

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 June 16, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Deputy Clerk
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, Department of Environment & Energy
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Rex Farr, Northeast Organic Farming Association
Martin Trent, Suffolk County Department of Health
Martin McMorrow, Suffolk County Department of Public Works
Polly Weigand, SC Soil and Water District
Martin McMorrow, Suffolk County Department of Public Works
Frank Castelli, SC EVE
Jeremy Sameulson, Group for the East End
Josephine Chu, SC DEE
Diana Sanford, Suffolk County Department of Parks
DeWitt Davies, Suffolk County Department of Planning
And all other interested parties

NOT PRESENT:

Legislator Jon Cooper

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Kim Castiglione, Legislative Secretary

(THE MEETING WAS CALLED TO ORDER AT 1:14 PM)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Environment, Planning and Agriculture Committee to order. If you all will rise and join us for the Pledge of Allegiance led by Legislator Danny Losquadro.

SALUTATION

You may be seated. All right. I have one speaker card. Polly is the first name. I'm having trouble with the last. If you will step forward.

MS. WEIGAND:

Hi. It's Weigand.

CHAIRMAN SCHNEIDERMAN:

Thank you. It's better than my handwriting, but I still can't read it.

MS. WEIGAND:

You are not the only one to mess it up. People have a hard time pronouncing it, so don't feel bad.

LEG. LOSQUADRO:

I tried to correct him, Polly.

MS. WEIGAND:

It's okay. I'm representing the Long Island Native Grass Initiative in the Suffolk County Soil and Water Conservation District for our application for funding under the Water Quality Protection Committee's quarter percent sales tax and I'm just here to answer any questions that you have about my grant submission.

CHAIRMAN SCHNEIDERMAN:

Any questions?

LEG. LOSQUADRO:

Obviously this is something I'm familiar with, but if you could perhaps just give the committee just a one minute synopsis, if you could, of what the program has accomplished thus far.

MS. WEIGAND:

To date the program was started in 2005. Our goals are to create a native seed source for Long Island for grassland restoration, specifically for species of grasses that are native. At this point we have collected seed off of over ten to 20 actually native grasslands throughout the Long Island region, identifying where the native remnant populations are, collecting the seed, cleaning it, and creating a founder block which is the first step in creating that source of seed.

LEG. LOSQUADRO:

Thank you, Polly. Does the committee have any other questions?

CHAIRMAN SCHNEIDERMAN:

That's my job. Any other questions?

LEG. LOSQUADRO:

You were deep in conversation.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you. Is there anyone else who wishes to be heard who has not filled out a card?

MS. WIEGAND:

Yes. Someone just went outside, so maybe --

CHAIRMAN SCHNEIDERMAN:

Okay. Well, I'm going to make a motion to take one resolution out of order so we can interview Mr. Gergela who is here and he doesn't have to wait through the meeting. Do we have the person here? All right. Let's do this first. We have one more speaker, Mr. Samuelson.

MR. SAMUELSON:

A little confusion on card protocol there. My apologies.

CHAIRMAN SCHNEIDERMAN:

It's all right. Good to see you. How have you been?

MR. SAMUELSON:

Very well. Thank you. I'm from Group for the East End. My name is Jeremy Samuelson. I understand that the committee is entertaining the first phase of the resolution approval for the North Fork Trails Initiative that we've submitted paperwork on for funding under the Quarter Percent Program.

Just real quickly. I have a couple of maps that are reduced. I can pass those up to you. I just want to make myself available. It's over two miles of trails that links County preserve land, Town of Southold preserve land and Greenport Village preserve land, so all of the money for expenditures already been spent at this point. What we're attempting to do is bring in \$35,000 worth of funding that would allow us to do a flora and fauna natural heritage survey so that any trails work that was put into this to ensure community and public access and educational purposes would go in areas that would not only net the greatest sort of access to those resources for educational purposes, but also ensure the protection of those resources at the same time.

So I'm happy to answer any questions. I thank you for your consideration of this, I make myself available for any questions.

CHAIRMAN SCHNEIDERMAN:

Any questions for Mr. Samuelson? Thank you.

MR. SAMUELSON:

It's IR 1544 just for reference. Thank you.

CHAIRMAN SCHNEIDERMAN:

That's been through -- Jeremy, it's been through the Water Quality Committee? I see affirmative nodding from the Commissioner. Okay. Thank you.

MR. SAMUELSON:

Yes. Thank you.

CHAIRMAN SCHNEIDERMAN:

I'm going to make a motion to take resolution **IR 1498, Reappointing Joseph Gergela as a member of the Suffolk County Soil and Water Conservation District. (Losquadro)**

LEG. LOSQUADRO:

Second, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. Okay, 1498 is before us. Joe, if you will step forward.

This is a reappointment. We don't normally make people come back, but as long as you are here if you want to say anything or if we have any committee members who have questions for you. You're obviously interested in continuing to serve.

MR. GERGELA:

Yes. I've been on the board for, I don't know, I lost track. I think it's maybe a dozen years now, and I do that as a volunteer. I enjoy the position. I work with Legislators Losquadro and Vivian Vilorio-Fisher who are the representatives of your body.

The work that the Soil and Water District does is very interesting not only from an agricultural standpoint, but they do water quality issues, they do storm water runoff. Polly, who spoke earlier, with the native grasses. They do all kinds of things not only for agriculture, but for the environment as well as for municipalities, storm water run off, etcetera. And I have been, like I said, doing this as a volunteer for a number of years now and I felt it was important to stop in to say hello and I would like to be reappointed.

CHAIRMAN SCHNEIDERMAN:

Any questions for Mr. Gergela? Same motion, same second. Did you have --

LEG. LOSQUADRO:

On the approval.

CHAIRMAN SCHNEIDERMAN:

Yes.

LEG. LOSQUADRO:

Yes.

CHAIRMAN SCHNEIDERMAN:

All right. Same motion, same second, to approve. All in favor? Opposed? Abstentions? Congratulations. **(Vote: 4-0-0-1 Not Present: Leg. Cooper)**

MR. GERGELA:

Thank you.

LEG. LOSQUADRO:

Mr. Chairman, I just want to say thank you to Joe for wanting to continue to serve on this. I have had the pleasure of working with him for the past few years and I appreciate you coming down today. This way if anyone does have any questions at the General Meeting we can say that you came down and answered any questions that were outstanding. So thanks again.

MR. GERGELA:

Thank you.

CHAIRMAN SCHNEIDERMAN:

No need to appear before the full Legislature.

MR. GERGELA:

Okay. Thank you, sir.

CHAIRMAN SCHNEIDERMAN:

Now we're going back. We have a brief presentation by NOFA, the Northeast Organic Farming Association. Who is presenting here? If you can start by identifying who you are for our record.

MR. FARR:

Yes. Good afternoon. My name is Rex Farr. I am a certified organic farmer in Baiting Hollow and Vice President of the Northeast Organic Farming Association. My wife and I have a 61 acre organic farm that's been certified since 1989. I'm here this afternoon to basically introduce our organization to you gentlemen and to ultimately ask you that the Northeast Organic Farming Association be at the table on committees that have to do with either the environment or agriculture.

So a little bit about our organization. We've been around for about 35 years. We are located Upstate, New York. We have about 3500 members. I felt that it was about time that NOFA be a part of the agricultural community. We are well respected within the industry, however, no one really knows who we are.

A little bit about us. We are a 3,000 member organization. We do two things. We do general membership and we do certification, so all of our farmers in New York State that are certified organic under the USDA rules are certified by NOFA. At present we probably have about 600 farms that are certified by NOFA, of which we have probably six, ten maybe out here on Long Island, places like the Green Earth. I don't mean the Green Earth, I mean over in Water Mill, the Green Thumb. Matt {Kazinki's} farm over there in Peconic, so we are active.

We also have a block of three acres out at the Cornell lab, which is part of our qualifications for asking to be part of the environmental community and to let you know who we are. There are other seven other NOFA's; NOFA Connecticut, NOFA Massachusetts, NOFA New Jersey, so on and so forth. And with the way of the sort of the political climate, if you will, everything today is green. I mean, green building, green clothing. Now here we are, an organization that deals with our food. You can't get any more basic than that. And I think that we do have, again, the qualifications to be able to sit on certain committees and to help you gentlemen and the County to really push the green envelope.

Our organization is made up of farmers, which are about 35, 40% of our membership, 70% gardeners, homeowners, chefs. In fact, there are a couple of chefs out here on Long Island in Westhampton, in Sag Harbor, and so on, that are part of our organization.

Again, really why I am here is to introduce ourselves but also possibly make some suggestions that might be able to further this green envelope which I just talked about. One of the things I would like to see, of course, in Suffolk County, is pushing this envelope and we can do this in my sector by, for example, since we now have 1.2 million people here in Suffolk County, a figure in my lifetime I never would have thought about --

LEG. LOSQUADRO:

We are actually 1.5 now.

MR. FARR:

One point five million. Now, for years the agricultural community --

LEG. LOSQUADRO:

It's staggering, I know.

MR. FARR:

It really is staggering. I mean, my farm right now is absolutely surrounded by 300 houses. Oh, by the way, I would like to remind this body that the County in its infinite wisdom was the first county to -- we put 26 acres into preservation so the County now has the first certified organic farm in preservation.

But with this 1.5 million people it seems to me that we should be starting to look in other sectors, which maybe we already have, I'm not sure. I can only talk about agriculture. But why don't we

start looking at things like when the homeowner goes in to buy their 10 pounds, 25 pounds, 50 pounds of synthetic fertilizer, and since we have already spent I don't know how many millions and millions and millions of dollars on the Pine Barrens trying to protect this rather fragile water table, maybe we could introduce some kind of legislation that -- as they have done with that antihistamine drug. You know, where you have to go in and show your driver's license. Maybe we could institute something like that here in Suffolk County whereby the homeowner is only allowed to put down X amount of pounds. We all know that if the directions say once a week, it's applied five times a week. If it says one pound, it's applied five pounds. That's just the mentality of the homeowner. But one of our objectives here in NOFA is to educate, not only about our food, but, you know, how we grow things.

Going a little bit back, by the way, to NOFA. We are not affiliated with anybody, including corporate agriculture which runs agriculture in this country. Now most of us here on the northeast who have been farming understand that for every dollar we send down to Washington we probably get back about ten cents. We do not farm like we farm in Nebraska or Iowa or etcetera in the corn belt. We farm in commodities up here on a much lesser scale and so the Farm Bill, which was just passed in 2008, green dollars, were far and few between. They are getting better, but again, we're not really part of the corporate agricultural group. Which, again, is another qualification for us being at the table with your permission, that's on certain agricultural and environmental issues. So that would be one of the possible scenarios that we could work together on.

At this point I really, unless you have any questions, I don't have any Power Point presentation, but I am here to answer any questions that you might have about our organization.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Farr. A question from Legislator Losquadro.

LEG. LOSQUADRO:

I don't know if your organization does any work in this area, but I have a little bit of exposure to, on the west coast, with biodynamic farming, especially in the viticulture, area of viticulture, with some of the wineries. I was just wondering if that -- if we have any of that here on Long Island, you know, with using the insectories and, you know, really going for the complete package, you know, going beyond just normal organic. So if you could discuss that a bit.

MR. FARR:

Well, for those of you who don't know what Dan is talking about, biodynamics is kind of like the PH.D. in organics. It was set up by a guy called Steiner after the first World War where he quickly realized that what were doing to our soils was taking ammonia out of bombs and putting it into our ground. He developed a system of farming which -- and in essence this is really what organics and biodynamics is all about. It's working with nature. It's not trying to be so damn arrogant that we can control. We in America, and certainly in other parts of the world, we think if we have a problem we'll go in and eradicate that problem through chemicals without understanding where that problem came from.

The perfect example right now is the tomato scare for God's sake. How can you tell me that the plum tomato and the round tomato, they are infected, but the cherry tomato isn't because it's grown on a vine. Well, for those of who don't know, all tomatoes are grown on a vine.

Let's look at the way we produce our food -- so, anyway, funny that you ask about biodynamics because my wife and I have eight acres of wine grapes. We're in our fourth year and we have been practicing on 15 acres biodynamics. So, yes, that is part.

Now, in order to be -- NOFA does not certify biodynamics. That's a complete set of rules. But in order to get certified biodynamically, you do have to be certified organically.

LEG. LOSQUADRO:

Okay. So really my -- what I was getting at, though, that is a practice that is and can be sustainable here on Long Island with our climate.

MR. FARR:

It certainly is a quote unquote sustainable practice. As I said, it is the PH.D. of organics and I think that the problem with biodynamics is that sometimes it might sound like sort of the twilight zone, but quite honestly it's a very intense and disciplined practice and one has to understand certain elements. Organic -- NOFA, for example, again, organics deals with the whole. So does biodynamics. It's just a different way of solving problems or working with, but it's not -- I'm not quite sure what you're asking.

LEG. LOSQUADRO:

No, I just wanted to ask really if that was coming into place here on Long Island and I'm glad to hear that it is.

MR. FARR:

There are a few you us that do practice biodynamics.

LEG. LOSQUADRO:

Excellent.

MR. FARR:

What we're really fighting right now and why I have demanded from my board and from my fellow membership at NOFA is that we have got to be very vigilant about how the USDA is treating the National Organic Law. We're walking, as organic grows, a very, very, very fine line because we have on one hand we're corporate agriculture -- oh, by the way, do you know that your government owns the word organic? Astounding. If you make more than \$5,000 and you use the word organic in your marketing, you have to be certified. In order to be certified you have to go through an agency that is certified in turn by the USDA.

Now, the USDA became involved in 2002. Somewhat of a conflict of interest because, again, as I go back to who's running agriculture in this country, it's the corporations. There are people that work from Monsanto that are now sitting on the USDA board. Why do you think it is taking so long to figure out what's going on with the tomato?

CHAIRMAN SCHNEIDERMAN:

How do you define organic? Is it different than the way the government defines organic?

MR. FARR:

I'm a purist. So is NOFA. There are synthetics that are used in processing right now that NOFA that would never allow. We are not allowed to advertise that.

CHAIRMAN SCHNEIDERMAN:

So NOFA -- if something is NOFA certified it's a higher degree than if it just says organic?

MR. FARR:

We have to abide by the USDA standards. You know, organic farmers really farm more with their heart. Let's put it this way. My farm gets inspected two day out of 365, okay, so I could push away everything. But what is organics? It's not just about not using chemicals. It's not just about, gee -- it's about understanding the whole. It's about understanding where a problem comes from and trying to -- in other words, if you have a problem, look at your soils, don't necessarily look at the plant that the problem has because there's deficiencies in your soil.

Now, it's very hard for corporate agriculture to get a grasp of this, especially when, and again, I'm not here to rant and rave about corporate agriculture. I've put my time and money, you know, and I show where my heart is.

CHAIRMAN SCHNEIDERMAN:

Let me ask you different question. Farming is a major industry on Long Island.

MR. FARR:

Yes.

CHAIRMAN SCHNEIDERMAN:

We at the Legislature have been trying to make sure it stays an important sector of our economy, figuring out what is needed from the marketplaces to the shipping routes to the housing, all the pieces that come together to make the industry of farming work. A lot of people want to buy organic, there's no question about it. There is a higher price paid for organic produce. My question is are there any particular needs of that sector of agriculture that might be different from agriculture in general for it to continue to blossom, if you will. To take root is another agricultural reference.

MR. FARR:

Well, organics has been growing for -- at the rate of 20% annually for the last decade. It's ironic because when you ask an American consumer to buy a product, normally that is price driven, right? If you have two pair of sneakers, one pair costs \$50 and the other pair cost \$100 and they are made relatively about the same, guess where you are buying? You're buying the \$50 sneaker. In food that's different. The consumer is asked to spend between 25 and 30% more, and you used the phrase a higher cost. Well, that's not true because in the long run, and these are national statistics, our youth is 34% obese. Why is that? That's because of the way we grow the food and the food that we eat.

CHAIRMAN SCHNEIDERMAN:

Well, without having the philosophical debate, and I think that, you know, I think we can understand a lot of our farmland is above our water tables, particularly in areas like the North Fork -- a lot of farming, people are drinking groundwater from those areas. Certainly going organic makes sense in those areas. What is needed to get farmers that might be farming traditionally to move toward a more organic model or at least a less pesticide dependent model?

MR. FARR:

Let me answer that by saying that first of all, look at the bigger picture. How do we get farming economical? Everybody is complaining about a dollar for a head of lettuce and has absolutely no idea what it costs to go into that head of lettuce. We're going to be seeing, I think probably one of the upsides of this high gas price is that our local economy, and in particular in the agricultural sector, is going to benefit because it's not going to cost us as much to transport these. I mean, it's insane even in our own backyard for us to be shipping product into Hunts Point and then shipping it back out.

Joe Gergela has been talking about, on the Farm Bureau, has been talking about it for years. We need a distribution point. Education, to get the farmers -- and it's very difficult. Listen, two percent of America farms. Two percent of those farm organically. The supply and demand is unbelievable. We -- I could not on my 60 acres supply all the tomatoes that are needed between here and New York City. There is just no way.

Okay. So the incentive, of course, for any farm is to make sure that the bottom line is covered. And we can't do that, you know, we're able to do it in organics because we have a little bit more control. And again, there is a very good reason why the USDA and the government got involved, isn't there? Think about that one.

CHAIRMAN SCHNEIDERMAN:

All right. I think we're going to wrap up. Any other questions? Thank you, Mr. Farr.

MR. FARR:

Thank you so much. I will have some packages about our organization in the back and I'll give them, too, because I came here through Ed Romaine and your office, Jay, so I'd like to pass it out. Again, thank you, gentlemen.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir. All right. Let's go to the agenda, starting with CEO resolutions. No, there are no CEO resolutions. We will go to tabled resolutions.

Tabled Resolutions

IR 1021, to promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine).

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion to what?

LEG. LOSQUADRO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion to approve by Legislator Losquadro. All right, I'll second it.

LEG. D'AMARO:

I'll make a motion to table.

CHAIRMAN SCHNEIDERMAN:

There is a motion to table by Legislator D'Amaro.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. The tabling motion comes first. All in favor of tabling? Opposed? Abstentions? Tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1049, Adopting Local Law No. 2008, A Charter Law to strengthen the Water Quality Protection and Restoration Program. (Schneiderman)

I'll make a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. All in favor? Opposed? Abstention? So tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1130, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Schmitt property) Town of Brookhaven (SCTM No. 0200-706.00-01.00-004.000). (Browning)

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beendenbender. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? So tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1180, Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program (Pattersquash Island property) Town of Brookhaven (SCTM No. 0200-988.30-02.00-001.000). (Browning).

Same motion, same second? No? Any motions?

DIRECTOR ISLES:

We have a comment if you would like to entertain it.

CHAIRMAN SCHNEIDERMAN:

Okay. We enjoy entertainment. Go ahead.

DIRECTOR ISLES:

We did have a conversation with the sponsor informing her that the name of the island is actually not Pattersquash and we have provided to Mr. Nolan a suggested alternative name. The department has previously reviewed this and it's rated 27 points under the new name.

LEG. LOSQUADRO:

What the rating?

DIRECTOR ISLES:

Twenty-seven.

CHAIRMAN SCHNEIDERMAN:

It's more points under the new name? You get points for creativity of a name?

DIRECTOR ISLES:

No, no, that didn't change -- no, we haven't got to that yet, no.

CHAIRMAN SCHNEIDERMAN:

Cooper hasn't introduced a resolution for naming points.

DIRECTOR ISLES:

No, it did not change the points for that purpose.

CHAIRMAN SCHNEIDERMAN:

What are we calling it now, if not Pattersquash. I can't think of a more beautiful name.

MS. FISCHER:

It's the island within Narrow Bay near to Smith Point County Park.

CHAIRMAN SCHNEIDERMAN:

That's the name? Can we shorten it to an acronym or something?

MS. FISCHER:

It has no name, so we just kind of described it's location.

DIRECTOR ISLES:

Generically, yeah.

CHAIRMAN SCHNEIDERMAN:

You have to come up with a name that sounds good when you preserve it. That's too long for the headline.

MR. NOLAN:

We made the change, by the way.

DIRECTOR ISLES:

Was it changed?

MR. NOLAN:

We made the change.

DIRECTOR ISLES:

Mr. Nolan has reported that it was changed.

CHAIRMAN SCHNEIDERMAN:

If it's still there. Is it still there, or has the erosion washed it away?

DIRECTOR ISLES:

It's still there.

CHAIRMAN SCHNEIDERMAN:

It is still there today?

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

This is planning steps.

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

It may not be there when we're done with the process. Do we have the price adjust by how much it erodes on a given day? All right. Do you want to move it forward? All in favor -- there is a motion to approve by Legislator D'Amaro. Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved. And we're going to amend it. The name is going to be amended. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1216, Adopting Local Law No. 2008, A Local Law to reduce the use of fertilizer near wetlands in Suffolk County. (Browning)

LEG. D'AMARO:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Carrie, we don't have our meeting scheduled yet? Can I ask that we get that scheduled before the next time we hear this? Because now we've missed the season.

COMMISSIONER MEEK-GALLAGHER:

I might suggest the request come from someone else's office given the current situation with DEC.

CHAIRMAN SCHNEIDERMAN:

The lawsuit and all?

COMMISSIONER MEEK-GALLAGHER:

Yes. Chuck Hamilton is not as receptive to my phone calls as he previously was.

CHAIRMAN SCHNEIDERMAN:

Can I ask you, you know, on the record, what was DEC's concern about my bill?

COMMISSIONER MEEK-GALLAGHER:

Several concerns, one that DEC already has jurisdiction over what happens within proximity to wetlands, that their --

CHAIRMAN SCHNEIDERMAN:

Yet the towns regulate what happens near wetlands as well.

COMMISSIONER MEEK-GALLAGHER:

That there is, unless the wetlands are already mapped and many aren't, there's no real way to, it's more of an, you know, enforcement. There's no way to know. People quite often don't know that they're near, you know, they are within 100 feet of a wetland when they are fertilizing their property. Sometimes it's actually better to have healthy vegetated buffer near the wetlands so that you don't have other types of erosion or runoff getting in, that that vegetated buffer will help reduce. So there were --

CHAIRMAN SCHNEIDERMAN:

Do you -- what's your position on this as Environment Commissioner?

COMMISSIONER MEEK-GALLAGHER:

My main concern is I'm not sure how we would work on a regular basis with DEC to try to find out and enforce. It's one thing to be able to go out and determine whether fertilizer has been applied during a certain time period, but to actually try to go out and determine whether it was applied, whether it's within 100 feet of a wetlands, etcetera and so forth, is more difficult.

CHAIRMAN SCHNEIDERMAN:

How is it more difficult if you get a call that somebody applied fertilizer in mid-November, when the cutoff was November 1st. How do you prove that it wasn't residual from October? It's pretty tough to enforce, too. I mean, this to me, and we can rewrite it to make it easier for people to comply with. It could be a certain distance from standing water if the concern is where exactly is the wetland boundary. But the towns deal with wetland boundaries all the time. There is special permits to do certain things to clear property within a certain distance to the wetlands or build a deck or addition to your house. These things are surveyed. It's, you know, it's not hard to get maps of where the wetlands are.

COMMISSIONER MEEK-GALLAGHER:

Well, the scale of the maps are only -- it's plus or minus 100 feet from the boundary. So, in other words, you've already got a possible a hundred foot margin of error, so to speak, on what is already mapped.

CHAIRMAN SCHNEIDERMAN:

If I change it to make it standing water people can see where the standing water is and don't we don't have to, you know, be so picky. I mean, somebody is going right up to the wetland. That's really what I'm mostly concerned about is you've got these lawns that go right up to these ponds

and harbors, you know, they are using all kinds of chemicals, and we can't effect the pesticide piece but apparently we have jurisdiction over the fertilizer piece. Nitrogen we know and phosphorus we know to be very detrimental to the water bodies in terms of their feeding all the algae and causing things like brown tide which, you know, wiped out much of our shellfish population.

COMMISSIONER MEEK-GALLAGHER:

I'm just looking down at some of my notes here. Currently DEC permits specifically allow fertilization of buffers along wetlands and waterways to establish vegetation in the first year, so there might be some -- in some instances that might be contrary to DEC practice and permits that they give out. DEC regulates application of herbicides within 100 feet of wetlands and many herbicide products are combined with fertilizers. Also, it says in terms of the freshwater wetlands, which I know you're probably more concerned about others, that DEC regulates freshwater wetlands greater than 12.4 acres in size so that's what would be mapped or delineated. And only some smaller wetlands that are of unusual local importance.

CHAIRMAN SCHNEIDERMAN:

Can ask you as, again, the Commissioner of Environment, what do you think is an appropriate setback for fertilizers from bays and harbors and ponds?

COMMISSIONER MEEK-GALLAGHER:

I don't have a good scientifically based answer for that as to what's best. It could be case by case. It could depend on the slope, it could depend on --

CHAIRMAN SCHNEIDERMAN:

I know in the literature that was passed out, not by you, but by others during when we passed the November to April ban, the number one thing that was on the list of things that are important to do was to -- they set the 100 -- they said make sure you don't apply within 100 feet of the wetlands.

It seems to me we ought to pass some kind of threshold legislation and I'm sure we're going to get anywhere with the DEC and I'm holding it up for this meeting. If you have -- if somebody has a problem with the 100 feet, because a lot of people told me 100 feet wasn't enough, it should be 500 feet. But, you know, 50 feet -- I could live with that. But I feel like we ought to as a County establish something. In, you know, enforcing it I realize that will be a challenge. Lots of our bills are going to be a challenge to enforce, like the recent bill we did on worker status, Brian. But that doesn't mean that the law shouldn't be in place. It seems to me like this is a good measure for the County.

COMMISSIONER MEEK-GALLAGHER:

And it would be amending an existing local law. Let me actually confer with some of the Office of Ecology staff who were instrumental in helping put together the fertilizer legislation, some of the other environmental groups that were concerned, and see if we can come up with before we -- I guess the next meeting wouldn't be until the end of July. The next committee meeting wouldn't be until the end of July, so we could provide with you that recommendation what the buffer should be and how we might better get at your, you know, the goal of your amendment.

CHAIRMAN SCHNEIDERMAN:

All right. I appreciate that. Legislator D'Amaro has a question.

LEG. D'AMARO:

Good morning.

COMMISSIONER MEEK-GALLAGHER:

Good morning. Or good afternoon.

LEG. D'AMARO:

Good afternoon, sorry. Are there residential areas that border on freshwater wetlands?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

There are. And so if we have 100 feet where you can't apply fertilizer, is it any fertilizer or are there fertilizers that are more acceptable than others to go near or close to wetlands, freshwater wetlands.

COMMISSIONER MEEK-GALLAGHER:

Well, I believe in Legislator Schneiderman's bill it would be all fertilizer. And, again, it's not as easy to say some. I mean, we would recommend slow release fertilizers because they are less likely to, you know, run off as quickly or get down into the groundwater as quickly. But I guess in the case of the wetlands it really depends. There is no good answer, there's no magic bullet fertilizer out there that's better. Even saying organics is not always the answer because --

CHAIRMAN SCHNEIDERMAN:

I think in this case the organics are just as bad, maybe in some cases worse.

COMMISSIONER MEEK-GALLAGHER:

Because they have high nitrogen -- higher nitrogen contents, yes.

LEG. D'AMARO:

So we don't really -- I'm just trying to see, you know, how do we address the impact on folks that live against freshwater wetlands right now in maintaining their yards.

COMMISSIONER MEEK-GALLAGHER:

Right, Freshwater or tidal.

LEG. D'AMARO:

The fertilizer bill that we passed was for a specific time period. It didn't say you can't maintain your property, it just said there are certain times when you can apply fertilizer. This would go more towards an outright ban throughout the entire year and affect your ability to maintain your property.

COMMISSIONER MEEK-GALLAGHER:

Right. And not just freshwater wetlands, but tidal wetlands as well. So anyone who lives in coastal areas, which obviously is quite a lot of people in Suffolk County.

LEG. D'AMARO:

So you could have 100 feet of your yard, if you're against a freshwater wetlands or tidal wetlands, that you're not maintaining anymore.

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

You can maintain it. You can mow it, you can weed it, you just can't put pesticide -- fertilizer on it.

LEG. D'AMARO:

But I think we need to have more of a proactive response. If we are going to ban something outright at all times, I think we need to have some kind of solution for okay, then what do you want me to do with this property that I own and is part of my residence. So that's something -- I throw that out there.

CHAIRMAN SCHNEIDERMAN:

No, I appreciate that. Maybe, as you said Commissioner, if the environmental community can figure

out what an appropriate threshold is, a buffer zone, from these harbors where there should be no use of fertilizers. I can't say chemicals because we can't regulate the pesticide piece it seems, but at least on the fertilizer side, because these areas are sloping down to the water. You know, the rain is going to carry a certain amount in. It'll be nice to have a buffer zone around these things, so I don't know we can tell people they can't mow, but the towns probably can, But I'm not sure that we can.

COMMISSIONER MEEK-GALLAGHER:

Okay.

CHAIRMAN SCHNEIDERMAN:

But if you can get back, fairly quickly, because I feel like we've already missed the spring now. But maybe the fall we can have some regulation in place and maybe some good residents will actually follow it and we'll start reducing -- because we do all kinds of things to try to clean up our bays and harbors, as you know.

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

A lot of it is expensive from the County's perspective, recharge basins, preservation. This is free for us.

COMMISSIONER MEEK-GALLAGHER:

Yes. The local law that was passed last year actually doesn't go into effect until January 1st of 2009 because we wanted to give people time to make any changes they needed to their practices, for businesses to make changes to their practices. And also for us to get the educational campaign, the web site and those things up and running.

So any change -- I'm assuming that it would be similar, then, if you are amending the local law that doesn't go into effect until then, it wouldn't actually go into effect until next year so people would have time, then, to amend their practices.

CHAIRMAN SCHNEIDERMAN:

I certainly would be amenable to amending this to make it kick in at the same point as the other and then we can tie them to the same educational campaign.

COMMISSIONER MEEK-GALLAGHER:

Okay.

CHAIRMAN SCHNEIDERMAN:

Mr. Nolan thinks it already is concurrent with the other. So I will make a motion to table 1216. Seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? Tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

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

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion -- actually, the sponsor had asked me to table it as well, but I will take the motion from Legislator Losquadro. I'll second. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1457, Adopting Local Law No. 2008, A Local Law to adopt a full cost disclosure policy

for land acquisition resolutions. (Alden)

LEG. D'AMARO:

Motion to table for public hearing.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table for public hearing by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? So tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. All right, moving on to Introductory Prime.

Introductory Prime

IR 1498, we took already.

IR 1525, Amending the 2008 Operating Budget and 2008 Capital Budget and Program by accepting up to 75% grant funds in the amount of \$3,953,349 from the New York State Department of Agriculture and Markets (Grant C800654) to the Suffolk County Purchase of Development Rights. (Co. Exec.)

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Losquadro. I'll second. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. I'm sorry, Tom, did you want to --

DIRECTOR ISLES:

All me just to note the County received the largest grant in the State of New York, just FYI. Did pretty good.

CHAIRMAN SCHNEIDERMAN:

That's great. Good work.

IR 1527, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] for the McDonald property - Pine Barrens Core - Town of Brookhaven (SCTM No. 0200-511.00-05.00-077.000). (Co. Exec)

Motion by Legislator Losquadro. This is acquisition. Second by -- I'll second it. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

What is it --

CHAIRMAN SCHNEIDERMAN:

It's one and a third acre, \$32,000 under the Old Drinking Water Protection Program. Commissioner, do want to give us any additional information that might help?

DIRECTOR ISLES:

Sure. We do have an aerial which we can provide to you. This is located in the Hamlet of Manorville in the Town of Brookhaven just north and east of County Road 111. There is extensive State holdings in this area as well as County holdings. So this is in the Pine Barrens Core. It was pre-approved under Legislature authorization going back about four years to authorize the

completion of acquisitions in the core area, so we are picking up pieces. The Division of Real Estate, Real Property Acquisition and Management has negotiated an acquisition of this parcel of 1.37 acres at \$32,090. We strongly recommend it for groundwater drinking water protection purposes.

CHAIRMAN SCHNEIDERMAN:

Tom, can I ask the confusing question of what are we actually buying? Because as we know, these are already undevelopable properties. So are we buying the development credits, which usually sell for quite a bit more than this, are we buying the fee to the land so that the County can manage it? What are -- that is what we're buying, right?

DIRECTOR ISLES:

Right. This is a full fee acquisition. I'll defer to Real Estate anything I'm saying that needs better clarification.

CHAIRMAN SCHNEIDERMAN:

Development credits have already been transferred, sold off?

DIRECTOR ISLES:

No, this is --

CHAIRMAN SCHNEIDERMAN:

No? It has actually development credits on it?

DIRECTOR ISLES:

-- a full fee with development rights on it already, so it is the County buying both the development right that may exist on the property and the underlying residual right as I understand it.

MR. KENT:

We're purchasing in this case both the Pine Barrens credit and the underlying residual fee.

CHAIRMAN SCHNEIDERMAN:

How many credits?

MR. KENT:

It's probably less than -- oh, much less than one. It's probably a portion of a credit.

CHAIRMAN SCHNEIDERMAN:

What does a credit go for these days?

MR. KENT:

Somewhere between 100 and \$110,000.

CHAIRMAN SCHNEIDERMAN:

Okay. So this is a partial credit?

MR. KENT:

Yes. And the underlying fee generally runs about \$10,000 an acre. Just a general ballpark number.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro has a question about the rating on it. And I know it's Pine Barrens core so we can already -- I think we already understand --

MS. FISCHER:

We usually don't rate the core properties. We have never done that before. They were approved for

acquisition a number of years ago under many different programs to continue to acquire them, the large lot, small lot list.

CHAIRMAN SCHNEIDERMAN:

We haven't passed any regulation that requires a rating to be filed before we move forward with the acquisition.

MS. FISCHER:

Not for those that we don't have ratings that we didn't pass. So if we did a rating in the past we're bringing them to you.

CHAIRMAN SCHNEIDERMAN:

Does that answer your question?

LEG. D'AMARO:

Yeah. I just had one more question if you don't mind.

CHAIRMAN SCHNEIDERMAN:

No, go ahead.

LEG. D'AMARO:

Just that, not to single out this one, but, you know, looking at the aerial map, you have the green shows the Suffolk County properties, we have some State of New York owned properties as well. The purchase price for this parcel is roughly 32,000 I think.

DIRECTOR ISLES:

Correct.

LEG. D'AMARO:

But, I mean, if we didn't buy this, this could never be developed anyway, could it?

DIRECTOR ISLES:

It could only be developed upon approval of hardship from the Pine Barrens Commission. The Pine Barrens Act and the Pine Barrens Plan, going back to '93 and '95 respectively, provided for a public policy of protection of the Pine Barrens area, the core area, to be accomplished through a number of means, one of which was acquisition of land by municipal and State entities. There is also a Transfer of Development Rights Program to enable property owners to remove the credits and retain the residual, and then there are also options for hardship in strong cases where typically road frontage parcels can make a case to the Pine Barrens Commission for relief.

The point being is that it was a multi-tool, multi-pronged approach to preserving the core of the Pine Barrens which is the single most essential part of the drinking water aquifer to be protected in Suffolk County using here, again, a number of techniques that provided equity to property owners but also preserve the resource.

So in answer to your question if the County did not buy this property, the property owner could then seek to do a transfer of development rights. They could seek a hardship relief. I think that would be a bit of a difficult case, but here again, not to underestimate the acquisition program is one of the legs of the program to protect the Pine Barrens core area.

LEG. D'AMARO:

Transfer of development rights would not result in the development of this property.

DIRECTOR ISLES:

It would not. It would have to go to a receiving parcel somewhere else.

LEG. D'AMARO:

And this parcel looks like it has no access to a public street.

MS. FISCHER:

At this point, no.

DIRECTOR ISLES:

Right, at this point no, which is probably why the value is what it is. Possibly through consolidation they could get access to a street.

LEG. D'AMARO:

So in order to develop under I think the State Building Code or the Highway Law you need to have access to a public street or a waiver of that.

DIRECTOR ISLES:

Right, or an easement under 280(A) of town law.

LEG. D'AMARO:

And then, of course, as a practical matter the physical reality is to put an access road into a property like this in order to develop it would be cost prohibitive to develop a parcel that looks like it's about six -- 40 by 60 or something.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

So can't the --

MS. FISCHER:

It's 1.37 acres.

LEG. D'AMARO:

Oh, is that what it is? Okay. So can't we tailor this program in a way if we have all the surrounding properties and a reasonable assumption would be that it could never be developed anyway, why buy it?

DIRECTOR ISLES:

The other reason for it is -- two reasons. Number one is that for the future management of these properties there is an advantage to having consolidated patterns of ownership, whether it's State, County, town, Nature Conservancy, something of that effect. So as we're in transition, as these properties are being acquired or preserved, there isn't an argument to be made that for County Parks to manage this in the future having consolidated holdings would be better than having scattered holdings and having residual interest retained by private owners.

The second point is that, here again, going back to the beginning in the Pine Barrens Program and the Act and the Plan, is it's a program that is contingent upon the participants of the towns, the State and the County, those three levels of government sitting on the Pine Barrens Commission coming together in an intermunicipal, interagency cooperative manner to say how do we protect this resource of over 52,000 acres and the various partners stepping up to the plate, which they have done very successfully. We're at this point now where there is probably about 3,000 acres that are not in the Pine Barrens in terms of protected public land holdings.

So the fundamental question of should we continue an acquisition program in the core or should we

at this point pull back and say there are other techniques that can achieve that purpose, it's our opinion in the County Planning Department that this is, here again, of all resources that we're protecting in this County, this one stands at the top of the list in terms of the long-term well being of Suffolk County in terms of preserving drinking water supply. That's been reestablished with recent work in the Comprehensive Water Resources Management Plan and in terms of the best method of protecting that resource. The public ownership where we consolidate County holdings we feel provides the best management technique and the most efficient management technique going forward.

I do, of course, recognize the Legislative prerogative in land acquisitions, and that's your choice if you feel at this point we can use those other tools. But the fact that this program has been successful is by virtue of the techniques that were used, which was this combined approach that here again found a balance between protecting the rights of property owners, constitutionally and morally and so forth, while also protecting the resource. The combined technique seems to have worked well and would seem to be appropriate to continue on into the future at this time.

COMMISSIONER MEEK-GALLAGHER:

If I could just add one comment. There is also the issue of the funding source. This is 12-5(E)1(B) money, which is the original, original Drinking Water Protection Program pre-Pine Barrens Act and that funding specifically is dedicated to Pine Barrens core property. So it is not as if this money could be used for properties outside the Pine Barrens.

CHAIRMAN SCHNEIDERMAN:

Thank you, Commissioner.

MS. FISCHER:

Also, if I could just mention one other thing from a management point of view from the Parks Department with regard to off-road vehicles and the like. It's very hard when there is scattered ownership, municipal versus non-municipal properties in this area, to oversee and to regulate those off-road vehicle uses. It has been brought to our attention that in order to make a better case to identify what we own and protect it, if we can acquire more than less of the privately owned properties we have a better chance of managing it from Park's Department personnel perspective.

CHAIRMAN SCHNEIDERMAN:

On the management is there a joint management plan with the town, County and State?

MS. FISCHER:

There is a Pine Barrens --

CHAIRMAN SCHNEIDERMAN:

Because I am just imagining this patchwork of properties --

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Some private, some public, different public entities.

MS. FISCHER:

Right, and they do -- they have a Protect Lands Council in the Pine Barrens Commission as a separate committee that handles that and one of their biggest issues is the scattered ownership and to consolidate that is a priority of theirs as well.

CHAIRMAN SCHNEIDERMAN:

Can I ask either one of you the credit, or partial credit that is on this property, what happens to it? We're buying it. Can we transfer for affordable housing or is it become sterilized?

DIRECTOR ISLES:

In this case it becomes sterilized under the program that Commissioner Gallagher referred to. It didn't have a provision for moving credits. And secondly, I believe there is a provision in the Pine Barrens Plan that says once land in the core is put into public ownership it can't be -- we can't take credits off from that point. So in this case the credit would be retired or -- yeah, retired is the term.

CHAIRMAN SCHNEIDERMAN:

It will take credit for it, but not from it.

DIRECTOR ISLES:

That's true. That's true.

CHAIRMAN SCHNEIDERMAN:

The other thing that strikes me, I'm looking at this map that you just gave us and also with your comment about 3,000 or so acres left, and I imagine there's lots of little parcels like this. I don't want to see 3,000 resolutions. Is there a way to do a master acquisition list or is it too many separate owners? Are we going to be doing this piece by piece? Just this one map alone shows -- it must be 50 or 60 different yellow parcels.

MS. FISCHER:

Actually we identified it a number of years ago through resolution by section number and any properties within the core within those sections, small lot, large lot. There were two separate resolutions that were approved for acquisition under in that capacity. So instead of identifying them lot by lot by lot, they were identified within the core by section number.

DIRECTOR ISLES:

But that is, you know, at this point in time any acquisition still requires legislative approval. So for planning steps it wouldn't have to come back, wouldn't have to come to you for authorization. You have, in essence, given a blanket authorization for planning steps in the Pine Barrens core for a specific acquisition, though. At this present point in time --

CHAIRMAN SCHNEIDERMAN:

We are still going to be seeing them one by one.

DIRECTOR ISLES:

You've got to see them one by one unless you change that.

CHAIRMAN SCHNEIDERMAN:

Is there one owner that owns most of the lots or is it lots and lots of separate owners.

DIRECTOR ISLES:

Perhaps turn to Real Estate, again, either Janet or Chris, but there are patterns where there is some consolidated, large individuals or individuals that own large holdings or corporations, but a lot of it is scattered.

What you're seeing here in this pattern is an old filed map configuration pre-subdivision law where they went through planning boards and so this predates that time so this exists throughout the Pine Barrens. That was part of the challenge in the Pine Barrens Program and the Act, was how do we preserve the resource, the natural resource of drinking water while respecting individual property rights, many of which were small land holders that had perhaps life savings or, you know, significant personal value in those properties. And so it was part of the challenge but it's the situation we're

dealing with.

I think, you know, we're looking at a map that has multi-colors in terms of looking at a number of privately owned parcels still. But if you were to look at the larger Pipe Barrens here again, it's been an overwhelming success in terms of having an orderly transition and protection of the resource in, here again, a manner that has been generally viewed as being equitable to property owners. This is now filling in in this location in Manorville and is in that transition state now. The County has the green parcels which are multiplying as we have been proceeding.

CHAIRMAN SCHNEIDERMAN:

Thank you. Any other questions? All right. Let's move forward then. That was 1527. There was a motion and a second. All in favor? Opposed? Abstentions? It's approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

IR 1528, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - open space preservation - for the Lecky and Randall property - Stony Brook Harbor Headwaters - Town of Smithtown - (SCTM No. 0801-006.00-02.00-023.000). (Co. Exec).

DIRECTOR ISLES:

Okay. We are circulating an aerial photograph of the subject parcel as well as the rating form. I'll make the point, too, that the next resolution, which is 1529, is an adjacent parcel. We have a separate aerial for that. The subject parcel is outlined in red. It's an area of about 12 1/4 acres. Pardon me. I had my maps reversed. The subject parcel is outlined in red. It's about 2.2 acres. The adjacent parcel outlined in yellow is the next resolution, which is 1529, which is the larger parcel, totalling approximately, here again, about 12 1/4 acres.

This is property located in the Incorporated Village of Head of the Harbor in the Town of Smithtown. It is in the watershed of Stony Brook Harbor. It is a site with rather significant topographic changes, steep slopes and hills and so forth. There is a direct drainage channel down into Stony Brook Harbor and part of the Long Island Sound watershed environment.

So the matter before you, then, is the full fee acquisition of, here again, the subject parcel being the 2.2 acres, attached to the next resolution 12.25 acres. The rating form was completing and is attached and indicates a rating of 47 points for the subject parcel.

CHAIRMAN SCHNEIDERMAN:

That's almost like outside the ballpark. That's a pretty high score.

DIRECTOR ISLES:

And here again this is based on the natural environments rating form so with the aspects of wetlands being on-site with the proximity to tidal wetlands, with the soil types, all the other criteria that are spelled out in the rating form, give it that high value.

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

All right. There is a motion by Legislator D'Amaro.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? Approved. **(Vote:**

4-0-0-1 Not Present: Legislator Cooper)

IR 1529, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] and the Suffolk County Multifaceted Land Preservation Program for the Lecky, Randall and Leighton property - Stony Brook Harbor Headwaters - Town of Smithtown - (SCTM No. 0801-004.00-02.00-006.001 p/o). (Co. Exec)

This is again for Lecky, Randall and Leighton. There is an additional owner on this.

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a motion and a second to approve. We're being passed the aerial. There's a motion and a second. Any questions? Commissioner, do you want -- you are doing this by two separate resolutions, I guess, because it's two separate ownership names. Do you want to tell us or say anything about this? This is a lot more acreage.

DIRECTOR ISLES:

Right. So this is 1529, which has been the second half of the Randall, Lecky and Leighton property. And this also was reviewed on our rating forms. And let me just get you that. Also out of 47 points rated together. Here again, it's within the Long Island Sound watershed area, specifically draining into Stony Brook Harbor. You can see on the aerial photograph there is actually a water body extending up towards the parcel and into a -- the site itself being very steep sloped and so forth. So similar to the prior resolution this would complete an acquisition of the property. The purchase price is indicated in the resolution, and if you have any questions we'll do our best to address them.

CHAIRMAN SCHNEIDERMAN:

So it is 2,144,000 something.

DIRECTOR ISLES:

Two million, five-hundred and forty-four thousand one hundred dollars. And the acreage on the resolution is 13.39 acres.

CHAIRMAN SCHNEIDERMAN:

Oh, it's divided. You have 2,144,000 out of one program and 400,000 out of another.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

Does that exhaust --

CHAIRMAN SCHNEIDERMAN:

All right. I had several questions. I think the question from Legislator Losquadro was does that exhaust, the 400,000 or which program are you talking about?

LEG. LOSQUADRO:

No, I was just wondering how it's broken up.

DIRECTOR ISLES:

I'll refer to Real Estate on that.

COMMISSIONER MEEK-GALLAGHER:

Yes, we broke it up that way because the two million and change would exhaust the Smithtown portion of the funding for 12-5(E)1(A) money, and therefore the remainder needed to be found out of another.

LEG. LOSQUADRO:

Okay.

CHAIRMAN SCHNEIDERMAN:

And Brian. Legislator Beedenbender had a question.

LEG. BEEDENBENDER:

Yes. I was just going to ask do we have to use Multifaceted for this 400?

COMMISSIONER MEEK-GALLAGHER:

This was -- this is some of the 2007 already bonded money, so any resolution that you see coming before you today that's Multifaceted is the already bonded 2007 money that we need to spend.

CHAIRMAN SCHNEIDERMAN:

Any there any structures on the area that we're purchasing, on either one of these?

MS. FISCHER:

No.

CHAIRMAN SCHNEIDERMAN:

No.

CHAIRMAN SCHNEIDERMAN:

So the area omitted is where the structures are.

MS. FISCHER:

Correct. There is a cemetery, but that's cut out as well and we're not acquiring that.

CHAIRMAN SCHNEIDERMAN:

Any other questions? We had a motion, did we not?

MS. LOMORIELLO:

Yes. We have Legislator Beedenbender, and D'Amaro made a second.

CHAIRMAN SCHNEIDERMAN:

Okay. Thank you. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1530, Authorizing acquisition of land under the Suffolk County Multifaceted Land Preservation Program - open space preservation - for the Ruth Allan, LLC property - Forge River addition - Town of Brookhaven - (SCTM No. 0200-750.00-03.00-004.000). (Co. Exec.)

DIRECTOR ISLES:

We have an aerial on this one, too.

CHAIRMAN SCHNEIDERMAN:

Why don't we get a motion and a second.

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Beedenbender, second by Legislator D'Amaro.

DIRECTOR ISLES:

This is located just north of Sunrise Highway. The subject parcel is outlined in red. This was part of Master List II, which included a number of parcels within the Forge River watershed, an area that's been subject to extensive impact of different sources of contamination. The County is working with the town as well as with the State of New York on a planning program of upgrade and land acquisition is one of the components of that. So this continues that, and actually going north of Sunrise is an area that we're making greater progress on more recently. What you see in the crosshatch indicates the Master List II properties.

CHAIRMAN SCHNEIDERMAN:

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

IR 1531, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Sieminski property - Town of Riverhead - (SCTM Nos. 0600-069.00-02.00-016.004 p/o, 0600-069.00-02.00-018.000 p/o and 0600-094.00-01.00-005.000. (Co. Exec)

I'll make a motion. Do we have a second?

LEG. LOSQUADRO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Losquadro. Do we have information, Laretta, on this?

DIRECTOR ISLES:

This is an acquisition that was recommended by the Farmland Committee some time ago. This is a parcel that totals, here again, about 47 acres. The acquisition is \$83,000 per acre. The -- I'm not sure of the type of information you are looking for at this point.

CHAIRMAN SCHNEIDERMAN:

Well, you just gave it to us I think. That's fine. It's 47 acres, 3.9 million. Yes?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

The rating?

DIRECTOR ISLES:

I don't have the rating here. We're trying to get that. This is one of the older acquisitions. What

we could do is under the resolution that was passed recently requires the filing of the rating form prior to the acquisition resolution being considered by the Legislature.

CHAIRMAN SCHNEIDERMAN:

So you'll have it for us on Tuesday?

DIRECTOR ISLES:

We could either have it for the Legislature or we can do a new one based upon the current review, because this one goes back some time.

CHAIRMAN SCHNEIDERMAN:

What's it going to score?

DIRECTOR ISLES:

Pardon me?

CHAIRMAN SCHNEIDERMAN:

What will it score?

DIRECTOR ISLES:

What will it score?

CHAIRMAN SCHNEIDERMAN:

Roughly.

DIRECTOR ISLES:

I don't know what it will score.

CHAIRMAN SCHNEIDERMAN:

But will it score the threshold number?

DIRECTOR ISLES:

The threshold number will be ten out of 22 on the rating form. So I've been trying to get that for the meeting and so I was just checking the blackberry. But, here again, we will have to furnish that to you before the Legislature.

CHAIRMAN SCHNEIDERMAN:

Is it likely to meet that threshold?

DIRECTOR ISLES:

Yes. It is a pretty decent sized farm in a farm belt in Riverhead.

CHAIRMAN SCHNEIDERMAN:

Can we move it forward and you'll have it before we vote on the floor?

DIRECTOR ISLES:

We'll have it either in the original form from the Farmland Committee or one done based on the current information we have.

CHAIRMAN SCHNEIDERMAN:

Everybody okay with that? I would just discharge it and we just don't have to vote for it unless we have it. All right. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

MS. LOMORIELLO:

The motion was to discharge or to approve?

CHAIRMAN SCHNEIDERMAN:

No, it was to approve. There is no requirement that we have the rating system at this level, but we are going to make sure we have it before we vote on Tuesday.

IR 1532, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Chandler Estates addition) - Town of Brookhaven - (SCTM No. 0200-046.00-03.00-023.000). (Losquadro)

LEG. LOSQUADRO:

I'll make the motion. This is to purchase the remaining out parcel that has become available. It was --

CHAIRMAN SCHNEIDERMAN:

I'll second.

LEG. LOSQUADRO:

-- the remaining holding when we had purchased the original property and the owner has now decided, they had a tenant move out, that they are interested in selling the property.

CHAIRMAN SCHNEIDERMAN:

There is buildings on it.

LEG. LOSQUADRO:

There is a house on it, but as with many other acquisitions that we do that have improvements, the demolition will be part of the appraisal process.

CHAIRMAN SCHNEIDERMAN:

Is it a historic house?

LEG. LOSQUADRO:

No, it is not. In fact, it suffered a lot of structural damage so it would have to be raised regardless. There are no remaining buildings on the Chandler Estate.

CHAIRMAN SCHNEIDERMAN:

Does it make it cheaper to knock it down now, structurally unsound?

LEG. LOSQUADRO:

There are no remaining structures on the Chandler Estate either. There was a couple of incidents of arson a few years ago and all the remaining structures have now been removed and the property is just in a natural state and this would complete the holding.

LEG. D'AMARO:

Dan, did you say the structure is down or --

LEG. LOSQUADRO:

No, it's still there but it's not very structurally sound. I think that the -- I can't speak for the appraisal, but we'll see what the appraisal will come back at. It's planning steps. I think that the property without the house -- the house I don't think really adds much in the way of value to this parcel.

CHAIRMAN SCHNEIDERMAN:

This parcel, I've never been there, but is this an actively used park? Is there a parking lot, are there facilities?

LEG. LOSQUADRO:

Actually, it is an actively used park.

CHAIRMAN SCHNEIDERMAN:

Is it accessible?

LEG. LOSQUADRO:

We actually have a plan that we, a master plan that we put together, and we have an improvement coming for a new parking area. Right now there is a parking area, but it's accessed off of the church cemetery area so we're going to be putting a new parking area on the east side of the property on Pipestave Hollow Road. The Parks Department already has that plan in place. In fact, I moved some money to accomplish that with the Parks Department. So this is -- this scenario goes right down onto Mt. Sinai Harbor. It's a beautiful parcel. It sees quite a bit of use by not only this community, but all along the north shore.

CHAIRMAN SCHNEIDERMAN:

Why does it have such a low score?

LEG. LOSQUADRO:

I think I'd have to defer to Planning for that.

DIRECTOR ISLES:

We did do a rating on this and the low score is due to the fact that the parcel itself is somewhat small, it is developed even though the house is in not very good condition. So taken by itself it doesn't appear to be that important from the County's criteria. It doesn't have wetlands and things like that on it. But this is a case where the rating form can be, you know, it can be helpful but it's not the final best tool for examining this property and I think the aerial probably says it best. And we did consult with the County Parks Department on this. They have indicated their support for this -- or at least the planning steps resolution.

In the sense that as we look at the rating form, this is a case where this parcel is obviously should be included in the County park in our opinion. It is surrounded on three sides by County parkland. The development of this for private purposes or, you know, rebuilding of the home and so forth could be in conflict with the County park use and preservation of the environmental features and so forth.

LEG. LOSQUADRO:

And there is an easement that would grant access to this parcel when it was being lived on until the house was recently vacated. If you see a small strip that runs parallel to the property line for the County just to the southeast -- running southeasterly from the subject parcel, that is a roadway, albeit very rustic. It's just basically dirt and gravel, but there is an easement to access that property.

CHAIRMAN SCHNEIDERMAN:

I mean, it seems to me, too, it would make the boundaries of the park more regular, but also to remove this house would provide a benefit to the entire County park --

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

-- by taking away this incursion, if you will, into the park of this structure.

DIRECTOR ISLES:

Exactly.

CHAIRMAN SCHNEIDERMAN:

So it's unfortunate that the rating system doesn't give points for those types of things. It seems to be a keystone piece to the parkland, but there's no category for that.

MS. FISCHER:

We do give it points under site adjacent or near to other County parklands, five points, and then a strategic parcel associated with an area. So those two, you know, we -- that's where the points come from. Unfortunately, you know, if this was part of the acquisition to buy the entire thing, then those, the points, would then add on on other characteristics, so.

LEG. LOSQUADRO:

The one area that I'm a little surprised that it doesn't score on being its proximity to Mt. Sinai Harbor, that there isn't some consideration for groundwater with the house remaining there and an active septic system, drainage into harbor there with the groundwater. I'm just surprised -- I think we know that the rating system here doesn't tell the whole story, but even with that I do think that there is a groundwater consideration to add this last piece to our County holding.

Just, by the way, we do have an opportunity here that we have a willing seller. If we pass this, they are willing to entertain an offer from Suffolk County. There's no saying, there's no guarantee they'll agree with our appraisal, but that they will have us move forward with the appraisal process and are willing to entertain an offer from us at this point. I think that's important to know.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

I was just going to say I think, you know, this makes sense. It's one of those things where the rating system isn't sensitive enough. But I would just suggest that we have copies of this map at the Legislature because if people see the nine they are going to -- I mean, when you look at picture, I don't care what the rating is, it makes sense, so.

LEG. LOSQUADRO:

We'll take care of that. Thank you.

LEG. D'AMARO:

I think it should get 50 points for common sense.

CHAIRMAN SCHNEIDERMAN:

We wouldn't score very high, I don't think, as a body.

LEG. D'AMARO:

Not us, the property.

CHAIRMAN SCHNEIDERMAN:

All right. There was a motion and a second.

MS. LOMORIELLO:

No second.

CHAIRMAN SCHNEIDERMAN:

No? I'll second. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1534, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (RND LLC property) - Town of Islip - (SCTM Nos. 0500-089.00-0400-001.000 and 002.000). (Pres. Off.)

Okay. Whose idea was this?

DIRECTOR ISLES:

The subject parcels are outlined in red. It's two parcels that total about three and a half acres of land area. To give you a geographic orientation, this is in the Hamlet of Holbrook in the Town of Islip. Patchogue-Holbrook Road, which is a County road, is the major roadway running adjacent to the parcel on the east or right hand side. Broadway Avenue intersects a little bit to the north and west. Main Street going into downtown Holbrook is also on the map near the property.

What the map doesn't indicate is that this was presented to EPA Committee a few months ago and I believe tabled subject to call at that point. What's changed since that prior submission was that directly to the -- adjacent to the parcels in question, the red outlined parcels, is land that was owned by Suffolk County or is owned by Suffolk County, and here again, it's not highlighted on this map at this point, that has recently been transferred to County Parks. So when we did the original review on this property there was County land but in general it was a tax lien parcel apparently. Since that time it's now been put into Parks. What we have then is we've revised the rating form on that basis. It is still a low or modest rating of ten points in this case. In terms of the evaluation by County Planning Department --

CHAIRMAN SCHNEIDERMAN:

Was it five before?

DIRECTOR ISLES:

Yes. So now it's a ten. So it doubled. Just, here again, to point out a couple of points that we think are noteworthy. Number one is the Town of Islip has land indicated in the purple. This is the Holbrook Country Club, so you can see part of a golf course right there. So number one, the subject parcels are across the street, so to speak, of this old section of Main Street from publicly owned land by the Town of Islip.

Secondly, as I already pointed out, the County has transferred to Parks that small piece, that wooded piece that extends up to Broadway Avenue and the curve intersecting with Patchogue-Holbrook Road. This is a case of a parcel that from a County rating form for natural environments is not strong, but we think this is one where this is in an essence a gateway parcel into Holbrook. It's a parcel that has that kind of certain strategic value to it as open space.

And also, you know, looking at it from the planning standpoint, if this parcel were to be developed it would be potentially problematic. I don't believe County DPW would permit access, if they could deny access to Patchogue-Holbrook Road. It's a high speed road and so forth and that would not be safe. It's not clear where the Town of Islip would allow access to Main Street. My preliminary opinion is that they probably would since it was previously mapped and there is a right-of-way there. The problem with that is the intersection with Main Street and Broadway Avenue would be less than ideal. It's on an inside curve.

So I think this is a case where, thinking a little bit beyond the standard criteria, that we think it's not a bad candidate for a planning steps resolution to consider consolidating between the existing County holdings and the town holdings, and keeping it as a gateway type location as also avoiding future traffic and planning conflicts if development were to be considered. It's not a black and white case, we understand, but it's one where we think it's, even though the score is low, that there are other factors that we think merit possibly going to a planning steps resolution in this case.

CHAIRMAN SCHNEIDERMAN:

Tom, what is it zoned? Is it commercial or residential?

DIRECTOR ISLES:

I believe it's residential zoning. Right, we have that here. Resident is double A, which is half acre, single family use. Residential zoning also allows churches and fraternal lodges and things of that nature.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Do you know who the current owner is?

DIRECTOR ISLES:

I think it's that RND LLC, and I'm not sure who that is or what that is.

LEG. D'AMARO:

Tom, you are saying we own, we meaning the County, owns the parcel adjoining that, just beyond the red line?

DIRECTOR ISLES:

Yes, to the north.

LEG. D'AMARO:

Northwest kind of.

MS. FISCHER:

Northwest.

DIRECTOR ISLES:

Northwest, exactly.

LEG. D'AMARO:

And we own that. How did we acquire that?

DIRECTOR ISLES:

I believe it was by tax lien.

MS. FISCHER:

Either that or though the road --

LEG. D'AMARO:

We took a tax deed.

MS. FISCHER:

It was either that or through a road surplus off of Patchogue-Holbrook Road. It was part of that right-of-way and then they altered and corrected that intersection there. I do believe that DPW excised this. It became County property and then was transferred over to Parks in that fashion.

LEG. D'AMARO:

Okay. Is this in that core area in the Pine Barrens that we --

DIRECTOR ISLES:

It is not.

LEG. D'AMARO:

And is it necessary to acquire a parcel like this for ease of managing County properties like we talked about on that first one?

DIRECTOR ISLES:

It's less significant here. The only role would be the adjacent parcel was put into Parks as we mentioned. This is not a similar case to the Pine Barrens where there is a large scale --

LEG. D'AMARO:

Oh, the adjacent parcel that we own, we the County, was put into Parks.

DIRECTOR ISLES:

Yes. So to --

LEG. D'AMARO:

But Parks has no -- we're not going to do anything with it.

DIRECTOR ISLES:

My understanding is no.

LEG. D'AMARO:

Right.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

You were talking about access. If that parcel is dedicated to Parks, how could anybody, that if they wanted to build on that, ever get a curb cut through there over to Broadway?

DIRECTOR ISLES:

On the remnant portion of Main Street, which is, you know, the map indicates the words Main Street. If you carry that pavement line straight down there is a right-of-way in there, a former road bed actually, running adjacent to what is now the County parkland and to the red parcels.

LEG. BEEDENBENDER:

Okay.

CHAIRMAN SCHNEIDERMAN:

Is Islip proposed to partner with us on this?

DIRECTOR ISLES:

Not to my knowledge.

CHAIRMAN SCHNEIDERMAN:

Does the town want to see this preserved? It's kind of an interesting piece from a planning perspective.

DIRECTOR ISLES:

Right. I have not spoken to the town on this. If you'd like, we can do that.

CHAIRMAN SCHNEIDERMAN:

It's residentially zoned. It's near the school. It's on -- it's pretty much on Main Street or what would have been Main Street if Main Street continued. Is this one of those pieces you can walk to the Post Office from or public transportation? Would this suitable possibly for housing, affordably priced housing? Probably not.

DIRECTOR ISLES:

Well, there certainly would be Health Department limitations. It's not a sewerage area. You'd have some challenges with setback from Patchogue-Holbrook Road. Here again, it's kind of a high speed, noisy road. It's, you know, from a proximity to a town center it qualifies because it is within walking distance of downtown Holbrook, no question about that. But the site itself is a remnant piece left over with the division of land and creation of Patchogue-Holbrook Road. It's not an easy site to develop.

CHAIRMAN SCHNEIDERMAN:

All right. There is a motion to table by Legislator D'Amaro. Second by myself. Any discussion? All in favor? Opposed? Abstentions? Tabled. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. If you can just get us the information from the town.

DIRECTOR ISLES:

We will do that, yes.

CHAIRMAN SCHNEIDERMAN:

You used to do some planning in that area, didn't you, Tom?

DIRECTOR ISLES:

I spent some time there.

CHAIRMAN SCHNEIDERMAN:

Some time ago. All right. **IR 1544, Amending the Adopting 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 planning for the Bay to Sound Integrated Trails Initiative - Land Stewardship Project (CP 8713).** (Co. Exec)

We heard about this earlier in our meeting. It's a priority ranking of 53. It's \$35,000 interfund transfer. It has been through the Water Quality Committee and I believe it got a favorable response. Commissioner Gallagher, did you want to say anything about this?

COMMISSIONER MEEK-GALLAGHER:

I'm passing out some maps on this particular project.

CHAIRMAN SCHNEIDERMAN:

It sounds like a good project but I'm not clear what the water quality component of it is.

COMMISSIONER MEEK-GALLAGHER:

Well, this is actually -- it's a land stewardship initiative. This was one of the changes that was made in the referendum that was approved last fall. There is now a category for land stewardship initiative. You'll see this and the I believe the next resolution is also comes under the land stewardship initiative. So the resolution today would be to fund phase one of the Bay to Sound Integrated Trail Project, which would essentially be to, under the description number one, conduct the plant and natural communities inventory mapping by the New York Natural Heritage staff. There will be a phase two which would address all the other areas, but we wanted to try to move this one along because the Natural Heritage folks will be on the ground over the summer working on other projects on Long Island and we wanted to be able to have them work on this at the same time.

CHAIRMAN SCHNEIDERMAN:

These are all County holdings here?

COMMISSIONER MEEK-GALLAGHER:

No. What's actually very interesting about this project is it would create a trail that would go through preserved properties that are County properties, Town of Southold properties and Greenport

Village properties so it would allow residents then to walk from Peconic Bay waterfront all the way down to -- all the way up to the sound.

CHAIRMAN SCHNEIDERMAN:

I know the towns have stewardship funds available through their Community Preservation Funds. Is there combined funding on this?

COMMISSIONER MEEK-GALLAGHER:

Yes, there be combined funding, not for phase one, but for the remaining phases of the project. The total amount of project is 185,000.

CHAIRMAN SCHNEIDERMAN:

Okay. And phase one is how much?

COMMISSIONER MEEK-GALLAGHER:

Thirty-five thousand.

CHAIRMAN SCHNEIDERMAN:

Thirty-five thousand. The next resolution, is that phase two or no, that's still part of phase one.

COMMISSIONER MEEK-GALLAGHER:

No. Phase two we haven't put in for yet. And all the projects that you see on the agenda today, these all went through the Water Quality Review Committee at its April 24th meeting. They are all recommended for approval.

MR. SAMUELSON:

Legislator, if I could just offer one addition.

CHAIRMAN SCHNEIDERMAN:

Yes. Mr. Samuelson.

MR. SAMEULSON:

Jeremy Samuelson again from Group for the East End. There actually will be a match for 35,000 if we're lucky enough to receive that. The town and the village have agreed as part of this to offer in kind services for trails clean ups. The second map that you have there actually shows extensive historic dumping, some of it legal in the past, all of it illegal now. Unfortunately, some of it ongoing. There's a lot of clean up that's going to be needed here. And as a match for the 35,000 that would be offered as part of the phase one resolution the town and the village and volunteer organizations such as North Fork Autobahn have agreed to track their time at a rate that's appropriate to the County, as in a good faith contribution to attempt to offer a match as best as they can.

CHAIRMAN SCHNEIDERMAN:

All right. Any questions? Legislator D'Amaro.

LEG. D'AMARO:

The 35,000 under this resolution would be used for planning for the bay to sound integrated trails initiative. What planning -- you mean we have to find out where we're going to put the trail? Is that the planning?

COMMISSIONER MEEK-GALLAGHER:

Well, part of that, but the main part of that, the phase one money would actually go to inventory and map all of the flora and fauna etcetera in the area that would go along the trail.

LEG. D'AMARO:

When the trail is put in, what's the purpose of the trail? Who uses the trail?

COMMISSIONER MEEK-GALLAGHER:

All the -- any residents, any visitors. Actually, there is -- if you see all of the organizations there's a lot of interest locally from students, from naturalist organizations, from environmental organizations. It would be for walking trails, hiking trails, biking trails. There would be five new trail head parking areas, six educational kiosks with trail maps and historical and ecological information and details of the park and preservation efforts.

LEG. D'AMARO:

And after the planning phase, how much more is anticipated -- how much more would be needed to bring the project to completion?

COMMISSIONER MEEK-GALLAGHER:

It's 150,000, so it's a \$185,000 project. And phase two would be the \$150,000. But we are still working out, we haven't put that in because we are still working out the match and the County portion, etcetera.

MR. SAMUELSON:

If I can just address that very briefly.

CHAIRMAN SCHNEIDERMAN:

Sure.

MR. SAMUELSON:

The 35,000, I just want to be very clear. We use the term planning because it does follow appropriately under the heading of planning. However, all of that money is the complete and total cost for the Natural Heritage assessment, Natural Heritage sort of being combined effort, as I'm sure you know, between Nature Conservancy and the DEC. You know, these are the biologists, PH.D. types that would come down from Upstate and document the actual physical location, you know, meets, bounds, GPS, all of that, for protected and endangered species such as in this case the crane fly orchid, which is known to be the only location in New York State is in Moore's Woods which is reflected there on your map.

So just in terms of planning that \$35,000 would go directly towards paying that bill for Natural Heritage. All of the additional planning associated with this is actually being donated by partner organizations such as my organization, Nature Conservancy, completely free of charge as a match towards the grant that is offered here.

So, for example, moving through the SEQRA process, which would use the data from the flora and fauna survey which is being proposed in order to ensure that not only are we providing the best educational component and the best protection of the species, but also to dot our i's and cross our t's as we move forward with an environmental assessment form for the SEQRA process here.

LEG. D'AMARO:

But we're not preserving space here. We're going through private property.

COMMISSIONER MEEK-GALLAGHER:

Well, it's all held either by the County, the town or the village.

LEG. D'AMARO:

So we own the property already.

COMMISSIONER MEEK-GALLAGHER:

We already own the property. This is not for an acquisition. Actually, one of the goals would be that there would be more and better use made of the existing County, town and village public holdings because there now would be these trails with information provided at trail heads, more parking and, you know, more information out there about the fact that you have this recreational opportunity.

And it's new, this is the first land stewardship initiative that we're seeing.

LEG. D'AMARO:

I'm going to tell you all I'm thinking about is, you know, we buy the open space, we preserve groundwater. There are lots of valid justifications for a lot of what we do. We already own this property, it's already kept in its natural state, you know, and now we're spending another \$185,000 to put in trails. But I can't help but keep thinking about the \$150 million that we're in the hole in our budget, and I'm just wondering where do we stop funding projects.

COMMISSIONER MEEK-GALLAGHER:

This is the quarter percent sales tax.

LEG. D'AMARO:

Well, I know, but that's always the answer. We are paying for it. We are paying for it.

CHAIRMAN SCHNEIDERMAN:

You can't use this money for anything else, though.

LEG. D'AMARO:

It's 477 money. There's lots of other things you can use it for.

MR. SAMUELSON:

If I may, sir, just to sort of address the point of our already owning the land and what condition the land is in now. Moore's Woods, in particular the largest portion of this project just in terms of sheer acreage, was in the early to mid-70's quite a popular destination for folks from various parts of Suffolk County. Thousands and thousands of visitors were documented to visit that preserved area because it was maintained as a preserve at that time. Unfortunately, in the years in between stewardship monies from the village and from the town weren't able to maintain that parcel in the way -- either ecologically or in terms of just public access. Unfortunately what it led to was, as you can see on the second map, a lot of dumping in the area. I mean, there is literally old cars and trucks and engine blocks.

You know, we have areas that on the North Fork, you know, I know people have certain perceptions of the east end in general, but on the North Fork in particular where folks live in neighborhoods that really could use a boost in terms of trying to revitalize ecologically some of this stuff. If you look at the Silver Lake area it's completely overrun with fragmite. We pulled out over a ton of garbage using completely volunteer effort going back a month and a half ago. We have a second clean up which is scheduled for July 6th where we anticipate, again completely with volunteer labor, we're going to remove a second ton of garbage. And each of those, unfortunately, is just a drop in the bucket.

So it is, in fact, correct, sir, to say that the lands are preserved. Unfortunately, the less they are utilized by the stakeholders, by the folks, the public who own them, the greater degradation we incur here.

LEG. D'AMARO:

Yeah, but we could say that about all the property we buy. I mean, I'm just trying to understand where we're -- I'm just thinking for myself here, you know, at some point we have to start drawing lines and prioritizing. You know, we can preserve the property, which we're doing, we can maintain it, we can clean it, we can provide limited access to it. But now we're putting trails in.

COMMISSIONER MEEK-GALLAGHER:

Well, actually part of it is maintaining and cleaning up and removing invasive species which were all added. But the land stewardship component was added and lobbied for by environmental

organizations and Parks because they really don't have any money for stewardship. So we're spending all this money to acquire property that then there's no money to maintain or provide public access to. That's one of the reasons this new category was added into the referendum.

MR. SAMUELSON:

Just to sort of complete the example from earlier. Greenport High School Ecology Club in the 1970's actually put together a brochure on Moore's Woods which is still recognized by noted scientists who have studied the area as a completely worthwhile resource and helps us sort of document not only, you know, by contrast where we are today but understand historically the changes that have taken place.

The reason I bring it up is that Greenport High School and the Middle School, which are just around the corner from all of these parcels, quite frankly (A), don't have access to these parcels for an educational component for their ecology club, for their broader student body, for the families that make up those communities. But if they did have access to those parcels what they would see is, quite frankly, not the reasons why we preserved those parcels. You know, the folks in these communities and the local organizations are essentially not asking for anything other than a match to their good faith and their good labor which they want to put in here, but without a match unfortunately they can't make the most of the tremendous effort that has already been put in and the capital that's been invested for the preservation.

CHAIRMAN SCHNEIDERMAN:

Any other questions? In terms of prioritizing, and I think that's certainly valid to bring it up. But to get a sense of the program, I believe the program takes in around eight million dollars now a year?

COMMISSIONER MEEK-GALLAGHER:

That's estimated for this year.

CHAIRMAN SCHNEIDERMAN:

And that's recurring every year and about three million or so go towards salaries in Water Quality related positions. So there is about roughly five million that's accounted, not accounted for, but it's --

COMMISSIONER MEEK-GALLAGHER:

Uncommitted on an annual basis.

CHAIRMAN SCHNEIDERMAN:

Uncommitted, and today we have in front us probably a couple of hundred thousand dollars worth, total, of those funds.

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

All right. There still must be a fairly sizeable balance on that fund.

COMMISSIONER MEEK-GALLAGHER:

Yes. We can actually use money that was left over at the end of the program from last year. When the program ended November 30, 2007, it can go towards capital projects like this as opposed to -- but it cannot go for operating expenses. So there was a balance of just under four million dollars, roughly.

CHAIRMAN SCHNEIDERMAN:

Right. We may see projects coming that are large projects, you know, that require significant funding, which I hope we do use it to do something significant.

COMMISSIONER MEEK-GALLAGHER:

Yes. There actually is one in the pipeline that was recent, for Reeves Bay storm water remediation, which is a \$500,000 project.

CHAIRMAN SCHNEIDERMAN:

There's that dredging project, too, that I spoke to you and we haven't put together yet, but I think that's something worth pursuing.

LEG. LOSQUADRO:

Do we have a motion yet?

CHAIRMAN SCHNEIDERMAN:

No, we're just chatting.

LEG. LOSQUADRO:

I'll make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

All right. There's a motion to approve by Legislator Losquadro. I will second. Any other discussion? All in favor? Opposed? Abstentions? Approved.

LEG. D'AMARO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Well, one opposition from Legislator D'Amaro. **(Vote: 3-1-0-1 Opposed: Legislator D'Amaro; Not Present: Legislator Cooper)**

IR 1545, 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 Long Island Native Grass Initiative-Land Stewardship Project (CP 8713). (Co. Exec.) How is this one is different from the one before?

COMMISSIONER MEEK-GALLAGHER:

Well, this one is actually -- this is the one that Polly spoke about in the public portion. This is to help create a native grass seed bank. It's an initiative that the Soil and Water Conservation District initiated. They have been working with professional nursery and other associations and this is really -- there's a huge problem with the loss of native seed all over the world and so this would be \$22,000 to help promote that seed bank and restoration, then being able to use that to restore grasslands.

LEG. LOSQUADRO:

I'll make a motion to approve and say how important this is given the proliferation of invasive species that we've seen. I agree wholeheartedly with Carrie here. This is something that we need to help fund to continue the good work that they have already been doing.

CHAIRMAN SCHNEIDERMAN:

Where is the repository? Is it held by the County or held by Polly's group or?

COMMISSIONER MEEK-GALLAGHER:

Polly, do you want to address that?

MS. WEIGAND:

It's being stored at the New York City's Department of Parks Greenbelt Native Plant Center, who have donated over \$25,000 worth of their time and energy into this program already.

CHAIRMAN SCHNEIDERMAN:

So are we going to have access to the seeds if we need them? How does that work?

MS. WEIGAND:

Yup, it's ours. They are just storing it for us. They have helped us clean the seed and they are storing it in their refrigeration areas.

CHAIRMAN SCHNEIDERMAN:

When you say ours, who's ours?

MS. WEIGAND:

The Native Grass Group. There's over 15 entities, National Park Service, Suffolk County Parks Department, Nature Conservancy, Fish and Wildlife. All the different groups have gone out to their -- the land managers have gone out to their land areas and collected seed as a group, so we're kind of piling all of the seed from each of those areas and storing it at the Greenbelt Native Plant Center. We're taking a portion of that seed and started growing it out as a nursery and trying to increase the seed that we have collected.

CHAIRMAN SCHNEIDERMAN:

Is that part of the funding, for that nursery stock?

MS. WEIGAND:

Yes. Yup, it is.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions? Legislator D'Amaro.

LEG. D'AMARO:

Thank you. What's the total cost of this seed, grass seed?

MS. WEIGAND:

The total -- the money is to go towards equipment to establish the --

LEG. D'AMARO:

Well, it is grass seed, isn't it? Isn't that what we're talking about?

CHAIRMAN SCHNEIDERMAN:

It's collecting seed and storing the seed.

LEG. LOSQUADRO:

Collecting and storing.

CHAIRMAN SCHNEIDERMAN:

Maritime grasses.

LEG. D'AMARO:

I understand that, but we're talking about buying or collecting seed?

MS. WEIGAND:

It's a multi-level concept as far preserving genetics and how it works is you go out to the remnant grassland populations on Long Island and you collect the seed. So you are getting, I guess, samples, representative samples, of plants that are already out there.

CHAIRMAN SCHNEIDERMAN:

So I guess where does the money go? It's paying for the seed collectors?

MS. WEIGAND:

No, it's not paying for any staff or labor. It's paying for the equipment to do the project. So Tyvek suits to prevent the collectors from getting Lyme's Disease, time -- travel, hotels to go down to the USDA, NRCS {Kate May} Plant Materials Center to clean the seed, equipment to maintain the founder block for weeding purposes, filter fabric, rototillers, lawnmowers, weed wackers. Right now all --

LEG. D'AMARO:

Excuse me. I'm sorry. Who is doing that work?

MS. WIEGAND:

I am, the Suffolk County Soil and Water District and Nature Conservancy volunteers, Fish and Wildlife Service. We are all donating our time and effort to the project.

LEG. LOSQUADRO:

And if I could just interject. When Polly says she is doing the work, she means it. The Soil and Water Conservation District we have put in over the years for additional staffing and unfortunately we have been somewhat unsuccessful in getting the County Executive to release those positions. So we have been understaffed over at Soil and Water Conservation District and Polly has really done a great job in working with the volunteers. They have been able to accomplish a lot.

LEG. D'AMARO:

What do we do right now since we don't have the seeds collected and processed yet for erosion control, wildlife habitat restoration and recreation and landscaping activities, roadside plantings and nursery stock. How are we doing with that now?

MS. WEIGAND:

Right now it's used -- it's either not used, you are using turf grasses and other non-native seed that is from Europe, or we're using seed that's from Kansas, Idaho, Oklahoma.

LEG. D'AMARO:

And why is it important to not use that seed as opposed to native to Long Island?

MS. WEIGAND:

Because you're using the seed from other areas that are outside New York and Long Island proper. You're disrupting the genetic heritage of those grasses and the grasslands. It can cause -- they are not as well adapted. They may not survive as well in that area.

COMMISSIONER MEEK-GALLAGHER:

They may require more pesticides, more fertilizers, more other types of chemicals to be utilized. So in the end by using native species you also are improving and helping to protect water quality, because usually a native species is adapted to the region and doesn't need as much outside chemical help to survive.

MS. WEIGAND:

And I think a think little bluestem is one of the species that we are targeting, is a host species for the sand plane giardiasis {agolinus}. It's an endangered plant in New York State. That's one of the species that we're working with to help, you know, restore the {agolinus} populations on Long Island.

COMMISSIONER MEEK-GALLAGHER:

And your earlier questions, it's \$22,700 that will be matched. It is a small amount for a very important project.

CHAIRMAN SCHNEIDERMAN:

Any other discussion?

LEG. LOSQUADRO:

I already made the motion.

CHAIRMAN SCHNEIDERMAN:

There is a motion and a second --

MS. LOMORIELLO:

No second.

CHAIRMAN SCHNEIDERMAN:

I'll second. All in favor? Opposed?

LEG. D'AMARO:

I oppose.

CHAIRMAN SCHNEIDERMAN:

Any abstentions? There is One opposed, Legislator D'Amaro. Three in favor. Approved. **(Vote: 3-1-0-1 Opposed: Legislator D'Amaro; Not Present: Legislator Cooper).**

IR 1554, 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 Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade (CP 8710). (Co. Exec.)

Let's do a motion. Legislator Losquadro?

LEG. LOSQUADRO:

Yeah.

CHAIRMAN SCHNEIDERMAN:

I'll second. On the motion I guess if we can hear from the Commissioner again, some details.

COMMISSIONER MEEK-GALLAGHER:

Sure. This is to -- this is actually some additional funding for a project that was approved and passed last year, but then we found out after the fact that in order to complete the upgrades some of the work that we thought could have been done by the County could not be done by the County. And there were also some of the estimates, original estimates, were off, and so there is an additional \$44,000 needed to complete the upgrades.

CHAIRMAN SCHNEIDERMAN:

What is it?

COMMISSIONER MEEK-GALLAGHER:

I'm sorry. It's to upgrade the irrigation system on the farm, which right now there are problems with the irrigation system. It's not where it should be and this will enhance water conservation as well as reduce the soil erosion and nitrogen leaching on the farm from the animals. I think, Martin, specifically from the cattle?

MR. TRENT:

That's a separate project.

COMMISSIONER MEEK-GALLAGHER:

Oh, that's a separate project, okay.

CHAIRMAN SCHNEIDERMAN:

This is for the County Farm? Can I ask a question about the County Farm? We had a presentation earlier from NOFA. Are with an organic farm or we a pesticide farm?

COMMISSIONER MEEK-GALLAGHER:

I actually don't know the answer. Martin, do you know?

MR. TRENT:

If I may. Martin Trent, with the Department of Health Services. The County Farm does fall under the County Pesticide Law and they're not allowed to use pesticides without a specific -- an exemption from the committee. And that's been one of their problems in operating in the past and one of the reasons why we're doing or trying to do this irrigation plan upgrade.

CHAIRMAN SCHNEIDERMAN:

So it is -- the County Farm is an organic farm? No?

MR. TRENT:

I can't say that for sure because fertilization practices could still be chemical.

COMMISSIONER MEEK-GALLAGHER:

I could check because any pesticides that they have been using would have to have been approved by the Pesticide Citizen Advisory Committee, our Pesticide Advisory Committee. But I don't know off the top of my head, but certainly we can check and find out.

CHAIRMAN SCHNEIDERMAN:

It seems like we ought to have a certified organic farm there.

COMMISSIONER MEEK-GALLAGHER:

I agree.

CHAIRMAN SCHNEIDERMAN:

Thank you. Sounds like a resolution is coming. All right. This is \$44,000. All right. There is a motion and a second.

LEG. D'AMARO:

Just on the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you. So we have an existing sprinkler system at the farm right now?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

Or irrigation system.

COMMISSIONER MEEK-GALLAGHER:

Yes, a portable irrigation system.

LEG. D'AMARO:

And when did we install that?

COMMISSIONER MEEK-GALLAGHER:

I don't know. Martin, do you know? Martin McMorrow might know.

LEG. D'AMARO:

Oh, great. So we are upgrading the system for \$44,000?

MR. McMORROW:

Yes, sir. I'm Marty McMorrow from DPW. There is a well on-site that dates from the 1950's, maybe late 40's. We're putting in a new well. We have to bring electric service to the well and then we have to run new irrigation line from the new well and we also purchased a portable irrigation wheel for the farm to use.

LEG. D'AMARO:

Right. So the irrigation system in place now is inadequate?

MR. McMORROW:

It's adequate until it fails. It's an old well. It's how long it's going to last, we're not sure. We're putting a new well in, that'll become the primary well. We are going to use the existing well as a backup system.

LEG. D'AMARO:

So the existing system if it's working is adequate.

MR. McMORROW:

Yes, sir.

LEG. D'AMARO:

And we don't know if that will last another day or another ten years.

MR. McMORROW:

It is hard to tell.

LEG. D'AMARO:

Why is it hard to tell?

MR. McMORROW:

Because it's 40 years old.

LEG. D'AMARO:

How old?

MR. McMORROW:

It's approximately 40 years old.

LEG. D'AMARO:

Forty?

MR. McMORROW:

Yes. And generally, I've worked on a couple of well projects, the useful life of a well is around 40, 45 years.

CHAIRMAN SCHNEIDERMAN:

I'm missing something here, too, because we're talking about using Water Quality funds to replace a well on a farm, right, and what else is it doing? How is it reducing nitrogen? I didn't get that part.

COMMISSIONER MEEK-GALLAGHER:

I think I was confusing at what the nitrogen -- there is a separate project but it does talk about it.

This is a project from over a year ago I think that it was originally approved.

CHAIRMAN SCHNEIDERMAN:

I mean, I understand the need to provide better irrigation for the farm, but I don't understand how that is water quality related.

MR. McMORROW:

Commissioner, if I --

COMMISSIONER MEEK-GALLAGHER:

Yes.

MR. McMORROW:

I'm a mechanical engineer, I don't have a full understanding of the whole -- the environmental aspects of the job. However, I do know that if, from what I remember, if you irrigate properly you have a lot -- enough water going into the farm it will spread out the fertilizer more uniformly and get the fertilizer -- have the fertilizer spread more uniformly vice it sitting and not leaching into the ground properly. Does that sound right, Commissioner?

COMMISSIONER MEEK-GALLAGHER:

Yeah. I know that, if I'm recalling -- I know one of the concerns of the Water Quality Committee was well, we should be using best practices on our County Farm, and if this is what we're recommending to farmers around the County, we should be making sure that we're doing it ourself. But I don't --

MR. McMORROW:

If you apply the fertilizer and you don't irrigate afterwards, the fertilizer just sits there and clumps and doesn't spread out the way it is supposed to. That's what I understand.

CHAIRMAN SCHNEIDERMAN:

Again, I completely understand the necessity of a better irrigation system at the farm. I just don't understand why it's coming out of Water Quality funds. I mean, it seems like it is a stretch. If anything, it might, I don't know that it would improve water quality for the water underneath it.

COMMISSIONER MEEK-GALLAGHER:

Right. But some of the funds are --

CHAIRMAN SCHNEIDERMAN:

It might help carry nitrogen into the groundwater for all I know.

MR. McMORROW:

It makes the nitrogen -- it enforces proper distribution of the fertilizer vice it coming into the ground in higher quantities. Or in a more concentrated --

COMMISSIONER MEEK-GALLAGHER:

Agricultural stewardship best management practices are one of the categories eligible for funding, and this is the category, is a pollution prevention --

CHAIRMAN SCHNEIDERMAN:

So this is under the program, Agricultural --

COMMISSIONER MEEK-GALLAGHER:

No, no. This is the original. The only new thing that got at it was land stewardship. I'm just trying to find it, if it's recommended by any of the estuary committees. Non-point source, abatement and control, pollution prevention. I'm trying to find the specific --

CHAIRMAN SCHNEIDERMAN:

I'm looking at number three.

COMMISSIONER MEEK-GALLAGHER:

Agricultural non-point source abatement and control, best management practice demonstration, implementation, to control or reduce pollutants such as nutrients, pesticides and herbicides from agricultural sites and their impact on surface water quality and habitat.

CHAIRMAN SCHNEIDERMAN:

This doesn't have anything to do with surface water.

MR. McMORROW:

Carmens River is near the area.

COMMISSIONER MEEK-GALLAGHER:

Yeah, the headwaters of the Carmens is --

MR. McMORROW:

The argument is that if you do not irrigate properly --

CHAIRMAN SCHNEIDERMAN:

How far away is the Carmens River? A mile?

COMMISSIONER MEEK-GALLAGHER:

Tom, do you know how far the Carmens is from the County Farm? Do you recall from your work at Yaphank?

CHAIRMAN SCHNEIDERMAN:

I mean, it's not that close.

DIRECTOR ISLES:

It's across Yaphank Avenue extending to the east, past DPW, Board of Elections. But I'll give you a number, too. The County Farm is along the west side of Yaphank Avenue, County Road 21. Carmens River is to the east of Yaphank Avenue. Estimating the distance, it is a meandering river, so it varies, but I would estimate to the closest point of the County Farm, 800 to 1,000 feet, closest point. That's what I'm estimating. But here again, the County Farm is separated by Yaphank Avenue and then the County DPW, Board of Elections, quite a bit intensive use of County --

CHAIRMAN SCHNEIDERMAN:

And then the river.

DIRECTOR ISLES:

And then the river and actually some private properties as well.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you.

COMMISSIONER MEEK-GALLAGHER:

The concern would be more for groundwater.

CHAIRMAN SCHNEIDERMAN:

I don't buy that this falls into the program based on what I've heard so far, not that it's not a good project. I just, I mean, if you came to me for funding to replace the irrigation system at the park, I'm not going to object to that, I just don't see how it falls into the program. I would ask for interpretation maybe from Counsel as to whether it complied with the program.

COMMISSIONER MEEK-GALLAGHER:

There was already -- the project has already been partially funded through Water Quality funds, but this was going back some time earlier last year.

MR. McMORROW:

Commissioner, if I may. Groundwater flow from the farm is directly towards the Carmens River, so contaminants that would be introduced there, either they -- from fertilizers or pesticides would impact the water table there and flow towards the Carmens River. The irrigation project is so that nutrients from fertilizer are uptake by the plants and do not leach the groundwater. This way there will be less contamination in the groundwater that would then end up into the Carmens and eventually in the south shore bays.

CHAIRMAN SCHNEIDERMAN:

So what is it doing different than the old irrigation system?

MR. McMORROW:

It's my understanding that the old irrigation system does not reach all parts of the property, which requires that one time fertilization in the spring occur at very high concentrations, at very high application amounts.

CHAIRMAN SCHNEIDERMAN:

It sounds to me like this is a project to get more water out on to the farm where it is needed. It has nothing to do with water quality and somebody is trying to make an argument as to it being done through for water quality purposes. It's done to irrigate a farm.

MR. McMORROW:

Farm irrigation, though, is to provide the nutrients to the plants and --

CHAIRMAN SCHNEIDERMAN:

So the plants will grow so that people can eat them.

MR. McMORROW:

Right. And the contamination won't leach from the ground surface to the water table and then travel to the river.

CHAIRMAN SCHNEIDERMAN:

It's a stretch. I still think it's a stretch. I'm not saying it is not a worthy project, but to sell it as a Water Quality project I think is disingenuous. Not on your part.

LEG. D'AMARO:

Did you read this?

CHAIRMAN SCHNEIDERMAN:

Go ahead.

LEG. D'AMARO:

Commissioner Gallagher submitted the summary, was kind enough to give us information.

COMMISSIONER MEEK-GALLAGHER:

Right. I'm looking at that page three now.

LEG. D'AMARO:

Yes, and it says the Suffolk County Farm has installed some irrigation upgrades as of 2007, but the system as a whole is still inadequate. By upgrading the irrigation system on the farm the farm will

significantly enhance effective water conservation as well as reduction in both soil, erosion and nitrogen leaching.

CHAIRMAN SCHNEIDERMAN:

It sounded better now.

COMMISSIONER MEEK-GALLAGHER:

Well, if you go to page three, actually now that I found my copy of the summary again, it talks about how this could be a demonstration of this is one of the recommended agricultural environmental management practices. It has not been utilized on private farms throughout the County yet and if we did this as a demonstration project we could test and monitor and see how effective it was and then recommended it to other farms as part of our Agriculture Stewardship Program, which we fund through -- we fund Cornell Cooperative Extension to carry out every year.

CHAIRMAN SCHNEIDERMAN:

Is water conservation on the list of approved projects?

COMMISSIONER MEEK-GALLAGHER:

Water conservation? No, this would be under the -- this would be under agricultural non-point source abatement and control. It's -- let me see what section.

CHAIRMAN SCHNEIDERMAN:

All right. It might fit under the program.

COMMISSIONER MEEK-GALLAGHER:

It's section -- I can't find the section. I have a copy here of that, of the resolution.

CHAIRMAN SCHNEIDERMAN:

I'm going to make a motion to table this one. Let's get some more information here. Sorry, Carrie.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There is a second. Any further discussion? All in favor? Opposed? Abstentions? Let's not prolong the agony here. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

LEG. BEEDENBENDER:

I think we are all past that point already.

CHAIRMAN SCHNEIDERMAN:

Sorry. All right. 1558 -- that was tabled, the last one. 1558 --

COMMISSIONER MEEK-GALLAGHER:

What about 1557?

CHAIRMAN SCHNEIDERMAN:

Oh, I'm sorry. I marked the wrong one tabled. So that was 1554 we tabled. **IR 1557, 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 removal and disposal of obsolete underground petroleum storage tanks in Suffolk County (CP 8710). (Co. Exec.)** I guess this is five tanks from the Vanderbilt Museum.

COMMISSIONER MEEK-GALLAGHER:

Yes. It actually -- the application had been for more tanks but the committee recommended what we considered to be the five highest priority tanks, which are single walled and steel tanks. And they are older tanks and this would just ensure that, you know, they're properly removed, etcetera, and there is no chance of leaks into the groundwater from any remaining materials.

CHAIRMAN SCHNEIDERMAN:

Do we have to do this anyway? Is this the Health Department requirement we have to get these out of the ground?

COMMISSIONER MEEK-GALLAGHER:

We have to do something with them, but what do we have to do, Martin?

MR. McMORROW:

By 2010 all single wall, fiberglass and steel tanks have to be out of the ground per Suffolk County Article 12 and New York State DEC. And further, New York State Building Code if a tank is obsolete and you are not using it, you also have to get it out of the ground unless you -- you just have to get it out of the ground per the building code.

COMMISSIONER MEEK-GALLAGHER:

There was a live discussion at the committee on using funds for this because there is a capital program to do some of this, but it's not -- there's not enough funding in it right now and the feeling was that out of the 24 tanks they were requesting funding for, that these five high priority tanks should be addressed sooner rather than later because they pose the most risk to groundwater contamination.

CHAIRMAN SCHNEIDERMAN:

So we are probably going to see funding from 477 for those other tanks as well.

COMMISSIONER MEEK-GALLAGHER:

We'll, they'd have to go back through the committee to get approval and there is no guarantee that they would get approval from the committee because there was a lot of discussion about that fact and there were other projects that we, the committee tabled, that were similar in nature. So we said five out of the 24 that you are requesting funding for should move forward, but the remaining ones really didn't, you know, meet the -- there was no perceived real threat to groundwater contamination from the other ones.

CHAIRMAN SCHNEIDERMAN:

Okay. I don't have a problem with it. Again, though, it's something that we're mandated to do anyway. We'd have to pay for it and, again, we're using 477 Funds. But is there a motion to approve?

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

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

IR 1558, 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 survey of shellfish aquaculture leases in Peconic Bay and Gardiners Bay (CP 7180). (Co. Exec.)

I can actually speak to this one a little bit because I have been going to all these meetings and DeWitt Davies is here and Commissioner Isles can probably do a much better job than I.

But one of the issues that's been kind of, well, has arisen at the Aquaculture Lease Screening discussions is for the people who are going to be leasing these plots, these underwater plots. The County requires when it -- and it is, I guess, is a State requirement, when it extends a lease you have to have a survey. When you are talking about surveying squares or rectangles of underwater land, this is obviously something that is quite expensive to do. And if you're asking somebody who you are hoping will go out there and drop some cages with oyster seed, to have the additional expense of having a survey makes it cost prohibitive so that the whole program kind of can't function unless we as the entity that's extending these leases take care of the survey work. And since it is a Water Quality Program that is why we are encouraging aquaculture to get more filtration capacity out there into the Peconic Bay system.

The only way the program is going to work in my estimation is if we do the survey and we do it in one bulk surveying, not on a five acre by five acre approach with different surveyors. So I'm going to recommend that we do go ahead and approve this. Commissioner, if you want to add to that or Mr. Davies.

DIRECTOR ISLES:

Right. DeWitt is here today too, obviously, and you said it very well. If you have any questions we'll do our best to answer those. We think it is very important to the program, however, and we request your approval of the resolution.

CHAIRMAN SCHNEIDERMAN:

It's a one time expense.

LEG. D'AMARO:

Can I?

CHAIRMAN SCHNEIDERMAN:

Yeah.

LEG. D'AMARO:

I'm looking at one of the whereas clauses, so this survey is establish shellfish cultivation, lease boundaries on the water, install appropriate marker buoys and prepare survey map showing the boundaries of the leases. So this is all for the surveys.

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

Of these areas that we're leasing in order to cultivate shellfish.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And how long -- this is an extension of the leases, Tom?

DIRECTOR ISLES:

No.

CHAIRMAN SCHNEIDERMAN:

There are no lease -- well, there are some grants that are out there that are falling into this program, but.

DIRECTOR ISLES:

Right. There are currently no leases. This would be creating a County leasing program per State

legislative authorization that was granted to the County in 2004. So what this specifically would do is, as Legislator Schneiderman has said, is to go out, set up a survey method and actually plot surveys on individual lease parcels. It's a method of organizing this program and it's also mandated under the State legislation that the County provide a licensed land survey prior to the actual implementation of a lease or enactment of a lease in the bay bottoms and water column.

CHAIRMAN SCHNEIDERMAN:

We had hoped originally we could just use like the GPS point, you know, for the four corners, but the State law requires us to actually have a survey.

LEG. D'AMARO:

So the lease program is where the County is going to be leasing portions out?

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

That's what we're doing?

CHAIRMAN SCHNEIDERMAN:

Yes. The State has given us the authority to lease this land.

COMMISSIONER MEEK-GALLAGHER:

And we have to put the program in place by 2010 or it reverts back to the State.

LEG. D'AMARO:

Okay. Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

I think it's money well spent. I mean, we have done a lot in terms of seeding areas with shellfish. This actually puts the labor of a lot of people out there into the bay doing the work for us, doing the seeding, but to really get the program started --

DIRECTOR ISLES:

Right. Exactly.

CHAIRMAN SCHNEIDERMAN:

-- we need to do this survey work. There are some fees associated. We do recoup money as we -- the leases aren't free. They pay a yearly fee for the lease. I'm not sure what that money is basically going to go toward, keeping the program going, right, the administrative cost of the program?

DIRECTOR ISLES:

Yeah. I mean, whether it's directly into the General Fund and we are going to offset in, you know, in that way or we are going to go directly into the program in covering the cost. It was one of the questions that came up at the committee and we believe it would go back, the revenues from the leases would go into the General Fund so it indirectly offset some of the County costs into the program.

CHAIRMAN SCHNEIDERMAN:

All right. Do we have a motion? I'll certainly make a motion to approve. My motion. Who's second?

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. If the Clerk would list me as a cosponsor on that resolution.

IR 1564, Making a SEQRA determination in connection with the review of DGEIS comments and preparation of a FGEIS on the proposed Shellfish Aquaculture Lease Program in the Peconic Bay and Gardiners Bay. (Pres. Off.)

LEG. BEEDENBENDER:

Motion.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

All right. Commissioner -- there is a motion and a second. Motion by D'Amaro, second by Beedenbender.

DIRECTOR ISLES:

This was before you two weeks ago with the CEQ recommendation which was to recommend the preparation of a final generic environmental impact statement associated with the proposed Shellfish Aquaculture Lease Program. The resolution before you today is to actually make that SEQRA determination on behalf of the Legislature. We would ask for your approval of this resolution because it enables us to continue to do the full environmental review that we've begun with this process. So the next logical step would be to do the final generic impact statement.

CHAIRMAN SCHNEIDERMAN:

What is the SEQRA declaration we're making?

DIRECTOR ISLES:

It's to call for the preparation of a final generic environmental impact statement.

CHAIRMAN SCHNEIDERMAN:

Okay. It's not like a Type II or unlisted.

DIRECTOR ISLES:

No, no. We're going the full vote Type I action. The Legislature previously declared this as a Type I action and called for the preparation of a draft generic impact statement. We are now going to the next step for the preparation of a final general impact statement.

CHAIRMAN SCHNEIDERMAN:

So that's all the resolution does, is authorize the final step in the document.

DIRECTOR ISLES:

Right, exactly.

CHAIRMAN SCHNEIDERMAN:

Okay. So we had a motion and a second. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**.

IR 1569, Authorizing planning steps for the acquisition of land under the Suffolk County

Drinking Water Protection Program, as amended by Local Law No. 24-2007 (St. Joseph's property) - Town of Islip - (SCTM No. 0500-160.00-02.00-072.002 p/o). (Montano)
Forty-seven acres.

DIRECTOR ISLES:

This is a new resolution but there was one previously heard by you that I think is tabled subject to call. Our review of the resolution indicates it to be the same as the prior resolution. We did previously present to you an aerial photograph of this site. It is the Sisters of St. Joseph's property in Brentwood. It is a significant parcel in Brentwood, one of the largest parcels in the community. The resolution at that time was rated based on the County's open rating system for natural environments. It achieved a score of 8 points. Most of the site is developed. Where the sponsor is intending to apply this property is to about 47 acres of the larger site, which is about 200 acres that would remain undeveloped.

The reason it came in in such low points is the, here again, looking at the consideration of wetlands, drinking water protection, Pine Barrens considerations, proximity to other County holdings and so forth, it was weak on all of those measures. We feel at the County Planning level at this point that the preservation of this land in itself is a worthy goal. However, we feel that, number one, it's not conducive to the County's program at this time based on the information we have, but more importantly there is an application pending in the Town of Islip for the Sisters of St. Joseph's property which is a convent, as well as Long Island University rents property for a campus on the site, but as part of that development application we feel that consideration could be given to some sort of cluster or a planned unit development that would enable development to occur on the part of the site that is already developed or disturbed while retaining this as open space. On a parcel of this size we think that is a good choice and one that would achieve both objectives of preservation but also not conflict with the County's open space acquisition requirements.

So that's what we had reported at the last time you considered this at committee. Based on the information we have nothing new has been presented so our recommendation remains that it's eight points and appears to be a weak candidate for the County's program.

CHAIRMAN SCHNEIDERMAN:

Is there a motion of any kind? Table? Table subject to call, approved? It's going to fail for a lack of a motion in a moment. Is there any motions?

LEG. D'AMARO:

Well, it's already on our agenda subject to call.

CHAIRMAN SCHNEIDERMAN:

It's got a new number, though. It's been reintroduced. I'll make a motion to table.

LEG. LOSQUADRO:

I'll second the motion.

LEG. BEEDENBENDER:

Motion to table subject to call.

CHAIRMAN SCHNEIDERMAN:

All right. There is a motion and a second to table, and there is a motion to table subject to call.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

And a second to the motion to table subject to call. Which comes first?

MR. NOLAN:

Subject to call.

CHAIRMAN SCHNEIDERMAN:

All right. All in favor of tabling it subject to call? Opposed?

LEG. LOSQUADRO:

Opposed. (Legs. Losquadro and Schneiderman opposed)

CHAIRMAN SCHNEIDERMAN:

All right. That failed. Motion to table is next. All in favor of tabling? Opposed? (Legs. D'Amaro and Beedenbender opposed)

CHAIRMAN SCHNEIDERMAN:

That fails.

LEG. LOSQUADRO:

I'll make the motion to approve.

CHAIRMAN SCHNEIDERMAN:

I'll second the motion to approve. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

LEG. BEEDENBENDER:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Two opposed. It fails. **(Vote: 2-2-0-1 Opposed: Legislators D'Amaro and Beedenbender; Not Present: Legislator Cooper)**. Did you get all that? 1569 failed. It only had two --

LEG. BEEDENBENDER:

There was a motion to table subject to call --

MS. LOMORIELLO:

No, I got that. I just need the approval.

CHAIRMAN SCHNEIDERMAN:

I voted yes to approve --

LEG. LOSQUADRO:

I made the motion and Jay made the second. Two in favor and two opposed. Same two for both, for all three actually.

CHAIRMAN SCHNEIDERMAN:

IR 1572, Making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the South Bay Street property, Incorporated Village of Lindenhurst, Town of Babylon. (Pres. Off.)

This is a SEQRA determination on it and it's an unlisted action, it's preservation. There is a motion by Legislator D'Amaro, second by Legislator Beedenbender. All in favor? Opposed? Abstentions? This is the SEQRA piece of it. So that was approved. **(Vote: 4-0-0-1 Not Present: Leg. Cooper).**

Does that go on the consent calendar? All right. We'll amend the motion. Legislator D'Amaro just amended to include placing it on the consent calendar, and that would become the second. All in favor? Opposed? Abstentions? As amended. **(Vote: 4-0-0-1 Not Present: Leg. Cooper).**

IR 1573, Making a SEQRA determination in connection with the proposed Bergen Point Outfall, Planning and Response Plan. (Pres. Off.)

LEG. D'AMARO:

Same motion.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second.

LEG. D'AMARO:

And place on the consent calendar.

CHAIRMAN SCHNEIDERMAN:

Yup. Same vote. The motion was to make the SEQRA determination and to place it on the consent calendar. **(Vote: 4-0-0-1 Not Present: Leg. Cooper).**

IR 1581, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Tremont Avenue property - Town of Brookhaven (SCTM No. 0200-838.00-03.00-001.000). (Eddington)

We'll have to go back to 1564 to put that on the consent calendar, too.

LEG. LOSQUADRO:

Can we just do that quick? I'll make a motion to reconsider 1564.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

And place on the consent calendar. Can we do that in the middle --

LEG. LOSQUADRO:

We need to bring it back before us, don't we?

CHAIRMAN SCHNEIDERMAN:

Yeah. Let's wait on it. I don't want the record to get all -- we're kind of in the middle of 1581.

LEG. LOSQUADRO:

No problem.

DIRECTOR ISLES:

This is a parcel that was before you previously. This is, as you can see on the aerial photograph, a triangular parcel located in the Hamlet of Medford in the Town of Brookhaven, State Route 112, runs to the west side of the property. Previously you had approved about 60 percent of the property, the

north end that included the acute angle portion of the triangle, extending north, and it excluded the buildings that are on the southern part of the property. The general vicinity is that there is commercial development along 112 generally as well as a school, I believe an elementary school, to the east of the subject parcel.

The resolution before you today encompasses the entire site and includes the buildings that, here again, are shown in the aerial photograph. The Planning Department has reviewed this and actually attended a meeting that was held recently on this matter by the Legislature. The explanation, and one of the things we did with committee earlier this year is we presented a suggested questionnaire for active recreation hamlet park uses and asking some of the basic questions about this.

At the meeting we were informed that there was representation at the meeting as well by a foundation known as the Medford Foundation, wherein they have received funding from the State of New York as well as from a utility development company for the purpose of constructing a community center at this location. They have funds of about three and a half million dollars they indicated to us, here again with the idea of demolishing the buildings that are on this site and constructing a building that would be a general purpose community civic building but would also have access to other County residents in the event the County of Suffolk were to purchase the underlying land.

So we, based upon this information that was presented and based upon the indication by the sponsor that the Town of Brookhaven would be a likely partner on this as well in terms of the management of the property, we did complete a rating form. The proposal that's before you today here again is a planning steps resolution that would anticipate a three party development of this park. One being the County of Suffolk if the County were to agree, the County Legislature, to purchase the property in question. The second would be the Town of Brookhaven to manage the development and construction of this site and the ongoing operation of this site, and the third would be this non-for-profit foundation which has -- they've indicated funding for the development of the building and would enter into an agreement with the town to actually assist in the operation of the building.

Obviously additional information would be needed prior to an authorization resolution. We do feel that there is sufficient information at this point, as I said, to do the evaluation. And from that it did score 50 points, here again, based on the information available at this time, and would expand upon the prior planning steps resolution which, as indicated, encompassed the undeveloped port of this site. If you have any questions, we'll do our best to answer those questions.

CHAIRMAN SCHNEIDERMAN:

This is under the new quarter penny that allows this for active parkland?

DIRECTOR ISLES:

Yes, it is.

CHAIRMAN SCHNEIDERMAN:

All right. I have no other questions. Any questions? Was there a motion?

MS. LOMORIELLO:

No motion.

CHAIRMAN SCHNEIDERMAN:

I'll make a motion. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper).**

Wait, wait. Before you leave, we're going back to 1564.

LEG. D'AMARO:

Motion to reconsider.

CHAIRMAN SCHNEIDERMAN:

Motion to reconsider 1564 just so we can make a proper motion to put it on the consent calendar. So Legislator D'Amaro and seconded by Legislator Losquadro. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. 1564 is now before us.

LEG. LOSQUADRO:

Motion to approve and place on the consent call.

CHAIRMAN SCHNEIDERMAN:

Motion to approve and place on the consent calendar.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. The motion was by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1 Not Present: Legislator Cooper)**. And that concludes our agenda. Thank you for coming. We are adjourned.

(THE MEETING WAS ADJOURNED AT 3:31 PM).

{ } Denotes spelled phonetically