMAN:**

Like what percentage of the Island is this?

**LEG. BEEDENBENDER:**

No, it just made me think of how big -- I've never been there admittedly.

**CHAIRMAN SCHNEIDERMAN:**

You'll have to come to see it. Come to the Island.

**LEG. BEEDENBENDER:**

We spend our time -- us Selden guys, we stay around Selden a lot. We don't tend to travel too much.

**DIRECTOR ISLES:**

I can certainly get you the acreage of Shelter Island.

**LEG. BEEDENBENDER:**

It's no big deal. I was just curious.

**CHAIRMAN SCHNEIDERMAN:**

Okay. Any other questions? There's some area that's exempted from the acquisition. What is going to happen to that?

**DIRECTOR ISLES:**

There's a house on that part of the property that's being retained by the owner; on a large lot.

**CHAIRMAN SCHNEIDERMAN:**

So we're doing a subdivision.

**DIRECTOR ISLES:**

They would be doing a subdivision prior to closing as I understand it. It's a standard practice. And that would be outlined in the red of course.

**COMMISSIONER MEEK-GALLAGHER:**

Mr. Chairman, yes, I would just ask that you discharge it without recommendation this bill because we will be amending it to be funded through Legacy Fund. We have a fifty percent partnership on this acquisition. And we'd rather use Legacy Fund money for anything that we have 50 percent partnership on.

**CHAIRMAN SCHNEIDERMAN:**

Okay. So we had motion and a second to to approve. Why don't we change that to a discharge without recommendation? Dan, you had made the motion to approve? Do you want to change it?

**LEG. LOSQUADRO:**

I'm sorry. Could you just repeat that? I was --

**CHAIRMAN SCHNEIDERMAN:**

They want to change the funding to Legacy; that's all.

**COMMISSIONER MEEK-GALLAGHER:**

Right. Because we now have a 50% partnership on this acquisition. And my understanding is that you can't -- if you approve it, then we can't amend it because we'll be changing the funding program or is that not correct?

**LEG. LOSQUADRO:**

If this was approved under Master List as you had said earlier, that included all -- they said it was on the Master List Four. That included all potential funding sources.

**COMMISSIONER MEEK-GALLAGHER:**

For planning steps purpose, yes.

**CHAIRMAN SCHNEIDERMAN:**

No, but the acquisition resolution may actually state a different -- specifically states a program.

**MR. NOLAN:**

There may not have been a Legacy Fund back then.

**COMMISSIONER MEEK-GALLAGHER:**

Right.

**LEG. LOSQUADRO:**

Right, there wasn't.

**CHAIRMAN SCHNEIDERMAN:**

And you want to change -- you want to modify it to state a different program.

**COMMISSIONER MEEK-GALLAGHER:**

Exactly, for the acquisition resolution. Under planning steps it had all of them but now for acquisition we have -- we always identify one program.

**CHAIRMAN SCHNEIDERMAN:**

You listed something other than Legacy?

**COMMISSIONER MEEK-GALLAGHER:**

Right. It's currently listed under Multifaceted and we're going to amend it to be under Legacy Fund.

**CHAIRMAN SCHNEIDERMAN:**

Because you have that partnership. That makes sense. So you want to change it to discharge without recommendation?

**LEG. LOSQUADRO:**

Okay.

**CHAIRMAN SCHNEIDERMAN:**

All right? And I'll change my second to reflect that.

**LEG. BEEDENBENDER:**

I just have another question. I know we were just kind of joking around about it --

**CHAIRMAN SCHNEIDERMAN:**

More information about Shelter Island?

**LEG. BEEDENBENDER:**

No, no. Not just about Shelter Island, but about this particular acquisition, I can see the need for it but -- so we're paying the property owner two-and-a-half million dollars between the Town and the County. And I would imagine the value of his property will go up significantly as a result of its surrounded in perpetuity by woods and protected land. Is that not true?

**DIRECTOR ISLES:**

Okay. That's a valuation question. The County pays for what the fair market value is of the property for the parcel we're buying. In terms of the incidental effect on adjacent properties, I'm not sure if that's really measured. And it's not typically an approach we take in terms of determining fair market value.

**LEG. BEEDENBENDER:**

Well, I'm not suggesting that it's an approach we should take. I'm suggesting that if you're the individual that owns this piece of property -- well, first of all you live in a nice place and you're going to get a windfall on a property increase. That's all I was asking. It's on Shelter Island. I'm assuming it's not -- from what I hear it's a wonderful place. I'm just taking the word of my wonderful colleagues.

**CHAIRMAN SCHNEIDERMAN:**

You got to get out east a little more, Brian.

**LEG. BEEDENBENDER:**

Why would I go out east when Zwirn lives out there?

**CHAIRMAN SCHNEIDERMAN:**

Well, that's a good point. He'll show you around. He knows all the hot spots. All right.

**LEG. LOSQUADRO:**

So the motion's to discharge without recommendation.

**CHAIRMAN SCHNEIDERMAN:**

There was a motion and a second. All in favor? Opposed? Abstentions? Approved. Or discharged without recommendation I should say **(Vote: 5-0)**

1422 was withdrawn. And that concludes our agenda. If there's no further business, then we are adjourned. Thank you.

**(THE MEETING CONCLUDED AT 2:24 PM)  
{ } DENOTES SPELLED PHONETICALLY**