

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 April 20, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Presiding Officer William J. Lindsay
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Kevin Duffy, Budget Review Office
Barbara LoMoriello, Deputy Clerk
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
Jessica Kalmbacher, Planning Department
Catherine Stark, Aide to Leg. Schneiderman
Justin Littell, Aide to Leg. D'Amaro
Marcus Povinelli, Aide to Leg. Losquadro
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Debra Alloncius, AME Legislative Director
Rick Brand, Newsday
Robert Krudop, North Fork Preserve
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 1:16 PM

CHAIRMAN SCHNEIDERMAN:

Good afternoon. I'd like to call this meeting of the Environment, Planning and Agriculture Committee to order this 20th day of April 2009. If you all will rise and join us for the Pledge of Allegiance led by Legislator Losquadro.

SALUTATION

You may be seated. We're hoping that this will be one of the shortest Environment Committee meetings we've seen. It's a relatively brief agenda. Okay. We have no presentations today. We're going to go right to the agenda.

CEQ RESOLUTIONS

And hopefully we'll be able to do the same motion, same second for the CEQ resolutions. So we're starting with **10-09 ratification of recommendations for legislative resolutions laid on the table for March 3, 2009. (Type II Actions)** Can I get a motion?

LEG. D'AMARO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

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

11-09, proposed replacement of the irrigation system at Charles R. Dominy County Park a/k/a West Sayville Golf Course, Town of Islip (Type II Action) Same motion, same second, same vote. **(Vote: 5-0)**

12-09, proposed replacement of retaining wall town at Indian Island Golf Course, Town of Riverhead. (Type II Action) Same motion, same second, same vote. **(Vote: 5-0)**

13-09, proposed acquisition of land for Open Space Preservation purposes known as the Seatuck Cove, Widenor property in the Town of Riverhead. (Unlisted Action, Negative Declaration) Same motion, same second, same vote. **(Vote: 5-0)**

14-09, proposed improvements to CR 39, North Highway, EIP from CR 38, North Sea Road to NYS 27A Montauk Highway, Town of Southampton. (Unlisted Action, Negative Declaration) Same motion, same second, same vote. **(Vote: 5-0)**

15-09, ratification of recommendation for legislative resolutions laid on the table for March 24, 2009. (Type II Actions) Same motion, same second, same vote. **(Vote: 5-0)**

And **16-09, proposed construction of highway maintenance facilities, salt storage building, Hampton Bays, Town of Southampton, CP 5048. (Unlisted Action, Negative Declaration)** Same motion, same second, same vote. **(Vote: 5-0)**

TABLED RESOLUTIONS

Moving onto tabled resolutions, **1989-08, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program as amended by Local law number 24-2007 (Cohen property, Town of Riverhead) (Romaine)** The sponsor has requested this be tabled. Can I get a motion to table?

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **So tabled. (Vote: 5-0)**

2028-08, adopting a local law to adopt a full cost disclosure policy for land acquisition resolutions. (Alden)

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second.

LEG. D'AMARO:

Yes.

CHAIRMAN SCHNEIDERMAN:

Same vote. **(Vote: 5-0)**

IR 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:

Same motion, same second, same vote.

LEG. LOSQUADRO:

Jay, I'm sorry on the motion.

CHAIRMAN SCHNEIDERMAN:

Yes, Legislator Losquadro. The sponsor requested it be tabled.

LEG. LOSQUADRO:

Okay. I just -- I couldn't recall. I know we had tabled it last time.

CHAIRMAN SCHNEIDERMAN:

Right. I have a note that the sponsor's asked for it to be tabled.

LEG. LOSQUADRO:

That's fine. Refreshed my memory.

CHAIRMAN SCHNEIDERMAN:

1021, authorizing the granting of a permanent easement to the Suffolk County Drinking 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) Again, it's been asked to be tabled by the sponsor.

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second, same vote. **(Vote: 5-0)**

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) Brian, what's your pleasure?

LEG. BEEDENBENDER:

Motion to table. Hopefully next time we'll be able to do it.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Beedenbender, second by Legislator Cooper. All in favor? Opposed? Abstentions? **1120 is tabled. (Vote: 5-0)**

1138, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Lang property - Town of Shelter Island) (SCTM NO. 0700-018.00-030.00-004.000). (Romaine)

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator Cooper, second by Legislator D'Amaro.

LEG. LOSQUADRO:

Who's the --

CHAIRMAN SCHNEIDERMAN:

This is one that I don't have a note that the sponsor's asking for it to be tabled.

LEG. LOSQUADRO:

Just a refresher on this from Planning perhaps.

CHAIRMAN SCHNEIDERMAN:

Oh, this is that square piece, yeah. Yeah, I remember it, yeah.

DIRECTOR ISLES:

Okay. The subject parcel, I'm sorry, is located in Shelter Island. It is just south of the Town Recycling Center, which is the former landfill. It was rated based on the County's open space criteria. It received a point rating of 13 points. The parcel's about 11 and a half acres in size.

CHAIRMAN SCHNEIDERMAN:

The town has expressed no interest in partnering on this one?

DIRECTOR ISLES:

Right. We confirmed that with the town recently.

CHAIRMAN SCHNEIDERMAN:

I'll support the tabling. Any other discussion? All in favor? Opposed? Abstentions? **So tabled.**
(Vote: 5-0)

1202, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law number 24-2007 (North Fork Preserve property - Town of Riverhead) (Romaine) And I don't think the planning -- it hasn't been evaluated. Right? It hasn't been scored yet? I have a note here that the sponsor's waiting for a recommendation from Planning.

DIRECTOR ISLES:

Right. We did do a rating of the property.

CHAIRMAN SCHNEIDERMAN:

Oh, you did. Okay.

DIRECTOR ISLES:

Yeah, we just completed it.

CHAIRMAN SCHNEIDERMAN:

But the sponsor, I think, is asking for it to be tabled.

DIRECTOR ISLES:

We don't have an objection to that.

CHAIRMAN SCHNEIDERMAN:

Okay, so.

LEG. LOSQUADRO:

Let's take a look at it --

CHAIRMAN SCHNEIDERMAN:

Same motion, same second to table. Okay. On the motion.

LEG. LOSQUADRO:

No, I just want to take a look at the --

CHAIRMAN SCHNEIDERMAN:

What was the rating on this one?

LEG. LOSQUADRO:

36.

CHAIRMAN SCHNEIDERMAN:

36. So what are we waiting for on this one?

DIRECTOR ISLES:

I believe at the last meeting the issue was it wasn't rated at that time, number one. We had become aware of the resolution two days prior to the meeting. We also had questions in terms of the intended use of the property. And there was consideration for the property certainly for open space purposes. There was also a small amount of farming that goes on in the property, so there was then a question of should that be considered under the County's PDR Program, for example.

And then lastly, there was a question as to is there a possibility for active parkland or general parkland use. There is, for example -- there are, for example, two tennis courts on the property.

Subsequent to the last meeting, County Planning has reviewed this further. We've also met with the Commissioner of Parks to review this with him. We've also spoken internally relative to the County's Farmland Program as it may affect this property.

What we've prepared for you today is a rating based on an open space designation. And the reason we did that was for two reasons; number one is, that is clearly the predominant use of the property so to speak in terms of the wetlands in the property, the woodlands. And trying to classify it in consistent with the majority use of the property.

Secondly, the reason we went in that direction is that although there's a possibility, certainly that this could be considered for a hybrid of open space as well as general parkland purposes, we consider that to be more of an ancillary or accessory use that could be accommodated under a former resolution approved under Multifaceted that could accommodate general parkland purposes. So there's a little --

CHAIRMAN SCHNEIDERMAN:

Is there any money in Multifaceted?

DIRECTOR ISLES:

There is not. And, here again --

CHAIRMAN SCHNEIDERMAN:

So, that would be a waste of our time then.

DIRECTOR ISLES:

Here again, I can't speak to the future in terms of funding. And you're right, that may not be an option.

CHAIRMAN SCHNEIDERMAN:

Right.

DIRECTOR ISLES:

So in terms of trying to sort out, well, how should we look at this, what's the most appropriate way in our opinion; to then rate the property, we took, here again, the dominant use, the dominant purpose as we saw it and rated it based on an open space criteria. If you decide to proceed, and that's certainly a policy question on your part, it is a large parcel, through the appraisal and park planning process, it could then be determined if some of those uses are compatible or not or if they're appropriate, if we can afford them as a County and so forth and then reflect that in the acquisition resolution.

Here again, depending on how you would like to proceed and we'll certainly report this to the sponsor, the current resolution is general in terms of identifying the amended Drinking Water Protection Program for funding. We would suggest that it be a little more specific and cite either open space or the other two components of the program.

CHAIRMAN SCHNEIDERMAN:

Could we carve out, say the tennis courts, and let the town pick up the tennis courts for their purposes and we could buy the remaining, the open spaces or farmland?

DIRECTOR ISLES:

That is certainly possible. I will tell you that in the conversations with the Parks Department, the Commissioner of Parks, on a park of this size, this is on the scale of like Blydenburg Park, for example, there would be some concern about splitting up control of the property.

CHAIRMAN SCHNEIDERMAN:

Okay.

DIRECTOR ISLES:

And it's way too early to speak on that and with finality.

CHAIRMAN SCHNEIDERMAN:

Right.

DIRECTOR ISLES:

But it would be a question and an issue in terms of the Parks management.

CHAIRMAN SCHNEIDERMAN:

Right. But unlike Blyden -- we're not thinking about camping and things like that like we might have in Blydenburg. Or is that --

DIRECTOR ISLES:

It's not out of the question.

CHAIRMAN SCHNEIDERMAN:

It's not?

DIRECTOR ISLES:

Although that has not specifically come up. The site is unique in its sheer size these days in terms of coming across sites that are 300 acres in size is kind of rare. And, here again, you can see on the aerial that it's pocked with an extensive wetlands, a high groundwater condition. So the site does offer some possibilities from a County park planning standpoint that conceivably could include camping.

CHAIRMAN SCHNEIDERMAN:

Okay. How many; 300 acres is that what you said?

DIRECTOR ISLES:

It's 300 plus acres.

CHAIRMAN SCHNEIDERMAN:

Wow, that is sizeable.

MS. FISCHER:

I just want to make another note on the map with regard to the wetlands. They do not encompass all the wetlands shown on the map and it is erroneously misleading in the fact that there's many more wetlands on this property, especially on the north -- northern parcel that have not been -- have not shown up on the New York State DEC freshwater wetland maps. But we know for a fact that there are many small pocket wetlands, freshwater wetlands on the north parcel as well as the eastern section of the property. There's some actually significant ponds on the easternmost side of the property as well.

CHAIRMAN SCHNEIDERMAN:

Okay. I want to actually ask a procedural question because I was just handed a yellow card for public portion, which we skipped over because we didn't have any cards. It happens the speaker wants to be heard on this particular issue of the North Fork Preserve. So could we hold off for a second and allow a speaker?

MR. NOLAN:

That's the prerogative of the Chair if that's what you'd like to do.

CHAIRMAN SCHNEIDERMAN:

All right, yeah. Mr. Krudop, if you want to come forward and I'll give you your three minutes before we vote on this resolution.

PUBLIC PORTION

MR. KRUDOP:

I guess this is how you speak into this speaker?

CHAIRMAN SCHNEIDERMAN:

That's fine. That AV guy is our Presiding Officer. AV tech and Presiding Officer.

MR. KRUDOP:

What I'd like to do is read into the record a letter that was written by Myron Kaplan, Janet Krudop, myself Robert Krudop, and North Fork Preserve Incorporated. On behalf of, *as the officers and directors of North Fork Preserve Incorporated we are writing this letter to provide you the background for the adoption of the planning steps resolution for the acquisition of our property. This is a unique piece of property. It's 397 plus or minus acres with varied terrain, wonderful vistas in numerous places. It has a 6,000 square foot steel and concrete clubhouse, barns, shop. Our hunt club is no longer sustainable so we wish to sell the property and have chosen to enter into the County's acquisition process.*

We stress however, that time is of the essence. If the County is unable and unwilling to move forward, we will be compelled to give private buyers a chance and the highest evident value for the land is development.

We invite you and your staff members. You can call me, Robert Krudop, at (631) 275-9796 to arrange a guided tour of the property and the buildings. We also enclosed a letter from the County Commissioner of Planning in support.

Thank you for your interest. And we hope you'll all support this process.

I'd also like to reiterate, some of those ponds on the east south -- south end on the eastside were manmade. We made those ponds and they're interconnecting with weirs and we control the levels and we have irrigation wells that feed and maintain the levels and are stocked. Camping is definitely a viable option for it.

I can just -- the best thing to do is to come up and visit and make an appointment and, you know, before there's ever a serious vote on the issue. You'd have to come up and really see the property and -- to really appreciate it. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. Now Tom, in terms of recommendations it's all ready got a score of 36, which is a pretty good score, that's above the threshold. It is a planning steps not an acquisition resolution. So that would actually give -- you know, I'm a little bit concerned about timing here and holding it up when we have a willing seller, at least maybe get -- certainly there are few properties of this size left in

the County and it ought to be, I think, fully vetted and considered. Legislator Cooper.

LEG. COOPER:

Tom, I just had a question regarding the hunting lodge on the property. Is it in -- or maybe the gentlemen would like to speak, is it in good condition? Should it be torn down? Where does it stand?

MR. KRUDOP:

No, the hunting lodge is in good condition. It has a fireplace in the main hall, dance floor, parquet floor, tables set up. There's a -- that's why I'm saying you have to come up and see the facility yourself. I mean, the hunt room, the field room, they're all set up with wood stoves, full commercial kitchen, bathroom facilities, There's locker facility. It's in great condition. It's a solid concrete building stuccoed on the outside, full glass all around it. It's in good condition.

LEG. COOPER:

And how large is the building?

MR. KRUDOP:

Around 6,000 square feet. We have a Morton barn, I can't say that's more than ten years old for the equipment on the property as well. It's on one of the lots. You know, everything's in decent shape.

LEG. COOPER:

Okay. Thank you.

CHAIRMAN SCHNEIDERMAN:

Can I ask you before you sit down, the property is -- it's a large property, it's extremely close to the Long Island Sound.

MR. KRUDOP:

Yes.

CHAIRMAN SCHNEIDERMAN:

But it doesn't seem to adjoin the Sound. Do you have any kind of deeded rights that go with this property for access to the beach there?

MR. KRUDOP:

There's no deeded rights that go to the beach with this property. There are -- on the other side there's -- to the north of the property, just before the Long Island Sound, there's Sound Shore Road. And on the other side there's basically one house or one lot, in some areas maybe two. But usually there's one lot between that and the Sound. There are some vacant parcels that are available if the County or the town were interested in giving, you know, creating more beach rights to this property.

CHAIRMAN SCHNEIDERMAN:

Right. It seems like if you're going to have a campground there, you're going to have County uses there. People are going to want to walk to the Sound. It's just --

MR. KRUDOP:

Well, they can go right to Iron Pier Beach, which is -- you can walk right from the northeast corner right down to Iron Pier Beach, which is Riverhead Town beach, a full facility.

CHAIRMAN SCHNEIDERMAN:

Oh, so Riverhead has an access way?

MR. KRUDOP:

Oh, yeah. Absolutely.

CHAIRMAN SCHNEIDERMAN:

And does that adjoin this property?

MR. KRUDOP:

No. It's right around the corner. I'd say it's about, I don't know, I can't even say it's more than a quarter of a mile away, you know, walk.

CHAIRMAN SCHNEIDERMAN:

Right. But it'll be good to have -- be able to walk directly down. So maybe it's worth the County exploring some of the vacant land in that area.

MR. KRUDOP:

It's possible.

CHAIRMAN SCHNEIDERMAN:

And trying to -- if we are going to do these 300 acres, it would be good to have that beach access from it as well. It might -- the neighbors might not like it, but --

MR. KRUDOP:

I know there's a seven acre parcel up there, I think, with one house on it. And directly to the north right in the middle of the whole property, in the north 133, I know there's a piece that's about seven to ten acres right in the middle that goes directly to the Sound. There's only like one building one it, one structure. If that ever became available, yeah, that would definitely make access to the beach. And it wouldn't impede upon any neighbors.

(CONTINUED) TABLED RESOLUTIONS

CHAIRMAN SCHNEIDERMAN:

Tom, could you look into that and maybe do a title search or deed search on some of those properties? Maybe there's a tax default piece or something that we already have in there? Although it doesn't show it.

DIRECTOR ISLES:

Okay.

CHAIRMAN SCHNEIDERMAN:

I'm not seeing it.

DIRECTOR ISLES:

So the request is to look to see if there are any tax defaulted lots along the north side of this property adjoining the Sound?

CHAIRMAN SCHNEIDERMAN:

Right. Or any logical way, you know, any old easements, super narrow lots that are unbuildable, that kind of thing that could get park users down to the water there.

DIRECTOR ISLES:

We could check with Real Estate to see if there are any tax defaulted lots or we could just do a general planning review to see if there are sites that fit what you're describing, which is a narrow lot to provide access. I'm not sure how long that would take.

CHAIRMAN SCHNEIDERMAN:

Right. And then we could do a planning steps perhaps for a -- that could go concurrently with this. All right. Dan?

LEG. LOSQUADRO:

Yeah, to Commissioner Isles, what funding source would you recommend for an acquisition of this type? Based on your statement, I'm wondering which one would be most appropriate.

DIRECTOR ISLES:

Well, at this point in time the planning steps resolution under Drinking Water we think would be fine. The one thing we came across with the Drinking Water Program is a question as to whether it would permit acquisition for general parkland purposes. The resolution does speak of active parkland. It does speak of hamlet parks and so forth. But is also talks about a mandatory partnership agreement from what we understand and so forth.

So it appears that there may be some issues with purchasing it for general parkland purposes under the New Drinking Water Program. But if it's just under open space with these ancillary, you know, using the hunting lodge for a, you know, interpretive center consistent with the passive park purpose and so forth, then the Drinking Water open space component would appear to be the most appropriate.

LEG. LOSQUADRO:

Thank you.

DIRECTOR ISLES:

Here again, this is not a minor acquisition. This would be a very significant understatement acquisition. There would not be a -- there would be a need to do an awful lot of work to put this together because it would be a major obligation of the County to undertake this and operate it and so forth.

So in my hesitancy in giving some answers is just that we would need more information to specifically address these ideas, these uses and so forth.

CHAIRMAN SCHNEIDERMAN:

Right. So you're asking for more time. I'm not sure how much time the sellers have. I'm much more interested in this if there's a way to get to the beach. I would like to get some more information, there's so many parcels in between in that narrow strip.

DIRECTOR ISLES:

We could look at that.

CHAIRMAN SCHNEIDERMAN:

That makes it more appealing to me. There is a motion and a second to table. Any other discussion? All right. All in favor? Opposed? Abstentions? **Tabled. (Vote: 5-0)**

INTRODUCTORY PRIME

We're moving onto **1265, resolution of the County of Suffolk, New York rescinding resolution number 1231-2008, adopted December 16, 2008 which appropriated \$141,000 in connection with planning for restoration of wetlands (CP 8730.111) (Co. Exec. Levy)**

LEG. D'AMARO:

Motion to approve.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator D'Amaro, second by Beedenbender. Can I get explanation?

MR. NOLAN:

Well, this at actually at the request of the Legislature. This was going to be a project that was going to be bonded. The Legislature at its meeting said can we do this with 477 money? So this resolution is rescinding the earlier bonding authorization and 1266 is doing it through the 477 money. So they're companion resolutions.

CHAIRMAN SCHNEIDERMAN:

Okay, I see. All right. So there's a motion and a second. This is to table.

LEG. D'AMARO:

To approve.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, to approve. I'm sorry. This is the -- this is approving the rescinding of the resolution of 1231. So there's a motion and second to approve. All in favor? Opposed? Abstentions? **1265 is approved. (Vote: 5-0)**

1266, amending the adopted 2009 operating budget to transfer funds from Fund 477, amending the 2009 Capital Budget and Program and appropriating funds in connection with planning for restoration of wetlands (CP 8730.111) (Co. Exec. Levy) Same motion, same second.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Losquadro. Well, maybe Commissioner Gallagher could come forward.

COMMISSIONER MEEK-GALLAGHER:

I'm here.

CHAIRMAN SCHNEIDERMAN:

Oh, she is. I'm sorry, I've got to switch glasses. I've got my reading glasses on, now I've got to put my dark shades on.

COMMISSIONER MEEK-GALLAGHER:

Yes, again, as Counsel indicated before, this is at the request of the Legislature. This is funds -- this was in the 2008 Capital Program. We are trying to finalize a contract, sign a contract with the consultants who will prepare as part of this Wetlands/Stewardship Program, the Wetlands/Stewardship Strategy and that's what we're trying to get enough funding to do that. It was something that the County obligated itself to complete by December of 2010 as part of the vector control and Wetlands/Stewardship long-term plan. So when the finding statement was adopted back in the spring of 2007, it obligated us to produce this Wetlands/Stewardship Strategy by the end of 2010.

So that's what -- this is part of the money that would go towards that. We have \$220,000 that was already appropriated in 2007. This is the additional piece. And this will at least get us that product that we need. It'll get us whatever we need legally to meet the requirements of the finding statement.

CHAIRMAN SCHNEIDERMAN:

And have you -- has this now gone through Water Quality Committee?

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRMAN SCHNEIDERMAN:

It did. So you must have had a special meeting or something?

COMMISSIONER MEEK-GALLAGHER:

No, what I did because the committee was already aware of the issue and we discussed it at previous meetings, I simply spoke with each of the members individually to make sure that they were okay with it instead of calling a special meeting just for this one, just for converting the money.

CHAIRMAN SCHNEIDERMAN:

All right. Because there is a requirement that these projects go through that committee. It's really up to -- if Counsel says that's proper then I have no problem.

COMMISSIONER MEEK-GALLAGHER:

Well, the committee is advisory. And in this case since several -- since most of the members of the committee are also members of the Wetlands/Stewardship Committee or involved in the project, I was advised that I could do that.

CHAIRMAN SCHNEIDERMAN:

Okay. It's advisory? I thought there was a requirement that they have to approve the project before it could move go forward?

LEG. LOSQUADRO:

Yeah, Mr. Chairman, I mean, I remember many times in the past we couldn't move things forward because it hadn't gone through the committee yet.

COMMISSIONER MEEK-GALLAGHER:

No, technically in the Charter it is the -- the Water Quality Review Committee is advisory to the Legislature in the sense that if you didn't want to take the recommendation or you wanted to appropriate funds on your own for a project, you could. The goal, though, I think in the sense of the Legislature, is that you would prefer that it gets screened through that committee first and we've been trying to holdfast to that.

MR. NOLAN:

Yeah, I believe that is accurate.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. LOSQUADRO:

I'm just putting it on record with all due respect, that's not how it has been portrayed to this body. There have been times when items have been reviewed. And I understand the nuances of that, that we would prefer it gets screened first. But there have been times when, you know, something has not moved forward and we were told very clearly we could not vote on it without that item being reviewed. So this is -- in my experience, this is a change in what this body's being told in terms of policy.

CHAIRMAN SCHNEIDERMAN:

Can we just do it as a discharge without recommendation? And if for some reason that turns out -- let George have time to review it.

LEG. LOSQUADRO:

That may be the case legally, I'm saying what we have been told.

CHAIRMAN SCHNEIDERMAN:

Right. Well, it's confusing, too, because I know there are committees like, there's the Dredge Screening Committee.

COMMISSIONER MEEK-GALLAGHER:

Part of the nuance here was that it was a direct request of the Legislature that we do this; therefore, the understanding was that was already the will of the Legislature to do this.

CHAIRMAN SCHNEIDERMAN:

Right. No, I have no problem with that. We just want to make sure procedurally we're doing everything by the book.

MR. NOLAN:

The Charter says that they make recommendations.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. NOLAN:

All of the applications have to be reviewed by the committee. But they are making recommendations to the County Executive and the County Legislature. The committee's also authorized to establish its own rules for procedure. So the way they've done it in this particular case where, it sounds like Carrie -- or Commissioner Gallagher, poled the members on this particular issue, may be in compliance with their procedures and bylaws, that I don't know, but --

CHAIRMAN SCHNEIDERMAN:

All right. Well, I prefer it this way anyway. I think the Legislature ought to hold onto its decision making abilities. That's what we're elected to do. So, all right, there's a motion and a second. I don't think there's any other motion. So, all in favor? Opposed? Abstentions? **1266 is approved.**
(Vote: 5-0)

That concludes our agenda. If there's no other business, we are adjourned.

**THE MEETING CONCLUDED AT 1:44 PM
{ } DENOTES SPELLED PHONETICALLY**