

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on June 1, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

George Nolan Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, Deputy County Executive
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
Frank Castelli, Department of Environment and Energy
Jessical 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
Christine Boelke, Parks Department
Jack Caffey, Presiding Officer Aide
William Shilling, Presiding Officer Aide
MaryAnn Johnston, ABCO President
Tom Fernandez
Dr. Carmine F. Vasile
Peter Quinn
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:21 PM

CHAIRMAN SCHNEIDERMAN:

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

SALUTATION

PUBLIC PORTION

CHAIRMAN SCHNEIDERMAN:

We'll start the public portion. I have two cards. If you wish to be heard by the Committee and you have not already filled out a yellow card, please come forward and get one from the Clerk.

Our first speaker is Dr. Carmine Vasile speaking on radioactive landfill plumes. Mr. Vasile, you have three minutes to make your presentation.

DR. VASILE:

Good afternoon. Is it on? I have here a fax that I sent to Legislator Schneiderman's office. Did you ever get a chance to look at this?

CHAIRMAN SCHNEIDERMAN:

I can't see it from here.

DR. VASILE:

I sent you a fax in May about this issue. I received a letter dated May 13 from the NRC. They're going to have a hearing about my concerns. And the concerns I raised are this: Number one, Ogden Martin Incinerator continues to burn long and short lived medical and industrial waste. Radioactive ash is being sent to the Brookhaven Landfill and radioactive scrap metal's being sent to Gershow up residential streets. Long lived nuclear transmutations in garbage landfills continue to kill workers. That's my one concern.

The second one is radioactive plumes have polluted private and public wells including Barton Avenue well that I can walk to which is a Suffolk County well. There's radon in it and strontium 90. And I don't want it in my water.

The other one is concern number three Suffolk County Health Department failed to measure radioactive isotopes in wells known to be contaminated. Now I've had my water tested four times. I still don't have a complete analysis. I've had two by the Suffolk County Water Authority, two by the Suffolk Health Department. The guy who tested my water from the Health Department said that the Suffolk County Water Authority doesn't have the equipment to test for radioactivity. This has to be stopped.

Concern number four. Leachate from the radioactive landfills were not tested for gross alpha or gross beta before being sent to the Bergen Point Waste Water Treatment Plant. They're pumping radioactive leachate from the Brookhaven landfill into the Atlantic Ocean.

Concern number five. New York DEC knows all about this. We have documents. We have {radiac} reports where they've intercepted trucks of radioactive waste coming in from Upstate, New York into Long Island being burned in the Covanta Incinerator.

And the last concern is the New York State lied to the NRC officials during the last review. Now this letter I'll put it on the record. It's a continuation of what I faxed to you. But somebody has to do something. This book *Welcome to Shirley*, I read this book last year. Two months later my son died. These people are being murdered. Women are being murdered by these radioactive landfills.

Now Newsday doesn't write about this because Newsday was sued for polluting the Huntington landfill. The Huntington landfill should be a super fund site. Somehow it was taken off the national priority list. There's no five year review. The plume has never been remediated. The Brookhaven landfill has radioactive waste from the Brookhaven National Labs. 2000 tons were dumped into the Brookhaven landfill. But yet the Brookhaven landfill is not declared a super fund site. There's a plume running down through Bellport into the Bay from that landfill. People have wells that are contaminated. The people that hook up to city water, they use the contaminated wells to irrigate their gardens and their farms. Someone's got to stop this.

So if we can -- in three minutes I can't cover it. If I can set up a meeting with you or Legislator Cooper --

CHAIRMAN SCHNEIDERMAN:

You can certainly set up a meeting with me. Catherine from my office is here. We can find you out there. In that letter you said you were going to make part of the record --

DR. VASILE:

Yeah. Did I give it to somebody?

MS. LOMORIELLO:

No, you didn't give it to me.

CHAIRMAN SCHNEIDERMAN:

Okay. We'll have a follow-up meeting.

DR. VASILE:

Yeah, and they're going to have hearings on that with the state. And somebody should tune into that.

CHAIRMAN SCHNEIDERMAN:

Thank you for bringing it to our attention.

Next speaker is MaryAnn Johnston.

MS. JOHNSTON:

Thank you. I'm here today as President of the affiliated Brookhaven civic organizations and as the Manor Park Civic Association President. And I'm here on 1315 which is the Shaw estates parcel and the planning steps resolution.

We have worked aggressively since 2005 to preserve as much of the Forge River watershed as we possibly can because that is one of the ways, one of the ways, and it's only one that we will be able to bring back that river by providing natural vegetation and filtering systems in each watershed. We have incredible opportunities in this watershed. We have a willing seller for the 154 acres of the Beachwood parcel that forms the Mastic Woods and we have a willing seller on the Shaw estate. Clustering that the town is proposing will do little, if nothing, to stop the effluent from cesspools and septic systems flowing into the ground water adjacent to the Forge River.

I am asking each and every one of you to put your money where your mouth is. If we support the restoration of the Forge River in cleaning up this river, we need to do something about acquiring those parcels that become available especially in this market. The Forge River is in terrible shape. Building 32 more units in this watershed will not help. I brought some maps with me.

We purchase the {Gazebo} parcel which is less than a quarter of a mile away. We purchased the development rights to {Gerowitz Duck Farm} which is a quarter of a mile away. We're in the process of purchasing Beach Wood, which is a 92 acres directly across the street. We purchased the

Woodland Nursery development rights which is a quarter of a mile away. We need to keep this working because everything you did is throwing good money after bad if you allow 32 homes to be built and put 32 more septic and cesspool systems directly discharging into that watershed and its ground water.

So I beg of you to give very serious consideration to the purchase of the Shaw Nursery. It is an incredible opportunity for the people of Suffolk and the people of Brookhaven and especially the people in the Mastic Shirley Manorville area to have a river that once again has life in it. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. That's the last speaker card I have so --

LEG. BEEDENBENDER:

One more, Jay.

CHAIRMAN SCHNEIDERMAN:

Oh, is there another one? Good afternoon, Peter.

MR. QUINN:

Good afternoon members of the Committee. My name is Peter Quinn. I want to simply support what nuclear scientist Carmine Vasile made in his presentation to you. We have -- we know that from various studies that there are -- there is lead 210, cesium 137, strontium 89 and 90 in our Suffolk County Water Authority wells. They're rarely tested; certainly not on a regular basis. Now with the economy in dire straits, it's not likely there will be added a whole slew of chemists to work for the authority to test on a more regular basis but that should be among your preeminent priorities. It's not enough to save land if you have water that is exceedingly -- drinking water exceedingly toxic. And we know that that toxicity can ultimately affect the way we live.

So one of the things that Suffolk County Water Authority does they close a well if it's too contaminated. They put in carbon filters which are very, very costly. Or they blend. So when people tell you, and you back up those statements from them by saying the water is pristine, I can tell you when you blend two different wells together, if one is toxic and the other is reasonably clean, it's like taking dark water from one well and white water from another and putting them in a glass, you know it's not pristine.

I would urge that -- I hope that the -- I came to hear the Budget Review Office's comments about the program for water quality. I would hope they would take that into account as well. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, Mr. Quinn. There's another card.

MR. FERNANDEZ:

Good afternoon, gentlemen. I represent the residents of Manorville.

CHAIRMAN SCHNEIDERMAN:

I'm sorry, sir. Could you identify yourself.

MR. FERNANDEZ:

My name is Tom Fernandez. I live in Manorville; 11 Maxa Court in Manorville.

I represent the residents that surround the area known as Shaw Nursery. All the homes between Middle Island Moriches Road, Daten Avenue, Barnes Road north and south we submitted a petition to the board last month with 122 signatures asking you to purchase that property for farm preservation. I've lived in my home since 1975. If you would like to talk about pollution of water in 1979 Suffolk County, the State of New York made Dow Chemical and Union Carbide supply every home in the area with filters that they had to maintain on a monthly basis because of the arsenic,

because of the temic which no one talks about and because of other substances in the ground that are poisoning the water. That is one of the reasons why we wanted Suffolk County water.

Number two last month the Planning Commissioner sat here and talked about we're a number 8 out a hundred on a scale, we have no wild life, no wetlands. Well, come out to my house. I live right south of the -- hundred feet south of the farm. I have deer on my property. I have a scrawny red fox that's still there. I have quail and pheasant. I have all kinds of wildlife on my property so how the Planning Commission can state that there's no wildlife in the area, I have no idea.

Secondly the Woody Nursery was purchased, which is right on the south side of Sunrise Highway on Barns Road. We're on the north side of Barns Road. We were also told that we wouldn't affect the Forge River, which is not true because we all know the water runs south. Okay? It runs north down to the south. It doesn't run from the south to the north so, therefore, any of the nitrogen, any of the effluent water is going to get into the Forge River basin.

I just ask you to take a look it, have somebody consider it, look at the petition. There are a lot of names, a lot of houses, everybody has signed it. The only houses that did not sign that petition were unoccupied dwellings. That's all I have to say. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you. We have no presentation scheduled so we'll move to the agenda.

MS. STARK:

We do.

CHAIRMAN SCHNEIDERMAN:

I'm sorry. We do? It's not on the agenda.

LEG. BEEDENBENDER:

Budget Review Office.

CHAIRMAN SCHNEIDERMAN:

Okay. I have an older copy of the agenda. Okay. We do have a presentation. I'm sorry. It's from our own Budget Review Office on Water Quality so Kevin, or Gail, who is presenting?

MS. VIZZINI:

Yes. In response to your invitation, Mr. Chairman, and in response to numerous Legislators asking how much money is in the Water Quality component of the Quarter Cent program, the Budget Review Office prepared a memo dated April 27th. And in that memo we addressed a number of things, what we believe to be the fund balance in Water Quality, the impact of the reduction in sales tax revenue. We include a brief history of how the program has changed at least four times over the years that it has been in effect.

We once again address concerns that we address in our operating review regarding the presentation of the fund balance in the operating budget. And what we mean by that is whether -- since there are so many components of the program, the fund balance is not distinguished in terms of what the reserve is. It's not correlated to a particular program as it once had been in 2001 and 2002.

And finally we raise some points in terms of the process, the end process whereby it is not necessarily the Legislature that determines which programs go to the review committee nor is it the Legislature that determines what comes before you in the form of a resolution.

So as you requested we have prepared and Kevn will deliver a very brief presentation which summarizes our memo of April 27th.

MR. DUFFY:

Thank you. Going back to the, I guess, the beginning the Quarter Percent Sales Tax program, it began on December 1st, 1983. The Quarter Percent sales tax has been the funding source for four different county programs.

The first occurred from 12/1/83 through 11/30/89. That was the sewer tax rate stabilization. It's the funds that were collected during that time period float into fund 404. In 12/1/89 through 11/30/2000 the first Water Quality Program was started. It consisted of four mandatory components and three residuary components.

This program was fairly controversial. It was the subject of two lawsuits; one by the towns, one by the environmentalists and an audit by the New York State Comptroller. Most of the confusion concerned the payment of town revenue sharing.

What had happened with this fund 475, we had for many years raised the question that there should be reserve portions of the fund balance. Fund 475 didn't have reserve funding until almost when the program was over.

The Pay As You Go Water Quality Program came into existence December 1st, 2000 and it ended 11/30/2007. It was initiated by local law 35 1999. This program had two main components: Open Space and Farmland. It had sewer tax stabilization, tax relief and a Water Quality Protection and Restoration Program.

On 12/1/2007, local law 24 of 2007 came into effect. It had a number of outcomes. It changed the land acquisition of a portion of the program from a Pay As You Go to a bonded. What it also did, it extended the Quarter Percent Program 17 years until November 30th, 2030. It also changed significantly by establishing a Section 12 (2) (a) land acquisition program and ended funding for open space and farmland. They ended as of 11/30/2007.

It also changed the criteria of the Water Quality Protection and Restoration Program and established the Water Quality Protection and Restoration Stewardship Program. What we have looked for for many years is for these seven components at the present time to be broken out in the budget showing the portions of the reserve. We've reduced sales tax for 2009. We expect that the quarter percent sales tax will taken in approximately \$62 million. Of this 19.3 will go to land, 7.3 million will go to Water Quality Protection Restoration and Stewardship, 19.9 will go to tax relief and 15.5 will go to sewers.

One of the concerns of the legislature for many years has been the increasing amount of operating costs that are being paid for by the Water Quality Protection and Restoration Program and Stewardship. In 2008 it was estimated that approximately \$6.1 million would be spent on -- in operating costs, which would consist of 2.3 million of salary, 4.5 million of benefits, 516,000 of supplies, 275,000 equipment, others including inter funds would be 613.

There were two large contracts also that were -- we considered operating. One was with Cornell for 979. And there was also a contract 557 for shellfish restoration.

In 2009 total operating costs what were recommended were 5.7 million. Again, there were 53 positions being funded. The portions for salaries was 2.4 million, benefits 477, supplies 571, equipment 271, other which included inter funds was 588. And the Cornell contract was slightly under a million dollars.

What our concern has been is that with the dwindling sales tax and the institutionalization of the operating expenses, the money available for capital type projects which are brick and mortar has dwindled. What we've looked for and what we have attempted to receive in the operating budget is a breakdown of what the fund balance is for fund 477.

Based upon our understanding of the law, as of 12/31/07 there was a total fund balance of

7,616,688. This is what is shown in the 2009 recommended budget. Of this there should be seven components. There should be a 12 (2) (a) land which is the new consolidated land program. There should be the residuary of the open space under the program before it was amended.

Why this is important is that if you will recall the County borrowed EFC funding to purchase two parcels that had a cost of approximately 10.2 million. The AVR and the Duke property. Since open space is no longer receiving quarter percent sales tax money, there should be a residuary sufficient enough to cover the debt service. We have been -- it is -- we cannot ascertain from the Budget whether or not this has occurred.

In addition, there should be residuary of farmland money. The farmland money and why the residuary is important is that the money that was collected to purchase farmland cannot be used to purchase other types of property. It was meant only to do farmland.

In addition to that, we felt that the Water Quality Protection and Restoration Program was expanded to include a stewardship component. And we felt that there should be an allocation and break down of old water quality money versus the new money because there was different criteria and also a different review process.

The two components that did not change as far as criteria were tax relief, which the amount collected and distributed remain the same and sewer money which was decreased. And it was also -- the land component was increased by that.

What we talked about in our memo but we gave the background on the whole program to get an understanding, is the Water Quality Protection and Restoration Programs. These funds receive approximately, if you look at our memo, they will receive approximately \$7.8 million. What our concern is, is that with the operating costs institutionalized at the level they are, there is not much available money that can be used for other projects.

One of the things that we found of interest was that the County Executive has issued an all employees memo in which he sought people with certain titles to transfer to the Labor Department. When we reviewed that memo, we saw that -- as you will recall many of the positions that are in the Parks Department came from the Labor Department. And we saw that seven of the positions could be filled by 477 Labor people.

In addition we still have concern because local law 17 of 2008 required the County Executive to provide detailed information on the positions funded with Water Quality. We have received and the Legislature has seen in our reports that we have received information from EED and we also have information from the Planning Department.

Our concerns still continues to be with the Parks Department, which we've only received information several years ago. And when we reviewed that information, we found that many of the individuals were not involved in tasks that we considered to be water quality related.

One of the points that we've discussed in our memo that we bring to the Legislature's attention is that at what point are Water Quality Protection and Restoration funds committed? We think that the only point this would be is when the resolution is adopted by the Legislature and signed by the County Executive.

We discuss this because we were given and the Legislature also received a list of projects that are in the pipeline that are before the Water Quality Review Stewardship Committee. And what our concern has been is that the Legislature in approving projects should be aware of all the projects during the pipeline because if -- since funds have decreased so much, there are no longer large fund balances that can be used to do projects that may be needed.

If there are any questions, we'll try to answer them. Thank you.

CHAIRMAN SCHNEIDERMAN:

Questions? Kevin, Mr. Duffy, you raised actually a lot of important points. If we could focus for a minute on the accounting piece of it because it seems to me that in the old program you had these dedicated funding streams. And it merged into a new program that doesn't have dedicated funding streams. There was some money left over in the old program that maybe now is moving into places where it wasn't when it was collected supposed to go. Is that kind of what you're saying? You don't have a good accounting of that?

MS. VIZZINI:

Yes. Basically -- hi. The fund balances are not broken down in the operating budget so we can't open up the operating budget and see there's so much left for farmland or what have you. However, as part of the latest program criteria the budget -- the County Executive's Budget Office is required to maintain the numbers so to speak. And we perform our relief function.

Just prior to the Committee meeting, I received, probably all of you did, a response from the Executive Budget Office to the April 27th memo. And although we are -- we are about \$400,000 different in our ending fund balance from the Budget Office. We arrive there at a very different route. And the memo from the Budget Office invites us to meet with them to resolve some of these things.

Prior to this, we assumed that they were tracking this. We assumed they have the model and they do have a model. And it is our objective to reach out to them, set up a meeting and see for ourselves what methodology they're using to determine how we can arrive at closer numbers:

CHAIRMAN SCHNEIDERMAN:

Ms. Gallagher, do want to comment on that or no?

COMMISSIONER MEEK-GALLAGHER:

I was going to comment on some of the other items, but I wanted to make sure that you had received the memo right before. And obviously I'm sure no one's had time to digest it but it does help spell out some of the discrepancies between the numbers that BRO had discussed in their memo and how the County Exec's Budget Office had accounted for specifically just with the Water Quality Protection Program, which was the, you know, which are the numbers I go off of when I'm getting ready to hold a committee meeting or when we're trying to account for what the fund balance is and what funds might be available for new projects, etcetera.

CHAIRMAN SCHNEIDERMAN:

Can I ask a question about the approval process because there seems to be some confusion. And Mr. Duffy raised a point in terms of how these projects are being authorized. And I know the Water Quality Review Committee is not -- it's just an advisory committee. And projects are supposed to be reviewed by them, I think, before approved but doesn't matter whether they say yes or no, we have the ability to vote affirmatively or negatively on them.

But the genesis of some of these water quality projects, it seems to me that they ought to start here some presentation to this Committee. And then maybe we would refer them to Water Quality but it seems a lot of these projects seem to be generated within the Water Quality Committee or from some place else and they're going to the Water Quality Committee. And then we're seeing these things listed as pipeline projects already approved by the Water Quality Committee as if they're to happen. And we seem to be coming in at the end of the process when we probably should be at the beginning. And if you can comment on that, because, you know, I'm not necessarily happy with all the priorities that are coming out Water Quality Committee.

COMMISSIONER MEEK-GALLAGHER:

Well, they are just recommendations. The Committee recommends then to the Legislature to

consider these projects and they start from various points. But a lot of them actually do originate with Legislators themselves who say *we have a project in our district. We'd like you to consider it, when's the next meeting going to be?*

We typically have always -- when I came on board and took over, I wanted to have kind of a set schedule. We usually have an April and September meeting. This year given the fact there was a reduced amount of funding and we wanted to make sure that we knew exactly where we were with funding, we were kind of holding off and we will be having a meeting in June actually. There should be an agenda going out today. Two of the -- we're having the meeting because there are two projects by Legislators, that they wish to have them, you know, reviewed by the Committee. So we're going to have that.

Plus we need to get Cornell Cooperative Extension their operating budget proposal for 2010. We need that to go before the committee and have the committee recommend it. And we wanted to try to get that done now before it actually comes to the Legislature for a vote. And we've been asking them to reduce so there's a -- usually a call for applications or request for applications. It comes in from Legislators, it comes in from department heads, it comes in from partner programs like Peconic Estuary Program or Long Island Sound Study or South Shore Estuary Reserve.

And the applications are sent in. We make sure they're complete before we put them on the agenda to go before the committee. The committee reviews, recommends them. And then when they are ready, we bring them to the Legislature. When I say ready, what I mean and this is why we're trying to account now for pipeline projects because in the past things that were recommended by the committee, there wasn't necessarily a tracking of those as opposed to what had already been adopted so projects that some department heads or Legislators thought were approved and happening, actually were kind of in this limbo because SEQRA hadn't happened or something else hadn't happened so they hadn't gone before the Legislature to be approved or denied if you so choose.

So we have to -- once the projects go through the committee if the committee recommends them, we have to then start working with the project sponsor or originating department to make sure we need a resolution. We need SEQRA complete. And that, in fact, is a lot -- a number of these pipeline projects that have not yet come to the Legislature for approval is because SEQRA's not complete.

Typically when we work with a partner, a town partner or an outside agency partner, they're the lead agency. We have -- they need to complete SEQRA, send us their resolution. They need to adopt a resolution committing them to the cost sharing and authorizing them to enter into an agreement with the County of Suffolk to complete, you know, to implement these projects. That's usually the paper work or the pieces that we're waiting on before we can then bring it to you in the form of a resolution.

CHAIRMAN SCHNEIDERMAN:

But then it's pretty far along at that point and we've committed a lot of staff time to a project that hasn't gotten any kind of conceptual approval by the Legislature or by the Committee. It seems to me right from the beginning it ought to come for like a planning steps thing, say conceptually is this something you want to look at before CEQ reviews it, before Water Quality goes through the trouble of reviewing it. There's a lot of internal processing that seems -- if it gets to us and we're not interested in the project, we've wasted a lot of people's time. So it seems to me there ought to be a procedural step like a planning steps resolution where we see it and then we refer it for approval of water quality and CEQ.

COMMISSIONER MEEK-GALLAGHER:

There are three representatives to the Water Quality Review Committee from the Legislature. I think that was part -- I mean it's written up in the actual -- in the referendum that was voted on, it specified the procedure.

CHAIRMAN SCHNEIDERMAN:

How many people are the Water Quality Committee?

COMMISSIONER MEEK-GALLAGHER:

There are nine members of the committee.

CHAIRMAN SCHNEIDERMAN:

And the legislative representatives are?

COMMISSIONER MEEK-GALLAGHER:

You have the Presiding Officer's office, usually Mike Cavanagh comes. You have Kevin McDonald who is the Chair of the Citizens Advisory Committee for the Peconic Estuary Program. And you have Bob DeLuca from Group for the East End.

CHAIRMAN SCHNEIDERMAN:

Okay, there's a position that the Legislature appoints that's from the environmental organization.

COMMISSIONER MEEK-GALLAGHER:

Right. Right. And the other members are myself, the Head of Public Works, Health Services and Planning, County Exec's Office and Parks.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a fair amount of County Executive appointees on this, right? Or designees?

COMMISSIONER MEEK-GALLAGHER:

Well, they're designated by the actual legislation itself, that it shall be the Commissioner of such and such department or his or her designee. And then three representatives to be appointed by the Legislature.

CHAIRMAN SCHNEIDERMAN:

Right. It still seems to me that it ought to come here for some preliminary approval. It would make more sense. Also, in Mr. Duffy's presentation he spoke of the \$7 million or so that is expected in money for water quality projects. It sounded like between salaries and other programmatic initiatives, particularly Cornell Cooperative Extension, it sounds like five million or so of that is committed leaving only about maybe two million available for new projects or capital projects; is that right?

COMMISSIONER MEEK-GALLAGHER:

Yes, that's correct. So there's so much in salaries and there's so much in these ongoing projects with Cornell Cooperative Extension projects that were initiated back in 2003/2004. And they request funding every year as per their operating budget. So what we've started doing is making them come before the review committee itself to get a recommendation that they continue with those programs at that same level so it's the Integrated Pest Management Program, the Agricultural Stewardship Program, the Peconic Bay Scallops Restoration Program, the alternative management strategies for pest and storm water phase two compliance.

CHAIRMAN SCHNEIDERMAN:

And most of those projects were initially conceived as short term projects, were they not? They were not going to be ongoing. They were like two or three years?

COMMISSIONER MEEK-GALLAGHER:

Right. The original funding was for two or three year project commitments. And then, I guess, what happened is they just started writing them into their operating budget every year and it got adopted.

CHAIRMAN SCHNEIDERMAN:

I know at least one of them was kind of originally conceived as a training program that they were going to train county employees in alternative pest management strategies. And that's become an ongoing program of advising the county on how to deal with turf problems.

COMMISSIONER MEEK-GALLAGHER:

Right. Well, turf problems and other pest outbreaks that we may not -- you can get trained to deal with a particular pest problem, but if a new one emerges, you're not trained to deal with that new one. You may not know what the latest literature is or the latest methods or the latest --

CHAIRMAN SCHNEIDERMAN:

That's a quarter of a million dollars for that. Having somebody around to advise us when a new problem comes around.

COMMISSIONER MEEK-GALLAGHER:

Well, they go out and scout. They also run the Pesticide Citizen's Advisory Committee. There's actually -- there's a lot of things that they do for that but we can talk about that particular program.

CHAIRMAN SCHNEIDERMAN:

Look into see if, you know, we could hire someone as needed; might be a lot cheaper.

COMMISSIONER MEEK-GALLAGHER:

To have a consultant -- well, it would be kind of the same thing, a consultant on retainer.

CHAIRMAN SCHNEIDERMAN:

But you wouldn't be giving a quarter million dollars guaranteed a year. You'd basically -- you'd have an arrangement with that person on an hourly basis. And then, you know, when you needed them --

COMMISSIONER MEEK-GALLAGHER:

We could certainly look into that. It's \$200,000.

CHAIRMAN SCHNEIDERMAN:

Okay, 200. What'd I say? Quarter million? I was close. 200,000.

Okay. Any other questions from the Committee on 477 issues? Ms. Vizzini, did you have something you wanted to add?

MS. VIZZINI:

Only a recommendation in terms of a minor procedural change. And that is the Commissioner might consider or if the committee wants when you do receive a resolution to move forward on a Water Quality project, that perhaps a summary of what's in the pipeline and the status of those other competing projects be provided to you. This way the resolution is not necessarily so much in a vacuum, you know, that there is or there isn't enough money and therefore we're moving forward with this. You would, you know, have a list or a thumbnail sketch of what else is in the pipeline and what the status of those projects are to assist you in your deliberations; just a suggestion.

COMMISSIONER MEEK-GALLAGHER:

We can certainly do that.

CHAIRMAN SCHNEIDERMAN:

Okay. We were just handed a memo by Connie Corso from the County Executive's Budget Office, if we can take a second to look at that.

MS. VIZZINI:

That was the response to which I referred.

CHAIRMAN SCHNEIDERMAN:

Okay. There's a discrepancy in the balance in 477 funding.

COMMISSIONER MEEK-GALLAGHER:

All right. The last page which is schedule A breaks down it's just in tabular format what the differences are on an annual basis in terms of the fund balance.

CHAIRMAN SCHNEIDERMAN:

Okay. But BRO and County Executive's Budget Office are going to sit down and try to reconcile this.

MS. VIZZINI:

Yes. The memo ends in an invitation to meet with them. And actually we're very pleased so will reach out to them and hopefully have I constructive deliberations over the numbers.

CHAIRMAN SCHNEIDERMAN:

All right. If you could get back to us, too, on how that worked out.

MS. VIZZINI:

Absolutely.

CHAIRMAN SCHNEIDERMAN:

Okay, thank you.

We'll go to the agenda starting with tabled resolutions.

TABLED RESOLUTIONS

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) Is there a motion?

LEG. COOPER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

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

IR 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) Mr. Isles, do you have information?

DIRECTOR ISLES:

We did check with the Water Authority. They have indicated that they are doing two things. One is that they plan to conduct testing of that site in terms of groundwater quality to see if it would work out as an appropriate site for a well field. And then if that's the case, they will then commence the SEQRA process as part of their application for a well permit and at that point seek to comply with

the County CEQ requirements.

CHAIRMAN SCHNEIDERMAN:

Okay. So you're saying the resolution's premature or are we waiting to --

DIRECTOR ISLES:

Well, at this point we're waiting for the Water Authority.

CHAIRMAN SCHNEIDERMAN:

Okay. Did you want to comment?

MS. LOLIS:

Well, I just wanted to remind the Committee, this was part -- this parcel the Water Authority wanted to include in part of a global agreement as far as obtaining easements on various parcels. And they had requested this parcel be one of those parcels included.

CHAIRMAN SCHNEIDERMAN:

Okay. So it is moving forward?

MS. LOLIS:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. BEEDENBENDER:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Okay, there's a motion to table by Legislator Beedenbender.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

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

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) What is your pleasure?

LEG. BEEDENBENDER:

With great enthusiasm, Mr. Chairman, I will make a motion to approve for the first piece of land in my area in many years.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

All right. A motion by the sponsor, second by Legislator Cooper. On the motion, Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. Just wanted to, I guess, it's been a little while. My memory's not pulling this one out of the file so if you could just give me a refresher or, Mr. Isles, on this one.

LEG. BEEDENBENDER:

This was something that my predecessor Legislator Caracappa had worked on for quite sometime. There's lands located behind the church. It used to be two small -- it used to be two baseball fields that I played on when I was in the Little League. And the desire is to return them back into Little League fields. The church no longer can maintain the property. They own the land. They want to sell it. But this is the first step in what would hopefully be a larger effort.

There is a town park located about six, 700 feet away. And there's a large other vacant portion of land that we're looking to bring in as well. And Brookhaven Town, there's a resolution backup here. They're going to maintain and develop the property at their expense. And it's their hope to take this in addition to their current town park and that empty piece of land and eventually develop a larger recreation area that they would do at their expense. It's a little over three acres if my memory serves correctly.

LEG. LOSQUADRO:

Yeah, I think it's a little over three and a half, it says. So the management agreement is in place? That's was my question.

DIRECTOR ISLES:

We don't have that. I believe Legislator Beedenbender may have worked on that.

LEG. BEEDENBENDER:

The town board resolution indicated -- there's a stamped copy of a town board resolution as the backup indicating that they would manage and develop at their expense.

LEG. LOSQUADRO:

Does Planning have that?

DIRECTOR ISLES:

We don't. I'm not sure if you're working with the Department of Parks, but, you know, at this point we don't have it. We'll be happy to review it but here again --

LEG. BEEDENBENDER:

It should be filed with the backup. I think we sent it over. The stamped part of it was filed as backup yesterday. The management agreement, it's in place after we pass it, after we purchase it. That agreement doesn't happen before, but it was my understanding the town board resolution is what -- indicates their willingness to do so. Am I correct, Mr. Isles?

DIRECTOR ISLES:

I'd want to take a look at it a little bit more closely before answering that question.

LEG. BEEDENBENDER:

Okay. All right. Legislator Losquadro, I don't know if that answers your question or if it does not.

LEG. LOSQUADRO:

I'm just taking a look at the resolution right now by the town.

LEG. BEEDENBENDER:

Okay.

LEG. LOSQUADRO:

The THIRD WHEREAS Town of Brookhaven will improve and maintain the property as active parklands and ball fields. So that is in here. Okay, I just wanted to make sure that Planning has this and just make sure that everything is in place there. That's fine. I recall this property. It's

been something that's been kicked around for quite a while now so that's a positive step.

LEG. BEEDENBENDER:

Yeah. One of the problems -- the reason it took so long the property owner, the church, there was a federal lien on the land. And the County couldn't buy it with clean title until the lien was cleared up and we were able to get somebody in there that worked with them, the federal government to get that cleared up so we can get clean title to the land. And now that that happened, we're able to move forward.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender, it currently is being used for active --

LEG. BEEDENBENDER:

No, it's fallow. I mean you can see the remnants of the fences. But the grass is about four foot high. And it needs substantial rehabilitation but the Town has agreed to come up board and enter into a municipal agreement with us where we hold title but they develop, maintain and permit the fields.

CHAIRMAN SCHNEIDERMAN:

Are they going to indemnify the County?

LEG. BEEDENBENDER:

That's worked out in part of the inter municipal. There are agreements that we do for these things.

CHAIRMAN SCHNEIDERMAN:

Is there a park plan? Is it baseball fields?

LEG. BEEDENBENDER:

Yeah, they're going to turn it back into two baseball fields; that's what the town plan is.

CHAIRMAN SCHNEIDERMAN:

Restroom, comfort station?

LEG. BEEDENBENDER:

Yep, they do all that stuff.

CHAIRMAN SCHNEIDERMAN:

Illumination or you don't know?

LEG. BEEDENBENDER:

Well, the illumination probably not at this area. This area is somewhat close to some residences. The remainder of that long-term plan that I discussed for the larger recreation area is more secluded by -- there's a larger wooded buffer. So what we've talked about at least preliminarily if there was going to be illumination it would be in the areas that are not located directly next to residences. These are the closest to any houses of the entire property so there probably wouldn't be illumination. It's an option but it's in the air at the moment.

CHAIRMAN SCHNEIDERMAN:

You said there was some kind of park plan developed.

LEG. BEEDENBENDER:

Well, yeah. They're going -- they may redo the fields, yes, there is a plan.

CHAIRMAN SCHNEIDERMAN:

It's a written plan; is it part of the backup or --

LEG. BEEDENBENDER:

No. The Town of Brookhaven is actually in the process of developing the former picture but the discussion with the community and the local council person as well as the supervisor and their Parks Department, they're going to develop this into two fields.

CHAIRMAN SCHNEIDERMAN:

Procedurally because you do have neighbors, when there's a plan to construct, whether it's soccer fields, base ball fields, bleachers, whatever it might be, bathrooms, would it -- even though the town is going to pay for those facilities and the town is going to manage those facilities, it's on our property. Does it go through CEQ?

DIRECTOR ISLES:

It does. And in this case this one has had a couple of lives to it. And as referenced by Legislator Beedenbender in its first incarnation it did go through CEQ and the Parks Trustees and was approved. As indicated this is an existing small ball field complex. So CEQ did issue a recommendation, an unlisted action so there really is not a lot of site change. So they have complied with the requirements in terms of those mandatory requirements.

In terms of the agreement we did just see a copy of the town board resolution. We would defer to the department of --

CHAIRMAN SCHNEIDERMAN:

All right. Because it doesn't -- Tom, it doesn't come back to us for that park plan, right? My only concern is that neighbors have an opportunity to comment at some point along the way to say, okay, well, maybe illumination is going to create too much noise or light pollution or things like that and may detract from the quality of life. At least to make those comments heard. So the only shot they have really is at the CEQ level; is that right? And at the town board level.

DIRECTOR ISLES:

Right. But a lot of times -- that's true. And at town board level. And a lot of times by having a local partner they do a lot of that outreach. For example, looking some of the projects we've had in Huntington, the Benjamin property and so forth, they've had a lot of public meetings and so forth on that. So I can't say specifically what will happen here but it obviously sounds like there is conversation. And, here again, we rely a lot on the local partner for that part of it. Also, here again, since the ball field exists, it's not as much of a changed situation of what people have been accustomed to.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's no mechanism currently when you -- a new active park is opening on county lands, county owned lands, there's no procedure where conceptual plan is reviewed by the Legislature?

DIRECTOR ISLES:

Yeah, there's no formal procedure for a specific site plan review. What is required is part of the CEQ review, they do require plans. So as part of the CEQ process, and ultimately what is presented in the CEQ recommendation includes the proposed conceptual site plan.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you, Commissioner.

LEG. BEEDENBENDER:

Yeah, and just to add one thing, Legislator Schneiderman, the reason in the Town of Brookhaven at least I've been pursuing this and I know some of my colleagues over in the Town of Brookhaven, the Town of Brookhaven doesn't really have money to buy land. But the County doesn't manage parks on this size so we've really kind of teamed up. We buy it; they develop it. And it works out the best

for the community.

LEG. LOSQUADRO:

If I could through the Chair.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

The park known as the Wedge, Heritage Park up in Mt. Sinai is similar; we bought the property, the town built it out. My only question is given the age of this, was this originally passed under a now defunct program?

LEG. BEEDENBENDER:

No. We -- it was updated. Because that was part of the problem. There was a problem back when Legislator Caracappa was here. It was funded under another program and then it was switched. I believe it was updated; correct?

DIRECTOR ISLES:

It was definitely under an old program. This is now a new program which is the New Quarter Percent Drinking Program. And active recreation is a permitted activity under that program.

LEG. LOSQUADRO:

No, I understand the acquisition resolution. But I know we've had some questions in the past as to whether something was passed under a planning steps program, a program that doesn't exist any more. That is not a problem with this?

DIRECTOR ISLES:

To my knowledge it's not a problem. It certainly was passed under an old program because the new Quarter Percent Drinking Program did not permit active recreation at the time this was passed. We can check to see if it was Multifaceted. That's my guess. Yeah, it was Multifaceted at that time.

LEG. LOSQUADRO:

So, so long as this acquisition resolution is for the proper program, Planning has no problem with that. The planning steps resolution was originally past with a defunct -- a now defunct program.

DIRECTOR ISLES:

Here again, Multifaceted is not per se defunct. I understand it still exists. It's not funded.

LEG. LOSQUADRO:

But it wouldn't be used for this acquisition.

DIRECTOR ISLES:

It would not be used for this acquisition, right.

LEG. LOSQUADRO:

Okay, thank you.

CHAIRMAN SCHNEIDERMAN:

Okay, we had a motion and a second. All in favor? Opposed? Abstentions? **1120 is approved.**
(Vote: 5-0)

IR 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. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator D'Amaro.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. On the motion Legislator Losquadro.

LEG. LOSQUADRO:

Yeah, if I could just get an update on this one.

CHAIRMAN SCHNEIDERMAN:

This is obviously Shelter Island. It's a square parcel near the land fill in Shelter Island; not the one on the water. And one that the Town is not willing to partner on. I believe it's slightly less than ten acres or around ten acres in size.

DIRECTOR ISLES:

(Indicating yes)

LEG. LOSQUADRO:

11 and a half.

CHAIRMAN SCHNEIDERMAN:

11 and half? Okay, slightly more than ten acres.

LEG. LOSQUADRO:

I remember this one now.

CHAIRMAN SCHNEIDERMAN:

It got a low rating.

LEG. LOSQUADRO:

It wasn't ringing a bell.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's a motion to table and a second. All in favor? Opposed? Abstentions? **Tabled.**
(Vote: 5-0)

IR 1202 Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (North Fork Preserve property Town of Riverhead). (Romaine)

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Cooper, second by Legislator D'Amaro. On the motion? If you have any updates? There are a lot of outstanding questions on this one. There's ownership questions. There

is access questions. There was parcels that should have been or should not -- your recommendations were to exclude from the acquisition.

DIRECTOR ISLES:

We did complete a review of those parcels. There are two parcels that are detached from the main parcel that we believe -- would recommend that they not be included in this resolution. We've conveyed that and those parcels to the sponsor. They also do not have -- appear to have any significant environmental value.

The other three parcels that we discussed at the last meeting of this Committee we recommend be retained in the planning steps resolution. This is based upon consultation with the Parks Department; that those three parcels consist of a residence and two barns, I believe, and accessory structures. It's the opinion of Parks Department that those parcels may be helpful in terms of facilities to support the North Fork Preserve property if the County were to acquire it.

I'm looking at my list of items from the last meeting. And I believe we've addressed the questions we were asked to look into at that time. Unless there are any other questions the Committee has at this point.

CHAIRMAN SCHNEIDERMAN:

How far is this from the Keyspan property? I think it was the Keyspan property that was recently became a state park, is it? Not far from there.

DIRECTOR ISLES:

Yeah, we're thinking it's a couple of miles. That's on the east end of Riverhead Town, right by the board with Southold.

CHAIRMAN SCHNEIDERMAN:

That's on the water and that's a couple hundred acres as well, right?

DIRECTOR ISLES:

Yes, 300 acres.

CHAIRMAN SCHNEIDERMAN:

300 acres. And the idea behind this Preserve, is it going to be a camp ground, is that's what -- or hunting preserve or do we know what the intended use will be?

DIRECTOR ISLES:

That's been a big part of the questions on this property. It's a large parcel. It's a varied parcel in terms of the current condition of the property. There's significant wooded areas. There are significant surface water bodies, ponds and adjacent wetlands areas. So certainly those parts of the site do have relatively high value for open space preservation.

There's another part of this site that's been used for farming. Portions that are still in farm use including a Christmas tree farm. Other parts appear to be fallow fields but they can certainly be brought back to farming.

And the last aspect would be for general parkland purposes. There is a building in the center of the site of about 6,000 square feet and two tennis courts. We have had conversations with the Commissioner of Parks about this site and a potential county involvement and have discussed with him what uses the property might be put to.

Given all of that, we make two points. Number one is that there are standing resolutions, resolutions in effect for this site involving multifaceted on the south part of this site or about 150 acres for both general parkland purposes and farmland protection. The north side has a planning steps resolution for open space. The resolution that's before you now, we had made a comment at a

prior meeting that under the new Drinking Water Protection Program, the dominant use of this property we feel would be open space in terms of these ancillary uses of the potential camping and so forth. Those certainly are potentials, but we think those would be an aside or an adjunct to the open space preservation.

If the planning step resolution is approved, there would have to be real close coordination with the County Parks Department. We believe this would be, if it were to go forward, a very significant county park. And it would have to be planned very carefully. And then ultimately if it did get to the point of an authorization by you, it would have to be spelled out exactly how those components come together.

So it's been a little complex and it's been a little bit difficult to patch this all together in terms of a cogent planning steps resolution for your consideration. But in terms of the alternate activities you've discussed, Mr. Chairman, it's -- we think those are possible. We think the dominant use is open space. This is not going to be something where it's wall to wall soccer fields and so forth. We believe it would be a limited activity.

CHAIRMAN SCHNEIDERMAN:

Right. So in terms of revenue generation, it's not going to be generating much in terms of revenue; right?

DIRECTOR ISLES:

I don't know that at this point, in terms of the revenue generation. It would not appear that it would be a big revenue generator from what we know.

CHAIRMAN SCHNEIDERMAN:

Now, in terms of large parcels, we don't see a lot as bis as this. Are there very many properties left in Suffolk County of this magnitude?

DIRECTOR ISLES:

You could probably count them on one hand at this point. This is very large, no question about it. We have a larger one, maybe the Morgan Estate, {Houstan} property which is currently used as a camp in Babylon, the AVR property in Brookhaven, the Gardiners Estate or Island in Gardiners Bay. So there are very view. Most of our parcels are much smaller that the County considers at this point.

CHAIRMAN SCHNEIDERMAN:

All right. So that immediately becomes a high priority since there are so few like it?

DIRECTOR ISLES:

The rating form does give some point value for size so it did get some of that. I think this is kind of on the upper end of that in terms of the size. Here again today with the development that's taking place in the County, a County of one and a half million people, most of our large tracts of hundreds and hundreds of acres have been developed. Here again, we have a hand full that are left over that are in these unique uses in many cases, private clubs and so forth. And so, you know, it's an opportunity perhaps. And that's obviously for you to consider in terms of whether this is a worthwhile opportunity for the County. It obviously has a major obligation associated with the cost and the ongoing cost. We did rate it. It came to a rating 36 points.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

I was just going to make the suggestion, I think it's certainly worth moving ahead with. It's a an incredibly significant parcel. But perhaps to have Parks Department come here if people were interested in that. If there is not the desire to move it forward today, to have some of these

discussions a little more openly with the Parks Department as to the future uses for this parcel.

CHAIRMAN SCHNEIDERMAN:

It would be good to know what the operating budget might be, expenses and as well as revenues, the staff requirements for the County to maintain a park of this size. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I know there are legal questions. There's many questions. And if we were to move forward, this process probably has 400 steps. So if you forgive for a moment, I'm going to skip the first 399 and get to the last one. My concern is just -- is the cost. I think, you know, this is the sort of thing that this -- at least from my perspective, this is the sort of thing this program is created to create and preserve. And the opportunity for the County to create a substantial parcel of this magnitude, this may very well be the last opportunity we ever get to do something like this. And I'm encouraged that our Parks Department seems very enthusiastic about the possibility of what could be done here and what we can do for county residents. And so I thank Legislator for Romaine for bringing this to us.

My only concern is in the end, I don't even know what 300 acres cost. I'm guessing it's at least -- I means tens and tens of millions of dollars if I can be that vague. But I just -- my concern would be -- I'm getting to the question now, Tom. We've been told that if we were to partner with another municipal government like the state for something like this, if we partnered with the state, the state would expect to operate the park. But I recall hearing that and I cannot recall the source of that information. Do you know anything about that? If we did 50/50, let's say, with the state to acquire this, would the state expect to operate the park or would they allow us to do it?

DIRECTOR ISLES:

We have heard the same thing in our discussions with the County Parks Department and the Commissioner of Parks. And that's not saying whether that's good or bad or indifferent. But in prior experience with the County, with state partnerships, the state takes the lead role in the management of the property going forward. So that concern was expressed to us, that at this point in time there appear to be some benefits from the County park that the County could program and operate itself. But we understand also the cost is likely to be very high. And that option may have to be balanced against the cost factors.

LEG. BEEDENBENDER:

The only reason I ask because, like I said, I believe that this is the type of acquisition that this program was designed -- and I guess the original intent, well, some others as well, but I don't -- despite the tremendous benefits I would just be concerned with sacrificing a large percentage of the money we have available from Quarter Cent in these coming years towards one parcel. And I have no idea what this number could be. I just know it would be large and probably the largest one we've ever done.

DIRECTOR ISLES:

I understand your point.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman, for stopping me. I was going to start asking dollar questions but it's better that we don't do that here. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions or comments from the Committee? All right. Do we have a motion on this one? There was a motion and a second to table. This is kind of tricky because to me it's certainly worthy of moving forward with planning steps and flushing out some of the answers to these questions.

LEG. BEEDENBENDER:

Mr. Chairman, did we not have an outstanding -- I know we've had some testimony from the individuals that are, I guess, the owners of the property. Isn't there an outstanding litigation question, I believe? One of the -- I forgot who it was -- somebody had mentioned that the County may be somewhat imperiling itself if it became involved in this with the current knowledge that there's some sort of dispute?

CHAIRMAN SCHNEIDERMAN:

Well, by passing a planning steps, the Planning Department would go and do, I guess, a last owner record type of search and title search. And you reach out to find out who the owner is and send them a letter and see if they're interested in selling that sort of thing, right, Commissioner?

DIRECTOR ISLES:

Well, that happens through the Department of Environment and Energy upon approval of the planning steps resolution, I believe the question from Mr. Legislator Beedenbender was relating to the pending litigation of this property and the impact of this action on that potentially or vice versa.

CHAIRMAN SCHNEIDERMAN,

Ms. Lolis, did you have something you wanted to --

MS. LOLIS:

Yeah, we can give you an update as far as the pending litigation. There was an action brought by the minority shareholders against the majority shareholders. And it primarily had to do with waste and mis-management. It's primarily a financial action against them. Their authority to sell the property is not an issue in that. The action has been dismissed against the estate of Mr. Kroudop and Mr. Kaplan. And it's now in the Appellate Division. It has been fully briefed and they're waiting for an oral argument date.

LEG. BEEDENBENDER:

So, Gail, I don't know if there's a simple answer to this question, but do you believe that us moving forward at this point while waiting the outcome of that, does that expose the County in any way or does that put us in a position --

MS. LOLIS:

From what I can ascertain by reviewing the decision, I did speak with their attorney on Friday. At this point we don't believe it would be a problem. And certainly there would be a decision by the Appellate Division I'm sure well before this ever came up for an actual vote on an acquisition.

CHAIRMAN SCHNEIDERMAN:

Thank you. We're a long way from an acquisition. We don't -- you know, even on the money side, sometimes there's bargain sales, there's people who sell property undervalue. We really can't even guess where we might end up on this. And it's certainly is large enough to be carefully looked at. And it would be -- it would seem out of character in a sense if we didn't take a serious look at acquiring a property of this size. I know Legislator Losquadro wanted to make a motion to approve.

LEG. LOSQUADRO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

So there's a motion to approve by Legislator Losquadro. Let's see if there's a second. I will second that at least for the purposes of discussion. There's a motion to table and a second, which will take precedence; there's a motion to approve and a second. And on either motion, Legislator Cooper.

LEG. COOPER:

Tom, would you be able to give me an estimate as to what it would cost to prepare the -- move forward with the planning steps for the survey and the appraisal and everything else that's involved? It's a large parcel.

DIRECTOR ISLES:

Off the top of my head, no, especially on something this large I would have to --

LEG. COOPER:

Even a ballpark?

CHAIRMAN SCHNEIDERMAN:

Like appraisals?

LEG. COOPER:

Right. Is it \$10,000, \$50,000?

DIRECTOR ISLES:

Yeah, I can --

MR. ZWIRN:

I can answer that, Legislator. It's about \$10,000. We do two appraisals on the property and that's the cost. I just wanted to say the County Executive has no problem with this even though it's -- because of the size of the parcel, this is really one of the last parcels intact like this left in the County that we might normally, you know, not see. But there was a lot of litigation on this property for quite sometime. And that's why -- originally we -- I think the County Executive introduced this bill with Legislator Caracciolo some years ago. But because of litigation it was tabled at that time. I believe it was on the Master List; Master List Three. So it's a parcel that the County's had its eye on through the Planning Department for some time.

CHAIRMAN SCHNEIDERMAN:

So there already is a planning steps approved for this? Or not all of it, right; pieces of it? It's mixed. So this would --

MS. FISCHER:

There are two resolutions. One for the northern most parcel under Multifaceted for open space. Another resolution approved for parkland purposes under Multifaceted for the southern piece as well as another resolution for farmland preservation under Multifaceted. So those three resolutions for planning steps have been moved forward and approved.

CHAIRMAN SCHNEIDERMAN:

Okay.

MS. FISCHER:

They do not include the three parcels added -- or the five parcels that were added to this resolution, the smaller, almost one acre parcels.

CHAIRMAN SCHNEIDERMAN:

Do you know where those other planning steps -- the funding, since this goes back to Legislator Caracciolo, these might be under old programs, the original planning steps.

MS. FISCHER:

They're Multifaceted.

CHAIRMAN SCHNEIDERMAN:

All right. Which there's no money in. So we would have to do a new planning steps resolution. Or it would better any way. Okay. So there's -- Legislator Cooper.

LEG. COOPER:

I would just feel -- I'd also like to support this but I would feel more comfortable if we waited one

cycle and followed through on the suggestion by Legislator Losquadro to have a representative of Parks come before the Committee and --

LEG. LOSQUADRO:

If I may through the Chair, I was reading through some correspondence. And Commissioner Pavacic actually said -- excuse me, I'm sorry -- it was Tom in discussions with Mr. Pavacic that some general parkland uses may be identified during the acquisition project. They can be considered and incorporated into the acquisition resolution. So they didn't seem to have a problem with identifying those uses during the process. So I wasn't aware that those discussions had taken place.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

That's kind of one of the questions I was going to ask. Tom, we've discussed this and I know there are many Legislators beyond Legislator Romaine that had had suggestions about what we can do -- whether it's camping or anything. The proposed -- the proposed funding mechanism under Legislator Romaine's bill, would that preclude -- I mean it know it would preclude development, but, you know, Legislator Browning has made suggestions about there's a hunting lodge, about the trap and skeet range. Some Legislators have said camping. I have not had a personal conversation with Legislator Romaine about what he would envision the uses here but would the proposed funding mechanism preclude any of that? We're not going to knock things out of a box right away, would we? I just don't remember exactly what this program allows and it doesn't.

DIRECTOR ISLES:

Here again, this is the New Drinking Water Program. It is very broadly written right now because it was -- many of the different components of the County's Capital Programs and the Drinking Water Program are collapsed into the 2007 Drinking Water amendment. So it does allow for open space. It allows for farmland. It allows for active parkland. So there are a variety of uses.

Here again, when we were looking at this, it was a multitude of uses going on in the property and trying to find the most dominant use. In terms of omitting any uses, I think that's a possibility. And it's -- I wouldn't want to say that any use that you just mentioned could automatically be allowed under the new one. I'm not sure. I think most of it could probably be accommodated and maybe the final resolution if we get to that point, has to break this property down into pieces. So we're looking at a way that enables this to go forward based on the dominant use of the property, here again, as open space. But I don't want to misstate anything either so I'm just being a little careful on that one.

LEG. BEEDENBENDER:

Okay, thank you. I appreciate, Legislator Losquadro, that you shared that correspondence a few minutes ago. But like Legislator Cooper I would like to -- since this is such a significant step, and I know this is a planning steps and there's many steps between now and acquisition but because, I think, at least in my mind there's such a significant project that we might undertake, I would -- we're going to be back here I think in a week and a half, two weeks, if we could have Commissioner Pavacic here to kind of discuss some of these issues, I think at that point I would be willing to approve this. I just would, for the Committee's sake, I would like to have Commissioner Pavacic here to have that discussion. So since we have such a short turn around, it seems like we could get his done in June before the July break.

CHAIRMAN SCHNEIDERMAN:

Let's call the vote. We have a tabling motion which comes before the approval motion. Sorry. One more on the motion, Legislator D'Amaro.

LEG. D'AMARO:

Commissioner Isles, good afternoon. I just wanted to ask you how do I get the information should

the County go ahead and purchase this property of what the cost would be to maintain it? How do I get that information?

DIRECTOR ISLES:

Well, number one, it would be based on the use of the property. And then secondly it would have to be an effort working with the County Parks Department since the property would be transferred to them upon acquisition by the County if that were to occur. So it would directly impact them and their budget.

LEG. D'AMARO:

It would impact the Park's budget if we picked up 311 acres, it would be under the Parks Department jurisdiction. And depending on the use would dictate the cost of maintaining the property whether it was passive or active because there's no partnership proposed on this acquisition so it would be solely a County parkland. So we would be bearing the sole cost of maintaining and running the property.

DIRECTOR ISLES:

(Indicating yes)

LEG. D'AMARO:

And the Commissioner of Parks would be the person to ask that information.

DIRECTOR ISLES:

Right, he would be the person to ask. And, here again, under the assumption that it is a straight county acquisition, which is our understanding at this point, obviously if that fact changed to some partnership, then the cost of operating may change as well.

LEG. D'AMARO:

Okay. And also the Commissioner of Parks would be the person to speak to as to proposed use or how does this fit into our Parks Program and questions to that effect.

DIRECTOR ISLES:

Right. And we often work with the Parks Department on our acquisitions program. And in this case certainly if there's contemplation of more active uses, we make a point to bring them in early in the process.

LEG. D'AMARO:

For instance if I wanted to ask what would we do with the hunting lodge that's on the property should the County now own the hunting lodge as part of the acquisition, the Parks Commissioner would be the best person to speak to about that?

DIRECTOR ISLES:

He would be an important to speak to and perhaps the best person to speak to. I'll only make the point, though, that this is a process and it could be that if this were to move forward, there would have to be a lot more work done on it to examine that building, the opportunities. It could be as simple as being a building for the stewardship on this site, for maybe some small public meetings that may be for environmental interpretation and so forth. It might be something more active. So certainly your invitation or the Committee's invitation to have him here in two weeks is fine. But I also caution that he may not have all the answers because, here again, this is kind of an open process of investigation of the possibilities.

LEG. D'AMARO:

Yeah, not necessarily answers, just his thoughts as the primary responsibility he has for the Parks system. Okay, I appreciate that. And, Mr. Chairman, I'll join with my colleagues who favor the tabling motion. I think we should at least have an opportunity to talk to Parks about that.

CHAIRMAN SCHNEIDERMAN:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. What we're talking about is sort of pre-planning steps which doesn't really exist. Everything we're discussing is part of the planning steps process really. I think the Parks Department certainly can offer some of their thoughts on potential uses, but I don't think anybody foresees -- I think we're definitely getting very far ahead of ourselves. I don't think anyone foresees that this is going to be built out and swing the gates open a month after we purchase it. Something like this is going to take a longtime.

The first step obviously is preserving a parcel like this to even have the opportunity to create a park. And then that's something that we may be able to get the state involved in and work out some of those inter municipal agreements, maybe even with the township locally. But something like this is going to require a great deal of planning beyond just simply the acquisition of it, and certainly there will be opportunities. But a parcel like this we simply can't let go. And if we get bogged down in the minutia of what may happen five, eight, ten years from now, we'll lose the opportunity to preserve it forever. So I think it's most prudent to move forward as soon as possible.

CHAIRMAN SCHNEIDERMAN:

Commissioner, Legislator D'Amaro brought up the question of what it would cost to operate it. And I have a question. In the new program, the new quarter penny program, there is a stewardship component. And I know with the CPF funds that the town have -- they're allowed, I think, 10 percent of those revenues to be used to manage the parks that they're acquiring. And I'm wondering in our program, can we use that stewardship money to provide the staff, to maintain and operate a park purchase with quarter penny funds?

DIRECTOR ISLES:

I can't answer that question right now. That's under the 477 Program. I think it's upon specific application and approval by the Legislature. I do, you know, there is one in the North Fork where you approved stewardship initiative along there. So whether that would be available here as an ongoing operating subsidy or funding for that, I'd have to research that and speak with the appropriate departments on that.

CHAIRMAN SCHNEIDERMAN:

Certainly it would make sense as we acquire more parklands and we have the added expense of managing these parklands to be able to use the same funding source to provide that ongoing management and stewardship. Otherwise we'd end up having to raise taxes.

DIRECTOR ISLES:

I think that was idea, to provide revenue to help support the County Park and open space system as we're going forward, but here again --

CHAIRMAN SCHNEIDERMAN:

Maybe you can look into that.

DIRECTOR ISLES:

-- in terms of your specific question, I'm not sure if it can be targeted directly to that.

CHAIRMAN SCHNEIDERMAN:

Well, in this case -- you know, if you could look into that, maybe in the future we could start to program some of that money toward new parks that we acquire, would make sense.

DIRECTOR ISLES:

Okay. We'll look into it.

CHAIRMAN SCHNEIDERMAN:

There was the other question about the County going it alone on this. And there's nothing in the planning steps that would preclude us from reaching out to the state to partner, right? And I would think that that's something we would do so that when it came back for any potential authorization, we could evaluate it based on whether we had a large partner on this acquisition or not.

DIRECTOR ISLES:

I believe you could evaluate at that time, yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So we have a motion to approve and a second. We have a motion to table and a second. The tabling motion comes first. All in favor? Opposed? I'll be opposed to tabling. Abstentions? There's three to table so the tabling motion is approved and **1202 is tabled. (Vote: 3-2-0-0. Legislators Schneiderman and Losquadro opposed.)** Hopefully in two weeks we'll have the information we need and we'll be able to move forward.

IR 1315 Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Shaw property, Forge River watershed Town Brookhaven). (Romaine)

LEG. D'AMARO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

There's a motion to table by Legislator D'Amaro. Is there a second?

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

Legislator Cooper seconding.

LEG. BEEDENBENDER:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman, Tom, I guess I had some questions. We had some testimony from Mrs. Johnston from ABCO earlier today. And I was looking at this and some discussions with some people in the area, particularly some of the people that are involved with Save the Forge River, they seem to be kind of perplexed as to why this doesn't -- why this didn't rise a bit higher and the ranking wasn't. I'm not questioning the process, I guess I don't understand. So could you speak to that? Are there things that you're reviewing. I think last time we had some discussion about the possibility that, you know, we provided this additional information to look at it again. So could you kind of tell us where you are with that?

DIRECTOR ISLES:

Sure. A couple of points. Number one is there was a question raised at the last meeting as to whether or not there was town owned development rights next door on another farm parcel. We did check with the Town and we were advised by the Town that they did not own development rights next door. By the way, I also mentioned that the Town informed us that they have this site, the subject site, the Shaw Nursery site as well as the adjacent farmland on their farmland protection list. But this resolution is for open space.

Secondly, the point was made earlier today about wildlife, that there are deer and so forth in this vicinity. I just want to make the point that the point criteria that's on our county rating form is for protected species such as endangered, threatened or species of special concern or species identified under the New York State Heritage Program. When we examined records for that criteria, we did not locate or have any information that would lead us to believe that those species were on this property.

And in terms of the impact on the Forge River, that is certainly of significant concern to us in terms of evaluating this property for that. The Master List did recommend a number of properties along the Forge River for protection. And, in fact, this Legislature has approved both planning steps and acquisition of a number of properties. In those cases the vast majority of those properties are properties that are directly in the immediate watershed area where they are wetlands, where they are wetlands buffer or they contain actual surface water areas.

In the case of the subject parcel, the Shaw Nursery, which is an agricultural parcel, the distance is about -- we estimate about 1200 feet. So in terms of the point criteria, it looks to separate the values in terms of identifying the most important properties and giving that kind of ranking. This property did score a few points for the size and so forth. And we're not debating -- in a certain way every parcel that eventually drains into the Forge River has importance to it, no question. But in terms of the values that the county program looks for of maximizing protection, this is not an undisturbed parcel. This is not a wetlands parcel. This is a parcel that's been farmed for many years. Here again the scoring speaks for itself.

We remain open. If there's information that we did not pick up, we'll be happy to evaluate that further. If there are any mistakes, we'll be happy to correct any mistakes. But at this point in time to update the Committee, our findings remain as we presented at the last meeting.

LEG. BEEDENBENDER:

Okay. So there's nothing -- okay.

CHAIRMAN SCHNEIDERMAN:

Commissioner, if it's being evaluated for open space and groundwater protection, etcetera, in terms of its ability to protect the Forge River and not contribute to the degradation of that water body, farming is certainly not neutral. I mean there's pesticides, fertilizers. Yet we have a separate goal, sometimes a conflicting goal in terms of protecting drinking water and surface waters, we have a goal of preserving farmland. And this is an area probably doesn't have a lot of remaining farmland, I know there's been a lot of development in that area. If it were reviewed for farmland preservation, I suspected it scored pretty well. Now I know there was some testimony by the sponsor that the owner is not interested in continuing to farm, that to me that's not an end all. It is possible that it could be retained as farmland with somebody else farming it other than the owner. So is there any effort to try to preserve this for farmland?

DIRECTOR ISLES:

The resolution is for open space. We have not -- the County Farmland Committee typically will consider farms based upon either a legislative resolution that's introduced for farmland purchase or upon a direct application or interest by the property owner. At this point that has not occurred so the Farmland Committee has not evaluated this.

I agree with you that given the proximity to the farms on either side of this property, it might well rate pretty high from a farmland stand point. As a matter of fact in some of the earlier testimony there was reference to the {Wood Lee}Nursery. And that was purchased as a development rights farmland protection program. So we do have programs that are available for that purpose.

CHAIRMAN SCHNEIDERMAN:

I don't know if you remember the Schwenk Farm out in East Hampton which was a county/town purchase, I was involved as Supervisor. And there the farmer, too, wasn't really interested in

continuing to farm, but we wanted to preserve the farmland. So we bought the fee which was actually only 10 percent more than just buying developing rights. And then we leased it back to a community organic farm. And it was right across from the high school. We were concerned about the spraying of pesticides on this property and the kids having to breathe those things in so we did an RFP. They're a not-for-profit organic farming group step forwarding today. It a community organic farm. It's a wonderful facility. That's a model that might work in this location as well. It seems like it ought to be explored. I know you can't force it to be explored. The sponsor -- but I would like to personally see it looked at in that way because I think it would qualify. And I don't know what the rating will come in, but my guess is it'll meet the threshold if it's reviewed for agriculture.

All right. We have a motion to table and a second. Should I wait for -- Legislator D'Amaro is here. All right. All in favor? Opposed? Abstentions? **1315 is tabled. (Vote: 5-0)**

IR 1376 Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Delea, F. Sasso and estate of E. Sasso property Delea Sod Farm Town of Riverhead (SCTM No. 0600-017.00-05.00-004.005 p/o). (Co. Exec.)

LEG. LOSQUADRO:

Mr. Chairman, I apologize, I wasn't here at the last committee meeting. I had to take my wife to the doctor's appointment, but this is a very important parcel. I spoke with the Farm Bureau as far as maintaining a strong agricultural economy in the East End. I'd like to make a motion to approve.

CHAIRMAN SCHNEIDERMAN:

You know, I think I actually did not support this last time because of using Drinking Water Protection money to purchase sod farms. It would seem to me to conflict not only with our goals of protecting groundwater but also what I felt were the core values of the Farmland Preservation Program which was really to protect farming and agriculture. And I guess sod farms are a form of agriculture but I don't think it was envisioned by the fathers of this -- of the agricultural preservation program to be preserving farmland.

LEG. LOSQUADRO:

Mr. Chairman, as the Farm Bureau often discusses --

CHAIRMAN SCHNEIDERMAN:

I'm sorry, to be preserving sod farms, yes.

LEG. LOSQUADRO:

-- yeah. Agriculture is a constant evolving industry. You know, we had (inaudible) potato farms. Right now with it's being used to harvest sod. The point of preserving these parcels is that they remain in agricultural use in perpetuity. And we don't know what the continuing use will be at some point in the future. But to maintain that strong agricultural economy as part of Suffolk County's future, I think, is very important. And parcels such as this, especially ones of this size, to continue in that use I believe is absolutely the intent of this program.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you, Mr. Chairman. I think, you know, I disagree a little bit with -- I do think that sod is a reasonable agricultural use. But what I am concerned about, the thing I did want to ask is, I'm not an environmental expert, do we have any idea, you know, if we're concerned about nitrogen discharge and things into the ground, do we have any idea of the order of magnitude of the 70 acres of a sod farm versus the 35 houses that I guess local zoning would allow as of right here? Because my first instinct is to say sod is a type of farming. It's a different type of farming. It may be more

intensive than others. But is there any sort of environmental balance between the two? I mean, is 35 houses worse than the 70 acres of -- I don't know the answer to that question.

DIRECTOR ISLES:

I don't think I can say that off the top of my head. I mean it certainly could be computed as to -- and certainly the Health Department has done a lot of analysis of the impact of different land uses including farms on water quality. So I can't say at this point that 35 homes would be better or worse. It certainly would be a reasonable, at least close if not sod farm being worse. But I think -- you know, I understand your concern and I understand the confusion in having a drinking water program allowing farming. We're now at a point where that's the only funded program we have. And this is a piece that has protected farmland on three sides of it.

I think the crux of this is, if there's a real concern about moving forward using the Drinking Water Program to buy farmland, then we probably need to find another program. And there's some serious issues here, I think, with this. I think if we're looking at the impact on water quality which is highly important to stop buying farmland, I don't personally think that's the answer. I think we have to look at ways of trying to limit the use of fertilizers, pesticides, nutrients and so forth and -- because I think we have this somewhat schizophrenic -- I mean we do want to preserve agriculture in Suffolk County, we do want to preserve water quality. How we do that, how we approach that, how we succeed in that is the question. But to stop buying development rights, I think, is not the right way of doing it. And I think the programs you've talked about before, the 477, which are aimed at other ways of managing nutrient use and perhaps more than we can do in the future. But to stop buying development rights, we feel, would not be the solution in this case.

LEG. BEEDENBENDER:

Mr. Isles, do you think, does that sort of balance something that if we could get by Tuesday -- I don't know how intensive it would be to look at that; because if it is then my suggestion would be that possibly we discharge it to the floor and get maybe a little more information on Tuesday but still be able to move forward but --

LEG. D'AMARO:

If I could just jump in, Mr. Chair, it would seem to me that it has to be by definition a more intensive use to develop 35 homes; otherwise why are we buying any property? I mean if you're going to develop property as the alternative the County's going to buy it to preserve the ground water and for environmental reasons, it would seem to me that that would kind of undo the whole underlying rationale for all our land acquisition programs.

So without you doing a lot of homework, I think, I can safely conclude that 35 residential dwellings each with septic systems would have more of an adverse impact on groundwater or the environment than perhaps sod farming. I think Legislator Losquadro makes an excellent point that, you know, today it's sod, tomorrow could be something else. And the other -- the more important question in my mind or just as important question in my mind is if we were growing corn as opposed to sod, how much more fertilizer are we really putting into the ground to maintain the sod. You have to look at cycles of growing and what's used. I mean I don't know that the stated impact is that much more severe to say we're going to come up with some kind of informal policy but we're not going to consider sod farms. I think we are still protecting the groundwater by acquiring property like this; I agree with you.

CHAIRMAN SCHNEIDERMAN:

Yeah. I just want to clarify the point because I'm certainly not saying that sod farming is using more chemicals or worse chemicals than potato farming or corn farming; only that agricultural uses are not groundwater neutral. And one of our goals is to protect groundwater. And it's frustrating, because I certainly want to support agriculture as well. I want to see our farmers survive and I want to see them have the options available to them to make sure that they survive. I just wish we had a dedicated funding source for preserving farmland and not basically pooling the groundwater protection money in with the farmland money. But we're kind of stuck so, you know, down the road

if we can start to work out strategies for nitrogen reduction and pesticide reductions, and certainly if they can be -- start to be made conditions if the County's going to go and, you know, buy the development rights to have some say so at least we're moving toward our other target which is protecting groundwater, I would feel more comfortable. I wouldn't have the internal conflict.

And, you know, I do want to continue to preserve farmland. That's important. And I do think the original program was for food crop production, at least the people that I've talked to who are part of that original agricultural protection program believe that they were doing, and lot of farmers were being forced to sell their farms because of real estate taxes were far in excess of what they were able to produce just selling their crops. And they were under a lot of pressure. The real estate value was going up and up and up. And a farmer would die and the taxes would be so high on the family, it was creating all kinds of problems. And this was a way to save farming by purchasing development rights.

And farming back then was different. And today we now see of high end farming. We seeing the viticulture, the wineries, which produce a lot of money in some cases. We see a lot of nurseries that produce trees for estates. We see these sod farms. And we still see some of the traditional food crops. But, you know, I guess every once in a while you step back and you look at a program like this and make sure it's still compatible with its original goals. But I will support this. But, I mean I'm glad we had at least a forum to discuss these issues. And we took a pause to look at them.

So we have a motion and a second to approve. All in favor? I'm sorry? Oh, there's no second on the motion.

LEG. COOPER:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Cooper. All in favor? Opposed? Abstentions? **1376 is approved. (Vote: 5-0)**

INTRODUCTORY RESOLUTIONS

IR 1418 Adopting Local Law No. -2009, A Local Law to reduce the use of disposable bags by retail stores. (Viloria-Fisher) It has to be tabled for public hearing. I'll make a motion to table.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

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

IR 1432 Authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk. (Co. Exec.) Also needs a public hearing. Same motion, same second, same vote. **(Vote: 5-0)**

IR 1446 Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component for the Najdek property Southaven County Park addition Town of Brookhaven (SCTM No. 0200-666.00-01.00-023.001). (Co. Exec.) And Laretta will distribute the aerial.

DIRECTOR ISLES:

I'll just briefly run through this property. This is an acquisition resolution. This is a parcel of 1.6

acres directly adjacent to Southaven County Park. This was included in Master List Two. The Department of Energy and Environment, Division of Real Property, Acquisition and Management has conducted the appraisal and transaction part of this. It has been reviewed by the Environmental Trust Review Board and an offer was accepted by the owner at a value of \$250,000. If you have any questions, we'll do our best to address those questions.

LEG. LOSQUADRO:

Motion to approve, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

There's a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN SCHNEIDERMAN:

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

IR 1463 Authorizing Suffolk County to enter into an Intermunicipal agreement with the Town of Southold in connection with planning for the Bay to Sound Integrated Trails Initiative Land Stewardship Project (CP 8713.110). (Co. Exec.)

LEG. D'AMARO:

I'll offer a motion to approve.

LEG. COOPER:

I'll second.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator D'Amaro, second by Legislator Cooper. Can I get some information on this?

MR. CASTELLI:

This resolution was basically to complete what was left out of resolution 607-2007. This is for \$35,000 for the planning phase of the Bay to Sound integrated trail. This is a land stewardship incentive. What this resolution completes is that -- the funding resolution 607-2007 did not site the adopted Southold resolutions. One to allow the Town to enter into an inter municipal agreement with the County; two, for the Town of Southold to agree to the 50 percent cost match. Those two items were left out of the original funding resolution.

And also this -- another thing that was left out was the funding resolution did not contain and resolve for the County to enter into the inter municipal agreement with the Town. Okay? So all this resolution 1463 does is to correct those oversights and would allow the funding to go forward with this phase one of this project. And this phase one would be for flora and fauna study by New York Natural Heritage to evaluate the flora and fauna on the proposed -- the trail.

CHAIRMAN SCHNEIDERMAN:

Is this a 477 funding? Is this one of those stewardship --

MR. CASTELLI:

Yes.

CHAIRMAN SCHNEIDERMAN:

-- initiatives?

MR. CASTELLI:

Yes, it is one of the new land stewardship initiatives. It's one of the first ones.

CHAIRMAN SCHNEIDERMAN:

Right. I was just questioning as to whether some of that monies could be used for managing our own parklands. We already approved that use. This is not an additional 35,000, is it?

MR. CASTELLI:

No, no. This is just to -- to complete what should have been in the adopted resolution 607 -- I guess it's 607 -- I'm sorry -- 2008.

CHAIRMAN SCHNEIDERMAN:

This is at the Nature Conservancy; is that who is doing the review of the flora on this property? Is that --

MR. CASTELLI:

No. New York Natural Heritage.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. CASTILLI:

And this project is being performed by the Group for the East End in conjunction with the Village of Greenport and also the Town of Southold, are all collaborating on this project.

CHAIRMAN SCHNEIDERMAN:

Okay. Good for the East End; though they're not recipients of the funding on this one. They're just coordinating; right?

MR. CASTELLI:

Yes, exactly. The funding will be going to the Town of Southold. And they're putting up a 50 percent. So it's \$35,000 from the County, \$35,000 000 from Southold for this phase one.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions? All right, do we have a motion on this?

MS. LOMORIELLO:

There's a motion and second.

CHAIRMAN SCHNEIDERMAN:

And a second. Okay. All in favor. Opposed? Abstentions? **Approved. (Vote: 5-0).**

That concludes our agenda. There's no further business and we are adjourned.

**THE MEETING CONCLUDED AT 4:03 PM
{ } DENOTES SPELLED PHONETICALLY**