

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 July 28, 2008.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
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
Lauretta Fischer, Department of Planning
Janet Longo, Department of Real Estate
Carrie Meek-Gallagher, Commissioner of the Department of Environment and Energy
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Justin Littell, Aide to Leg. D'Amaro
Jiwoo Lee
Kara Hahn, Communications Director
DeWitt Davies, Planning Department
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

(THE MEETING WAS CALLED TO ORDER AT 1:09 PM)

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting to order this 28th day of July 2008. If you all will rise and join us for the pledge of allegiance led by Legislator D'Amaro.

SALUTATION

You may be seated.

PUBLIC PORTION

You may be seated. We have one yellow card. If you have come here and wish to be heard and have not filled out a yellow card, please do so. The one speaker I have is Jiwoo Lee. Mr. Lee, if you'll step up to the podium, identify yourself for the record and you have three minutes to make your presentation.

MR. LEE:

Good afternoon. My name is Jiwood Lee. And it's an honor to present my statement to the Legislature. I'm currently an intern for Legislator D'Amaro.

My statement is about school recycling. And one of my -- one of the current issues in my school is recycling. All right. I don't think currently in my school we have a solid program for recycling because -- I think we used to but then my principal got rid of it because of, like, maybe payment issues or maybe like glasses were broken and it was attracting bees and stuff. But I'm not sure if any other schools have this but I think it's a really -- I think it's a really big help if we, like -- if we find the solution for school recycling because I'm not sure if other schools have a recycling program for them.

So what I would really like is a recycling solution for the schools because we throw out the papers, we throw out the tin cans, we throw out like any renewable resources that could be reused again. But then my school, like, we're trying to -- we're trying to recycle paper first starting this September, we're going to try to recycle paper. But we didn't find the solution to recycle tin cans or Snapple bottles because there's a lot of renewable resources that is getting thrown out because kids buy a lot of tin cans, Snapples and stuff, but then -- I find it such a waste to throw it out. And it's not really good for the environment, too, and for renewable resources. So that's my statement, school recycling and I just hope that we can find a solution.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Lee. I don't know if any Legislators want to address you. And I appreciate your concern about recycling and hope you have some success in the schools with that. You know. Tins cans you mentioned, are more valuable today than they have ever been. And it seems a real pity to throw them out not just for the environment but also because of the cost that is lost that the school could reclaim. And there are increasing markets for other recyclables. And maybe this is something that is not just about your school but about all the schools which is something that I think if you're interested in, I know that Legislator D'Amaro, who you're interning with, has been looking at ways to save the schools money.

Typically it's not a county role, the schools. But we're trying to use some of our financial expertise to try to consolidate some functions for the schools and maybe help ease the burden on the

taxpayers in the school districts. And maybe this is one more thing to look at school wide recycling. And maybe it should be done, you know, throughout Suffolk County, you know, one company that comes out and picks up everything from the various schools. And I don't know if that's something that was looked at within the committee that Legislator D'Amaro chaired. You want to respond?

LEG. D'AMARO:

Yeah, sure.

Yes, thank you, Mr. Chairman. And, Mr. Lee, welcome and thank you for coming down and making a statement. And maybe what we can do since you're interning in my office presently, we can start to take a look at working with the schools, your school and some other districts that perhaps are in my Legislative district to determine whether or not we can encourage the school districts to implement a recycling program, if they're not already doing so.

So I would suggest we do a little fact-finding first, find out what programs are out there, what the schools are presently doing if anything at all; hopefully they are. And then we can kind of brain storm and figure out how we can help them, perhaps to come up with a more efficient program.

As far the Commission goes that I was working with to try and lower expenses in schools, we did not specifically look at recycling. So that may be something that in addition to what we did in that report, we can address as well. So I appreciate your comments today and I'll see you in the office.

CHAIRMAN SCHNEIDERMAN:

Yeah, again, recycling is often thought of as an environmental initiative. But the reality is the stuff that isn't recycled the schools are paying to get rid of often in the neighborhood of about \$80 a ton. And the recycled materials in many cases are sellable materials so you take it away from the \$80 a ton and actually make money. It's a big spread there. To look at it from a fiscal perspective might be worth doing.

MR. LEE:

Yes, my principal, I think, we really did have a recycling program but then like he got rid of it because -- because of like it was injuring students somehow, like, the broken glasses, and it was attracting bees and stuff.

CHAIRMAN SCHNEIDERMAN:

Yeah.

MR. LEE:

So I don't know, like even if we did have a recycling program -- a really good recycling program, I don't know how to, like, solve that issue of like containing the bees and --

CHAIRMAN SCHNEIDERMAN:

All right. Thank you, Mr. Lee.

MR. LEE:

Thank you.

LEG. D'AMARO:

Thank you.

COMMISSIONER MEEK-GALLAGHER:

Mr. Chair, if I -- I could just quickly --

CHAIRMAN SCHNEIDERMAN:

Sure, Commissioner Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yeah, I could quickly address that. We've actually been trying to look into ways that the County could perhaps assist with encouraging recycling in the schools and other public agencies. But one of the biggest -- there are two big hurdles the schools seem to be running into. One is the fact that the waste disposal contracts are not set in a way where they could actually take advantage of cost savings from a reduction in the amount; in other words, they're paying for the times, you know, so you get two pickups. You pay per pick up as opposed to per tonage. So that's one of the issues they would have to work through.

And the other issue the schools seem to have, which Mr. Lee alluded to, is the fact that as you're storing the recyclables, unless you're rinsing them all out ahead of time, they attract rodents, insects and other types of nuisance factors from a public, health and safety perspective as undesirables. So we're trying -- you know, we're looking at it. We'll be happy to hear what you guys find out. We're trying to do some fact-finding as well to just see why it seems to be so difficult to encourage more source separation at the facilities.

CHAIRMAN SCHNEIDERMAN:

Commissioner, at the County level is there some recycling task force of any kind or a group of people that focuses on increasing recycling within the County?

COMMISSIONER MEEK-GALLAGHER:

Not exactly.

CHAIRMAN SCHNEIDERMAN:

I'm not creating one, I'm promise. But I'm just curious if there is. Because we have task forces on everything else.

COMMISSIONER MEEK-GALLAGHER:

No, that would be me.

LEG. D'AMARO:

You're the task force.

CHAIRMAN SCHNEIDERMAN:

Thank you for adding to this, I think, important discussion and particularly thank you to Mr. Lee for bringing the matter to our attention.

Okay. Is there anyone else who wishes to be heard? All right. Why don't we jump to the agenda? We have no presentations.

CEQ RESOLUTIONS

So let's go to our resolutions beginning with CEQ resolutions **19-08, ratification of recommendations for legislative resolutions laid on the table for June 10, 2008**. These are Type II actions. I'll take a motion from --

LEG. COOPER:

Motion.

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper, second by Legislator Losquadro. All in favor? Opposed? Abstentions? **19-08 is approved. (Vote: 5-0-0-0)**

20-08, highway and drainage improvements to CR 4, Commack Road from Nicolls Road to Julia Circle, unlisted action, negative declaration. Same motion, same second. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

21-08, proposed acquisition for open space preservation purposes known as the Overton Preserve, Beechwood Horseblock Building Corporation property in the Town of Brookhaven (unlisted action, neg dec) Is there a motion?

LEG. LOSQUADRO:

Motion.

LEG. COOPER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator -- all right, same motion, same second. I'm not going to struggle here. Any discussion? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

22-08, proposed acquisition for open space preservation purposes known as the Overton Preserve, Fairfield Coram 112, LLC as contract vendee property in the Town of Brookhaven, unlisted action, neg dec. Same motion, same second, same vote. **(Vote: 5-0-0-0)**

23-08, proposed acquisition for open space preservation purposes known as the Overton Preserve, Fairfield Mill Estates, LLC as contract vendee property in the Town of Brookhaven, unlisted action, neg dec. Same motion, same second, same vote. **(Vote: 5-0-0-0)**

Jump in here if anybody has any objections.

24-08, proposed acquisition for open space preservation purposes known as the Long Pond Greenbelt addition, Zebrowski & Mulville Estate property in the Town of Southampton, unlisted action, neg dec. I'll make the motion this time, second by Legislator Losquadro. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

TABLED RESOLUTIONS

Okay, moving onto tabled resolutions. **1049, Adopting Local Law number - 2008, a Charter Law to strengthen the Water Quality Protection and Restoration Program (Schneiderman)**

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay, I'm going to withdraw this so we won't have to vote on it.

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

LEG. COOPER:

Motion to table at the request of the sponsor.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, seconded by Legislator Beedenbender. All in favor? Opposed? Abstentions? **Tabled. (Vote: 5-0-0-0)**

1216, Adopting Local Law number - 2008, a local law to reduce the use of fertilizer near wetlands in Suffolk County (Schneiderman) I'll actually make a motion to approve. I just filed an amended copy and I'll go through it with you with Counsel if I could have a second.

LEG. COOPER:

Sure.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. This is a bill to -- it really dovetails with the resolution we passed which is now a Charter Law to restrict fertilizer use from November 1st to April 1st in an effort to keep these particularly nitrogen and phosphorus out of our groundwater and surface waters.

At the time I realized once it was clear that we had jurisdiction over fertilizer use, that one of the most important things that we could do would be to try to keep fertilizers out of surface waters. And the bulk of that coming from people applying fertilizers is very close to our wetlands.

The current version of this bill changes it from just simply wetlands, which is confusing to homeowners who may not realize they're near a wetland because they come in so many different forms to actual standing water or surface water so it's clearly identifiable boundary. And I had very valuable input from Carrie -- Commissioner Carrie Meek-Gallagher on this. And I feel it's an important step.

The issue, again, I guess will be enforcement similar with the other bill. And we unfortunately, we rely heavily on people making the -- making the County aware that there are -- there are individuals abusing or not following the law. But I think it's an important message to send out. And it is one of the larger problems we have with water quality on bays and harbors, is the introduction of nitrogen and how that creates alga blooms, which then undermine our shell fish populations. So, any questions?

LEG. COOPER:

I'd like to have an opportunity to review the revised resolutions. I'm going to make a motion to table this for one more cycle. And I'll reach out to the sponsor's office and try to assuage some of the concerns that I had with the previous version of the bill.

CHAIRMAN SCHNEIDERMAN:

Okay. Okay. Any other comments? There's a motion to table. I will second. All in favor? Oppose? Abstentions? **(Vote: 5-0-0-0)**

Okay, 1274 -- can I ask maybe to Mr. Bagg before you leave the room, my bill is considered a Type II Action, it's possible before we vote on it again that it can be reviewed by CEQ anyway so that at least they can confirm that it's a Type II Action.

MR. BAGG:

Yes, if you could resubmit the revised copy to the CEQ we'll put it on this month's agenda.

CHAIRMAN SCHNEIDERMAN:

We will do that. All right. Thank you.

1274, to promote land acquisition for open space, farmland preservation and hamlet parks in undisturbed communities. (Cooper) Legislator Cooper, what is your pleasure?

LEG. COOPER:

I'd like to make a motion to approve.

LEG. LOSQUADRO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

All right, there's a motion to approve and a motion to table. Before I vote, I'd like to know what the status of this bill is so I will -- is there a second to approve or to table? I guess to discuss it, then, I'll make a motion -- second the tabling motion.

LEG. BEEDENBENDER:

I'm going to second the approval.

CHAIRMAN SCHNEIDERMAN:

All right, there's a second to approval. Commissioner Isles?

DIRECTOR ISLES:

Okay. This was discussed at a prior EPA Committee meeting. And at that time just to summarize, the resolution proposes to direct the Planning Department to add points to the rating forms, the three rating forms used by the Legislature in evaluating potential land acquisitions. It would add seven points to the natural environments rating form, three points to the farmland rating form and seven points to the active recreation rating form. Those points will be added for locations in the County that have a population density defined by the census designated places or hamlet boundaries of at least 2000 persons, I believe it was, per square mile.

What we've done is we have discussed this at the last EPA Committee meeting. Since that time Planning Department has also looked this over a little bit more closely. And I'd like to report on the following comments. Some of these were expressed at the original -- at the last meeting as well but to just quickly recap that.

Number one, as far the active recreation hamlet parks there is a density factor that's currently on the form that gives four points for higher density populations. And that makes sense from the standpoint if you're seeking to provide soccer fields and so forth, you want to have those where the population exists so it's convenient to them.

As far as the seven point adjustment, obviously we feel if we already have four points, seven points would be -- throw the form out of whack a little bit. So we've suggested with that is an adjustment to the rating form so that rather than adding just a raw number to the form right now, the forms total a hundred for the two forms, active recreation and natural environments, what we're suggesting is to modify the acreage considerations within the active recreation form in two ways. One is to lower the threshold overall for active recreation from 25 acres to 20 acres where these points start kicking in. And then secondly to adjust the population density factor from 2000 persons per square mile to 1000 persons per square mile.

We do have a map that we prepared showing which communities would be -- that included. And essentially as what we looked at the two, between the 2000 and the 1000, the 1000 does pick up most of the, I'll call it, suburbanized areas of the County. So with the active recreation, then, we just feel by adjusting the square footage, by providing a factor based on a criteria of a thousand persons per square mile, we feel that -- and keeping it within the scale of zero to a hundred, we feel that that provides the adjustment, here again, in a manner that keeps the form intact.

As far as the second category, the simpler category would be farmland, the farmland rating form goes from zero to 22. As I indicated at the last meeting, the Farmland Committee does weigh population as a factor even though it's not formerly recognized on the form. What they typically will do is for West End acquisitions on farms, they do see them as being sometimes the last farm in that community and they do try to accommodate that.

I think this is good because it provides a legislative guidance for the Farmland Committee by saying this is how much weight we feel should be given to those circumstances. So, here again, it would be triggered on that 1000 person per square mile threshold. And I think it takes an existing practice of the Farmland Committee and provides Legislative direction to that.

The third category is that of the natural --

CHAIRMAN SCHNEIDERMAN:
Commissioner?

DIRECTOR ISLES:
I'm sorry.

CHAIRMAN SCHNEIDERMAN:
I just want to make sure I'm following. On that farmland recommendation, that is not the same as what the bill is, right? The bill is 2000 people per square --

DIRECTOR ISLES:
Yes.

CHAIRMAN SCHNEIDERMAN:
So you're recommending a thousand for that as well.

DIRECTOR ISLES:
Right. And we have --

CHAIRMAN SCHNEIDERMAN:
But you agree then to assign some points into that component but based on a thousand people per square --

DIRECTOR ISLES:
Yes. We think the 1000 after -- we did mapping of both 2000 and 1000.

CHAIRMAN SCHNEIDERMAN:
Right.

DIRECTOR ISLES:
And just to kind of get a sense of -- in fact I think the current bill does it by West End towns, I believe, towns with populations of greater than 2000.

CHAIRMAN SCHNEIDERMAN:
And then again just to -- in your first recommendation was on the active recreation --

DIRECTOR ISLES:
Right.

CHAIRMAN SCHNEIDERMAN:
That there already is -- that's already factored into the process? There's already points assigned.

DIRECTOR ISLES:

There is already points assigned.

CHAIRMAN SCHNEIDERMAN:

Okay.

DIRECTOR ISLES:

We're suggesting some adjustments to that -- if you want to hand those out, Laurretta, that would be helpful, that we think just rationalizes a little bit better or is a more rational approach. That's probably a better way of saying it. It still keeps it within a hundred. And, here again, rather than doing it by town boundary, the town boundaries would include the four western towns if we did it by 2000 persons per square mile. So it would be Babylon, Huntington, Islip and Smithtown. It would exclude Brookhaven and the East End towns.

By doing it on a hamlet basis, it becomes a little more selective to the actual population density in the local areas. So with the active recreation, here again, it's the adjustment based on the size of the parcel and the density. We think there's a rational basis to that in terms of the attempt to provide recreational facilities in proximity to populations.

As far as the farmland, it's to me providing a Legislative oversight or endorsement of a farmland committee practice they have been using. That would change the point value from a maximum of 22 points to 25 points.

And then the last one and probably the one's a little bit more difficult is on the natural environments. What we've looked at here is that, number one, we do feel that to the maximum extent possible natural environments should be rated on their environmental and natural resource features. So we think that that should be and should continue to be the primary criteria.

But a couple of points to note on this for your consideration. One is you'll see in the summary sheet that Laurretta handed out is here once again we have a threshold at 50 acres for property. And we do think it's time, and this is something here again it's a policy question to consider possibly reducing that to 25 acres, not that we don't want to continue buying large parcels, we certainly do and that's certainly a priority of the program. But the reality is we examined acquisitions over the past year or two.

We're at a stage in our acquisition program where we are buying parcels that are primarily less than 50 acres. So we just feel that over the course of time some adjustment of that scale is appropriate. And so we feel that that's something that should be considered. And, here again, this is your prerogative but we are suggesting that if you do want to go with an approach based on a density factor, we're not necessarily -- we don't necessarily think that's, you know, suited or appropriate in the natural environments, but we'd like to follow the same method that's being used for the other programs.

So that's essentially it. Here again, it's trying to scale it within the existing form, not creating points that are going to go onto the form outside of the existing format. It still keeps it on a scale of zero to a hundred.

And I'll just make one final point under item four under the natural environments, it does have -- we are suggesting an increase in the points for proximity to existing county land. And here again this is something the Committee and the Legislature and we're seeing on a more frequent basis and that is the in-fill parcels that are completing a county park acquisition or conservation area. Those sometimes don't score as high as their apparent value may be towards completing a county park acquisition or providing a nearby buffer.

Obviously the -- this bill has provoked at least within the Planning Department a fair amount of

discussion about the forms. We labored a lot on the forms in preparing them. We feel that the adjustments to the active recreation is reasonable and consistent with prior policy. We feel that what we're suggesting here is just some fine tuning of that policy.

As far as the farmland, we feel that that's consistent with, here again, the farmland practice. As far as the natural environments we still feel it should be remain primarily based on natural and resources in environmental protection. If you feel that it should have a population density factor, then we would respectfully request this approach.

As far as the language in the resolution, we think that that should be more broad based because we're getting into some details here, but we wanted to spell it out to you in black and white for your consideration.

CHAIRMAN SCHNEIDERMAN:

All right. Before I move onto Legislator Losquadro who's first on my list here, I just wanted some clarification because you referred to this form as like -- it was our prerogative to determine the points that certain things should, you know, be weighted based on certain attributes. And I don't remember the original form ever going through this body. I thought it was an internal document in the Planning Department. You came to us with this rating system. At least that's my recollection and this point system. And we've never interfered or told you how to -- what to recommend in terms of whether it was a good purchase or a bad purchase. This is kind of new to me that we're suddenly taking this form and making it ours as if it's -- we're going on codify it somehow and these are going to be the points going forward. If you could comment on that?

DIRECTOR ISLES:

Yeah, there's -- you know, we've talked about that, too. The -- going back to the Greenways Program, you know, before my time actually with the County, there was a specific form, as I understand that was adopted and used -- adopted by the Legislature and the Department then used that. I think that's really where it began. And Laretta certainly has a better handle on that than I do.

Often times, too, there had been forms attached to resolutions. I think what we've tried to do over the past couple of years is to get a little more consistent in the form in terms of how it's applied. And also when we presented to you last June, I believe it was, a draft policy plan which kind of looked at every County program, what the stated purpose of the program was, whether it was drinking water, recreation or whatever and we tried to adapt the form to best reflect the program objectives.

So we've put a lot of work into that. And I -- I don't know of a case where there's been a legislative adoption of the current form, not that I'm aware of. But obviously provoked by the 1274 initiation, we did want to examine this in terms of how we've used the form in the past. And, here again, whether you choose at this point to adopt this or whether you feel it should remain at the department level --

CHAIRMAN SCHNEIDERMAN:

Well, I think you can understand particularly as a Legislator myself, being a Legislator from the East End, where, you know, on the map where -- you know, I have most of the area that would not be eligible under that 1000 person per square mile area, when you're taking county money and you're saying it will not be eligible to a certain region, you know, that could go on and on and on. You know, I could see if something's based on income, if you have an economically depressed area that is in need of financial help and, you know, the County reaches out. But to have a criteria like that to make some funds that are county-wide funds unavailable obviously --

DIRECTOR ISLES:

But they wouldn't be unavailable here; just that they're -- that's where most of the -- a lot of the acquisitions are happening anyway.

CHAIRMAN SCHNEIDERMAN:

It really depends on how much weight are given to those things. But it does prejudice slightly against those areas by --

DIRECTOR ISLES:

Here again, based on how this has been drafted by the sponsor and then with some suggested language that we've put in here, I think the maximum point value then would be seven points, here again, if they were to get everything in the form. So the other 93 points would be on the other features but --

CHAIRMAN SCHNEIDERMAN:

Right. But all the -- all the properties within those other areas start out with an automatic seven points.

DIRECTOR ISLES:

That's true. That's true. And that's -- you know, that's a --

CHAIRMAN SCHNEIDERMAN:

It's a bit of a head start.

DIRECTOR ISLES:

That's a definite issue. Does the Legislature wish to start that?

CHAIRMAN SCHNEIDERMAN:

My area may have less people per square mile but they need to recreate as well, you know, ball fields are appreciated as well. I'm going to go to Legislator Losquadro. I might have more to say.

LEG. LOSQUADRO:

Thank you. Actually I agree with some of the points that Legislator Schneiderman made but I think you're exactly right. The natural -- especially for the natural environments, these have to stand on their own merits. There's no reason to make an adjustment to this rating system. I almost equate this to some sort of unconstitutional affirmative action for land acquisitions. This is -- you're providing some sort of unfair competitive advantage for an area simply because of where it's located. I think that we do acquisitions based on their merits. And I think the system has worked quite well. Can I just ask you a question? You talked before, I heard mention the four western towns. How does that apply to this?

DIRECTOR ISLES:

Right. The current language in the resolution, here again, would -- just make sure I have my glasses on. Yeah, under the current active recreation form, it says for towns with a population density greater than 2000 persons per square mile, four points are awarded for that in the active recreation form. So that takes in the four western most towns in Suffolk County so it comes up --

LEG. LOSQUADRO:

So the largest town in Suffolk County that has almost half a million people in it, Town of Brookhaven, simply by virtue of falling under an arbitrary number would not be included; even areas like Selden and Centereach and areas that are very highly developed wouldn't fall into that category.

DIRECTOR ISLES:

Yes, correct. Two points. One is that that's why we suggested instead of doing it on a town line basis, to do it on a census designated place basis which is basically a community basis because I think it has a little bit more --

LEG. LOSQUADRO:

Well, I'm looking -- I'm looking at your map with the 1000. That actually takes in a larger area. I

still have a problem being that under active recreation we already account for that.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

I think that the way the system is currently set up is a very good one. I don't see a need to modify it in anyway. I think if you were to modify it in some way, your system is certainly -- the system you're proposing as a compromise, if you will, is more equitable but still, I think, provides as I said some sort of affirmative action for areas simply because they happen to fall under one population designation or another.

I completely disagree with it conceptually. Even, you know, the compromise that you put forward, which is certainly more equitable and even though the majority of my district would fall into it, I still don't think it's a good idea. I think that the system that we have works well. It already accounts for population in the active recreation. And the other areas should rise and fall on their own merits. And I've been happy with the system thus far and I see no reason to change it.

CHAIRMAN SCHNEIDERMAN:

Anyone else. Legislator Cooper.

LEG. COOPER:

I just wanted, number one, to thank Tom Isles for all of his work and the work of his staff over the past couple of months, working with my office on this. Although the current proposal, current iteration doesn't go as far as I originally had proposed, I actually do think it is more equitable and I am supportive of the compromise language.

I do have to disagree with the concern expressed by Legislator Losquadro and, I believe, Legislator Schneiderman. I feel that it is completely warranted to grant a little bit of affirmative action in effect to open space acquisitions in the western towns because there's so little open space left. And it's probably more threatened by development than much of the open space on the east end. And most of those parcels in my district certainly, and I think most of the western parcels, they're smaller parcels. And it's increasingly difficult for us to get to that 25 point threshold. And, therefore, if we adhere to that standard that we have tried to set, and if we try to maintain consistency, there are going to be parcels that going to slip through our fingers and they're going to be developed. And we don't have that many parcels left in Huntington or in Babylon or in good chunks of Brookhaven. It's only certain parts of Brookhaven that would not benefit from this.

So speaking for my constituents, for the taxpayers in my district that have spent a lot of money over the years to acquire open space throughout Suffolk County, I think a little bit of affirmative action giving seven points for open space acquisitions in the western towns I think it's entirely appropriate. I think they would still be very worthwhile acquisitions. And I hope that this Committee will agree to this compromise.

LEG. LOSQUADRO:

Mr. Chairman?

CHAIRMAN SCHNEIDERMAN:

Yeah, I want to say something. We'll go with Dan, then Lou, then myself.

LEG. LOSQUADRO:

I understand your point and I understand your perspective living in the west end of the County. And I'm not going to go back and we can have the debate back and forth about the \$4 billion tourism economy and that the people on the west end while, yes, they have invested in this open space, they are the beneficiary of the tax dollars as are all the people in Suffolk County that that tourism economy brings in. So it's been a very worthwhile investment for us in Suffolk County for everyone

to have invested in the Open Space Program as we have.

I do not think it's necessary to modify it in this way. If anything, I do happen to agree with something that Mr. Isles said, which is as -- across Suffolk County, it's not just in the western part of the County, as large parcels become more and more scarce, perhaps it is time to re-visit the size criteria upon which we base those additional points. Because quite frankly those large parcels unless it's a farmland acquisition are becoming more and more scarce. We do get them now and again, but as those acquisitions are becoming less frequent perhaps it is time to revisit that section of our rating form.

But that would be the only change that I would support to our current system. And I think that would perhaps accommodate some of the concerns that you have because it would really again be something that would be applied in an even handed way across the County. And if there's a parcel on the west end or the east end, doesn't matter if it falls into the criteria, it gets the points and it can stand on its own merits, but still addressing the concern that you have that there are not that many large parcels left in the western part of the county.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you. I'm a little puzzled by the opposition to the bill only because if we enact this change, it may give a little more weight to the West End parcels. And Legislator Cooper's made the case, which I agree with, that perhaps they deserve a little more weight given the higher population density. But it's not going to result in purchasing any less land in the other areas that are not covered by this adjustment. So all this form is doing is encouraging the County as a whole to protect even more parcels, perhaps some that are sensitive in the West End. It's not like you're giving from one and taking from the other. It's not like making an adjustment to this form is going to result in purchasing less land in the East End towns, which I favor, and I think most of us all favor. So making this adjustment to give a little more drive to purchasing parcels that are becoming more and more scarce on the West End is a positive step to protecting more open space in areas that are crying out for it. And it's not going to result in purchasing less on the East End.

CHAIRMAN SCHNEIDERMAN:

I think that in essence is the concern is that once you start having, you know, kind of a head start for West End parcels, that they all reach that threshold more frequently and then the limited funds that we have will -- and I hear you saying it's not going to happen but the fear -- let me try to get at that fear a little bit and why I have it.

One is I should start by saying that not all parks are created equal. And I hear what Legislator Cooper is saying. And as the land in western Suffolk gets gobbled up for development, there's very few remaining open spaces. And those open spaces could provide places for people to recreate, could provide places for people to go for a quiet walk in the woods. I think it's important to our communities to retain some of that environmental heritage.

On the east end of Long Island we have something that goes, I think, significantly beyond that. And that's not to say that there are no places else where in the County that meet these criteria. But you have places that are supporting habitat for some extremely, you know, rare flora and fauna, that if we lose them, you know, places that support piping plovers and least terns and sandplain gerardia and, you know, various salamanders, I feel like we have a larger responsibility as a county to not lose these places that are of global importance.

And so that's really the root of my fear is as we compete for the limited resources that somehow they might not be available to do what I believe is our duty to preserve these places. And by providing this head start, I feel that that could happen. I almost wish there was a pot of money that was for parks within communities for passive recreation. And I would say that, yes, give that to,

you know, areas where they really don't have very many open spaces and let's not even fight about that. But let's make sure the money is available for these really critical parcels from a habitat protection standpoint.

Jon? I'm sorry. Let's go -- Danny was next on the list and then we'll go to Jon. Dan.

LEG. LOSQUADRO:

First, I just want to say that, you know, we always hear that there are finite dollars available. And more importantly there's a finite ability by the departments involved to process transactions. There's only so many transactions you can process. There's only so many -- you know, we always hear about trying to be careful now, well, it's just planning steps. No. They have to complete the work to do it. Now we all know what staffing is in this County under this administration.

I disagree with that entirely. I think if you give an unfair competitive advantage to one group over another, you are in essence going to be short changing one area. Because if those acquisitions get put ahead of another one, well, they can only process so many. So if something doesn't meet -- if something doesn't rate by its own merits, then, you know, like I said it has to rise and fall under its own power. And that's how I feel.

And as I pointed out, I've had very few acquisitions in my district so I'm not even talking about this from, you know, strictly parochial perspective, you know, to my own constituency. I just -- I don't feel that this is the right way to handle the County's Open Space Program whether it be for active parks, for natural environments, for farmland.

Mr. Isles, what you gave out here, these are just proposals; correct? I mean, the bill as it stands now is very simplistic as I read it. It's just density level over 2000 person per square mile.

LEG. COOPER:

It was revised.

LEG. LOSQUADRO:

I haven't seen the revised copy yet. Does it include -- does it include all these proposals or some?

LEG. COOPER:

All of them.

MR. NOLAN:

Well, the --

CHAIRMAN SCHNEIDERMAN:

But still it says 2000 not 1000.

LEG. COOPER:

No.

CHAIRMAN SCHNEIDERMAN:

It's 1000.

MR. NOLAN:

We are in the process -- we received the request from Legislator Cooper's office this morning to make changes to the resolution. And I'm trying to have a conversation with one of Legislator Cooper's aides just to clarify some questions I had.

But the language that's been requested does reflect the 1000 persons per square mile as opposed to 2000 persons per square mile. And I believe the intent is to give Planning more flexibility and discretion in terms of awarding additional points, but that's something we're trying -- I'm just trying

to clarify right now with Legislator Cooper's office. The amended copy has not been filed yet because we're still working through the changes.

LEG. LOSQUADRO:

Well, Legislator Cooper, then as you requested to have time to review Legislator Schneiderman's bill, could we table this for another cycle?

LEG. COOPER:

Sure.

LEG. LOSQUADRO:

Look through to see how your amended language reflects this? And I can speak with Planning and see if we can work something out there.

LEG. COOPER:

That would be fine. But the goal -- my understanding is we just add -- to simplify things, we're just adding one section to the resolution. And, I guess, the backup will be the amended rating forms.

LEG. LOSQUADRO:

All right. I mean this -- the proposal seemed like a little more complex than simply adding one piece to the bill. So I'd like to look at the actual amended copy once it comes out.

LEG. COOPER:

I would support tabling but --

CHAIRMAN SCHNEIDERMAN:

That's following all of the Commissioner's recommendations? Everyone that he just read?

LEG. COOPER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay.

DIRECTOR ISLES:

Right. But I think what it does do is it gives a generic statement of the Legislature to -- for Planning to apply this 1000 person limit. And then it leaves discretion in terms of how it's applied based on what we've discussed so it's still --

CHAIRMAN SCHNEIDERMAN:

And, Commissioner, and you would -- you would, then, support that as amended?

DIRECTOR ISLES:

We would support that as amended with, here again, the reservation on the natural environments is the one we have the most concern about.

CHAIRMAN SCHNEIDERMAN:

Well, does the amendment contain what you said about taking the points out of the natural environment or is it still in there?

DIRECTOR ISLES:

There are points awarded for population based on census size. So that's the one we have reservations about.

CHAIRMAN SCHNEIDERMAN:

It's two out of three of your recommendations.

DIRECTOR ISLES:

And what we've sought to do is to make it as, we think, workable and appropriate as possible. And from that point it just boils down to a policy question as to how you want to handle it.

LEG. COOPER:

But I did want to say that I had been asking for much more, going much further for open space. And I agreed to the compromise Tom recommended.

But I do want to say I don't know how many active planning steps you have in your district, Jay. Right now I know of one potential acquisition in my district about 25 acres. That's it. That's it. And it's under development. It's the Williams property. It's about 30 acres but there's a house. It's a beautiful parcel. It looks like you're in Upstate Vermont, views of Cold Spring Harbor. It's a spectacular property. But it's only about 23, 24 acres.

CHAIRMAN SCHNEIDERMAN:

It sounds beautiful.

LEG. COOPER:

And it's -- if we spend the money on that one acquisition, it's not going to deplete that much the amount that we'll still have to spend on the East End and -- I'm asking for one lousy acquisition.

CHAIRMAN SCHNEIDERMAN:

Put the planning steps resolution in. There it is. It's in.

LEG. COOPER:

I'm putting it in. I'm waiting for a partnership with the Town of Huntington. But my point is that it's not going to open up the floodgates and there'll be suddenly 30 acquisitions in my district. There's not that much open space left. And it's the same thing in Lou's district and Brian's district. So that's the point.

CHAIRMAN SCHNEIDERMAN:

Legislator, I think in due respect I think there is a mis-perception that the bulk of the County's funds are going to preserve land in the East End. And that may have been true in the past. But at least in 2007 more money was spent in the five western towns of county funds than in the eastern towns. Of course in the eastern towns the money gets matched and maybe goes a little bit further with money from the municipalities. But in terms of county dollars, you're getting at least half of it in the five western towns.

LEG. D'AMARO:

Can I put something on the record?

CHAIRMAN SCHNEIDERMAN:

Yeah.

LEG. D'AMARO:

Just for the record, but if you look at land area, it would be vastly favored to the East End as opposed to dollars. But --

LEG. LOSQUADRO:

It all has to do with land value.

LEG. D'AMARO:

Right, you know, we can use whatever standards we want. I just want to make the point for the record, I know we're going to table this, that I agree with Legislator Losquadro, that we have finite resources, funds as well as people power to process these. But I also was going to make the same

point that Legislator Cooper just made that we're not talking about, you know, 50 acquisitions a year, probably not even talking about ten, maybe not even five, if that. So if I felt that changing the standards here would impact our ability to process acquisitions further east, I would not support it. It's just that simple. But I do not believe that is the case.

CHAIRMAN SCHNEIDERMAN:

I appreciate that. All right. So we have a motion and a second to table. All in favor? Opposed? Abstentions? **Tabled. (Vote: 5-0-0-0)** That was 1274.

Moving onto **1457, Adopting Local Law number - 2008, a local law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)** Is there a motion?

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by --

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

-- Legislator Cooper. All in favor? Opposed? Abstentions? So tabled. **(Vote: 5-0-0-0)**

1534, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local Law number 24-2007, RND LLC property, Town of Islip. (PO Lindsay) it's a planning steps. Commissioner, can you refresh our memories as to -- we have the sponsor here, too, so I guess we'll hear from Mr. Lindsay first.

P.O. LINDSAY:

Yeah, I'm not participating as a voting member of the body, but I would encourage the Committee to move forward with it. And this is an example, I think, about what we were talking about in the prior resolution. This is only three acres. It doesn't meet the standard that we've applied because of the size of the parcel mainly because I don't have parcels in my district of a size that you would get that bump from a larger parcel. But this is important to me as any other resolution that you might have in your district.

This three acres is along Patchogue-Holbrook Road, which is a county road, which is the main corridor of my district and it's all wooded. I don't want it developed. It's as simple as that. The esthetics of having that wooded buffer along the county road, I think, is an important -- an important factor for a lot of reasons; for the beauty of the community as well as sound problems that we have along all our county roads. And I would encourage that we move forward with it.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Presiding Officer. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. And I think this is a clear instance where an individual case is made based on a parcel. I don't think the concern was necessarily over the size. I just want to ask -- reiterate the Chairman's question to Mr. Isles. I remember Planning did bring forward some concerns they had over the location or usage of the property. Could you just refresh our memory on that?

DIRECTOR ISLES:

Well, the main issue as I recall with the original bill that was filed earlier this year is that the environmental attributes or natural resource protection attributes were not significant. There were

points give due to the hydrological management zone that it's within originally. There were also points given, proximity to town owned open space. So just on that basis it didn't score high.

The new bill has come in after the County transferred an adjacent parcel to parkland. So as a result of that it's added five points so it's now up to ten points. Still not a strong candidate.

What we've done since then is we did contact the Town Planning Department since the last EPA Committee meeting to find out what could happen to this property from a development standpoint, what the options were. And I think the summation of the department's point of view on this is that this is not a parcel that has a high environmental value but it is one that from a community planning standpoint, it's located between two pieces of parkland, county land and town land, and it is along the county road Patchogue-Holbrook Road, which is a bit of a parkway effect with trees and vegetation along it. So I can't make an argument from an environmental standpoint that this is critically important to Suffolk County's interest. I don't think it is.

I think from a community planning standpoint an argument could be made that this parcel, which is basically a glorified traffic island between Broadway Avenue, Main Street and Patchogue-Holbrook Road is a location that if it's developed it is -- it would be an example of potentially poor planning, potentially conflicting with the County's interest on Patchogue-Holbrook Road and certainly the community impact in terms of the visual impact.

LEG. LOSQUADRO:

Did the town advise you what the zoning is and what perspective use this could be?

DIRECTOR ISLES:

They did. The zoning is residence double A, which is a single family residential zone primarily allowing single family use, also allowing potentially places of worship, municipal uses and agricultural nursery uses. There are two lots in question. The Town Planning Commissioner indicated it would be -- they would be merged in the -- due to the fact that the one lot is substandard so, therefore, there could be one house would be the likely scenario. The less likely but possible would be maybe a church; small church or nursery operation.

LEG. LOSQUADRO:

I think from your planning background the more likely scenario would be seeking a change of zone for some sort of commercial use; correct?

DIRECTOR ISLES:

A possibility of maybe like an office use as a transitional zone, a GST they call that in Islip. That's another option, yeah.

LEG. LOSQUADRO:

I would probably assume that's what an applicant would try to do there, Mr. Presiding officer.

P.O. LINDSAY:

Earlier this year there was an applicant that was trying to change the zoning to build an office building on that plot. If it was to be developed for residential purposes, then I'll put in a resolution next year for a sound wall.

LEG. LOSQUADRO:

Right. No, I think from a --

CHAIRMAN SCHNEIDERMAN:

I just want to know if you vote, what's our majority here? No, I'm just kidding.

LEG. LOSQUADRO:

No, I think from a planning perspective given its location, it certainly doesn't meet our traditional

criteria. But as I said we have many instances where that's the reason we're here as a policy making body, is we decide policy. It's a small parcel. I think given its current zoning, it will have somewhat limited value in the marketplace. And I think it might be a worthwhile addition for us from a planning perspective along our roadway. So I'll make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

All right. So any other discussion? There is -- do we have a motion to approve?

LEG. LOSQUADRO:

Yes.

CHAIRMAN SCHNEIDERMAN:

There is a motion and a second to approve. All right. I will second the motion to approve. Okay. Any other discussion? All right.

LEG. D'AMARO:

I just have one question.

CHAIRMAN SCHNEIDERMAN:

All right, Legislator D'Amaro.

LEG. D'AMARO:

Commissioner Isles, the rating form indicates that it adjoins or is within 300 feet of a county park. And I'm looking at the aerial map. And I just would like for you to point that out to me. I don't see it on the map.

DIRECTOR ISLES:

It's not indicated because I think it was a relatively recent transfer so the subject parcels are outlined in red. And just to the left of that going towards the curbed roadway, Broadway Avenue, is the parcel that's owned by the County that was recently transferred to Parks.

LEG. D'AMARO:

Okay. So it's kind of the -- that completes the triangle, if you will.

DIRECTOR ISLES:

Yes, it does.

LEG. D'AMARO:

So we've already acquired this. And now the next two parcels to acquire will complete that whole parcel that's bounded by three different roadways.

DIRECTOR ISLES:

Correct.

LEG. D'AMARO:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other discussion? All in favor? Opposed? Abstentions? **1534 is approved. (Vote: 5-0-0-0)**

1554, amending the adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection Fund and amending the 2008 Capital Budget and Program and appropriating funds in connection with Suffolk County Farm Nitrogen Leaching Reduction/Irrigation upgrade. (CE Levy) Can somebody provide some additional information? Commissioner Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yes. So based on questions that were raised at the last Committee on June 16th, we put together some additional information. You'll see that there's a project description, a revised budget and a letter of support from Cornell Cooperative Extension. This actually is simply requesting a budget increase from a previously approved resolution, resolution 539 of 2007, approve the farm nitrogen irrigation project at the county farm in the 87,000.

After construction or after the project was commenced, Department of Public Works realized that there was going to be a budget shortfall of roughly \$44,000 mainly due to the fact that the electrical work and the irrigation trenching work had now to be contracted -- had to be outsourced to an outside contractor. And they had relied originally on a low bid. And those low bids did not not include compliance with Living Wage Law and some of the other laws that increased the overall cost.

So this is simply asking for an additional \$44,000 out of Water Quality Funds for a previously approved project with Water Quality Funds to continue upgrading the irrigation system at the farm, which will then help. But it is part of the Agricultural Stewardship Program. It's a recommended type of activity through New York State Agricultural Environmental Management Program. It is recommended by the estuary programs to do these types of activities. It's an agricultural non-point source abatement and control activity. That's how it qualifies for Water Quality funding.

CHAIRMAN SCHNEIDERMAN:

Are there any questions?

LEG. COOPER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

IR 1636 also seeks to amend --

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. COOPER:

-- resolution 539. What is the difference between the two? The amounts are the same?

COMMISSIONER MEEK-GALLAGHER:

The difference, and we actually had to -- we originally had submitted them as one resolution but Budget Office told us no, we had to submit them as two separate resolutions because 1554 is actually requesting additional funding where as 1636 is merely transferring funds out of engineering into construction.

All of the design work and planning work ended up being done inhouse through Health Services, DPW and the Natural Resources Conservation Service. So we didn't have to pay for any design work. Therefore, we wanted to transfer those -- that \$10,000 originally estimated for that use into the construction.

LEG. COOPER:

So your recommendation would be to approve both resolutions?

COMMISSIONER MEEK-GALLAGHER:

To approve both, yeah. It's the same project. It's just one is transferring funds that had already been approved and one is adding funds.

LEG. COOPER:

Okay.

CHAIRMAN SCHNEIDERMAN:

Any other questions? Okay.

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Cooper, a second by myself. All in favor? Opposed? Abstentions?
1554 is approved. (Vote: 5-0-0-0)

INTRODUCTORY PRIME RESOLUTIONS

Moving onto Introductory Prime Resolutions, **1596, 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 the preparation of standard operating procedures for petroleum and chemical storage tanks and leak detection systems managed by Suffolk County (CE Levy)**

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion. So same motion, same second. If we can have some additional information.

COMMISSIONER MEEK-GALLAGHER:

So there are various regulations that require that petroleum and chemical storage tanks be maintained to prevent leakage and be inspected periodically. Suffolk County obviously owns and maintains and operates a number of these tanks. And the idea is that we actually -- surprising to many of us, we don't have a standard operating procedure for DPW and other staff members to follow to make sure that we are, in fact, maintaining our storage tanks properly. This would be to develop that standard operating procedure as well as to train key staff. So it's really kind of a one shot expense to make sure that that happens. And obviously that the goal is that if they are properly maintained, inspected and taken out of services needed, you'll reduce the risk of any chemical or petroleum leakage into Suffolk County groundwater.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1607, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program effective December 1, 2007, open space component for the Lewin Estate property, Broad Cove, Town of Riverhead. (CE Levy)

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cooper. I will second this one as well. Commissioner, do we have information?

DIRECTOR ISLES:

Sure. We have a map we can hand out. This is a parcel located in the Town of Riverhead. It's known as the Broad Cove addition. It's adjacent to what's known as the Broad Cove property. These two parcels are within a highly stressed location, nitrogen stressed location of Meeting House Creek and Terry Creek, which all flow into Flanders Bay and Reeves Bay and the Peconic Bay system.

The County, in fact, owns Indian Island County Park which has a substantial, naturally vegetated area as well as the County golf course at that location. So it's an area where there's been a targeted effort to protect the remaining undeveloped land, vacant open space. This was on Master List II. The Department of Environment and Energy has worked on negotiating an acquisition. The price in acreage is located -- is in the resolution, \$230,000. It's been approved by the ETRB. And if you have any further questions, we'll do our best to address those questions.

CHAIRMAN SCHNEIDERMAN:

What was the price?

DIRECTOR ISLES:

230,000.

CHAIRMAN SCHNEIDERMAN:

230,000. How many acres are we getting?

DIRECTOR ISLES:

It's point six, I believe, is the acreage.

CHAIRMAN SCHNEIDERMAN:

So this is not the hatched property.

DIRECTOR ISLES:

It's the one outlined in red. So the hatch indicates parcels on the master list.

CHAIRMAN SCHNEIDERMAN:

Oh, I see it, yes.

DIRECTOR ISLES:

And these two parcels, the Broad Cove proper parcel as well as the subject parcel are outlined in red.

CHAIRMAN SCHNEIDERMAN:

Okay. And we're going after all that hatched property, right?

DIRECTOR ISLES:

Yes.

CHAIRMAN SCHNEIDERMAN:

And most of it's under one ownership.

DIRECTOR ISLES:

I believe so.

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. Any questions? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1609, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program effective December 1, 2007, open space component for the Podolsky property, Miller Place/Yaphank Road NP addition, Town of Brookhaven. (CE Levy)

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Losquadro.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. Commissioner?

DIRECTOR ISLES:

This is on Master List II. The green on the map which here again is coming around indicates what we own. And the County owns a substantial part of this already. So this is an in-fill acquisition of a small parcel but it's important in terms of providing for contiguous county ownership. The parcel does have drinking water protection significance as well as the overall nature preserve and is a deep flow recharge area.

CHAIRMAN SCHNEIDERMAN:

We own all the green here?

DIRECTOR ISLES:

Yep. So it's been very good progress.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. BEEDENBENDER:

Do we have a motion?

LEG. LOSQUADRO:

I made the motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion already. And a motion to second. All in favor? Opposed? Abstentions?

Approved. (Vote: 5-0-0-0)

Moving onto **1623, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program effective December 1, 2007, open space component for the Meadow property, Forge River Watershed, Town of Brookhaven. (CE Levy)** Same motion, same second.

DIRECTOR ISLES:

The map's being circulated. This was on Master List I. You've seen a number of these parcels in recent months. The county parcels are indicated in green and we have a growing presence along Forge River which is, here again, a heavily impacted -- heavily impacted by development and nitrogen loading. This is consistent with our efforts of acquiring these in-fill parcels. The price and so forth has been negotiated by Real Estate through -- and approved by the Environmental Trust Review Board. Any questions, we'll try to answer those questions.

CHAIRMAN SCHNEIDERMAN:

Any questions? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1624, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program effective December 1, 2007, open space component, for the DeCarmine property, Nissequogue River addition, Town of Brookhaven. (CE Levy) Same motion, same second?

LEG. COOPER:

Before I make a motion, I'd like to ask Commissioner Isles what the rating is for this parcel?

DIRECTOR ISLES:

We will be circulating that. And this parcel --

CHAIRMAN SCHNEIDERMAN:

Can we just make the motion and we can always revisit.

LEG. COOPER:

Okay.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. It's on before us. Commissioner.

DIRECTOR ISLES:

The parcel rated 41 and we'll provide copies of that you at this time.

CHAIRMAN SCHNEIDERMAN:

And it was in western Suffolk. How about that. It didn't need any extra help.

DIRECTOR ISLES:

Nissequogue River Corridor. No, this is a good acquisition.

CHAIRMAN SCHNEIDERMAN:

That is without the population bonus.

DIRECTOR ISLES:

That's correct.

CHAIRMAN SCHNEIDERMAN:

How much is this?

COMMISSIONER MEEK-GALLAGHER:

It's 800,000.

CHAIRMAN SCHNEIDERMAN:

And how many acres?

COMMISSIONER MEEK-GALLAGHER:

Just under five acres, 4.92.

CHAIRMAN SCHNEIDERMAN:

It's a single lot, right? One house.

LEG. LOSQUADRO:

Two lots.

CHAIRMAN SCHNEIDERMAN:

Two lots.

DIRECTOR ISLES:

Two lots, but I don't think it was -- I think it's considered under one ownership. That second lot is completely wet. It's inter-tidal marsh. It's subdivided but here again I think it's merged by ownership.

MS. FISCHER:

It's two lots.

DIRECTOR ISLES:

Right, but is it under one ownership?

CHAIRMAN SCHNEIDERMAN:

But it's merged as a matter of zoning; is that what you're saying? I'm sorry, Tom. It's merged as a matter of zoning.

DIRECTOR ISLES:

Right.

CHAIRMAN SCHNEIDERMAN:

So it's one house lot.

DIRECTOR ISLES:

There was obviously real estate appraisals that were done so I don't want to speak for that, but that was reviewed by ETRB.

CHAIRMAN SCHNEIDERMAN:

Any discussion.

P.O. LINDSAY:

Just a question. Is there any access to that property?

CHAIRMAN SCHNEIDERMAN:

By kyack.

MS. FISCHER:

Actually there is -- there is an easement that provides access over to the road, the cul-de-sac to the north. And then we own properties in green to the south across the river.

CHAIRMAN SCHNEIDERMAN:

Any other questions? I guess it's not bad if you're that house on the north of this, right? You're doing okay. All right. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1625, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program effective December 1, 2007, open space component for the Schnaars property, Mastic/Shirley Conservation area II, Town of Brookhaven. (CE Levy)

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. Okay.

DIRECTOR ISLES:

Once again, Mastic/Shirley is a location that comes before you frequently as the County is pursuing the completion of the conservation area. Parcels outlined in green are existing holdings in the County. Hatch parcels indicate Master List II parcels and some Master List I parcels with the single line hatching.

So this is continuing that effort to protect this very critical location in terms of flood risks that exist down there as well as issues of environmental impact in terms of septic disposal impact into the Great South Bay system and so forth and Narrow Bay. So consistent with the previous policy of the County in terms of protecting this location, this vulnerable location, in a very high density community, one of the densest communities in western Suffolk County, this provides offsetting open space in an area of high flood risk and with significant consequences in terms of environmental impact. Therefore, we recommend your approval of this resolution to continue that practice of protecting this coastal environment.

CHAIRMAN SCHNEIDERMAN:

For the record, the price.

DIRECTOR ISLES:

\$13,000.

CHAIRMAN SCHNEIDERMAN:

Is that kind of par for the course in this area?

DIRECTOR ISLES:

It was based on appraisals completed through the Department of Real Property Acquisition and Management and reviewed by the Environmental Trust Review Board has deemed to be a fair market value for the property.

CHAIRMAN SCHNEIDERMAN:

Is this property all part of an old file map or urban renewal map?

DIRECTOR ISLES:

It is certainly part of an old file map, yes. The development in Mastic-Shirley goes back to, I believe, the 1920's when it was originally mapped out and sold as lots.

CHAIRMAN SCHNEIDERMAN:

Can these be replatted pursuant to the urban renewal law as some areas have done? Are you familiar with what I'm talking about?

DIRECTOR ISLES:

I didn't hear the first part of your --

CHAIRMAN SCHNEIDERMAN:

Can they -- I know some areas, Town of East Hampton, did a whole major overall their urban renewal maps. And suddenly the little parcels could not be developed. They had to be combined with other parcels. There was a complete, like, replatting of the urban renewal maps.

LEG. LOSQUADRO:

I'm sorry, Mr. Chairman, that wouldn't run afoul of taking laws?

CHAIRMAN SCHNEIDERMAN:

No, it's part of the law.

DIRECTOR ISLES:

Well, they did a TDR program as part of that, too, so there would be some return to the property

owners so it was deemed to be constitutional from what I understand. To my knowledge this has not been done in this location in terms of a remapping effort.

CHAIRMAN SCHNEIDERMAN:

It could be a tool, though, Brookhaven could use to try to, you know, not have to deal with these on the individual basis.

DIRECTOR ISLES:

You know, certainly conceptually yes, it is a tool that they could use.

CHAIRMAN SCHNEIDERMAN:

It know it was a lot of work for East Hampton to do it but they did do it. And I think it helped to preserve a lot of these areas.

DIRECTOR ISLES:

That's a possibility, sure. And there's -- well, I'll just leave it at that.

CHAIRMAN SCHNEIDERMAN:

Somebody might want to mention that to the Planning Department over there.

DIRECTOR ISLES:

We do speak to them. I'll pass it along.

CHAIRMAN SCHNEIDERMAN:

All right. Any other comments, questions, concerns? All in favor? Legislator Losquadro. All in favor? Opposed? Abstentions? That was an affirmative from Legislator Losquadro. **Approved (Vote: 5-0-0-0)**

1626, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program effective December 1, 2007, open space component, for the Emery property, Tuthills Creek/Pine Lake, Town of Brookhaven. (CE Levy) We'll go same motion, same second. Commissioner?

DIRECTOR ISLES:

Okay. This is a parcel in essentially in the hamlet of Patchogue and actually within the Village of Patchogue in the Town of Brookhaven. The map has been circulated, very multi-colored, the purple being the Village of Patchogue so they already have a significant presence in conservation in this area.

What's suggested, then, are the parcels that are outlined in the hatching, here again, the Master List II parcels. This has been a more recent initiative on the County's side. And this is the beginning of acquisitions potentially the County can be doing. Clearly its location with important environmental protection issues in terms of fresh water wetlands, draining into the Great South Bay and becoming part of the Great South Bay Estuary.

So the parcel itself is rather modest in size but clearly on an environmental standpoint it's well supported by the fact that it's undisturbed vegetation, high groundwater condition and direct wetland impacts both on this site and adjacent to this site. If you have questions, we'll do our best to answer those.

CHAIRMAN SCHNEIDERMAN:

What is the price again?

DIRECTOR ISLES:

Yeah, the price, \$5,400. Parcel's relatively small. It's about a tenth of an acre.

CHAIRMAN SCHNEIDERMAN:

All right. Any questions?

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

There was already a motion and a second. All in favor? Opposed? Abstentions? **Approved.**
(Vote: 5-0-0-0)

1636, to amend resolution number 539-2007, amending the Adopted 2008 Capital Budget in connection with Suffolk County Farm Nitrogen Leaching Reduction/Irrigation Upgrade. (CE Levy) We already covered this under 1554, right, so --

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

I'm sorry.

LEG. COOPER:

Motion to approve. They are complementary resolutions.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, could --

COMMISSIONER MEEK-GALLAGHER:

Yes, you need two separate resolutions because one was adding funding and one was actually just transferring funds from within the existing approved project.

CHAIRMAN SCHNEIDERMAN:

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

1642, amending the adopted 2008 Operating Budget to transfer funds from Fund 477 Water Quality Protection Program, amending the 2008 Capital Budget and Program and appropriating funds in connection with managing grassland on Suffolk County Parkland, Theodore Roosevelt, Pine Meadows, Fox Lair, Poxabogue Pond Preserve. (CE Levy) I'll make a motion.

LEG. COOPER:

Second.

LEG. LOSQUADRO:

I was going to say I would second. It doesn't matter. Legislator Cooper can but I just wanted to point out everyone please remember grassland for 1653 which is coming up very shortly. So we need that one as well.

CHAIRMAN SCHNEIDERMAN:

Okay. We'll take the second by Legislator Cooper. Any discussion?

LEG. D'AMARO:

I just wanted an explanation.

CHAIRMAN SCHNEIDERMAN:

Explanation, Commissioner Gallagher.

COMMISSIONER MEEK-GALLAGHER:

Yeah, this is one of the new land stewardship initiatives. That's a new component under the Water Quality Protection Restoration Program. And grasslands are actually the most endangered habitat in the northeastern US. They're rapidly declining. There are a number of species, especially bird species and insect species that are dependent upon grasslands. Suffolk County Parks manages a large number of grasslands and, therefore, there was a way to get them funding to actually do some mechanical treatments on grasslands, invasives removal, et cetera, and then monitor and see how successful those treatments are on Suffolk County grasslands before expanding the program.

CHAIRMAN SCHNEIDERMAN:

Are we losing them to development or are we losing them to invasive species?

COMMISSIONER MEEK-GALLAGHER:

Well, it's succession and invasive species succession by both native and non-native species, but grasslands provide a critical habitat for, I'm sure you've heard of the short-eared owl and northern harriers and other species that either mate there or live there. And, therefore, we need to maintain a certain quantity of grasslands to make sure that those threatened and endangered species have places to mate and live and overwinter.

CHAIRMAN SCHNEIDERMAN:

How much money is this?

COMMISSIONER MEEK-GALLAGHER:

\$264,000. Come on, Brian, don't you have some grasslands in your district?

CHAIRMAN SCHNEIDERMAN:

They're called night clubs. Go ahead, Brian.

LEG. BEEDENBENDER:

No, no, I'm good. There's absolutely nothing I could add that would make it better or worse.

CHAIRMAN SCHNEIDERMAN:

Won't touch that. Probably right. Okay. So we had a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1652, 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 planning for the Bay to Sound Integrated Trails Initiative-Land Stewardship Project. (Schneiderman) I'll make a motion, second by Legislator Losquadro. Although this bill has my name on it, I make no claim of authorship. This is the County Executive's bill. This is one of the ones that got in trouble at the last meeting and was withdrawn; resubmitted it to keep it alive. I still consider it the Executive's bill.

LEG. LOSQUADRO:

Are you trying to kill it?

LEG. BEEDENBENDER:

So is that a motion to table?

CHAIRMAN SCHNEIDERMAN:

No, but I think it's an important bill that needs to move forward. So, commissioner Gallagher, is there anything you want to say on this?

COMMISSIONER MEEK-GALLAGHER:

No, this bill had already passed though EPA Committee on June 16th. And then as the Chair indicated ran into trouble on the floor of the Legislature, the June 24th meeting, was withdrawn.

And between Legislator Schneiderman and Legislator Viloría-Fisher, all four of the bills that were withdrawn on the floor have been reintroduced. And those are the ones we'll be seeing, the next couple bills.

CHAIRMAN SCHNEIDERMAN:

All right. Any comment? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1653, 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 the Long Island Native Grass Initiative-Land Stewardship Project. (Viloría-Fisher)

LEG. LOSQUADRO:

Motion to approve, Mr. Chairman. I'm cosponsoring this as well. And as a Board of Directors member for the Soil and Water Conservation District, we're trying to stress how important this particular resolution was to create the native grass seed bank. So I urge everyone to approve this.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay, second by Legislator Cooper. Any other discussion? All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1654, 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 (Viloría-Fisher)

LEG. COOPER:

Motion.

CHAIRMAN SCHNEIDERMAN:

Who could be opposed to this one?

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Cooper, second by Legislator Losquadro. All in favor? Opposed? Abstentions? **Approved. (Vote: 5-0-0-0)**

1655, amending the Adopted 2008 Operating Budget to transfer funds from the Fund 477 Water Quality Protection Fund, amending the 2008 Capital Budget and Program and appropriating funds in connection with survey of shellfish aquaculture leases in Peconic Bay and Gardiners Bay. (Schneiderman) I'll make the motion, seconded by Legislator Losquadro. I think this is critical to our Aquaculture Lease Screening Program that Commissioner Isles has been doing an extraordinary job in chairing and bringing everything together. Question from Legislator D'Amato.

LEG. D'AMARO:

Yeah, just maybe I'm mixing apples and oranges and correct me if I'm incorrect, but this was the survey so we can determine the areas in these two bays for the Shellfish Restoration Program. Is that correct, Commissioner?

DIRECTOR ISLES:

Not exactly. No, it's a little bit different than that. It's not a shellfish restoration program per se. What it is is a, it's an aquaculture and Marine Farming Program. I have Dewitt Davies with me who's the project manager. The New York State Legislature granted Suffolk County the authority to lease underwater lands in the Peconic Bay system, Gardiners and Peconic Bay for the purpose of creating leases for marine farmers for shell fish farming of oysters, bay scallops, clams and so forth. There's been quite a bit of progress on that. The purpose of this from a water quality standpoint is that the presence of shellfish is an important means of water purification of cleansing of water.

LEG. D'AMARO:

Yeah, that's where I was going.

DIRECTOR ISLES:

Okay.

LEG. D'AMARO:

So the County has under state law the authority to lease the bay bottom, if you will.

DIRECTOR ISLES:

Yes.

LEG. D'AMARO:

And this would be the survey so that we would know what we're leasing.

DIRECTOR ISLES:

Exactly.

LEG. D'AMARO:

Right. And the question I had, though, is isn't the -- I read recently about the brown tide reappearing and it's demolishing the shell fish industry. I mean, is there a market for these leases with that happening?

DIRECTOR ISLES:

We believe there is. The state has been operating under a temporary program since the early 1980's called the Temporary Assignment Program so there are over 30 folks or companies or individuals out there that are conducting aquaculture presently. The disadvantage they have, however, is that they're year to year agreements. They don't have the predictability in terms of an investment and the racks and so forth to really make a commitment to it.

So in answer to your question in terms is there a market, we believe there is. And we believe it represents a form of sustainable shellfishing in the Peconic Bay system that replenishes itself. So we think that this has a clear environmental purpose. We also think it has an economic, and in fact, a cultural purpose as part of the historic marine commercial activity that's existed in the east end.

CHAIRMAN SCHNEIDERMAN:

I'll just make a comment here, too, because I sit on the Aquaculture Lease Screening Committee. And to educate myself I took the opportunity to visit some of the oyster growers and scallop growers in the area. And let me tell you this is one tough way to make a living. And these people make substantial investments. And sometimes, yeah, the brown tide comes along and wipes out their entire crop. We're trying to encourage people who are in the industry and people who are not in the industry to get involved in aquaculture because we do think it will help filter out algae from the bays and increase the water clarity.

In doing so, though, when we got to what -- how do we know what plot we're giving them? The first go around we thought, well, maybe they should just pay to survey it. And we realized that to do it in an individual, you know, one person hiring a survey company, going out there on the water and

trying to find this plot, it was so cost prohibitive that it killed the entire program. The only way we're going to get this program going is if the County would survey the land and then we could then offer it as like the landlord through a lease rather than making the tenant actually go and survey. And so that's why we put together this 477 request to make the program viable. So I just want to urge its support so we can move forward. Legislator Beedenbender.

LEG. BEEDENBENDER:

I just had a question. We were talking about leasing the land, you know, if we're just -- if the goal of this is water quality and to encourage the aquaculture, this isn't something we're going to realize significant revenues from, then, is it?

DIRECTOR ISLES:

No, it probably is not. There will be a program coming to you. I'm sorry.

CHAIRMAN SCHNEIDERMAN:

I was going to say there are some revenues.

LEG. BEEDENBENDER:

Right.

CHAIRMAN SCHNEIDERMAN:

We're not giving the leases away for nothing but it is nominal.

LEG. BEEDENBENDER:

But we're trying to encourage so we're obviously not going to soak -- bad pun intended -- okay.

CHAIRMAN SCHNEIDERMAN:

Maybe you should clam up.

DIRECTOR ISLES:

Exactly. It would be counter-productive to do that.

LEG. BEEDENBENDER:

I was waiting, Jay. You haven't given a pun in so long.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, you got me.

LEG. BEEDENBENDER:

That's your forte.

LEG. D'AMARO:

I realize that this is for the surveys and I don't want to get too deep into the program itself, but have we leased any -- have we put any leases yet in this capital project?

DIRECTOR ISLES:

We have not.

LEG. D'AMARO:

We have not.

DIRECTOR ISLES:

We cannot do so until you approve a program and then we can start it.

LEG. LOSQUADRO:

You need to come out of your shell.

CHAIRMAN SCHNEIDERMAN:

You're being a little shell fish.

LEG. D'AMARO:

Will the leases require --

LEG. COOPER:

I'm leaving.

LEG. D'AMARO:

-- whoever the tenant is that they meet certain criteria in order to help to revitalize the industry and to meet some of the environmental objectives that the County has?

DIRECTOR ISLES:

Yes. We are putting together with this Committee a program guideline. And we will be presenting that to the Legislature, we expect, in the next several months.

LEG. D'AMARO:

Okay, that's fine. We'll get into that at that time.

DIRECTOR ISLES:

Yeah, that would actually spell out what have to do and their responsibility to the environment. Absolutely.

LEG. D'AMARO:

Very good. Thank you.

CHAIRMAN SCHNEIDERMAN:

A very exhaustive generic environmental impact statement was done on this. And it's not finalized, right? It's still --

DIRECTOR ISLES:

We're in the stage preparing the final impact statement right now.

CHAIRMAN SCHNEIDERMAN:

Okay. We just can't seem to end so let's try one more time. All in favor? Opposed? Abstentions?
1655 is approved. (Vote: 5-0-0-0)

And that does conclude our agenda. If there's no further business, we are adjourned.

**(THE MEETING CONCLUDED AT 2:34 PM)
{ } DENOTES SPELLED PHONETICALLY**