

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on February 23, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
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
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Frank P. Castelli, Water Quality Improvement
Erik Bergey, Department of Environment and Energy
Carl LoBue, Nature Conservancy
Linda Bay, Aide to Minority Leader
Paul Perillie, Aide to Majority Leader
Justin Littell, Aide to Leg. D'Amaro
Catherine Stark, Aide to Leg. Schneiderman
Joe Gergela, Long Island Farm Bureau
Philip Schmitt, appointee for Soil and Water District
Marge Acevedo, Aide to Presiding Officer
Gail Lolis, County Attorney's Office
Rick Brand, Newsday
Michael Kaufman, CEQ
Camilo Salwar, Department of Environment & Energy
Elyse O'Brien, Department of Environment & Energy
Diana Sanford, Suffolk County Parks
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING COMMENCED AT 1:08 PM

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I would like to call the meeting of the Environment, Planning and Agriculture to order on this 23rd day of February 2009. If you all will rise and join us for the Pledge of Allegiance led by Legislator Jon Cooper.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Please remain standing. I'd like us to pause for a moment of silence in reflection and honor of Officer Glen Ciano who -- a Suffolk County Police Department Officer who passed away over the weekend on duty when his vehicle was struck by a drunk driver. And we pray for his family and send our condolences.

MOMENT OF SILENCE OBSERVED

Thank you. Okay.

PUBLIC PORTION

We have two cards. If you wish to be heard by the Committee, you need to fill out a yellow card. They are available in the front. If you have not already done so, please do.

I have two speakers and then I want to take one thing out of order before we do the presentation from the Commissioner. So let me start with the public portion. Our first speaker is Joe Gergela. Mr. Gergela, if you'll step forward and you have three minutes to make your comments.

MR. GERGELA:

Good afternoon members of the Legislature. Joe Gergela, Executive Director of Long Island Farm Bureau. I just came to give some moral support and speak up on behalf of one of my farmer friends, Phil Schmitt, for his appointment to the Soil and Water Board of which I also serve on as a board member. And I've have known Phil for 25 years in my capacity at Farm Bureau and before that as a fellow farmer. But he truly is a farmer leader in what's going on in Suffolk County. He's one of the first farmers to support Cornell Cooperative Extension, the research farm, the Farm Bureau. And he's one of the first farmers to get involved with the Suffolk County Stewardship Program. So he leads by example. And he's highly regarded by the other farmers in our County.

So I just wanted to put in my two cents and let you know that Phil is a really, really -- not only a good man, but a good farmer as well. So I'm proud to support his appointment.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you, Joe.

MR. GERGELA:

Thank you.

CHAIRMAN SCHNEIDERMAN:

You know, our next card is actually Phil Smith and we would be bringing him up anyway, when we get to the resolution. And that is the resolution I'd like to take out of order. So if the Committee would indulge me, I'd like to move to take 1027 out of order.

LEG. COOPER:

Second.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstention? All right. If I can Mr. Smith come up -- Schmitt.

MR. SCHMITT:

Good afternoon.

CHAIRMAN SCHNEIDERMAN:

You might be more comfortable at the table here.

MR. SCHMITT:

Okay.

CHAIRMAN SCHNEIDERMAN:

Why don't you start by telling us why you're interested in serving on the Suffolk County Soil and Water Conservation District Board. And maybe a little bit of your background.

MR. SCHMITT:

I'm interested in serving on the board because I have in the past, as Joe mentioned, I was one of the original people on the Stewardship Committee. I served several years ago with Vivian Vilorio-Fisher on the County Task Force for Nitrogen Pesticide Reduction. I'm trying to implement some of these different things on my farm and just I've always had an interest in ways to make our land more fertile and conserve run-off, etcetera.

CHAIRMAN SCHNEIDERMAN:

You have time to attend these meetings?

MR. SCHMITT:

Yes. I did get an agenda, it's a -- seems like it's only once a month so that's -- I should be able to get that in.

CHAIRMAN SCHNEIDERMAN:

Any questions from the Committee members? Okay. I'll make a motion to approve 1027. **(1027, Appointing Philip Schmitt as a member of the Suffolk County Soil and Water Conservation district.) (Losquadro)**

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All this favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1 Not Present: Leg. Losquadro)** What you need now -- Phil, I don't believe you'll need to come to the full Legislature.

MR. SCHMITT:

Okay.

CHAIRMAN SCHNEIDERMAN:

You're approved at this level, at the committee level. The resolution will go to the floor next week.

And I don't suspect there'll be any problems. So congratulations.

MR. SCHMITT:
Okay.

CHAIRMAN SCHNEIDERMAN:
And if there's problems at that level then you would have to come back, but I don't suspect so.

MR. SCHMITT:
Okay.

CHAIRMAN SCHNEIDERMAN:
Okay? Thank you.

MR. SCHMITT:
Thank you.

PRESENTATION

CHAIRMAN SCHNEIDERMAN:
Okay. At this point I'd like to bring Commissioner Gallagher forward. As she steps forward, let me state for the record that Legislator Dan Losquadro has an excused absence from today's meeting.

Good afternoon, Commissioner.

COMMISSIONER MEEK-GALLAGHER:
Good afternoon. I'm just handing out the -- we decided a hand-out would be simpler than a PowerPoint because some of the information would not show up so well on slides. So I'm just going to walk you through this and then if there are questions --

CHAIRMAN SCHNEIDERMAN:
Now this is -- this is the report that we requested on where the 477 Water Quality component money is?

COMMISSIONER MEEK-GALLAGHER:
Yes.

CHAIRMAN SCHNEIDERMAN:
What's in the pipeline? What's been committed? Okay.

COMMISSIONER MEEK-GALLAGHER:
Yes. Exactly. So that -- and that's basically what the first page just says, that the -- what the current projects are, the current account status and then projected spending.

So then if you flip to the pie chart page, you can see we did a breakdown. Now these are all the projects that are actually -- have already been approved by the Legislature. So since the inception of the program, we have 28 non-point source abatement and control, that includes most of the, you know, all the storm water remediation projects and that is the majority of the funding; 16 aquatic habitat restoration projections; eight pollution prevention projects. And then the newest category after the November 2007 referendum, land stewardship. So we have three of those right now in the works.

The next page, and this is what would not have shown up well on a slide is a list of all of the currently funded projects. This is every project that the Legislature has already approved.

CHAIRMAN SCHNEIDERMAN:

But these are projects that are funded and approved, but not completed?

COMMISSIONER MEEK-GALLAGHER:

But not -- some of them; we included some of the completed projects in here as well.

CHAIRMAN SCHNEIDERMAN:

Completed and paid for.

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. But later you're going to say what -- what's pending. Right?

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER MEEK-GALLAGHER:

And that's the very last --

CHAIRMAN SCHNEIDERMAN:

So this is a total of basically all the projects done and envisioned?

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER MEEK-GALLAGHER:

And what you will have shortly, I was trying to get it done for today, but there was still a number of changes when I went -- read through it over the weekend is the annual report that we submit every year. This is the very lengthy report that gives you a detail, you know, a page long detailed description of each project that is here. So you will be getting that hopefully by the end of this week we'll make these changes and get it circulated hard copied to every single Legislator.

So then what you can see in terms of the funding status is -- and this is working with the Budget Office, that as of the close of the old program, which ended as of the referendum in 2007, there's, you know, \$2,880,762 left. Current in the new program 2008 and what we're projecting for 2009 and that includes adjustments for the decrease in sales tax revenue, both what came in at the end of -- you know, decrease of what came in in 2008 and a projected decrease for 2009, there would be roughly 2,850,227 available.

Now that means, you know, subtracting -- you see with the asterisk, that's the -- the Budget Office projections, that's minus all the obligated expenses. So those salaries, benefits, multiple year projects, like we have with Cornell Cooperative Extension and some other projects that had multiple year -- multiple years in the contract, those have all been subtracted out because those are considered obligated in the sense that even the Legislature has approved them. So in theory then you'd have about \$4.9 million available.

Of course, then, if we look at the second box, the projects that have been recommended by the Committee but not yet approved by the Legislature, you subtract that out, we're left with a projected available balance of 573,000. Again, there would have been more if the sales tax revenues were --

had not decreased.

And as you'll see on the last page, which talks about those projects that are pending and have not come to the Legislature yet -- and these --

CHAIRMAN SCHNEIDERMAN:

Can I ask before --

COMMISSIONER MEEK-GALLAGHER:

Yup.

CHAIRMAN SCHNEIDERMAN:

-- before you jump in there, are any of these projects land acquisition projects that are being mixed in?

COMMISSIONER MEEK-GALLAGHER:

No.

CHAIRMAN SCHNEIDERMAN:

They're not. Okay.

COMMISSIONER MEEK-GALLAGHER:

No. You'll see on the next page, the very last page, the elephant in the room is the very last project, the storm water remediation to Bellport Bay at County Road 36, South Country Road, \$2.7 million, almost \$2.8 million. That is actually an older project. It was approved back in -- recommended back in 2006, before I was here, before DE was involved. And quite honestly one of the reasons that we ended up this way, because I usually try to leave at least a million dollar cushion when we're, you know, anticipating out, is in my naivety in coming on board and taking over this program, I assumed wrongly as it turns out, that any projects that predated me coming, you know, or DE getting involved, had already gone through the Legislature and been approved.

In -- at the end of 2007 when I got Frank on board finally, because there was no one -- so I came on board, there was no administrator, no head of the Water Quality Division, there hadn't been -- Jeff Dawson actually set up the database, had been handling this out of DPW, he had left in like May of 2006, around there, so there was no one. I came on board. As you know I inherited a department much in paper rather than practice.

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER MEEK-GALLAGHER:

So Frank then very diligently started when he got on -- started going through all the projects in detail, talking to the different departments that sponsor them, Public Works, Planning, Health Services, etcetera and so forth. So we were well into 2008 by the time we had figured out that some of these projects, in fact, had not been accounted for. This, of course, being the big -- the biggest one in terms of not having gone through the Legislature and, therefore, the funding's still necessary.

And I think the concern right now from DPW's perspective with this particular project is that, I believe, and, Erik, correct me if I'm wrong, but I believe that they're already in contract or close to in the contract phase to let the project. Right? So they are concerned about this particular project moving forward.

CHAIRMAN SCHNEIDERMAN:

Makes us feel real important. Huh? It hasn't been approved yet and you're getting ready to let the

project?

COMMISSIONER MEEK-GALLAGHER:

Well, the planning --

CHAIRMAN SCHNEIDERMAN:

Let me pull out the big rubber stamp from my draw because --

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

-- you know, it's not the way it's supposed to work.

COMMISSIONER MEEK-GALLAGHER:

This was one where the planning phase was approved and there was money so when you look -- when you get the annual report you see that there is a CR 36 project for a smaller amount, I believe, around 200,000, the planning phase. And I guess the assumption was that it was, you know, continuing forward. So this is -- but this is the one that kind of took us all by surprise. I'm just -- I'm putting it out there on the board in terms of when you're talking -- when I'm -- I was concerned at the last Legislature meeting about saying we could commit, you know, additional projects for funding, that's -- that's the one that's, you know, everything else --

CHAIRMAN SCHNEIDERMAN:

Carrie, when --

COMMISSIONER MEEK-GALLAGHER:

-- you know, you take that out, you have money available.

CHAIRMAN SCHNEIDERMAN:

Are the 2 point -- the current it says 2008 and projected 2009.

COMMISSIONER MEEK GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

And it says \$2.8 million. Yet that doesn't jive with -- with the numbers I have, which is basically that this component of sales tax ought to be generating about \$7 and a half million per year. Now I know about 3 million of that is committed toward salaries.

COMMISSIONER MEEK-GALLAGHER:

Right. You also have the Cornell Cooperative Extension projects, which are approved as part of the Operating Budget. So that's another, I'm not sure how much that is, Kevin, is that another million dollars or so?

MR. DUFFY:

What had been recommended in the 2009 Operating Budget was approximately \$5.7 million worth of operating expense of which approximately as you had said, 3 million are salary, but there are other expenses that are shown.

CHAIRMAN SCHNEIDERMAN:

So 5.7 of the --

MR. DUFFY:

Yeah, if you --

CHAIRMAN SCHNEIDERMAN:

-- 7 and a half are going --

MR. DUFFY:

-- yeah, well that's what we've been talking about for the last four years that quite a number of operating expenses have been institutionalized out of 477 funds, which does not give you sufficient operating -- sufficient funds to undertake capital projects.

CHAIRMAN SCHNEIDERMAN:

Right. Even though a lot of us on the Legislature believe that this fund was created primarily to do the brick and mortar type of projects, the storm water drains and not to cover the operational costs that were preexisting in the County. Yet here we are today. Yeah, Brian.

LEG. BEEDENBENDER:

Just to clarify on that, I just - I want to make sure I'm looking at this chart on the last page correctly, these are all the things that Water Quality wishes to do. Right?

COMMISSIONER MEEK GALLAGHER:

Right. They've been -- these are projects that have been through the Water Quality Review Committee.

LEG. BEEDENBENDER:

Okay.

COMMISSIONER MEEK-GALLAGHER:

Most of them just we went through last year in 2008. This year 36 is the only one that's an outstanding -- an older project. And for most of these we do have resolutions that because they were sent up at the end of the year last year, they just got caught up in all the budget stuff and didn't make it -- didn't get laid on the table.

LEG. BEEDENBENDER:

But, all right. I guess the question I'm asking is because I, you know, as a Legislator we've been concerned that's there's enough money to do these projects, but it would seem by the first glance at this chart that everything Water Quality has approved, and it's pending our approval, we have enough money to do. And then next year we'd have more funds and we'd go again.

COMMISSIONER MEEK-GALLAGHER:

Right.

LEG. BEEDENBENDER:

So, I guess, would it be appropriate for me to say that all the things that we want to accomplish we have money for?

COMMISSIONER MEEK-GALLAGHER:

Yes. Understanding that of course -- well, both Budget Office and I think BRO feel very safe with their projection for 2009. There is to a certain extent speculative -- you know, it's speculative spending at this point because the revenues actually haven't come in.

LEG. BEEDENBENDER:

And we have no idea what they're going to be.

COMMISSIONER MEEK-GALLAGHER:

2.8 million of it has not yet --

LEG. BEEDENBENDER:

Right.

COMMISSIONER MEEK-GALLAGHER:

-- you know, come in.

LEG. BEEDENBENDER:

So, but I guess the second question I should ask is, is this a list that was crafted by Water Quality based on the numbers we thought we had or was this everything we want to do and we just happened to have enough money?

COMMISSIONER MEEK-GALLAGHER:

No. This is what I -- what we normally do before we have -- we usually call two Water Quality Review Committee meetings a year; one in the spring and one in the fall. And before we call the meeting, we check and see how much money with the Budget Office we think is available and now we try to double check and make sure well what, you know, projects haven't yet gone -- been approved by the Legislature, if there are any outstanding projects so that we know that, okay, if we think there's so many, you know, \$5 million worth of applications, but we only have \$4 million, we have to make that clear.

LEG. BEEDENBENDER:

Okay.

COMMISSIONER MEEK-GALLAGHER:

So I was, yeah --

LEG. BEEDENBENDER:

So this would be more appropriately described as the can do list rather than the wish list?

COMMISSIONER MEEK-GALLAGHER:

Right.

LEG. BEEDENBENDER:

Okay.

COMMISSIONER MEEK-GALLAGHER:

There are definitely other projects out there --

LEG. BEEDENBENDER:

Okay.

COMMISSIONER MEEK-GALLAGHER:

-- and I have, you know, have received -- interest has been expressed, sometimes by some Legislators, by some other departments. And what I have said is I'm gonna -- I'd rather hold off at this point in calling a Water Quality Review Committee meeting until we know, let's try to get these projects through --

LEG. BEEDENBENDER:

Yeah.

COMMISSIONER MEEK-GALLAGHER:

-- see if the Legislature approves them.

LEG. BEEDENBENDER:

You want to be able to make a decision.

COMMISSIONER MEEK-GALLAGHER:

And then make a decision, see where we are --

LEG. BEEDENBENDER:

Okay.

COMMISSIONER MEEK-GALLAGHER:

-- halfway through the years in terms of revenues, make sure that the sales tax revenue doesn't fall any further; maybe it'll actually go up, you know, we can all be hopeful.

LEG. BEEDENBENDER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Commissioner, before I ask you, and I will ask you about some of the specific projects --

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- that are coming out of Water Quality Committee, at the last Legislative session, there were a couple projects I want to say around \$100,000 level that members of the Legislature believed could have come from 477, but we're being asked to bond it and we tabled those resolutions.

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

It appears that there is -- and you had said that there was no money at that point.

COMMISSIONER MEEK-GALLAGHER:

I had said I didn't want to commit. I didn't think there was available funding.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER MEEK-GALLAGHER:

I wanted to make sure what --

CHAIRMAN SCHNEIDERMAN:

And now you believe there's about a half a million dollars.

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

A little more than a half a million dollars. Have you looked to see if those tabled resolutions can be funded through 477?

COMMISSIONER MEEK-GALLAGHER:

One of the them technically could be. Then, if you wanted to, the wetlands project could get shifted. The CR 80 project though, I believe is like \$615,000. So it would not be -- Erik, is that, is it around \$615,000, the Montauk CR 80 storm water remediation project? Do you remember?

MR. BERGEY:

{ Inaudible }

COMMISSIONER MEEK-GALLAGHER:

Yes. It's over 600,000. Right? Yeah, it's over 600,000, so.

CHAIRMAN SCHNEIDERMAN:

Okay. Can we at least see an amendment to the wetlands restoration one so that we can vote on that at the next meeting?

COMMISSIONER MEEK-GALLAGHER:

Yeah, we would --

CHAIRMAN SCHNEIDERMAN:

Does that have to go back through committee?

COMMISSIONER MEEK-GALLAGHER:

Well, I would --

CHAIRMAN SCHNEIDERMAN:

Or a CN. Either way.

MR. NOLAN:

You're talking about the -- her committee?

COMMISSIONER MEEK-GALLAGHER:

Right. I would -- what we've been trying to do is make sure that all these projects do go through the Water Quality Review Committee first. And we have been holding up the, you know, the contracts. And the only concern I have is that according to the long-term plan, the finding statement, that was -- we are required to produce a stewardship strategy by 2010. So we've been --

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. CASTELLI:

I also just wanted to add just one thing on your question about the 2.85 million that's left, 2008/2009, that's also after subtracting out some of the 2008 projects that have been approved by the Legislature.

CHAIRMAN SCHNEIDERMAN:

Okay.

COMMISSIONER MEEK-GALLAGHER:

Oh, yes. That's --

MR. CASTELLI:

They've also been subtracted out from that.

CHAIRMAN SCHNEIDERMAN:

Can I ask about some of these specific projects?

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Let me start with the Suffolk County Vector Control Pesticide Reduction Action Plan.

COMMISSIONER MEEK-GALLAGHER:

Yeah.

CHAIRMAN SCHNEIDERMAN:

And, as you know, I've been fairly critical about vector control and their use of methoprene in estuary -- estuary environments. What is going on? Why are we taking 477 money and giving it to the Vector Control, or potentially giving it to Vector Control?

COMMISSIONER MEEK-GALLAGHER:

We wouldn't be giving it to Vector Control. It would be administered through Department of Environment and Energy. And this would actually be to do -- some of the -- the concerns that have been expressed about the use, in fact of specifically methoprene and some of the pyrethroids is that while the long-term plan studied the impacts of those products, the direct products, they didn't look at longer term, you know, the ecotoxicity and fate of the breakdown products, longtime in the ecosystem, what happens to those products. So this would actually be a study to look at, you know, to look at those impacts.

CHAIRMAN SCHNEIDERMAN:

Who would be doing the study?

COMMISSIONER MEEK-GALLAGHER:

We would do an RFP for the study.

CHAIRMAN SCHNEIDERMAN:

It would be an independent study.

COMMISSIONER MEEK-GALLAGHER:

It would be an independent outside consultant. There actually are some. It's a little tricky because some of the expertise that we know exists in the country, is not on Long Island. And we'd like to use some of those experts, people who have done similar types of studies in other parts of the country and, you know.

CHAIRMAN SCHNEIDERMAN:

You know, the Peconic Estuary, as you know, is a federally protected body and there -- there was a recent federal district court decision, no, not in our district.

COMMISSIONER MEEK-GALLAGHER:

Right. The Sixth Circuit Court.

CHAIRMAN SCHNEIDERMAN:

That the County's -- the Sixth Circuit Court -- Counties do have to do a federal environmental review, get an -- get a permit to apply pesticides within these water bodies. I know that we haven't done that. I think that we should, doing additional studies, I'm not sure that we need to. I think we already -- I mean, I believe that there's enough research out there on methoprene and how it affects crabs and lobsters.

COMMISSIONER MEEK-GALLAGHER:

Well, what's interesting is that there's actually -- there haven't been -- there aren't known studies that look at, again, the -- kind of the long-term --

CHAIRMAN SCHNEIDERMAN:

The cumulative impact, yeah.

COMMISSIONER MEEK-GALLAGHER:

-- ecotoxicity and fate and the breakdown of those products; when they breakdown into other products what happens. So there's definitely interest in other parties around the country. There's interest from the -- the federal government because they don't even know, you know, they haven't looked at that. Again, they usually are doing research on the product itself, not what it breaks down

into.

CHAIRMAN SCHNEIDERMAN:

Let me ask you about the salt truck wash pilot facility in --

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- at the Yaphank maintenance yard, which probably is self explanatory. This washes the trucks down, right --

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- that salt the roads. Aren't we currently washing the trucks down?

COMMISSIONER MEEK-GALLAGHER:

Not in a contained facility that helps to capture the salt and other debris that would come off, any pollutants that would come off of the vehicles that we use. This would be a way -- a contained facility like they have in Hempstead. So that, in fact, the salts, the pollutants, the oil, the grease, etcetera, would be captured and, you know, correct -- gotten rid of in a more environmentally friendly manner than simply washing down and letting them runoff.

CHAIRMAN SCHNEIDERMAN:

Okay. And I know we just recently agreed to purchase street sweepers with 477 funds.

COMMISSIONER MEEK-GALLAGHER:

Right. With catch basin attachments; yeah, cleaning attachments.

CHAIRMAN SCHNEIDERMAN:

But we're paying for the entire street sweeper, which we'd be buying those street sweepers anyway. I guess my concern is that more and more we are shifting our regular expenses, our operation expenses to this fund that was created to go above and beyond what we we're already doing so try to improve our water quality. And it's just disappointing to me. I'd like to see some projects that were, you know, were new.

COMMISSIONER MEEK-GALLAGHER:

I mean the -- right, the majority of the projects, and if you look at these, like the Peconic Estuary Programs Reeves Bay Management Plan, that's a 50/50 split with the Town of Southampton. So we actually -- it's a, you know --

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER MEEK-GALLAGHER:

-- a million dollar project. We're paying for of it half of it, the money would go to the town.

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER MEEK-GALLAGHER:

And this is recommended by the Peconic Estuary Program.

The maintenance and recharge basins on Nicolls Road, that's actually a 50/50 with the Town of Smithtown. This is one where though we're still waiting on necessary documentation from the town. That's why that has not moved forward.

CHAIRMAN SCHNEIDERMAN:

But this is a fraction, as your pie chart shows.

COMMISSIONER MEEK-GALLAGHER:

Yeah, right.

CHAIRMAN SCHNEIDERMAN:

This really is a fraction of where 477 is going. Most of it is not going to that kind of Reeves Bay Management; it's going toward operational costs to the County. It's going towards staff, people, you know --

COMMISSIONER MEEK-GALLAGHER:

Well, I guess we --

CHAIRMAN SCHNEIDERMAN:

-- mowing lawns at golf courses and all kinds of places. I know I always bring that one up, because it bothers me. And when I ask about them mowing the lawn at the golf course, they say, well, it's an organic maintenance program. And I say, well, you still would have to mow the lawn even if it wasn't. So it's just frustrating.

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

I believe that the money ought to go toward brick and mortar types of projects, but you're showing that most of it's going toward operational costs. I'm just saying it's disappointing. And I hope that we can move more toward the original intent of the program through the years.

COMMISSIONER MEEK-GALLAGHER:

Right. I mean, I guess on an annual basis you're now talking especially if we're only getting \$7 million, you are talking about a 50/50 split then between if -- or 60/40 if \$3 million is going to those operating expenses and 4 million's going on an annual basis to new projects.

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER MEEK-GALLAGHER:

Or to projects, ongoing projects. I don't --

CHAIRMAN SCHNEIDERMAN:

Well, it's more. What did you say, Kevin, 5 million?

MR. DUFFY:

5.7.

COMMISSIONER MEEK-GALLAGHER:

But that -- but, Kevin, doesn't that also include like the Cornell, everything in the -- that was adopted in the Operating Budget, which includes the Cornell Cooperative Extension projects.

MR. DUFFY:

Basically it's salary of 2.4.

MS. KRAUS:

Can't hear.

MR. DUFFY:

On page 80 of our operating review, the 2009 Recommended Budget had 2.4 for salary, 477 -- 477,000 for benefits, 571,200 for supplies, 271,450 for equipment. And the inter-funds related to those were about 600,000. And there was 900 -- 999,000 for Cornell. So it was a total of 5.7 million. And if you take away the Cornell money, it's 4.7.

CHAIRMAN SCHNEIDERMAN:

Carrie, would you bring to the next meeting just a list of the Cornell projects that we're funding with 477 so we can take a look at those as well?

COMMISSIONER MEEK-GALLAGHER:

Sure.

CHAIRMAN SCHNEIDERMAN:

We had passed a bill --

COMMISSIONER MEEK-GALLAGHER:

To the next committee meeting. Right?

CHAIRMAN SCHNEIDERMAN:

We had passed a bill, I believe -- I guess it was last year regarding the positions that were funded with 477 funds that the budget would detail what percentage of the time those positions were spending on water quality related. What's the -- maybe this is more for George. Is that bill in effect now and was that complied with in the last budget?

MR. NOLAN:

Yes. It had to do with the County Executive's proposed budget that he would include in this budget the positions that were being funded with the 477 monies. I don't believe that was included in the proposed budget. That's my recollection. And I think the law was in effect and did apply to that budget, but I'd have to double check.

CHAIRMAN SCHNEIDERMAN:

So we didn't -- we didn't catch it, I guess.

COMMISSIONER MEEK-GALLAGHER:

And, well I've --

MR. DUFFY:

If I could interrupt.

CHAIRMAN SCHNEIDERMAN:

Yeah, Kevin.

MR. DUFFY:

Yeah, it was local law 17 of 2008 and we discussed that in our Operating Review. It required that the Executive give as Legislator Schneiderman said, a detailed explanation as to the 477 positions. And it was not included in the '09 recommended budget.

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER MEEK-GALLAGHER:

However, I did submit a memo separately to all the Legislators that --

CHAIRMAN SCHNEIDERMAN:

Yeah, I believe the County Executive signed that into law too. I don't think he was opposed it.

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

But it wasn't complied with. So maybe -- and hopefully next year it will if we could make sure that we have that.

COMMISSIONER MEEK-GALLAGHER:

Right. And that's why I was -- I made sure that everyone did get the memo that detailed all the positions that are in my --

CHAIRMAN SCHNEIDERMAN:

Right.

COMMISSIONER MEEK-GALLAGHER:

-- department so that you're aware.

CHAIRMAN SCHNEIDERMAN:

Ben, did you want to comment on that?

MR. ZWIRN:

If I might, the County Executive's position and some of this took effect -- was it two years ago when the Labor Department lost a large grant and there were about 30 people --

COMMISSIONER MEEK-GALLAGHER:

That was 2005.

MR. ZWIRN:

-- 2005, they were about ready to lose their positions. And the union came in and the Legislature back at that time absorbed those people to do -- we're going to parks and to try to do the work that we would normally go out and hire people to do. When you talk about the filters and the rocks and the box and those programs, the companies that do that work have to hire employees to go out and do it. So we thought --

CHAIRMAN SCHNEIDERMAN:

Do it inhouse.

MR. ZWIRN:

-- better to use our own people. But the County Executive's always been very clear, if the Legislature decides that they don't want to fund salaries with that, the County Executive has, you know, made it clear, he said the Operating Budget cannot absorb those additional expenses.

CHAIRMAN SCHNEIDERMAN:

Right. Ben, just I don't think that right now the argument is about funding salaries. It's just that we wanted an accounting to make sure that the Water Quality money was going towards salaries that were doing water quality work.

MR. ZWIRN:

Right. I don't know if it was --

CHAIRMAN SCHNEIDERMAN:

And it's very difficult at this level to follow that. So we were, you know, the reason -- the bill was basically so that the County Executive when putting together the budget would detail which positions were being funded with 477 funds and what their job descriptions were. And what percentage of their time.

MR. ZWIRN:

Right. I understand and I know the Commissioner can probably break that down for you. But again, I just want you to understand the philosophy of the County Exec.

CHAIRMAN SCHNEIDERMAN:

Right. Because we -- there were several bills to limit. I had a bill to cap the amount of 477 funds that could go and that did not pass.

MR. ZWIRN:

That's correct.

CHAIRMAN SCHNEIDERMAN:

So I think the -- we understand the budgetary constraints that we have and we're trying to work within it. But that was just a good -- kind of good government accounting measure.

MR. ZWIRN:

Again, the County Executive doesn't -- doesn't object to that. He, you know, but he just wants you to understand that when you suggest that well this should be stuff that the County will pay for anyway, not necessarily, and I'm saying probably not.

CHAIRMAN SCHNEIDERMAN:

Right.

MR. ZWIRN:

That if these -- if these funds --

CHAIRMAN SCHNEIDERMAN:

Well that's more of a frustration, that I would rather see it. But I also understand the complexities of the current fiscal situation.

MR. ZWIRN:

Right.

CHAIRMAN SCHNEIDERMAN:

We just want to make sure that if we are using 477 funds for those positions that we're funding positions that are Water Quality related, and we can't tell without that documentation. Okay, Commissioner, do you have more to say?

COMMISSIONER MEEK-GALLAGHER:

No. Not unless there are questions and you'll be getting, like I said, you'll be getting the full annual report, 100 pages later this week to read at your leisure. We actually have -- but this year we broke it down upfront by Legislative district in the table of contents so that you could jump right to those projects that might be of most interest to you.

LEG. BEEDENBENDER:

Will you save paper in my district?

COMMISSIONER MEEK-GALLAGHER:

Let me see. There are a few that are considered all districts.

LEG. BEEDENBENDER:

That's right.

CHAIRMAN SCHNEIDERMAN:

Okay. Stay at the table and we'll -- because we may need you for our agenda here.

So let's move to the agenda if we can. And we'll start with CEQ resolutions, starting with number 4 of '09.

CEQ RESOLUTIONS

04-09, Ratification of Recommendations for Legislative Resolutions Laid on the Table for February 3rd, 2009. (Type II Actions) Can I have a motion?

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro, second by Legislator Cooper. All in favor? Opposed? Abstentions?
Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)

05-09, Proposed Purchase of Replacement equipment at established tower sites. Capital Project # 3017 - GPS System. (Type II Action) Same motion, same second, same vote.
Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)

06-09, Proposed Storm Drain Pollution Remediation on various County Roads. Capital Project # 8239 Phase III, Towns of Babylon, Islip and East Hampton. (Unlisted Action, Negative Declaration) Same motion, same second, same vote. **Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

07-09, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Clark's Beach - Village of Greenport Property in the Town of Southold. (Unlisted Action, Negative Declaration) Again, this is just SEQRA. Same motion, same second, same vote.
Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)

08-09, Proposed Acquisition of Land for Open Space Preservation Purposes Known as the Wickham Creek - Dawson & Holland Property in the Town of Southold. (Unlisted Action, Negative Declaration) Same motion, same second, same vote. **Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

09-09, Proposed Stormwater Remediation to CR 80 Montauk Highway at Oceanview Road. Capital Project # 8240, Town of Southampton. (Unlisted Action, Negative Declaration) Same motion, same second, same vote. **Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro).**

Okay, moving onto tabled resolutions.

TABLED RESOLUTIONS

1823, To promote environmental protection throughout Suffolk County by requiring the remediation of Brownfields properties. (Romaine)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Cooper.

LEG. D'AMARO:

Second, but on the motion.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chairman. I had a quick question. Welcome, Commissioner Isles. Have we ever been -- I know we did have an auction for some Brownfields. Can you give us a quick update or status as to whatever happened to the properties we were trying to auction off. That was a source of revenue at one point we were considering. Was that --

CHAIRMAN SCHNEIDERMAN:

Mr. Kent, do you want to join us at the table, too?

COMMISSIONER MEEK-GALLAGHER:

Yeah. And Chris could probably give you a better status on the parcels that he's been in negotiation with, the owners who came forward. So two parcels were actually sold at that auction. And then as a follow-up we had advertised additional parcels that might go to auction. And in response we received a lot of, you know, interest from concerned owners of those properties. They did not want their parcels to be auctioned off. And so they've been entering into settlements with us. And we've been working on settlements with a number of those property owners to pay their back taxes, interest and penalties, etcetera, so that we -- we're getting the revenue without actually having to have the auction.

LEG. D'AMARO:

Right. Because we were for -- we were not foreclosing on the tax lien and so there was still an owner to deal with.

COMMISSIONER MEEK-GALLAGHER:

Right.

LEG. D'AMARO:

And what it seems to be doing is prompting the owners to then pay the tax and the penalties?

COMMISSIONER MEEK-GALLAGHER:

Yes.

LEG. D'AMARO:

That's kind of interesting.

COMMISSIONER MEEK-GALLAGHER:

Yeah.

LEG. D'AMARO:

Mr. Kent, we had one auction for a Brownfields; it was a separate auction?

MR. KENT:

Yes, we had one auction.

LEG. D'AMARO:

And we --

MR. KENT:

We sold off two liens.

LEG. D'AMARO:

Right.

MR. KENT:

We closed on one of those liens. And it was \$156,000 lien that we sold for \$280,000. So we actually realized some profit on the lien.

LEG. D'AMARO:

Okay.

MR. KENT:

The other one we haven't been able to close on. There are some title issues and we have not been able to clear that title issue up. We're still trying to get them to close because the rules were that they purchase the lien, doesn't matter, the title issues are really inconsequential because they're only purchasing the lien, not the title.

LEG. D'AMARO:

Right. On the property or the lien that we foreclosed and then sold that property -- what, no, we sold the lien, we never foreclosed.

MR. KENT:

We sold the lien only.

LEG. D'AMARO:

We sold the lien. Do you know if that lien was foreclosed or what the status of that is now?

MR. KENT:

No, I don't know the -- I don't know the status of that lien, but it's only been recent that -- that we were closing on it. So it's within the last month or so.

LEG. D'AMARO:

Okay.

MR. KENT:

So I could find out about it and report at the next meeting.

LEG. D'AMARO:

Well, I'd just be curious, you know, we're looking at a bill here that would mandate certain things being done post-closing --

MR. KENT:

Right.

LEG. D'AMARO:

-- with respect to cleaning the property. I'm just kind of curious if there is someone out there that's willing to buy one of these liens and just hold it as opposed to remediate and have a plan for the property, get it back on the tax rolls.

MR. KENT:

What I had heard is she had a buyer to purchase her interest, to buy out her lien interest. So she

was just going to flip it anyway. That's what I -- my understanding.

We've done much better though as Carrie mentioned. We've collected in excess of 1.5 million from property owners whose tax liens we never sold, but just the threat of selling the lien has spurred them to come forward and pay their back taxes.

LEG. D'AMARO:

Yeah, that's great. Okay. Could you e-mail my office just the tax map identifier of the property that was subject to the lien that we did sell successfully?

MR. KENT:

Okay.

LEG. D'AMARO:

Thank you. Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Okay. So we had a motion and a second. I'll call the vote. All in favor of tabling? Opposed to tabling? Abstentions? So tabled. **Tabled (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

Moving onto **1892, Adopting Local Law No. -2008, A Charter Law to authorize the use of development rights for smart growth, community development and job creation.** (Lindsay)

LEG. COOPER:

Motion to table at the request of the sponsor.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

LEG. BEEDENBENDER:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender opposed?

LEG. BEEDENBENDER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. There's still three to table and one opposed. So that 1892 is tabled. **Tabled (VOTE: 3-1-0-1 Opposed: Legislator Beedenbender, Not Present: Legislator Losquadro)**

1929-08, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Toppings Farm property) - Town of Brookhaven. (Romaine)

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table and a second. On the motion, which piece was this, Commissioner?

DIRECTOR ISLES:

This is a parcel along County Road 51, along the east side of the -- pardon me, west side of the road. It is not a farm contrary to the name, what it implies. It's a wooded parcel that has extensive frontage. It is not -- it rated 13 points in the County's rating system. It's not directly adjacent to any other County holdings. It is not one we would recommend for a planning steps resolution at this point. Here again, given the lack of environmental significance or connectivity to other County holdings.

CHAIRMAN SCHNEIDERMAN:

Enough said, thank you. All right, that's fine.

DIRECTOR ISLES:

Thank you.

CHAIRMAN SCHNEIDERMAN:

So there's a tabling motion and second. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

1989, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Cohen property - Town of Riverhead) (Romaine)

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table and a second. This is the small strip?

MS. FISCHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. The tabling motion was Legislator Cooper, second by -- the second was Legislator D'Amaro. This is one that you think we may get anyway? Was that the -- okay.

DIRECTOR ISLES:

I believe Mr. Kent has been tracking this, but that's my understanding.

CHAIRMAN SCHNEIDERMAN:

All right. All in favor of tabling? Opposed? Abstentions? **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

2028, Adopting Local Law No. -2008, A Local Law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table, Legislator Cooper, second by Legislator -- is there a second to tabling?

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second, Legislator Beedenbender. Any discussion? All in favor? Opposed? Abstentions?

LEG. D'AMARO:

I oppose.

CHAIRMAN SCHNEIDERMAN:

One opposed. Legislator D'Amaro opposed; the other three are affirmative to tabling. So tabled.

Tabled. (VOTE: 3-1-0-1 Opposed: Legislator D'Amaro, Not Present: Legislator Losquadro)

1001, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Drybrook Holdings LLC property - Town of Brookhaven (SCTM No. 0200-587.00-03.00-046.001) (Romaine)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table Legislator Cooper.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. This is that crescent shaped piece that adjoined -- this is the commercially zoned -- this is the commercially zoned property.

DIRECTOR ISLES:

It is zoned industrial. L 1 Industrial in the Town of Brookhaven.

CHAIRMAN SCHNEIDERMAN:

All right.

DIRECTOR ISLES:

Somewhat crescent shaped.

CHAIRMAN SCHNEIDERMAN:

There's a motion and a second to table. All in favor? Yeah, it's not quite crescent shaped.

DIRECTOR ISLES:

But close.

CHAIRMAN SCHNEIDERMAN:

All right. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

1021, Authorizing the granting of a permanent easement to the Suffolk County Water Authority for production, distribution and transmission of drinking water on drinking water protection lands of the County of Suffolk (SCTM No. 0200-300.00-01.00-005.001)

p/o). (Romaine)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

This needs a public hearing?

LEG. COOPER:

I don't think it went through CEO.

CHAIRMAN SCHNEIDERMAN:

Okay. All right. This still has to go through CEO. There's a motion to table by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Tabled. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

INTRODUCTORY PRIME

Okay. Moving onto introductory prime, we already have done 1027, so we're up to 1031.

1031, Reappointing member of the Council on Environmental Quality (Michael Kaufman) (Viloria-Fisher) Michael is here, I believe, although I don't know that he needs to be for reappointment, but Michael, if you want to step forward as long as you're here you can say hello to everybody.

MR. KAUFMAN:

Good morning, Legislators.

CHAIRMAN SCHNEIDERMAN:

I should ask you first, I know we have attendance requirements for CEO. How's your -- well, I know the times that I've come you've always been there. So I guess you've made most of the meetings.

MR. KAUFMAN:

I've made almost all of them in the last 15 years.

CHAIRMAN SCHNEIDERMAN:

Okay. And enjoying your service? I know you do.

MR. KAUFMAN:

Yes, sir, I do.

CHAIRMAN SCHNEIDERMAN:

Any questions for Mr. Kaufman?

LEG. COOPER:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? Approved. **(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)** Congratulations.

MR. KAUFMAN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Or my condolences, it depends.

MR. KAUFMAN:

More condolences probably.

CHAIRMAN SCHNEIDERMAN:

Thank you for your service, Michael. We appreciate it.

MR. KAUFMAN:

Thanks.

CHAIRMAN SCHNEIDERMAN:

Michael is a very active member of CEQ. He brings a lot -- a lot of information to the table. Does his homework.

IR 1091, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the St. Gabriel's addition property - Town of Shelter Island (SCTM No. 0700-015.00-04.00-102.000 p/o) (Co. Exec. Levy) This is an acquisition. I'll make the motion at least to put it in front of us.

LEG. COOPER:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper.

LEG. BEEDENBENDER:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion. Let's first get a --

LEG. BEEDENBENDER:

Okay, yeah.

CHAIRMAN SCHNEIDERMAN:

They're going to distribute an aerial.

LEG. BEEDENBENDER:

No problem.

CHAIRMAN SCHNEIDERMAN:

And we'll get a brief presentation and then we'll go back to the committee. Thank you, Laretta.

LEG. BEEDENBENDER:

Thank you, Laretta.

CHAIRMAN SCHNEIDERMAN:

Tom, are you introducing this?

DIRECTOR ISLES:

All set? Okay.

CHAIRMAN SCHNEIDERMAN:

Okay.

DIRECTOR ISLES:

Okay. The subject parcel is outlined in the red on the map that is being circulated to you at the present time. This is property located of course, in the Town of Shelter Island. It is a joint acquisition with the town of -- the town itself. And it's being done in a manner where there's an actual division of the lot. The town is acquiring the portion that's outlined in the white broken line. The County's acquiring the balance of it. The intention, of course, is to do a joint management of the property.

The County also owns the main part of the St. Gabriel's property, which is outlined in green on the map just to the right of the red parcels. The acquisition itself was included as a recommendation of Master List II. And, here again, this is now proceeding as a joint acquisition with the town. Total acreage for the town -- for the County's acquisition is a little over 17 acres. The purchase price has been reviewed by the Environmental Trust Board and the County's portion of that is about \$3.6 million.

If you have any questions, we'll do our best to address those questions.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

I had a couple of questions and whoever is best suited to answer.

DIRECTOR ISLES:

Okay.

LEG. BEEDENBENDER:

What is -- I mean, what's the downside in terms of what -- what's the zoning on Shelter Island? How many houses could be on -- it's 34 acres, the total acquisition between the two; right?

DIRECTOR ISLES:

Right.

LEG. BEEDENBENDER:

So what are we talking about, 34 houses, 17 houses, four? I mean in the Town of Brookhaven, they put like 1000 here but not in Shelter Island I would imagine.

MS. FISCHER:

It's wetland influence.

DIRECTOR ISLES:

Right. Okay. So in terms of the density or the yield on the property, that was a matter that was taken under consideration by the Environmental Trust Review Board as part of the appraisal review. But in terms of getting more directly to answer your question, two factors: number one is the zoning. And secondly are both local and state wetlands restrictions. The zoning on the property would be in a residential category of one or two acre density. We could confirm that for you.

LEG. BEEDENBENDER:

Okay.

DIRECTOR ISLES:

There would be a loss of yield, however, based on the proximity to those wetlands. So if it were one acre zoning, it certainly wouldn't get a full 34 lot yield; it would end up being something less than

that. There's also a yield reduced for roads and drainage areas.

LEG. BEEDENBENDER:

The reason I asked the question is it's not that I want to treat Shelter Island differently, but my concern is it's drinking water protection. And I guess, correct me if I'm wrong, would it be incorrect to think that Shelter Island is not in danger of being built? How can I say that better? Go ahead, Laretta.

MS. FISCHER:

Could I just add, Shelter Island as a whole has groundwater issues.

LEG. BEEDENBENDER:

Okay.

MS. FISCHER:

All --

LEG. BEEDENBENDER:

They do.

MS. FISCHER:

-- throughout the entire town.

LEG. BEEDENBENDER:

Okay. Well, that was --

MS. FISCHER:

It's a very shallow water -- a very shallow aquifer. And almost within any area of that town they have issues with groundwater contamination and other --

LEG. BEEDENBENDER:

Okay. Well, that's where I was think I was trying to go. So thank you for getting there before me, Laretta, and helping me out.

MS. FISCHER:

No problem.

DIRECTOR ISLES:

Just to add --

LEG. BEEDENBENDER:

Well, the other question that I had, putting that aside, it was my understanding that there was a pollution issue on this property that was related to some -- a kids' park or a kids' camp that was on this property recently? I got sketchy information about it. It was kind of repeated to me that there was day camp on this property. And then perhaps the County Health Department had told the day camp operators that the kids could drink the water for four days straight, but not five days straight? So, I mean, correct me if this is bad information, but if the property's polluted, I was just -- that's something we should probably know. Go ahead, Tom.

DIRECTOR ISLES:

Okay. Two answers to that question. Number one is, the County as part of the review and acquisition of properties does do a phase I environmental audit of the property and potentially a phase II, a more detailed investigation. So that's customary practice. And that would serve to identify any potential contamination on the property.

Secondly, we're not certain but we believe that was an activity that occurred to the east of this

property. And that's where the day camp was located, but we could check on that with the Health Department. But the customary practice, here again, is if there's an on-site environmental audit that is there to identify those problems.

LEG. BEEDENBENDER:

All right, I guess, you know, not being familiar with what those specifics of that environmental audit are, I didn't know if that environmental audit was simply going to the property and seeing the -- the species and things that might be there or the condition. Or if it was actually, you know, I guess core testing or whatever it is you would do for it.

DIRECTOR ISLES:

Okay. It's conducted through Real Estate. It's reviewed by Jim Bagg, who you certainly know from this. And the review is really for the protection of the County and from an ownership's standpoint.

LEG. BEEDENBENDER:

Right.

DIRECTOR ISLES:

So it's not looking at the environmental attributes of the property. That's something that's done through the different County departments headed through Laretta's efforts on that. So it is looking at potential contamination or things that would impair the County's use of the property.

LEG. BEEDENBENDER:

Okay. So being that that's accomplished, it would be reasonable to say that the County is ready to move forward.

DIRECTOR ISLES:

Right. And we will certainly check on that. We could certainly get an e-mail back to you --

LEG. BEEDENBENDER:

Okay.

DIRECTOR ISLES:

-- between now and next week in terms of if there's anything known at this time on this site.

LEG. BEEDENBENDER:

Yeah, well, I mean -- well, never mind. I wouldn't have a problem with moving this forward pending that answer. It's just that was something that had been mentioned to me. And obviously if it is, I would be concerned about the expenditure of this amount of money for it. But if could you get me that answer, that would be terrific.

DIRECTOR ISLES:

Okay.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper.

LEG. COOPER:

I apologize if this was answered and I missed it, but there was no rating form attached from planning steps. Could you tell me what the rating was for this?

DIRECTOR ISLES:

This was done as part of Master List II.

LEG. COOPER:

It was Master List.

DIRECTOR ISLES:

Right. So it was done generically. Just to add to a comment that Laretta had said about groundwater and drinking water supply at this location, in addition to her comments about the concern for development and the impact on drinking water supplies in the future, saltwater intrusion and so forth, most of Shelter Island does not have public water. There's a small part of Deering Harbor that does. So we're pretty much talking about on-site wells for most of the locations so it is extra critical at that point.

LEG. D'AMARO:

And, Director Isles, if I could just pick up on that. So does buying this property and preserving it in its natural state, how do we have a measurable impact that it's actually protecting groundwater? So I guess it begs the question first, you know, how much land do we need to preserve in order to attain that goal? Is it being attained with other purchases in open space?

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

What's the risk if we don't buy the property?

I understand a shallow aquifer. I understand the risk that is inherent in having a shallow aquifer. But we're spending, you know, millions of dollars to buy property. And how do we know we're getting any bang for our buck by doing this on this particular parcel?

DIRECTOR ISLES:

Okay. A couple of responses to that. Number one, I'll go back to, there was a study done by the Health Department a number of years ago, I'm guessing maybe four years ago, to look at groundwater supply issues on Shelter Island specifically, to more specifically look at the -- no pun intended, the depth of the problem and -- and matters of future guaranteeing a future safe potable public water supply.

So I think that's a reference document that you may want to take a look at and we can certainly get a copy for you from the Health Department. That did point to the critical situation on Shelter Island as referred to by the Laretta Fischer in terms of a real close line between development and, here again, a potable water supply.

So that started to set the foundation that this is a case where there are limits and future development will have to be looked at very carefully in terms of starting to potentially turn the tide in terms of water quality threats to both quantity and quality of water that are, here again, is generated through public -- through well supply at this location. Number one.

Number two, the County's presence of open space for -- in general, let alone for drinking water protection in Shelter Island is limited. Up until probably, I would guess six or eight years ago, we had very little County land ownership in there. And that -- here again, it certainly -- other conservation has occurred. The Nature Conservancy has done extensive preservation of what's known as Mashomack. But it's a case where in other towns we've done a fair amount of protection using County programs. We haven't done a lot, here again, up until the past six to eight years in Shelter Island. So some of this can be viewed as catch up in terms of working with the town. Many of these have been done as joint acquisitions.

And looking at the remaining, infield development, because you can see in this aerial this is a location where there is certainly development but there are some strategic and large parcels that contribute to groundwater recharge. Were these sites developed whether it be 30 homes, whatever the magic number may be, with discharge estimated 300 gallons per acre and so forth, it is the belief in this research done through the Health Department that there could be an adverse impact on

water quality.

And I guess the final point in terms of consideration here is the -- you have a lot of surface water bodies representing freshwater ponds, freshwater wetlands and so forth, here again, certainly depicted on this map. Freshwater wetlands are described in the blue lines before you and surface water bodies within the Peconic estuary further to the outside of that.

So water is an important element in terms of not only in public water supply or should say drinking water for public use on Shelter Island, but also the surface water bodies. And both of those tie into objections of the Drinking Water Protection Program.

And I guess just finally, in terms of your, you know, the origin of your question in terms of, you know, how do we precisely know when enough is and when it isn't, it's very hard to quantify. I think the Health Department report's probably the best way of getting a handle on that.

And I think the, you know, there's just the -- you know, the final consideration here is that the -- since most of Shelter Island is developed, there are very few opportunities to guard that edge in terms of that cushion of safety in terms of potential groundwater contamination. That it really is approaching build-out essentially and these last large tracts will be the determinate of the final build-out. And that's basically it.

LEG. D'AMARO:

So based on the studies that you've seen and the build-out on the Island, there's not much open space left?

DIRECTOR ISLES:

Correct.

LEG. D'AMARO:

And their drinking water is at a critical --

DIRECTOR ISLES:

Right.

LEG. D'AMARO:

-- at risk -- at a critical level where you feel that the acquisition of any parcel, especially of this size is going to help to preserve and prevent the quality of that groundwater from going over to the -- to the dark side.

DIRECTOR ISLES:

Right. It's almost any -- almost any parcel, not every parcel. I mean not every parcel.

LEG. D'AMARO:

Right.

DIRECTOR ISLES:

This one happens to offer the advantage of a significant size plus preservation or protection of a surface water body in terms of freshwater wetlands. So I think it had a number of factors in terms of significant area of groundwater recharge, protection of the surface water body. So this one, I think, here again, fulfilled that, you know, some of those basic objectives we looked at and, here again, grounded in the Health Department study done a number of years ago.

LEG. D'AMARO:

Well, I thank you for that answer, you know, it gives me comfort to know that when we're purchasing of this magnitude that we are actually having an impact and meeting the goal of preserving the quality of the drinking water. So, thank you.

DIRECTOR ISLES:

Understood.

CHAIRMAN SCHNEIDERMAN:

Tom, this isn't that piece that had some archeological sensitivity on it, is it?

MS. FISCHER:

No.

DIRECTOR ISLES:

No.

CHAIRMAN SCHNEIDERMAN:

That's a different piece. Right? Brian, do you have something else?

LEG. BEEDENBENDER:

No. I'm good. I would just -- I would just suggest, Mr. Chairman, pending the clarification of whether or not there's pollution on the property that we just discharge it to the floor and -- because Mr. Isles has said he could have that information for the full body on Tuesday.

LEG. COOPER:

I'll second that.

CHAIRMAN SCHNEIDERMAN:

So you're asking it be discharged without recommendation?

LEG. BEEDENBENDER:

Yes, because there was some question about pollution that --

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. BEEDENBENDER:

-- I just want to get cleared up.

CHAIRMAN SCHNEIDERMAN:

Fine. All right. So we'll take that motion first, the motion to discharge without recommendation by Legislator Beedenbender, second by Legislator Cooper. Who was the motion and the second on the first? I think I motioned and who was the second?

MS. LoMORIELLO:

Jon.

CHAIRMAN SCHNEIDERMAN:

Jon. So, Jon, you're withdrawing your first motion?

LEG. COOPER:

I'll withdraw that.

CHAIRMAN SCHNEIDERMAN:

Okay, so. All right. Because I can't have you on two. All right. All in favor of discharging without recommendation? Opposed? Abstentions? All right. **IR 1091 is discharged without recommendation.**

(VOTE: 4-0-0-1 Not Present: Legislator Losquadro)

IR 1100, Making a SEQRA determination in connection with the proposed rehabilitation of CR 17, Wheeler Road, from CR 100, Suffolk Avenue, to vicinity of Bretton Road, Town of Islip. (Pres. Off. Lindsay) Is there a motion?

LEG. COOPER:

Motion to approve and place on the calendar.

CHAIRMAN SCHNEIDERMAN:

To approve and place on the consent calendar. All right. There's a motion to approve and place on the consent calendar by Legislator Cooper, seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved. (VOTE: 4-0-0-1 Not Present: Legislator Losquadro)**

IR 1119, Re-appropriating unexpended funds in connection with the Comprehensive Shellfish Restoration Program for the Great South Bay. (Co. Exec. Levy) I'll make a motion, second by Legislator Cooper. If we could have some explanation on this. This was that -- was this that million dollars we put into the Great South Bay for that -- to put lots of clams out there?

COMMISSIONER MEEK-GALLAGHER:

Yes, lots of baby clams now.

CHAIRMAN SCHNEIDERMAN:

Lots of baby clams.

COMMISSIONER MEEK-GALLAGHER:

It's been very, very successful in terms of a 477 funded Aquatic Habitat Restoration Program and essentially the short answer or explanation --

CHAIRMAN SCHNEIDERMAN:

So there's money leftover?

COMMISSIONER MEEK-GALLAGHER:

Excuse me?

CHAIRMAN SCHNEIDERMAN:

There's money leftover from that million dollars.

COMMISSIONER MEEK-GALLAGHER:

There's money left essentially because this year, as you know, or last year in 2008 there was a severe brown tide event. And due to that the Nature Conservancy held back on some of the normal operations, receiving, etcetera, that -- that would have happened and, therefore, they'd like to carry that money over. It's a no cost time extension of -- of the project essentially to, you know, they were able to see certain impacts from the -- the brown tide, but they didn't want to, you know, do everything that they normally would have done.

CHAIRMAN SCHNEIDERMAN:

So we haven't lost all the clams we put out there in that brown tide?

COMMISSIONER MEEK-GALLAGHER:

No.

CHAIRMAN SCHNEIDERMAN:

That's good. Now this was -- this was that idea that they would put an overwhelming amount of spat. Is that what they did? Or they --

COMMISSIONER MEEK-GALLAGHER:

No. They put adult clams so that --

CHAIRMAN SCHNEIDERMAN:

Adult clams.

COMMISSIONER MEEK-GALLAGHER:

Right? Carl, you want to come up? We actually have Carl LoBue, who's been supervising the project for the Nature Conservancy.

MR. LoBUE:

Just to answer your question, we did put an overwhelming number of adult clams --

CHAIRMAN SCHNEIDERMAN:

Adult clams.

MR. LoBUE:

-- in the bay over the last couple of years.

CHAIRMAN SCHNEIDERMAN:

Were they overwintered these clams? Or were they --

MR. LoBUE:

They've overwintered and we were very proud to announce that we've exceeded our expectations and had 320 million baby clams that we've identified as settled as of the 2007 spawn.

CHAIRMAN SCHNEIDERMAN:

So this is second generation now.

MR. LoBUE:

Second generation, which is exactly what we're hoping for. But as the Commissioner noted, we decided to intentionally hold some work back with the hope that we could get this extension so that we weren't doing some things in the middle of a brown tide bloom.

CHAIRMAN SCHNEIDERMAN:

Now how does the mortality rates on the baby clams look?

MR. LoBUE:

Well, we -- we monitored them in September. And that had been -- most of the brown tide had been over by September and that's when we counted 320 million, so -- so we feel that we're good there although to be honest they were relatively thin as far as -- because they hadn't been eating very well so we'll be out as soon as the weather gets nicer hopefully and keep very close track of those.

CHAIRMAN SCHNEIDERMAN:

So it's too -- so it's kind of early then to predict the success of this project.

MR. LoBUE:

Right. Although the intent was that if we finally got enough adults in there, we would get a set of clams and we've proven at least that that can work and now we want to make sure that these can keep alive.

CHAIRMAN SCHNEIDERMAN:

How many adult clams did we put out there?

MR. LoBUE:

Overall between all the different aspects of the projects about 3 million adult clams.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. LoBUE:

That could fill this room a couple of times.

CHAIRMAN SCHNEIDERMAN:

Now, there's been some question as to the relationship between the brown tide and, you know, the increased filtration capacity that, you know, maybe having more clams out there would actually stop the brown tide. Do we see any diminishment of the brown tide effect?

MR. LoBUE:

Well, you're exactly right and that's what study show and that's exactly why we want to bring the clams back and why we weren't so shocked that we had a brown tide. But we have to get those numbers of clams up before we would expect to see that.

CHAIRMAN SCHNEIDERMAN:

Right. It was kind of -- this is kind of like the critical mass theory.

MR. LoBUE:

That's right.

CHAIRMAN SCHNEIDERMAN:

Right. That we got -- we overharvested the Great South Bay and it tipped the scales in favor of the brown tide. We threw off the ecological balance somehow.

MR. LoBUE:

Right.

CHAIRMAN SCHNEIDERMAN:

That maybe we could restore it by putting a vast amount of clams out in an area.

MR. LoBUE:

I think what we've been able to show is that the Great South Bay is still viable and just needs a little kick start.

CHAIRMAN SCHNEIDERMAN:

Okay. But it's still a little too early to say that. But so far the early indications are positive.

MR. LoBUE:

Very positive.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you. That's good news and encouraging news. I remember when I was younger we used to clam in the Great South Bay and there were really no restrictions on what you could do.

CHAIRMAN SCHNEIDERMAN:

Me, too.

LEG. D'AMARO:

The damage was done. But I want to ask you, just curious, where do you get a million clams from?

MR. LoBUE:

It's a good question.

LEG. D'AMARO:

And how do you get them here?

MR. LoBUE:

These are clams that come from other Long Island bays or they come from the Long Island Sound, sometimes on the Connecticut side or the New York side there. They were -- they've basically been pardoned by Suffolk County that would otherwise be in chowder and soup and other things.

LEG. D'AMARO:

Very good.

MR. LoBUE:

So it's also supporting, you know, our local diggers because that's where a lot of clams are coming from.

LEG. D'AMARO:

Right. Sure. Okay, thanks. Keep up the good work.

MR. LoBUE:

Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. So I think we already made a motion. Yeah, I made a motion and, Lou, I think you seconded or Jon -- Jon seconded, Jon seconded. All in favor? Opposed? Abstentions? **Approved.** (VOTE: 4-0-0-1 Not Present: Legislator Losquadro) Okay.

IR 1120, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) Hamlet Greens, Hamlet Parks or Pocket Parks component - Grace Presbyterian Church property, Town of Brookhaven (SCTM No. 0200-392.00-03.00-017.000). (Beedenbender)

LEG. BEEDENBENDER:

Motion to table, Mr. Chairman.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Okay. The sponsor, Legislator Beedenbender, is making a motion to table, second by Legislator Cooper.

LEG. BEEDENBENDER:

And I just wanted to thank Planning for all their help because there was some significant amendments that they helped me out with.

CHAIRMAN SCHNEIDERMAN:

All in favor? Opposed? Abstentions? **1120 is tabled.** (VOTE: 4-0-0-1 Not Present: Legislator Losquadro) And we are adjourned. Thank you.

THE MEETING WAS CONCLUDED AT 3:09 PM

{ Denotes spelled phonetically }