

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 15, 2009.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

Deputy Presiding Officer Vivian Vilorio-Fisher
Legislator Edward P. Romaine, First District
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
DeWitt Davies, Planning Department
Gregory T. Green, Cashin Associates
Pamela Greene, Director of Real Property Acquisition & Management
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Division of Real Property Acquisition & Management
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Jessica Kalmbacher, Planning Department
Catherine Stark, Aide to Leg. Schneiderman
Ginny Suhr, Aide to Leg. Vilorio-Fisher
Marcus Povinelli, Aide to Leg. Losquadro
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Lisa Keys, Aide to Leg. Romaine
Debra Alloncius, AME Legislative Director
Steve Tricaraco, Aide to County Executive

(APPEARANCES CONTINUED ON NEXT PAGE)

ALSO IN ATTENDANCE: (Continued)

Rick Brand, Newsday
Janet Plympton, LIPHA
Christine Boelke, Parks Department
Debra Alloncius, AME Legislative Director
Gail Lolis, Deputy County Attorney
Joseph Van de Wetering, Chairman of Peconic YMCA
Fritz Trinklein, YMCA
Kevin McAllister, Peconic Bay Keeper
And all other interested parties

MINUTES TAKEN BY:

Diana Kraus, Court Stenographer

THE COMMITTEE WAS CALLED TO ORDER AT 1:09 PM

CHAIRMAN SCHNEIDERMAN:

I'd like to call the Environment, Planning and Agriculture Committee to order this 15th day of June 2009. If you all will rise and join us with the Pledge of Allegiance lead by Legislator Losquadro.

SALUTATION

You may be seated.

PUBLIC PORTION

We'll begin with public portion. I have three cards. If you wish to be heard by the Committee and have not already filled out a yellow card, you can obtain one in the front.

Our first speaker is Joseph Van de Wetering speaking on the Riverhead YMCA.

MR. VAN DE WETERING:

Good afternoon. My name is Joe Van de Wetering. I'm the Chairman of the Peconic YMCA. I would like to speak to you about the YMCA for Riverhead. During the past 15 years my wife and I have lived in Riverhead. It's a beautiful place, but much needs to be done. It's important for volunteers to get involved working in conjunction with our elected officials to improve the quality of life for our residents.

We have received much joy in participating in the vast improvements of our hospital, the Peconic Bay Medical Center, as well as establishing Grumman Memorial Park in memory of a great company and its employees who kept our military prepared against all adversaries. But there is much more to be done.

Riverhead is surrounded by water but has no pool to speak of for kids to learn how to swim. Isn't that a troubling condition? For about ten years a committee of volunteers has been trying to identify about eight acres of land for the building of a YMCA in Riverhead. After considering 30 different sites from every perspective ranging from central access to environmental suitability, we have finally identified the perfect location adjacent to Stotsky Park, the recreation center for the Town of Riverhead and close to our schools.

Why a YMCA you may ask. They will provide a healthy environment for kids, families and seniors with an olympic size pool, aerobics, pre-K classes, events and art classes and outdoor activities including a summer camp. The YMCA has been doing this successfully for over 150 years. We're asking this Committee to vote favorably on resolution 1512. Thank you.

I hereby would like to state into the record the following letters of support for resolution 1512, if I may. The first letter is from our Supervisor Phil Cardinale. The next letter is from Dr. Dianne Scricca, Superintendent of Riverhead Schools. The next one is from Andrew Mitchell, CEO and President of Peconic Bay Medical Center. The next one is from Mark Miller, CEO and President of Miller Environmental Group in Calverton, Jack Van de Wetering, who's the CEO of Ivy Acres, Calverton as the next letter, Gordon Huszagh, who is the Suffolk County National Bank CEO and President. And finally from Edgar Goodale, President of Riverhead Building Supplies. These are all key people in our community employing lots of people and all speaking in favor of this resolution. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you, sir.

MR. VAN DE WETERING:

Who should I give these letters to?

MS. LOMORIELLO:

I'll take them.

CHAIRMAN SCHNEIDERMAN:

Just out of curiosity does the YMCA have the funding to build this facility? This may come later up when we discuss this but --

MR. VAN DE WETERING:

We believe we need approximately \$8 million. And we have identified a total of five already. However --

CHAIRMAN SCHNEIDERMAN:

That's terrific.

MR. VAN DE WETERING:

-- we're not doing any fundraising yet until the land is in our possession. So we don't think there'll be a problem. I know it's a terrible time to go and look for funds but it's a wonderful time to go and have some something built. Very advantageous.

CHAIRMAN SCHNEIDERMAN:

That's good news.

Next speaker is Fritz Trinklein, if I'm pronouncing that right, also on the same resolution.

MR. TRINKLEIN:

Thank you for the opportunity of speaking on behalf of resolution 1512. My name is Fritz Trinklein, Director of Strategic Planning for the YMCA of Long Island. For close to 20 years thousands of

people on the east end of Long Island have expressed a need for programming services offered by the Y with a focus on indoor swimming instruction for the safety of children. Today we stand at the precipice of fulfilling this need with the unanimous support from leaders from the north and south fork as well as Riverhead. The central location referenced in resolution 1512 near downtown Riverhead is ideal, located on a major transportation corridor adjacent to Stotsky Town Park, creating a convenient recreation zone.

The parcel of land is suitable from a planning and zoning perspective. Over \$5 million of private and public funding has already been pledged for the project's \$8 million cost. In other words, with the approval of this resolution today, children could be swimming in a beautiful olympic size swimming pool within two years. The YMCA recognizing the unique challenges facing the economy on the east end has offered an unprecedented \$3 million in funds and financing towards this project. However, this grant has a time limitation that will expire if this resolution is not passed today.

Other communities throughout Long Island which are currently secondary candidates will be entitled to these funds instead of the east end. The YMCA has been working in close conjunction with the Riverhead school district by planning to incorporate eight full-day pre-K classrooms allowing working mothers in assurance of highly competent care for their children in a safe, nurturing environment.

Also incorporated into the program mix is a weekly pre-teen and teen night offered free of charge to all participants. This nationally recognized program provides a safe fun-filled environment promoting the Y's time tested values of caring, honesty, respect and responsibility. This branch aptly named the Peconic YMCA will be governed by a volunteer board of managers comprised of east end residents who will be responsible for establishing the cradle to grave spectrum of programs. Similar to the renown revitalization of downtown Bay Shore caused by the construction of the Great South Bay YMCA branch, the Peconic Y will cause a large economic ripple effect throughout the region. A projected 220 full and part-time employees will be hired from the local labor pool servicing an estimated 4,000 members.

Resolution 1512 arguably carries the single largest social benefit in the generation for the populus of the east end by offering a plethora of programs developing a healthy body, mind and spirit. Thank you.

CHAIRMAN SCHNEIDERMAN:

Thank you.

LEG. ROMAINE:

Mr. Chairman, although I'm not a member, can I ask a question?

CHAIRMAN SCHNEIDERMAN:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

Mr. Trinklein, if I could ask you just a few questions.

MR. TRINKLEIN:

Yes.

LEG. ROMAINE:

First of all, I'm going to ask the Clerk to list me as a co-sponsor of IR 1512.

This resolution that is being offered by the County Executive deals with -- I'm going to ask *am I correct* at the end of it because I have to ask questions -- deals with a less than seven and a half acre parcel immediately east and somewhat north of Stotsky Park; is that correct?

MR. TRINKLEIN:

That's correct.

LEG. ROMAINE:

The County purchased this parcel under Greenways Program a few years ago and the Greenway sponsor at the time was the Town of Riverhead that was originally contemplating building soccer fields here; is that correct?

MR. TRINKLEIN:

That's correct.

LEG. ROMAINE:

The town has not built those soccer fields despite the fact that they've been listed as a sponsor for several years so the parcel sits fallow at the end of Columbus Avenue right off Pulasky Avenue; is that correct?

MR. TRINKLEIN:

That's correct.

LEG. ROMAINE:

So all this resolution would do in terms of the Greensway Program is substitute the Town of Riverhead for the Riverhead YMCA as the Greenway sponsor; and then you would then become the sponsor for providing recreation on that site.

MR. TRINKLEIN:

Yes.

LEG. ROMAINE:

And to do so that would give you, I believe, a long-term lease where you would build the YMCA on.

MR. TRINKLEIN:

Correct.

LEG. ROMAINE:

Thank you.

MR. TRINKLEIN:

You're welcome.

CHAIRMAN SCHNEIDERMAN:

We have one other speaker, Kevin McAllister, Peconic Bay Keeper on the the Shaw Nursery acquisition.

MR. MC ALLISTER:

Good afternoon everyone. My name is Kevin McAllister. I'm the Peconic Bay Keeper and I'm here to speak in support of hopefully the County's efforts to really target and acquire the Shaw Nursery parcel.

You may recall in 2005 the Forge River was thrust in the spotlight due to chronic alga blooms and fish kills. Certainly at the time, you know, my gut told me there was clearly excessive nitrogen loads entering the river. That subsequently certainly has been proven by Stony Brook University's work as well as Suffolk County's Water Quality monitoring.

There's a great deal of enriched groundwater particularly from septic tanks entering the river. Over the course, I guess, of that summer I had actually prepared the petition to DEC seeking the impaired water's designation for failure to meet water quality standards. And the reason for that knowing

that this could serve as a catalyst and really a mandate for watershed management plan and more importantly what's called a total maximum daily load, TMDL, which is in essence a pollution budget which in this particular case would deal with the nitrogen load entering the river.

We had sought a moratorium within the watershed. There's a number of, I guess, larger parcels to the northern end of the watershed one being Beachwood at Mastic as referred to certainly as Shaw parcel at 32 acres is sizeable. That moratorium was not supported by the town board but was, in fact, supported by town planners. And, again, it's essential.

With that aside while we're waiting for this watershed management plan to be developed and again more importantly the TMDL, you know, ultimately I would strongly argue that acquisition is critically important. We really need to stop the bleeding with respect to the nitrogen loads entering the river. So ultimately as I understand it and we argued before the town planning board going back some -- a year or so ago concerning this particular parcel about the proposed development and I understand subsequently 28 units has been approved, again, you know, really a last nail in the coffin. We've got to acquire every parcel within this watershed the best we can and then ultimately over the long-term develop strategies that are going to reduce the nutrient loads. And I would argue the Forge is not necessarily unique. Thank you for your consideration.

LEG. ROMAINE:

Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Yes, thank you, Kevin, for coming. You have been a very strong advocate of trying to get the Forge River and bring it back to life. Obviously more cesspools aren't going to help in this neighborhood. I've handed out to my colleagues and should have before them a hole list of press conferences that County Executive Levy has had in the Forge River and former Supervisor Foley about preserving the Forge River.

Did you know that there are a number of parcels within the Forge River watershed that according to previous resolutions were included in a Master List and, therefore, did not have to be rated as to their value environmentally no matter how large or how small? Were you aware of that?

MR. MC ALLISTER:

Yes, I knew that a list exists. The specific parcels, I'm not certain of all of them.

LEG. ROMAINE:

Were you aware also that within the Forge River watershed one of the largest parcels of property that remain undeveloped -- two largest are the Beachwood property, which obviously I'm opposed, I don't represent that area, it's on the other side of the street, but I'm opposed to development there on the head waters of the Forge River; and the other one is the Shaw Nursery which are 32 acres, is one of the largest parcels, but for some unknown reason was not included in the Master List originally of all properties within the Forge watershed? I mean are you aware of that?

MR. MC ALLISTER:

No, I wasn't aware it did not make that list.

LEG. ROMAINE:

And if it had been included in that list, we would be moving right to acquisition. There would be no rating form. And we'd be looking at the value of preserving this space. Right now it's a nursery that's no longer being actively farmed as a nursery. And the owner is not interested in farming development rights which I've been told the parcel would rate higher because he's in his seventies, would like to sell the property and that's that. And unfortunately the town has moved forward with

a subdivision plan so it looks like this property is not preserved would be developed. Could you comment on what that development might mean?

MR. MC ALLISTER:

Well, I will say certainly if the intent of this particular list was to protect the watershed lands relative to limiting the density septics, certainly this parcel should have absolutely been on that list. Again, I will say at this stage the river's reached its tipping point. It just cannot handle any more nitrogen. This means additional nitrogen.

LEG. ROMAINE:

So you would, in fact, recommend, and maybe I should amend my resolution and just include it in the Master List for Forge River.

MR. MC ALLISTER:

I would highly strongly recommend that. And that's why I'm here today to speak to the importance of this parcel.

LEG. ROMAINE:

And the other possibility is that my colleagues on this Committee can ignore the fact of its rating since none of the other parcels in the Forge River watershed were rated and then look instead at this very large piece of property and the impact of what development might have on the river itself.

MR. MC ALLISTER:

Again, I am not familiar with all the details on the rating system, but again, as a -- you know, a list per se, certainly the Shaw parcel should have been in on that list.

LEG. ROMAINE:

Do you think that the development of the Shaw Nursery parcel particularly with its clustering configuration would be negative in terms of the watershed?

MR. MC ALLISTER:

Yes.

LEG. ROMAINE:

Would you recommend as a scientist and someone that's deeply involved in trying to save the Forge River, would you recommend acquisition?

MR. MC ALLISTER:

Yes.

LEG. ROMAINE:

Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Kevin, can I ask you, you've been a stalwart supporter in protecting the environment, right now the property's currently a nursery. And you're looking to see it acquired. How do you see it in the future? You mentioned something about nitrogen reduction before. We all know that farming even if it's organic is not nitrogen neutral. So how do you see this managed by the County? Because you're looking for full fee acquisition; is that right?

MR. MC ALLISTER:

Correct. I mean obviously the -- optimally to protect this parcel and just let it go fallow removing the agricultural use, short of that I would argue that, you know, relative to residential units not only in the landscape management practices as well as the actual on site septic systems, we do have the opportunity to educate the farmer to employ nitrogen reduction strategies.

CHAIRMAN SCHNEIDERMAN:

Right. I mean I think that's what I would like to see here; continue to stay as farmland, but with a diminishing amount of nitrogen entering the Forge River.

MR. MC ALLISTER:

Correct.

CHAIRMAN SCHNEIDERMAN:

If we can monitor that. Apparently though the owner is not interested in farming this, so. Though I thought in a discussion with somebody from the Farm Bureau, Joe Gergela, unless it was on a different parcel, it seemed as if there might be some -- another party that would farm this, so. I haven't heard. No? Ever heard anything to that effect?

MR. MC ALLISTER:

I can't speak to that.

CHAIRMAN SCHNEIDERMAN:

Okay. The way it was reviewed was as an open space acquisition. And that's part of the reason it got such a low score because it's not currently providing habitat for any endangered flora or fauna.

MR. MC ALLISTER:

Well, I mean with respect to, I guess, the listing in the criteria obviously you're dealing, you know, absence of wetlands but I would argue in this --

CHAIRMAN SCHNEIDERMAN:

Right. From an open space perspective it didn't meet the thresholds figure. If it was reviewed as farmland, I'm quite confident it would have met the threshold for farmland. But, you know, it's not a -- it's not a deal breaker per se if it doesn't score. Sometimes we still move forward with a property even if the score is not sufficient.

MR. MC ALLISTER:

And I recognize obviously with planning and the criteria that they apply, if the parcel did not meet, you know, the necessary criteria, I would argue there are intangibles with respect to this river and the fact that again it's overburdened with too much nitrogen. I think there has to be some flexibility applied in this particular instance.

CHAIRMAN SCHNEIDERMAN:

And those parcels that weren't included on the Master List were not individually reviewed as this is being reviewed. They were reviewed cumulatively. So there's no doubt that if this was included in that Master List, you know, it would have scored with the Master List, which actually wasn't rated but it was obvious that it would, you know, have a great benefit to the environment.

MR. MC ALLISTER:

And, again, if the intent on the Master List was to ultimately reduce density thus additional nitrogen loads, then absolutely this parcel should have been on that list.

CHAIRMAN SCHNEIDERMAN:

Right. Well, we can ask the Commissioner how that Master List was determined and why this parcel was left out. You know, the County obviously has limited funds.

MR. MC ALLISTER:

Understood.

CHAIRMAN SCHNEIDERMAN:

And I'm sure there were priorities, you know, decisions that were made in terms of where to draw

the boundary for the Forge River watershed. Seems like this would be in it.

MR. MC ALLISTER:

32 acres, that's sizeable within this watershed.

CHAIRMAN SCHNEIDERMAN:

Right.

MR. MC ALLISTER:

Thank you. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Kevin, one second before you sit down. Legislator D'Amaro has a question.

LEG. D'AMARO:

Thank you. So you're suggesting there are factors to be considered here that are not necessarily reflected on our rating form.

MR. MC ALLISTER:

Yes.

LEG. D'AMARO:

And one of those factors is that this is in the part of the watershed area for the Forge River which is not getting any points for it per se, but you feel the preservation of this land would contribute to preserving or helping the Forge River. And when we're talking about Master Lists, and Legislator Romaine, I agree with you that had it gone on the Master List, there would be no need for a rating because there are other considerations, I would assume, that go into a Master List. And we can talk about that when we talk about the bill. But my question to you is, do you know are there other properties on the Master List or the County has already acquired that are similar to this property or in close proximity?

MR. MC ALLISTER:

I don't know that.

LEG. D'AMARO:

You don't know.

MR. MC ALLISTER:

No.

LEG. D'AMARO:

So you're not aware of any other properties in this particular area of the Forge River that the County has targeted or acquired?

MR. MC ALLISTER:

Approximately two to three years ago because I recall I was actually at the press conference that Mr. Levy held, there's a parcel in close proximity. I did learn today it was not contiguous with this parcel but was, in fact, acquired with the intent again of acquiring the watershed land, remaining watershed lands in the interest of basically reducing or stemming the flow of nitrogen; additional nitrogen sources.

LEG. D'AMARO:

Now, the nitrogen would be a consideration if it were being farmed; is that correct?

MR. MC ALLISTER:

Yes.

LEG. D'AMARO:

But this is not presently being farmed?

MR. MC ALLISTER:

I don't believe it is. I believe it's fallow.

LEG. D'AMARO:

Yeah, but it always has that potential of going forward, of course.

MR. MC ALLISTER:

Yes.

LEG. D'AMARO:

Also there's also a subdivision approval for this property from the Town?

MR. MC ALLISTER:

Yes.

LEG. D'AMARO:

All right. Thanks. I appreciate you helping me out.

MR. MC ALLISTER:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. That concludes our public portion at this point.

PRESENTATIONS

I'd like to move onto presentations. Our first presentation will be Commissioner Pavacic from Parks to talk about the North Fork Preserve property.

COMMISSIONER PAVACIC:

Good afternoon. I understand there's some questions regarding the future development of this parcel.

CHAIRMAN SCHNEIDERMAN:

All right, you want to start with by us asking questions, that's fine. It's a large parcel, you know, 300 plus acres. Should the County go it alone, which it might, it might seek a state partner, there's some question as to our ability to manage the property, how we'd use the property, would there be camping on the property, what types of park uses have reviewed it, buildings on the property, maintaining buildings. So I guess really if you could tell us first have you been there? Have you done a site visit? Is this something that you see as an important County acquisition?

COMMISSIONER PAVACIC:

Yes, we've been there several times. It is a significant acquisition just in terms of its sheer size and particularly for that area. In our regard we've done some initial analysis. And it would serve as a good location to establish some staff at some point in the future. That analysis indicated that in terms of costs we would estimate an initial startup of about \$375,000. That would include establishing four full-time Parks personnel there consisting of a park supervisor, labor crew leader and two laborers. Then some mechanized and power equipment that would include things such as

tractors, trucks, mowers and smaller power equipment. And then supplies. The equipment cost, we estimated about with \$150,000 at this point. And then supplies about \$10,000.

CHAIRMAN SCHNEIDERMAN:

So that's on top of the 300 or so thousand for staff?

COMMISSIONER PAVACIC:

No, that's the -- the total of 375,000 includes that. About 216,000 for the staff, about 150,000 for the mechanized equipment, the power equipment. And then about \$10,000 for supplies.

In our regard one of the first things that would need to be done is because the northern half has some wetlands distributed throughout that, we would recommend mapping those, locating those and delineating those first because that's going to affect what you can do with the property.

We have looked at some potential uses for this site. First of all, it would be -- if it were to become a county park, it would be the first major park where we have full-time staff, permanent staff on the -- in that part of the north fork. Our nearest full time installation is Indian Island. So this is a good distance away from that and would also allow us better access to our parks in Southold. Right now we don't have any full-time staff in any sites in Southold. The majority of those are natural open space areas where passive uses are allowed. And this would allow us a beach head to get to those.

We've looked at a number of potential uses. First all, it would be our recommendation to preserve and maintain all the existing infrastructure; that includes the concrete block building. We're going to be having some of our maintenance staff going there at some point in the future to take a look at that, but just initial examination by myself and some other members of my staff indicates that that building is in decent shape. And that is something that we would like to retain.

In addition there are some smaller parcels that are located directly on Sound Avenue. It's our recommendation to acquire those as well because they have -- there's a house there that appears to be in good condition as well as two barns. Both are fairly recent vintage. Those would be very good for storage of equipment and also maintenance of equipment. We also would recommend retaining the other existing infrastructure that's on the property, which includes wells, well heads and distribution lines as well as the parking area located adjacent to the concrete block building in the middle of the site plus the tennis courts keeping those as well.

CHAIRMAN SCHNEIDERMAN:

In terms of use, I had mentioned camping. Is that something -- trailers or tents? And then there's also currently hunting uses there. Would that continue?

COMMISSIONER PAVACIC:

At this point we would recommend first of all probably tent camping and primitive camping. There's been a tendency over the last decade or so for more and more RV's and trailers and so forth. However, this site would present an opportunity for the more traditional type of camping, tent camping where you're not supplying each and every site with potable water, with running water and electricity but you'd have more communal areas and then there would be group bathrooms as well.

It could also serve as an opportunity for, as we said, primitive camping where you carve out an area that's well away from others that approximates to what you have when you go upstate, when somebody goes back packing, for example. It wouldn't be quite the wilderness experience here but it would be something similar to that, where you provide a minimum of amenities. And then scouting. There's always a need for areas for scouting. We do have some areas in West Hills and Blydenburg, for example, and at Cathedral Pines. This would present another venue for that further east where we currently have none.

CHAIRMAN SCHNEIDERMAN:

When you provided those staffing figures, was it based on this type of use? Or would that add

additional staff to --

COMMISSIONER PAVACIC:

That's based on what we have right now with Cathedral Pines, which is our major family and group camping area.

CHAIRMAN SCHNEIDERMAN:

So then my next question would be have you -- do you have any idea of revenue that we might, estimates that we might be able to receive to offset the additional \$375,000 in expenses?

COMMISSIONER PAVACIC:

We have not hazarded a guess on that because we don't know -- we don't know enough about, as I said, the environmental constraints on the property and how that could be laid out.

CHAIRMAN SCHNEIDERMAN:

Cathedral Pines, does it carry itself or no?

COMMISSIONER PAVACIC:

That I -- I would have to get you information on that.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Losquadro had a question.

LEG. LOSQUADRO:

That was my question. That's it.

CHAIRMAN SCHNEIDERMAN:

Okay. Any other questions for the Commissioner? So is this something you'd like to see as a County park? Is that -- you're recommending acquisition here?

COMMISSIONER PAVACIC:

I think it would be a very suitable location for a County park, if it was possible to render at least a part of it as an active park because you have that infrastructure there. We do have uses within some of our other parks where we have buildings such as Sweet Hallow Hall in West Hills, which serves a good purpose in the community for clubs and organizations to meet and other folks have that for their use. Again, you have that here. The tennis courts are there. They are hard true tennis courts. They're in very, very good shape from what we can see. We certainly would not recommend removing those but maintaining those. Those are a nice amenity.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you. Commissioner, there's -- some Legislators have suggested that -- Legislator Browning had a bill that created a commission to look for a replacement site for the Trap & Skeet. And that has been brought up. Do you have any comments on that and the possible use of that at this location? I mean obviously it's in the extremely preliminary stages of where something like that would happen but --

COMMISSIONER PAVACIC:

I don't have -- as I believe has been relayed to Legislator Browning, I know Director Isles is currently leading the internal review of that list of recommendations of recommended sites. So I don't know how this particular site will fall out in that regard as an alternate site for Trap & Skeet.

LEG. BEEDENBENDER:

Okay.

CHAIRMAN SCHNEIDERMAN:

I guess more of a question for Commissioner Isles, I think I brought up at the last meeting a question, I'm not sure if you had the opportunity to look into it, you know, as we take on additional staff for properties that we're acquiring under new Quarter Penny Program, I had a question whether there were provisions within that authorization that would allow any of that money to be used to cover some of the additional staff that would be needed for the properties we preserved. I know with the CPF funds that the town has, there's a ten percent cap in terms of how much of the fund can be used for stewardship.

Also, we have the -- directly a new component, that stewardship, and whether -- I think that was my specific question, whether that stewardship portion of the Quarter Penny could be used to provide staff for parks that we acquire under that program.

DIRECTOR ISLES:

It certainly is included. Stewardship is part of the program. That's been administered at this point through, not to pass the buck, but DEE, Department of Environment and Energy. So before giving an answer I'd like to have a chat with Carrie Gallagher about that. I can speak to Carrie today, too.

CHAIRMAN SCHNEIDERMAN:

When Carrie comes up, maybe she'll be able to answer that. All right. Any other questions? It's good to see you, Commissioner Pavacic. We do, you know, so much here in a terms of acquiring land that ultimately you need to keep an eye on. So it's good to have you as part of the deliberations at an early stage before we take on something that maybe you wouldn't have the capacity to manage. So thank you for coming.

COMMISSIONER PAVACIC:

You're welcome. Thank you for having me.

CHAIRMAN SCHNEIDERMAN:

Commissioner Isles, you can remain there at the podium, you're our next presentation. I see you're joined by DeWitt Davies, Dr. Davies and Greg -- it is Greene? Greene from Cashing Associates. And we're going to talk about the Shellfish Aquaculture Lease Program.

DIRECTOR ISLES:

Thank you very much. This bill was laid before you this passed week at the full Legislature. And what we do today will be the subject of a public hearing in a week and a half or week and a day, I should say, at your heating on June 23rd.

I'm not here today to get into the nuts and bolts of the program, but what I would like to do is just give you a context of the program because it has an extraordinary history and importance to understand that history in this case.

We'll go do the second slide. And what we do is this actually goes back 125 years. That's when the State of New York granted to Suffolk County the County Board of Supervisors the authority to issue land grants in the Peconic and Gardiners Bay system. This was an act wherein the County could actually transfer title to property for the purpose of oyster shell fish cultivation.

Next slide. The area in question both back in 1884 as well as today is the Peconic Bay system which includes -- is surrounded by the north fork as well as the south fork. And this is the easterly terminus right here, scooting along Gardiners Island. Just to get a sense of the scale on this, this line right here is 15 miles. And the distance across the Bay is about 30 miles. It's twice the size of Great South Bay. It's three times the depth of Great South Bay. It is a very significant marine resource in Suffolk County and has been for centuries.

We'll move along on the slides. And what we have here and a little bit difficult to see, but what you're looking at here are land grants that remain. So going back to 1884 there was a Commissioner of Shellfish Advisors that issued grants. This occurred at the end of the 1800's and into the 1900's. One of the things that you may have heard last week or it comes up from time to time is the question of how do those grants get issued? Was there corruption going on and so forth.

The Shellfish Commission was essentially shut down by different changes to state Legislature and the program frozen in the 1915 to 1920's. So we hear talk about well what happened a hundred years ago at the turn of the century; it was really archaic time. But in fact there are grants that do remain today. These grants exist that total a little less than 6,000 acres; about 5500, 5800 acres of land. They still have certain rights of use. They certainly have rights in terms of oyster cultivation and there's some question over the years as to whether they have the rights to other species of shellfish cultivation.

Next slide. We then jump to 1969. What happened there? The State of New York said to the County of Suffolk you can no longer issue land grants. The only thing you can do is you can create a leasing program. So this was a seminal change in the program at that time. Unfortunately nothing happened.

We then go to the next slide. And we come to 1982 and New York State DEC in recognition of the need to accommodate marine farmers, shell fishing cultivation created a temporary program. And they said until Suffolk County puts this program together, because they have the authority, let's have this temporary program in place. This program is still in place so it's 25 years now it's been in place. And they're issuing five acre grants of land on a one year basis only for the purpose of marine shellfish cultivation. The problem with it is that it's hard for marine farmer to count on only one year for harvesting of their crop, for investment of their capital equipment and cages, and so forth so it's been an imperfect solution. Next slide.

CHAIRMAN SCHNEIDERMAN:

Commissioner, who makes those one year assignments? Is it county or state?

DIRECTOR ISLES:

New York State DEC; state DEC.

This actually shows those existing temporary marine use assignment areas. So these are about 33 marine assignments that exist out there today.

Next slide. And then what we get to is what we have today in terms of grant lands that are legal grant lands. And we also have the marine assignments. So when you look at the question of should Suffolk County at this time consider creating a lease program, we're not looking at a question of starting something brand new. There is upwards of 6,000 acres of potential agriculture activity and there's certainly many thousands of acres that are actively being farmed at the present time. Next slide.

LEG. BEEDENBENDER:

Commissioner?

DIRECTOR ISLES:

Sure.

LEG. BEEDENBENDER:

Just to clarify, there are 6,000 acres that have been granted or -- we're talking about 6,000 acres total. And I'm just trying -- I wasn't sure.

DIRECTOR ISLES:

Sure. Yeah, thank you. Just so we understand the total, the total amount of land in the -- that's in

this system is 100,000 acres; a little more than a 100,000. It is a vast, vast system. Within that area there exists upwards of 6,000 acres that could potentially be used or are being used for aquaculture right now. So it's a small subset of that amount.

LEG. BEEDENBENDER:

Thank you.

DIRECTOR ISLES:

So what happened is the land grants have continued. What's also happened is the temporary marine assignments have continued. They expand slowly over the years. In 2001 the Legislature, the Suffolk County Legislature passed a resolution directing the County Planning Department to look at this issue. It had been one that had been the source of continuing questions of how this is being operated, why isn't the County putting together this lease program.

A number of the marine farmers dealing with chronic problems of, here again, questions as to what they can do on a grant, what they can't do on a grant. The limitations as we've spoken about before in terms of the temporary assignments, they really don't help in terms of promoting marine farming in this environment. As a result of that, a committee was created. A study effort was completed. This report was presented to this Legislature in June of 2002. Ultimately this led to extensive discussion right here at this committee over the years of 2002 and 2003.

In 2003 you sent a home rule message to the New York State Legislature on behalf of the Suffolk County Legislature saying please change the leasing law to make it more practical. The problem found in this report and also one done by the Nature Conservancy, a companion study, was that there were so many impediments to creating a leasing program that existed in 1969 that needed to be cleaned up if this indeed was going to go forward.

So that then led to the next slide which is in 2004. The New York State Legislature altered the law and then once again reaffirmed the authority of Suffolk County to hold title to this 100,000 acres or so in the Peconic Bay system for the purpose of aquaculture of marine farming. There were conditions put on it including steps the County had to go through to identify productive shellfish beds, which had to be removed, any kind of conflicts with recreational users, commercial fishing, fin fishing, shellfishing interest and so forth. So that then lead to the next item which was a capital budget appropriation submitted by the County Executive and approved by the County Legislature to fund this study effort. And it also lead to the creation of an advisory committee, we call ALPA, Aquaculture Lease Program Advisory Committee, of which Legislator Schneiderman is a distinguished member of that committee. And this gives you a list of all the entities, every single east end town is on this committee and has been for the past three and a half years, key county departments, New York State DEC, the Nature Conservancy, the East End Marine Farmers Association, Cornell Cooperative Extension, the Baymen Association. This is the actual baymen that are out there with the rakes and boats and so forth. This has been a broad base group that has worked quite hard, quite tirelessly for at least 20 meetings and two public hearings to put forth a program to you.

Next slide. We also completed the SEQRA process which was a multiyear effort. This was a Type I Action. You adopted a findings statement last year and closed the SEQRA process in December of 2008. And with that we then proceeded to finalize the program, moving to the next slide, in 2009. So where we are right now is the point of IR 1546 will be considered at a public hearing next week. And this will then be placed before you for final consideration.

My main point today was to, here again, give you the historical perspective that this is something that has been part and parcel of the culture, the economy and of the environment of the Peconic Bay system for 125 years; that we're at an important and historical point in time in terms of, this is not something where if the County says don't do anything, we can just walk away and everything will be fine. We're dealing with a set of serious problems. The state has said this can best be solved, not by the state, by the County using the towns that are involved in this resource together. And that's

we've attempted to do in the past three and a half years of putting the recommended program together.

The last date I have before you is the State Legislature put a clock to our heads, I'll use it politely. And what they said is they said you have, Suffolk County, until December 31st, 2010 to lease an underwater parcel. If you fail to do so, title to this 100,000 acres will then transfer back to the State of New York. Whether that's good or bad is for all of you to determine. I don't think it is in the interest of the program and in the interest of Suffolk County and the towns in Suffolk County, but we do point out that we've done a very deliberative process, which we will explain to you at a future meeting, to understand the context that we're dealing with something with -- essentially a range war of conflicting issues.

What we've brought to you and we'll explain in further detail is a program where in the end the amount of aquaculture that will occur will be within 3 percent of what exists out there right now. So of the 100,000 acres we have out there, the maximum amount that will be used for aquaculture's going to be around 3 percent. The other 97 percent, 97,000 acres will be available for other permitted uses, the fin fishing and so forth.

So we've specifically adopted a program that tries to clean up the confusion of the past, number one, and allow modest growth. How modest? In terms of new aquaculture, only 60 acres a year. So it's 600 acres for the first ten years.

Lastly I'll make the point that the state law does require an extensive public input process before an individual lease can be issued. So if you see fit to approve this by late summer, we would then commence the actual leasing program, meet the state requirements for public notice for 60 days minimum comment periods, for hearings and all the other required steps. And also noting that the state also said to Suffolk County that you have authority to do this but you also must do a mandatory review after five year and then after ten years. So you as the County Legislature would have the ability to make adjustments and so forth.

This has been put into effect with so many checks and balances and so many belts and suspenders that it's a program that we feel should move forward. We feel that the context of this is that it will help to solve problems that have been perpetual. We feel the voices that say don't do anything would really be harmful and we think we've accommodated as many of the reasonable points as we possibly could.

I would invite any questions this Committee may have going forward whether it be during regular working office hours or at the public hearing or subsequent EPA meeting. Dr. Davies has been the project manger and has done a job that can't be described in how great he's done on that. And Greg Greene is our consultant and numerous staff in the various County departments. So we are available to answer any questions you may have and to explain this rather complex program in a manner that we think is appropriate to the public interest and interest of Suffolk County. Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay, thank you, Commissioner. Well, let me start. And this is rather complex program. I'm not sure that I understood the depth of the analysis when I first joined ALPAC. And I want to say first of all you've done an extraordinary job in sharing those meetings and moving things along and allowing the public to vet all their questions and concerns.

Most of my focus throughout those meetings has been on the relatively small area of new leases, these roughly 60 acres a year, 600 acres in ten years. And I haven't probably paid enough attention to the preexisting grants which came up last week. I don't know if you heard that testimony but you referred to it. And two of the speakers were basically saying that the original grants, and it's a sizeable amount 5800 acres, were not lawful, that they were -- that basically they were productive areas that baymen have historically harvested. And we in the process of this program that's

introducing these roughly 60 acres of new leases will be legalizing what heretofore had been illegal grants and we're converting it from oysters to potentially other species like clams that are naturally growing there and giving these grant holders of, you know, questionable authority, that basically the monopoly to harvest natural growing clams over these thousands of acres, that in the past would belong to all the baymen who make their living on it. And so now I need to understand better the nature of these old grants and if we are in fact legalizing something that may not be lawfully enacted.

DIRECTOR ISLES:

That's certainly is an issue that came up repeatedly. Couple of answers to that and I'm going to turn to DeWitt on this one as well. Number one is that we looked at every grant. We did a title search on every grant to examine the status of that grant, the lawful status, does it exist in terms of current property ownership and so forth. We also did an exhaustive examination of the records of DEC in terms of what had they issued permits for. So we have identified grants that are active where they do have bona fide permits, legal permits for shellfishing including other species. And those have been recognized within the report and are spelled out in here.

We then identified the fallow grants where they're lawful grants but here again they have no permits from DEC. We have tailored the program to adjust for that, meaning that when the fallow grants come in, or if they come in, they would have to go through the same process someone coming in in the open bay and saying I want to do shellfish production. And by that what I mean is as follows: We tried, and we did an exhaustive process to map out areas that were productive commercially now. Of the 100,000 acres we've knocked out about 70,000 acres as having conflicts of some type or sort. So of the remaining 29,000 acres, we've set up a process whereby we don't think there's a conflict here, we don't think there's existing shellfish of any sorts, but every single application must go through a public vetting process and an ability for someone to say, hey, wait a second, I've fished there for the past three years. I know there are clams down there.

So we've set up a system that on a specific piece of dirt where the applications proposed will be specifically vetted, reviewed. And if there is a conflict, and that's what this program is seeking to do, is to minimize conflicts, there are numerous other sites that the person would be directed to go to to avoid those conflicts.

CHAIRMAN SCHNEIDERMAN:

Would that include a grant holder who's currently harvesting oysters and now looking to convert to clams? Again, would they have to do benthic analysis of some kind to determine that there are no natural or very few natural occurring clams on that site?

DIRECTOR ISLES:

I'm going to ask DeWitt to answer that question, here again, precisely.

MR. DAVIES:

As Tom mentioned, there are two categories of grants, active and fallow. The active grants are those that have permits for shellfish culture as we speak for species other than oysters. The fallow grants are those that have no activity whatsoever going on under permit or those that are permitted only for oysters. This is the distinction. This is one of the problems that has been associated with the grants historically over the last 125 years.

With respect to the people who might want to conduct aquaculture on grants that are permitted for things like hard clams as well as oysters, they would be permitted to do so by filing an application that would be subject to review by the County. And they would have to document that they've conducted aquaculture on that site for those species in the area in which that occurred.

If a fallow grant owner wanted to conduct clam culture on a grant, he would have to get a lease from the County. And he'd have to then subject that lease application to public review. And there would have to be a survey done if, in fact, he wanted to continue with his process to determine clam

productivity on the site. Greg -- I'll ask Greg Green to describe that particular process and the standard that they developed for the program.

CHAIRMAN SCHNEIDERMAN:

Before Greg speaks I just want to be clear, so somebody converting now a piece of what you call a fallow grant to, let's say, an area for clam aquaculture, if a -- if the analysis shows that there are naturally growing clams of whatever the threshold percentage is, they would not be entitled to a grant even though they have in the past had a grant -- they would not be entitled to a lease of land that they have had a grant on for, let's say, for just oysters?

MR. DAVIES:

That's correct. They automatically have the right to grow oysters regardless of this program because that's a right that was inherent with the grant in its initial issuance. If they want to conduct clam culture, they would have to get a lease from Suffolk County. That would be subject to review.

CHAIRMAN SCHNEIDERMAN:

The same conditions as the new leases.

MR. DAVIES:

And, Greg, why don't you just mention what that standard would be.

MR. GREEN:

If there's some type of legitimate claim that there's a natural set or a natural population of, say, clams on a particular parcel that someone wants to lease, that would be reviewed and they would be required to do some type of survey.

We have set up suggested procedures for the survey that would make it scientifically correct, that would make it objective. And based on that survey, a decision would be made whether there is a natural set -- a natural stock of clams on that parcel. And then it would not be included in the lease program. It's clearly the intent of the program not to allow harvesting of natural stock by an aquaculture operation. And that is also the intent of the State DEC permits that would be issued for an aquaculture operation as well. There are safeguards to prevent the harvest of natural stock on any of these parcels.

CHAIRMAN SCHNEIDERMAN:

That's basically a natural resource. You don't want to make it just available to just one for-profit corporation when it's really available for the entire community of the east end or the County.

MR. GREEN:

That's a very important consideration. And the object here is to identify parcels hopefully that are not productive and that can be brought back into productivity through aquaculture.

CHAIRMAN SCHNEIDERMAN:

Right. But some of these old grants are hundreds of acres so it's large pieces of bottom land. It is a concern to see that, you know, new species might be allowed to be harvested there, that, you know, might be naturally occurring. That could be a real problem.

MR. DAVIES:

There was one other comment I think that's relevant to make. At one time there were 50,000 acres sold by Suffolk County to private parties at the turn of the last century, not this century. All but five to 6,000 acres have reverted to public ownership. The 2004 Leasing Law under which we are now addressing the program here, that law ratified and confirmed all the remaining grants so the question as to their legality is moot. They have been confirmed by the state Legislature. So whatever comments that you've heard before with respect to that aspect of it, I'd suggest that the speaker go back to the state law.

CHAIRMAN SCHNEIDERMAN:

Thank you, Dr. Davies. Legislator Beedenbender.

LEG. BEEDENBENDER:

Thank you. Forgive me, I'm just trying to understand. This is, you know, something that I don't have a lot of background on. So there's 100,000 acres. And, Commissioner, you said there's 70,000 acres that you identified has some sort of conflict, meaning there's somebody who has -- there is naturally occurring shellfish there, somebody has been fishing there? Is that what I could appropriately describe as a conflict?

DIRECTOR ISLES:

There is a broad ray of conflicts. And, again, I'm going to ask Greg to jump in on this one, but certainly if there was any eel grass where bay scallops grow, if there were any identified locations of clam beds and so forth, any -- we also heard from conk fishermen out there where they -- and draggers and so forth; and, here again, when we get into this, vast areas located east of Shelter Island are off limits because they're active fin-fishing, conk fishing, dragging locations, they're active recreational locations and so forth.

So there was a -- we also did as part of this using our consultant did cultural investigations and so forth. Anything that may be a source of someone saying hey, wait a second, you shouldn't do it did here because whether it has a commercial value, recreational, navigational, certainly. There were many different standards that were used to weed out those parcels, those areas that would not be suitable. So, yes, we took it from a 100,000 down to the 29,000. And even within that, we then had the question, well how much of the 29,000 should be available. And we said very small, here again, using ALPAC, keeping this as a low scale aquaculture. And it may be in ten years, the Legislature may evaluate this and say, well, it's been fine and we want to expand it by thus amount. But we figure let's start off gradually and make sure that everything works well, putting lots of checks and balances so that if someone comes with a site that has problems, we can talk about it and maybe get another site in lieu of that, not to drag on my answer but that's --

LEG. BEEDENBENDER:

Okay, no, no. So a successful -- an applicant would come to you for a piece of underwater, you know, the bay bottom. And they would like to lease a section of this. Now that section, under the -- what you suggested and laid out before us, would be an area that does not have a naturally occurring shellfish, whether it be oysters or clams. And they would then, I guess, seed the area and have the sole right to harvest whatever is grown in that area.

DIRECTOR ISLES:

They would then start farming that or they could start farming that. And there's two types of a aquaculture. And here again I'll turn to DeWitt on the details on this. There's on bottom and off bottom. On bottom is where there's something actually planted in the bottom. There are only a number of species that can do that. And then there's off bottom, which are racks, and that's, I think, probably the predominant type out there for this type of small program. Because by the way we're limiting the new sites to more than ten acres. So the idea of one company having control over thousands of acres of public land, so to speak, is not going to happen.

LEG. BEEDENBENDER:

So they'd come in and -- this company with their up to ten acres of property would install the racks in whatever fashion they have to. And then they would just harvest those, you know. They would have the right; those are their racks.

DIRECTOR ISLES:

Exactly.

LEG. BEEDENBENDER:

Now, where's the enforcement for that? Because I can imagine this is -- people stealing a lobster

trap times 50, you know, in terms of people getting, you know, fishermen being concerned, somebody, you know, dragging something along the bottom and destroying their entire infrastructure or their entire crop. So where does the enforcement and protection for these individuals lie?

DIRECTOR ISLES:

Right. Well, they, here again, number one a lot of this activity's already happening. And there are -- that there have been methods put into place to monitor for individual farmers, and we'll probably hear from some next week at the public hearing, on how they keep track of their racks and so forth. They're submerged racks, by the way. And they're pulled up during the growing cycle. And so there's a lot of self-policing and control that happens naturally.

I'll also point out that, you know, obviously the County has the authority to manage its lease. And one of the reasons the County years ago decided to go from a grant to a lease program is that it gives the County more control. So if you give a grant and then somebody does something that's really harmful to the public interest, it's a big problem trying to correct that. But if you give a lease and they come up for a lease renewal and you say, hey, wait a second, we've got 50 complaints on you, you have the chance to say, well, we don't want to do that any more.

The last point is that any activity is subject to the requirements of the regulatory agencies meaning someone DEC or Army Corps, whatever may apply. And they certainly have their own enforcement mechanisms on their jurisdictions.

LEG. BEEDENBENDER:

Okay. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Other questions?

LEG. ROMAINE:

Yes.

CHAIRMAN SCHNEIDERMAN:

Go ahead, Legislator Romaine.

LEG. ROMAINE:

Although I'm not a member of this Committee, I'd like to just ask a few questions. I understand that all the rights on all the leases that existed prior have expired. And this new leasing program would replace those in the areas where you give leases; is that correct?

DIRECTOR ISLES:

There have been no leases issued yet. There have been temporary assignments --

LEG. ROMAINE:

Right.

DIRECTOR ISLES:

-- issued by DEC. Those would expire, yes.

LEG. ROMAINE:

Right, all of those would expire and then you would issue new leases. Okay. And the new leases would be programs for people involved in agriculture, not to harvest natural beds.

DIRECTOR ISLES:

Correct.

LEG. ROMAINE:

And what safeguard have you put in to make sure that that doesn't happen? At our last meeting there was a gentleman that suggested quite the opposite who spoke in front of this Legislature that said, in fact, some of the lease programs that you had had natural beds and someone was going to benefit from them. I mean I'm just paraphrasing what he said to this Legislature. My colleagues were there. And I just took note of that and I thought I'd ask you that question. What safeguards do you have for that?

DIRECTOR ISLES:

I think that points to the history of this, as DeWitt said, the turn of last century there was 50,000 acres that the County had granted to private individuals and corporations. And there were a lot of problems because there were complaints that instead of being marine farming, it was taking out natural shellfish and that wasn't appropriate.

LEG. ROMAINE:

And I'm sure complaints of favoritism in the past century.

DIRECTOR ISLES:

That was one of the complaints as well. As far as more recently, I think it's part of the idea why, here again, we've gone to a leasing program instead of grants. And then secondly the state legislation says productive lands can't be considered. So part of this process is that when we pulled 70,000 acres out of this, anything that had the slight resemblance of productive shellfish beds was off the table; could not be considered. There are many areas of the Peconic Bay system that are not productive.

Now, what happens if we pick a site -- aquaculturist picks a site, we all think it's fine. We then start the process to issue a lease for that. There's a mandatory 60 day public comment period. And somebody says, wait a second, I fish out there. I harvest out there. Then that triggers a process that Mr. Green reported on to require a detailed examination. So we believe we put in enough checks and balances. The balance we had with this whole program is making it so it's easy enough for a business person to use, a marine farmer. There are many times there -- they're actually -- many of them are former baymen who have not -- you know, looking for an opportunity to continue shellfishing but they don't have millions of dollars to invest in a complicated program.

So we tried to make the program as manageable for a ten acre lease so they can actually do it in a financially feasible way as a small business, but also not making it so it's so loose where somebody's going to be harvesting natural shellfish beds. So we think we've done that fine line. We think we have controls in here that prevent us from issuing a lease on a productive bed and we hope it works. And here again we can give you more details later on.

LEG. ROMAINE:

Well, let's get to a few of those details. Whose determines how large the parcel is that's going to be leased?

DIRECTOR ISLES:

The parcels are -- the new parcels are pre-set at ten acres.

LEG. ROMAINE:

They're pre-set at ten acres. Are all these parcels described by a tax map number?

DIRECTOR ISLES:

The lease parcels would be described on the lease map that is part of the plan that's before you, number one. And number two, each lease parcel prior to issuance of a lease would be surveyed.

LEG. ROMAINE:

Will they be described by a tax map parcel?

DIRECTOR ISLES:

No.

LEG. ROMAINE:

Thank you. Okay. So it's going to be ten acres. And what is the duration of the lease that you intend?

DIRECTOR ISLES:

Ten years.

LEG. ROMAINE:

Ten years. And what is the price that the County is planning to charge?

DIRECTOR ISLES:

The price in the report that's before you would be, and correct me, DeWitt, if I'm wrong, is \$200 per lease plus five dollars per acre per year.

LEG. ROMAINE:

So \$200 a lease. You're doing a ten acre lease. That's \$50 dollars, so \$250 per year. So for ten years \$2500. However, you know, let's get to the other part of this. A person can lease more than just one parcel; is that correct? Or is it the type of system where you put out the leases, if you have enough respondents everyone gets a 10 acre parcel. And if they don't, if you don't have enough respondents, then you open it up. Is that the way it's going to work? How are you going to do this? To prevent, you know, to make sure that everyone has a bite at the apple?

MR. DAVIES:

There's a procedure whereby if the number of applicants exceeds the amount of acreage given in any annual cycle, that those applicants would be subjected to a random selection procedure.

LEG. ROMAINE:

It's a random selection procedure like a lottery; you draw names out of a hat or what?

MR. DAVIES:

Basically, yes. So in other words --

LEG. ROMAINE:

But when you say random selection, I just want to --

MR. DAVIES:

Yes.

LEG. ROMAINE:

I just want to get that down a little clearer.

MR. DAVIES:

Yes. And maybe each applicant would be assigned a number and they would go through that particular process to determine who would be served first, second, third, fourth, fifth.

LEG. ROMAINE:

And you're not a budgetary person but the \$2500 that we're gaining over the ten years, I assume there's been some preset revenue code that it's going to be sent to or what? Or is it dedicated funds? What is it going to -- you know, how is that going to work?

MR. DAVIES:

The resolution, the IR before you, those funds go back to the General Fund.

LEG. ROMAINE:

All right. And last question is obviously you set up the program. You establish rules. Not everyone obeys the rules. What are the penalties if you don't obey the rules? What are the penalties, for example, if you knowingly harvest natural stock as opposed to trying to grow man-made stock? What are the penalties there?

MR. DAVIES:

If you are doing things that are contrary to your permit from the State DEC, they can revoke the permit, number one.

LEG. ROMAINE:

The state can provoke the permit. Who revokes the lease?

MR. DAVIES:

The lease, that would be the County. In fact, there are penalties that are described in the intro resolution with respect to conducting activities without a lease. If someone is found to --

LEG. ROMAINE:

If they have a lease and they do a public notification, no one says anything because they're not aware of this parcel but they go and they go to set up their operations, *hey, wait a second, there's a ton of natural stock here, I don't have to do anything, I'll just harvest it.* Are there penalties for that?

MR. DAVIES:

If they haven't produced the seed, planted the seed on that particular site, they have no right to that. And in fact they have no right to harvest it per se. They have to show the state that they've actually planted stock.

LEG. ROMAINE:

You have people that will check on that or does the state have people that will check on that?

MR. DAVIES:

In essence this program is under the Environmental Conservation Law. And the State of New York will --

LEG. ROMAINE:

So we get the money but we don't have the responsibility for enforcing is what you're saying?

MR. DAVIES:

We don't have the responsibility to enforce state permit requirements, no.

LEG. ROMAINE:

No. So it would be up to State DEC in their wisdom and oversight to enforce this and make sure that people were not harvesting natural stock, that this is seed that they have to plant, cultivate and grow; is that correct?

MR. DAVIES:

That's correct.

LEG. ROMAINE:

But we have no ability to enforce it. All right.

MR. DAVIES:

The County has the ability not to renew a lease and the ability to terminate a lease.

LEG. ROMAINE:

Right.

MR. DAVIES:

If they're not doing the things that they're supposed to do.

LEG. ROMAINE:

Right. And I assume you would have hearing procedures for that and everything for that if an accusation was made. So everyone would be given an opportunity to be fairly heard.

MR. DAVIES:

That would be a determination made by the, you know, department and at that time. And how those procedures would occur would depend on those circumstances.

LEG. ROMAINE:

Well, I'm going to give you this suggestion. Should that happenstance occur, I would definitely seek legislative input and have the Legislature make the decision on how the County should proceed as opposed to having that determined at a departmental level. I think the Legislature and the Executive should have some input into that. So I would caution you there if something of that nature happens, I mean I may not be in the Legislature at that time, but if I am, I'm going to fire off a flair like immediately because that's an encroachment of Legislative and Executive power by a department. Thank you.

CHAIRMAN SCHNEIDERMAN:

I have a related question. With the ten acre plots, the individual who gets that lease is going to mark the center of the circle, is that with a buoy of some kind to identify it? Legislator Romaine brought up some interesting questions about harvesting areas, about the individual harvesting naturally occurring shellfish. And, you know, hopefully that's not going to happen because there's supposedly non-productive areas. But let's say a bayman, not the leaseholder goes into that area. It's only marked in the center of a ten acre -- might not even see a buoy like that, and starts dragging a clam rake. There's nothing against that if they have a valid shellfishing license, right? Or can they not enter that ten acre radius?

MR. DAVIES:

No, there's no prohibition with respect to chasing natural fish or shellfish around per se.

CHAIRMAN SCHNEIDERMAN:

Right. Obviously if there's some cages with oysters, you avoid those things.

MR. DAVIES:

Right. Those are the equipment -- the equipment and the shellfish plantings are the property of the lessee in this case.

CHAIRMAN SCHNEIDERMAN:

Right. And those cages will have a buoy on top so they'll be easy to identify.

MR. DAVIES:

They're identified in terms of how -- retrieval buoys, etcetera, that they use now.

CHAIRMAN SCHNEIDERMAN:

Right. Okay. So a bayman can enter into one of these ten acre plots. Now can they currently enter into those other grant areas?

MR. DAVIES:

They do now.

CHAIRMAN SCHNEIDERMAN:

They do. But some of those grant areas are being seeded with clams.

MR. DAVIES:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Right. So I guess those individuals they mark the corners, right?

MR. DAVIES:

When they harvest bottom planted shellfish at the time of harvest, they're supposed to mark those areas so that they identify that they are staying within the boundaries of their particular grant. A lot of times people who plant shellfish don't necessarily want to advertise where they have planted the shellfish on their grounds because they are essentially inviting someone to come in and steal them. So that's one of the problems with marking before the harvest occurs under permit from DEC.

CHAIRMAN SCHNEIDERMAN:

Okay. And the issue of mechanical dredging, we kind of left that with the DEC. We haven't specifically prohibited it. They can obtain those licenses.

MR. DAVIES:

No, because in essence the authority to regulate aquaculture activities, whether it's planting, whether it's harvesting activity, the equipment used, etcetera, etcetera, that is still within the purview of the State Department of Environmental Conservation. The County does not have the authority to regulate how those activities occur.

CHAIRMAN SCHNEIDERMAN:

And that's basically -- really only pertains to the grants because the new leases, is that solely for oyster cultivation in the leases? They can also do clams on those?

MR. DAVIES:

No, they could do clams on those. We've been told that in essence the size of those small leases may preclude that activity because of the magnitude of the equipment that's needed to conduct on bottom harvesting.

CHAIRMAN SCHNEIDERMAN:

They're also in deep water, too.

MR. DAVIES:

A lot deeper than some of the areas around.

CHAIRMAN SCHNEIDERMAN:

Right. And they're too small to run a mechanical dredge, you know, economically in an area like that. Any other questions? Legislator Beedenbender.

LEG. BEEDENBENDER:

This would have a -- could have a very positive, environmental effect on the bay as well because I mean I've heard at least and I'm certainly not an expert, that these things are like a natural filter. So the more shellfish you have in the water, they naturally take out the pollutants and things like that. So this actually could -- in addition to being good for the economy and good for the baymen, it could be good for the bay; is that correct?

MR. DAVIES:

There's no question about that. If millions of shellfish are planted on these leases at no cost to the public per se, there will be a very, very dramatic increase in terms of the benefits that the public will receive in terms of water quality improvement. Greg, if you want to say anything about that, please

do so.

MR. GREEN:

Yeah. There's growing scientific evidence that having more shellfish in these coastal water bodies has a very good effect on water quality in general. And a lot of states are adopting programs to try to restore shellfish, clams and oysters to levels that preexisted prior to over harvesting of those species. So the science points in that direction and so does the practical application point in that direction, that having more shellfish is better for the ecology of the Bay.

CHAIRMAN SCHNEIDERMAN:

All right. Thank you. I'd like to thank all of you for coming out: Dr. Davies, Dr. Green and Commissioner Isles. And excellent work on this program and I look forward to seeing it move along. Hopefully today it will be a step in that process.

TABLED RESOLUTIONS

Okay, we're going to move to the agenda starting with tabled resolution **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)** Do I have a Motion of any kind?

LEG. D'AMARO:

I'll offer a motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN,

Motion to table by Legislator D'Amaro, second by Legislator Beedenbender. Any discussion, commentS? All in favor? Opposed? Abstentions? **IR 1001 is tabled. (Vote: 4-0-0-1. Legislator Cooper not present)**

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) Is there a motion?

LEG. D'AMARO:

Motion to table.

LEG. BEEDENBENDER:

Second.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? So **tabled. (Vote: 4-0-0-1. Leg. Cooper not present)**

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) Same motion, same second? Any discussion?

LEG. D'AMARO;

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. Any discussion? All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Leg. Cooper not present)** So that was tabled as well.

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) This is the North Fork Preserve property, Town of Riverhead. We heard some testimony earlier. There's a motion to approve by Legislator Losquadro. I will second that motion. This is for planning steps. On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, I just want to point out that one of the questions I had raised was whether or not the pending legal issues would interfere with -- would potentially come back to be an issue with the sale. And the County Attorney -- Deputy County Attorney Lolis was here at the last meeting and indicated that would not be an issue for the County. So with that issue out of the way, I intend to support the resolution to approve.

CHAIRMAN SCHNEIDERMAN:

Legislator Beedenbender?

LEG. BEEDENBENDER:

Thank you. I agree with Legislator D'Amaro. I intend to support this as well. As many of you know, there's a much smaller piece of property in my district that I'm trying to create a park. And I think a parcel like this is exactly what the program is created for. The one thing that I did want to state, and this doesn't really have anything to do with us at the County level, is that I'm growing a little bit tired of our towns making these things more difficult. While I know they are different parts of the Town of Brookhaven and they don't necessarily speak to each other and there are issues of development as a matter of right, you know, it's frustrating for me at the County level for the towns to say well, this is on our preservation list and we think this should be something -- I'm sorry, I'm talking about the wrong thing, never mind. I skipped to a different resolution. I will chastise the town differently. And I'll just say I'm going to vote for this then. Never mind.

LEG. LOSQUADRO:

At least we have a taste of what's going to come up.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

This is the 311 acres that we're speaking of right now. And this is a planning steps resolution. I think we should investigate this and we should see whether or not there's a willing seller out there and look a little deeper into the potential use of the property. However, I do want to express on the record the comment that it's a large acquisition that is proposed here. And after we do our due diligence contemplating whether or not we want to go forward, at that point we'll have an acquisition resolution before us. And as we all do, I'm going reserve judgement on the actual acquisition. We need to see what the costs are and where we land as far as the due diligence goes. So with that said, again, I'm willing to go forward with at least the planning steps and see what the outcome of that would be.

LEG. BEEDENBENDER:

Legislator D'Amaro just gave the speech that I meant to give if I was talking about the same

resolution, so.

CHAIRMAN SCHNEIDERMAN:

I'm also going to support this. You know, my concern, too, is going to be the cost as this proceeds. And, you know, all efforts to secure a partner with the state, I think, would be appreciated. And I think it's something that's going to be part of the final judgement on this when -- if there is a deal, a contingency -- a contingent deal made with the property owners toward acquisition. So if there's no further discussion I'll call the vote. This is to approve on 1202. All in favor? Opposed? Abstentions? **1202 is approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

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) This is 32.4 acres. We heard testimony from the Peconic Bay-keeper on this one today. Any motions? I'll make a motion to approve.

LEG. LOSQUADRO:

I'll second that.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro.

LEG. BEEDENBENDER:

On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Beedender.

LEG. BEEDENBENDER:

Now I can give my speech. I'm going to -- I looked at this a lot and I appreciate the testimony we got earlier. I intend to support this as well, but this is the one where I wanted to chastise our Brookhaven Town a little bit. They say this on their farmland development list and they say they want to preserve this with us. But at the same they approve a subdivision of the half acre lots where all the surrounding ones are one acre. So my frustration from the county level is that they want us to preserve this land. And the Town says that they want to preserve this land. And we have people like Skip Heaney and Ron {Lupsky} doing all this work from Save the Forge River. And in the end the Town just goes ahead and approves the most disastrous thing you could build here and hopes that the County will come in at the end and save it.

And I would hope that our Town would act as more of a partner with us rather than making these things -- in some cases making acquisitions more expensive by up zoning them. And in other cases making these things more pressing by approving subdivisions. I think the moratorium just ended, if not, just about to end.

So this property is near the head waters of the Forge River. I know we've had some discussions about the rating and whether or not it was high enough. But I think, you know, in terms of just exercising caution, this is something that we should preserve. But I just wanted to put on the record that we do need some more help from our towns and not making these things more difficult or more expensive for us to do because there's going to come a point that Suffolk County doesn't have the ability to do that and then there will be no solution to these problems, so.

CHAIRMAN SCHNEIDERMAN:

I'm not sure who to turn to first. I got Legislator Losquadro, D'Amaro and Romaine. Let me go to the sponsor for a moment. Let's go to Legislator Romaine if you don't mind.

LEG. ROMAINE:

Not in any way answer Legislator Beedenbender, but first of all, it was not the town board but the planning board that approved that. Second of all, they didn't approve half lots -- half acre lots. They approved -- it's one acre zoning. They approved clustering on half acres.

LEG. BEEDENBENDER:

Oh, okay, I'm sorry. I misread.

LEG. ROMAINE:

So I just wanted to point that out. I also wanted to point out that the clustering was opposed by not only myself but the Councilman from that area who is, as you know my son. And he opposed vigorously in the local newspaper the clustering because he thought that was ill suited for this.

The good news is that we may be able to pick up partnering with the Town on this property because of their interest in working with the County in preserving the Forge River watershed. I always think it's important to preserve this watershed because this river is not going to come back any time soon. It's going to be a long-term proposition. And some of this watershed is in my district. The overwhelming majority of it is my neighboring district of Legislator Browning, but we're both working to make sure that we preserve parcels that could severely impact the watershed and the river. So there's just -- -

LEG. BEEDENBENDER:

And, Legislator Romaine, I wasn't -- I didn't mean -- my point was I know the town board has opposed this. But the Planning Board has approved it and I know a lot of these things are a matter of right but it's just incredibly frustrating from the County level to hear one part of the Town saying don't do it, another part of the Town do do it and then we have to pay for it, so.

LEG. ROMAINE:

It's almost like when we deal with our Health Department on some of the rulings that they make that seem to lack common sense. It's one part of the County telling the other part of the County what to do. And believe me I've been in multiple situations with our Health Department in how they determine our sanitary code.

CHAIRMAN SCHNEIDERMAN:

Yeah, but very, you know, different functions. Just to defend for a moment the Planning Board, not necessarily the Planning Department, they've got to move forward. Somebody comes in with an application to subdivide whether, you know, the Town is trying to acquire it, the County's trying to acquire it. It also would not be fair to intentionally stall or to devalue the property. So they have to process the application, Planning Department as well and not knowing whether somebody's going to step in and acquire it. So really ultimately they're doing their job.

LEG. BEEDENBENDER:

No, I know they're doing their job. And I understand that. And certainly property owners have rights and we shouldn't impinge upon them. I'm just saying we get the bill. So it's just frustrating at the County level that we are always expected to be the ones that come in and do the right thing and foot the bill.

CHAIRMAN SCHNEIDERMAN:

Right. You know, it helps if the towns develop open space plans well in advance and identify areas that, you know are in targeted zones. Legislator D'Amaro, you wanted to comment. Sorry, Legislator Losquadro, you're next.

LEG. LOSQUADRO:

I was just going to point out as of right and any determinations the Town makes there are those to make with land use, but -- so long as they're not exceeding the as of right, you know, the owner has that ability to develop a parcel under the current yield.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Yes, thank you.

Director Isles, we've had discussions about this parcel at past meetings. The rating is 8 out of 100, I believe, on this parcel, which is low and certainly below the threshold that we've usually applied on these types of parcels. You did mention in the prior committee that you were not giving points for the proximity to the Forge River watershed. And it's a relatively lower density use for this parcel, if it were to be developed.

So we heard some testimony this morning during the public portion concerning the Forge River and the watershed area. My question on this type of acquisition is I agree with what my colleagues have said as far as preserving the river and trying to make a come back with the river. And I think you would agree with that as well. The question is really though whether or not this parcel or the acquisition of this parcel is going to contribute to that come back and help the watershed area. And I'm asking you again to state whether or not you believe this should have been part of that Master List or perhaps the rating is not something that we should give great weight to in this particular parcel given its proximity or that it's located within that watershed area.

DIRECTOR ISLES:

And I guess two points. And one I'd like to in a moment turn it over to Laretta Fischer to provide comment on the Master List as to whether it should have been in or should not have been in. As far as the point in terms of, we do the rating across the board. We use consistent standards and we're always receptive to new information that perhaps we're not aware of it. The method is straight forward and professional as we possibly can. We call it the way we see it.

We do understand, of course, that is a yard stick that's used and it's helpful to all of us in terms of assessing what's a prudent purchase for the County to consider. The rating is based primarily upon environmental criteria. We do understand, of course, however, your authority to look beyond that. And there are times when we suggest parcels that are maybe close to the edge on the 25 that we feel under other considerations should be considered because of other factors that aren't picked up in the rating form.

More specific to this piece, I'll ask Laretta to describe how we did identify parcels in the Master List to understand that this watershed is over 10,000 acres. We didn't look for every vacant parcel or every farm parcel in each watershed. We looked at those that were critical in terms of direct impact. I just want to add a couple of minutes on that. Laretta is a Principal Environmental analyst with 25 years experience in environmental science including a science degree, an environmental planning degree on top of that and a graduate level degree.

MS. FISCHER:

Hi, everyone. When we put together the Master List One and Two, the areas that we primarily focussed on were areas that were environmentally sensitive, immediate watershed areas of major stream corridors, Forge River being one of them, and other areas such as special groundwater protection areas, wetland areas, areas that were adjacent to other county holdings that we wanted to add to our protection of that habitat, natural habitats. And we generally stayed away from those properties that were farmed or had any kind of disturbance being in this case farmland where there were nursery stock on them, not natural habitat stock. So with those considerations in mind, we focussed on the immediate watershed properties, small lots within this watershed immediately adjacent to the river itself, both on the major branch to the Forge River and its tributaries. So in saying we identified hundreds of acres in this watershed; however, we did not focus on those properties that were farmed or did not have natural vegetation. We focussed on those that had higher priorities such as wetland protection and stream surface water, stream corridor protection.

LEG. D'AMARO:

I appreciate that. And so there were parameters that you followed in coming up with these Master Lists.

MS. FISCHER:

Yes.

LEG. D'AMARO:

This property even if you were to re-evaluate it under those parameters would not be a parcel to be included on the Master List at this point.

MS. FISCHER:

Correct.

LEG. D'AMARO:

Of course that's a separate inquiry of whether or not it's still something that we should target for acquisition and other considerations. So I want to put that issue aside because it's really not that relevant to this in a sense.

So, again, hearing this testimony that the Forge River needs to be protected and revitalized and hearing testimony from some other experts that, in fact, this parcel would contribute to that, is there -- I don't want to buy parcels that in the end, you know, it sounds great to preserve it just because it happens to be located near this river, but in fact we're not contributing to preserving it or protecting it. So can you give me a little more guidance on that issue; that particular issue?

DIRECTOR ISLES:

Just one comment and certainly you can jump in, too, Laretta, I think if it's simply a point being that, well, if there's no development and there's no farming, then there'll be less nitrogen loading, run-off, nutrient loading eventually into the Forge River. That is true. And that could be said of any vacant parcel in this 10,000 acre area; that of all the alternatives, no development would have the least impact. That's true.

We've tried to go a little bit above that. Here again, I respect your call. And it is a judgement. Picking out those that are the most important, the most direct impact on the resource, and the resource being the Forge River itself, what are the best things for the County to do that are going to yield the highest benefits in terms of environmental protection of the resource? And that's why we try to target as much as possible those parcels that are most critical, and we do this in Carll's River, we do this on the Peconic River and so forth. So the general statement is true no development is less nitrogen. That's true. Can't deny it. But just to understand the answer in the context of if that's the only criteria, then it's any vacant parcel in the watershed. And that's kind of broad brush. I'm not sure if that's a helpful guide in terms of where you want to target your preservation efforts.

LEG. D'AMARO:

And that's a valid point because if we're talking about targeting preservation efforts, we're talking dollars and cents as well. And, you know, we want to get the most bang for our buck sort to speak here. And if this parcel is not something that's going to greatly enhance the protection of the river as opposed to some other critical parcels that are included on the Master List or maybe targeting for acquisition, then, I think what you're saying, you know, it's true to say any parcel that's left vacant or not farmed is going to have some impact. But even if this parcel were continued to be farmed or if it were developed, you don't believe the impact would be substantial enough for acquisition by the County in the context of prioritizing?

DIRECTOR ISLES:

Yes. Correct.

LEG. D'AMARO:

All right. Thank you.

CHAIRMAN SCHNEIDERMAN:

I'd like to ask a question, too. Tom, if we go ahead and we purchase this, you know, it sounds like you're saying that the best thing for the Forge River would be to leave it alone. You know, so I'm imagining this old farm field. And I guess there's maybe even some structures on it, some nursery types of structures that I guess we pull off and leave this as a fallow field, is this something we can develop a habitat restoration plan for rather than just being an overgrown field and maybe we can have some habitat value that might be beneficial to migratory birds or something rather than just leaving to grow brambles or whatever, ragweed, whatever might grow there if left alone?

DIRECTOR ISLES:

That's certainly possible. And that would be probably the subject of a management plan after acquisition and the subject of funds to pay for both the plan as well as any restoration efforts.

CHAIRMAN SCHNEIDERMAN:

If this were something that could be, let's say, community organic farm, something I brought up at the last meeting, would that be allowable under the program? I know in the old Quarter Penny Program we had separate lines, I believe, for farming versus groundwater protection, open space, but the new program's all merged together. So if we buy it with the new Quarter Penny Program, could it still be farmed?

DIRECTOR ISLES:

The quarter Penny Program does have a purchaser development rights component still so --

CHAIRMAN SCHNEIDERMAN:

If we bought the full fee, could we basically bring in, let's say, a community run farm like there is in -- or a County run farm like we have in Yaphank but maybe allow community members plots or things like that, or not-for-profit to manage a farm there; community farm?

DIRECTOR ISLES:

I understand the idea. I'm not sure if the program would allow that and I would want to discuss that with the Department of Law specifically so I couldn't give an answer without getting further research on it.

CHAIRMAN SCHNEIDERMAN:

But we probably could not lease it back to a for-profit farmer? Is that a valid assumption?

DIRECTOR ISLES:

That not I'm aware of.

CHAIRMAN SCHNEIDERMAN:

Legislator Vilorio-Fisher.

D.P.O. VILORIO-FISHER:

Thank you, Mr. Chair. Relative to the question that Legislator Schneiderman just asked, our relationship with Froelich Farm in Huntington, isn't that a working farm and don't we own it outright?

DIRECTOR ISLES:

Which farm is that?

D.P.O. VILORIO-FISHER:

Froelich?

DIRECTOR ISLES:

Oh, Froelich Farm. Yeah, that's -- that is a County farm, County park, pardon me. I was recently

talking to the Parks Commissioner and understood and learned there was a small part of it where I believe there's a community garden on there.

D.P.O. VILORIA-FISHER:

So we do have a model for that.

DIRECTOR ISLES:

I'm not sure under what program that was purchased.

D.P.O. VILORIA-FISHER:

A longtime ago.

DIRECTOR ISLES:

A longtime ago. So whether that would apply to this program, perhaps it does and I'm not arguing that it doesn't but I can't say affirmatively that it does.

D.P.O. VILORIA-FISHER:

I just mention that, Mr. Chair, because in answer to your question that I know that we had a model.

CHAIRMAN SCHNEIDERMAN:

Well, if our goal ends up and if it's the community's goal to see this continued to be farmland, I think as we move forward with the planning steps, we need to think this one through because it might make sense if the owner doesn't want to own this at all to have an additional party step in and then purchase the development rights, like the Peconic Land Trust or a group like that that would own the fee under an agreement that it would be some kind of organic farm with a nitrogen reduction program so that it would be compatible with farming in an area like the watershed for the Forge River. But by passing this planning steps, we're not precluding those kind of creative approaches to preserving the property, are we?

DIRECTOR ISLES:

I don't believe you would be precluding those other ideas.

CHAIRMAN SCHNEIDERMAN:

Okay. If there's no further comment, then let's move the resolution. There is a motion and a second to approve. I'm sorry, is there an additional question? Legislator Beedenbender?

LEG. BEEDENBENDER:

No, no, no.

CHAIRMAN SCHNEIDERMAN:

Okay, so there's a motion and a second to approve. There's no other motions, no other discussion. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

CHAIRMAN SCHNEIDERMAN:

Okay, one opposition, Legislator D'Amaro. So the resolution passes. **(Vote: 3-1-0-1. Leg. D'Amaro opposed. Leg. Cooper not present)**

IR 1418, Adopting Local Law No. -2009, A Local Law to reduce the use of disposable bags by retail stores. (Viloria-Fisher) I see the sponsor's here. I believe we recessed this public hearing so --

D.P.O. VILORIA-FISHER:

I wasn't here on that.

CHAIRMAN SCHNEIDERMAN:

Okay, okay. So we're going to have to table. So I'll, make a motion to table, second by Legislator -- who seconded it? Losquadro, I think. All in favor? Opposed? Abstentions? **(Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1432, authorizing the inclusion of new parcels into existing agricultural districts in the County of Suffolk. (Co. Exec.) These are 13 parcels totaling a 140.6 acres in the Towns of Brookhaven, Riverhead, Southampton, Southold. We closed the public hearing on this so I think we can vote on this one. Okay. I'll make a motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Any discussion? All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Leg. Cooper not present)**

LEG. ROMAINE:

Would the Clerk please list me as a co-sponsor so I don't have to say it at the General Meeting. Thank you.

CHAIRMAN SCHNEIDERMAN:

I'll take that designation as well, Madam Clerk.

INTRODUCTORY PRIME

IR 1473, To evaluate County properties for community garden purposes. (Romaine)

LEG. LOSQUADRO:

I'll make a motion.

LEG. D'AMARO;

I'll second.

CHAIRMAN SCHNEIDERMAN:

Okay, we have the sponsor here. Motion by Legislator Losquadro, second by Legislator D'Amaro. Legislator Romaine, would you like to explain this?

LEG. ROMAINE:

Very briefly, what this resolution is, as you know, the County has several fallow parcels throughout the County. Some of them small, some of them large that would be suitable for community gardens. What this resolution does is ask the County, I believe it's the Planning Department as well as Real Estate, to evaluate parcels that might be suitable for community gardens. My intention would be to have once these parcels are identified to establish a more comprehensive resolution that would allow not-for-profits, service organizations like Rotary, Kiwanis, Lions, even churches or religious groups to act as a steward for these community gardens, they'd be responsible. They'd enter into an agreement with the County. They'd allow people to cordon off the land to begin these gardens. These gardens could only be used for personal use or to grow foods for food pantries or for donations to not-for-profits. And that would be the intent. And the first step of that is to ask the County to identify parcels that would be suitable for this that would not create other legal problems that would allow these lands to be used.

CHAIRMAN SCHNEIDERMAN:

Could we hear from Planning? I don't know if you've discussed this already with Planning but maybe, Laretta, you could comment as to whether this is something you already looked into or something you have the ability to look into?

MS. FISCHER:

No, we haven't looked into this yet. I just want to make a comment that the Planning Department is not listed as a department involved in this review of the properties. You have the Department of Environment and Energy, Division of Real Property Acquisition and Management. That's not within the Planning Department.

LEG. ROMAINE:

Right. Right now, as you know, the Department of Real Estate is the department that's charged with managing County lands that are in County ownership. And they will be the ones probably that will be best suited to tell us which lands are available. Obviously any resolution that would come forward after these properties be identified, we would look for your Department of Planning's input on this as well. But the first manager of county properties is the Department of Real Estate and, therefore, we're looking for them to identify those parcels which would probably be more appropriate. It certainly would not preclude and this resolution does not preclude Real Estate working with Planning on this matter at all.

CHAIRMAN SCHNEIDERMAN:

Commissioner, did you have anything you wanted to add to that?

DIRECTOR ISLES:

No.

CHAIRMAN SCHNEIDERMAN:

Okay, Mr. Zwirn from the County Executive's Office.

MR. ZWIRN:

If I might, if we could work with the Sponsor on this, one of the ways we could do this is give each Legislator a list of the properties in their district and let them work with some of the local communities to see who might be interested in farming some of those properties. You've got a means test in here for income. You've got an awful lot of criteria that is going to go charged with the different departments trying to put together. And this is a pretty onerous task. We're not against the outcome about having farming on parcels that are not buildable, but we'd like to see if there's a better way to go about that work in working with the Legislature. Legislator offices may wind up being the conduit for this as opposed to, you know, because you know your local groups better than the County would because you work in those districts. You may have civic groups that are very much are the ones that are most interested and the County might not be aware of that. So I think the goal is laudable but we'd like to work with the sponsor and with the Legislature to come up with a more tenable plan to accomplish these goals.

LEG. ROMAINE:

Mr. Chairman, just a point of clarification. Obviously Mr. Zwirn must read all of these resolutions and he must get bleary eyed doing that. My resolution has no means test in it. You must be confusing it with another resolution on a similar subject. But my resolution has no means test on it.

MR. ZWIRN:

I thought there was an income test.

LEG. ROMAINE:

No, that's another resolution I believe that is coming forward.

CHAIRMAN SCHNEIDERMAN:

First resolve clause?

LEG. ROMAINE:

First resolve clause?

MR. ZWIRN:

Suffolk County -- where the census reflects that the median income of residents is less than eighty percent. So I just suggest that the Legislature maybe read its own legislation a little more carefully.

LEG. ROMAINE:

But there's no means test for people who would farm this. There may be a means test of where these parcels would be targeted to, but there is no means test. By the way, eighty percent of the median income I think you'll find that the overwhelming majority of census tracts in Suffolk County meet that criteria. It's not a personal means test. It is a targeted geographic means test. And you gave the indication that it were means test; usually when you say means test, it means individual income.

MR. ZWIRN:

I meant what it said in the legislation. It just is a task that -- as I say, we think it's a worthy goal. There's other legislation pending that's looking to accomplish similar goals. And we'd just like the Legislature to do something that our departments can handle in a more say -- just easier to do. I mean physically; not to tie up the whole department with something that we can accomplish in a different way.

CHAIRMAN SCHNEIDERMAN:

Any other comment? So, Legislator Romaine, this is your -- you're tasking Real Estate with this. Is there anybody from Real Estate who can just comment as to whether this is --

LEG. ROMAINE:

I see Ms. Greene there, who, I believe, is currently in charge.

MS. GREENE:

Good afternoon, Mr. Chairman.

CHAIRMAN SCHNEIDERMAN:

Is that on?

MS. GREENE:

Good afternoon.

CHAIRMAN SCHNEIDERMAN:

Pam, have you had a chance to look at this and --

MS. GREENE:

I have, Mr. Chairman, and I believe Mr. Zwirn was doing a very good job summarizing it. I have been asked by the Commissioner to prepare some comments in response to the legislation. We are fortunate to have the sponsor of the legislation here. I would be happy to raise those issues and just either put those comments in the record or perhaps provide this opportunity to try to address those concerns.

CHAIRMAN SCHNEIDERMAN:

Yeah, I mean just a basic question is, as proposed does your department have the ability to -- have the time to prepare a thoughtful response to give us the information we would need to move forward with creating these community gardens?

MS. GREENE:

Part of it, yes. So again looking at the legislation the intent is very well intended. And having community groups be in charge of maintenance would certainly augment the responsibility of the division whose inventory department is now charged with such maintenance. However, in the details being worked out, there were some concerns as far as how those would be implemented. For example, who would prepare the license agreements with the volunteer organizations? Who would make sure that the bona fides of those organizations were up to snuff? Who would provide liability waivers to make sure that the County is held harmless for any indemnity or any kind of injuries that might take place on the property? Would the license agreements specifically state what type of equipment be able to be used?

CHAIRMAN SCHNEIDERMAN:

If I may, though --

MS. GREENE:

No power tools, no pesticides.

CHAIRMAN SCHNEIDERMAN:

These things all seem like -- you know, these are details later after properties are identified. So the bill is to identify the properties, not necessarily to develop the program by which -- is that correct?

MS. GREENE:

The bill asks the division to issue an RFP and then is silent as far as that how that RFP is released to the community groups so there was some concern that it would require some discretion that certainly within the division would not have the familiarity as the individual legislative districts.

CHAIRMAN SCHNEIDERMAN:

Right. Because I'm trying to figure out whether to move forward with this or to wait and have the bill refined with your input. You're asking for more time. Is that -- no?

MS. GREENE:

It's not a matter of time. It's a matter of specifics within the bill. Again, it's very well intended. It does ask the Division to put in a rating system and also have an overlay of which areas would qualify under that means test. I don't know that there's those provisions in place at the time -- at this time. Does that make sense to you?

CHAIRMAN SCHNEIDERMAN:

Yeah. I'm not sure that they need to be. I'm just trying to figure out whether the bill as proposed is something that your department can respond to.

MS. GREENE:

The availability of those parcels is absolutely available. We could have that to every single Legislator implementing how those not-for-profits are paired with those parcels and having some formal agreement with the County. Much of that I believe will be out of the scope of the Division of Real Estate.

CHAIRMAN SCHNEIDERMAN:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Yeah, through the Chair, I'd just like to ask the sponsor, Legislator Romaine, since you happen to be here today a little bit more about the RFP requesting or identifying a vendor to manage a community garden program. So I just want to get a sense of what you envision, how costly would it be to administer the program and are there any such companies out there that you know of?

LEG. ROMAINE:

I wouldn't propose any companies. What I would prefer is not-for-profits, community organizations

and service organizations. And I did not spell out the program exact in detail because one of the complaints that we sometimes get as Legislators is that we try to do Real Estate's job or Planning's job for them. I wanted to give them as much freedom in writing the RFP as possible. But clearly what I would envision and I've said this before and I've said this for the public record is that I would envision a not-for-profit. I'll use my community. The Moriches Bay Civic Association might be one. Another not-for-profit might be the Ketchum Inn which has a historical parcel right across the street from a vacant five acre parcel sitting there that is fallow that could be farmed. There are several examples. A rotary club, a Lion's, Kiwanis Club, someone like that in the neighborhood that would take these small -- sometimes small, maybe half acre parcels, maybe larger, maybe five acre parcels and, say, *you know what? This is a great project. We're going to get our club members involved, we're going to get our organization involved and we're going to farm and allow people to either use that food for the individual consumption or we're going to donate all the food we grow to a food pantry or something of that nature.*

We have land that is sitting there, that is fallow that I think could be of some tremendous benefit to the community. Certainly could help. One of the people that is very interested that sent me just an e-mail today is Cornell Cooperative Extension in terms of the Diabetes Program. Healthy eating is one of the things that they emphasize, fresh fruits and vegetables. And Cornell, for example, could be a sponsor where they would have people in their diabetes program or other programs be involved in growing food. I didn't spell it out. I mean I'm happy to give -- I've given this a lot of thought. I'm happy to give it even more thought if it's difficult or burdensome on Real Estate or any other county department to draw up an RFP.

As far as any of these agreements are concerned, they're no different than any of the other agreements. They would be subject to the review of our County Attorney's Office, which is usually the case in any county land. We just don't turn over county land to people. The only thing I would hope is that the County Attorney's Office -- and I don't mean this in any pejorative sense would not make it so cumbersome that a community group could not get involved. The idea is to encourage people to grow fruits and vegetables and things of that nature, things that now it's only costing the County to maintain.

CHAIRMAN SCHNEIDERMAN:

Okay, we understand, in the interest of time. All right, so do we have a motion on this one way or other? Do we have a motion to approve and a second?

LEG. LOSQUADRO:

Yeah.

LEG. D'AMARO:

Just one more question.

CHAIRMAN SCHNEIDERMAN:

All right.

LEG. D'AMARO:

Just to pick up on what Mr. Zwirn was mentioning, maybe there's a more efficient way to identify the properties that would be part of this program, working through even our own district offices where we know the lay of the land, we know the companies that may be interested. Legislator Romaine, do you think that this legislation would preclude us from operating that way? This seems to be directing Real Estate to come up with a list.

LEG. ROMAINE:

No, I really don't think it is because again contrary to what some people think, we are the Legislature. We can go back and we can legislate and we can work with the Executive to legislate and put in whatever we felt was necessary.

My cosponsor on this, Legislator Gregory, is very anxious to see this legislation pass so that he can work with community groups in the Wyandanch and North Amityville area to help grow their own food so that they have healthier choices. And it's one of the reasons -- I don't know if he's listed on it, but he is my co-sponsor on this. And I dare say before this is over, I'll have several more because I think people understand how this can benefit their constituents in their district.

If you have specific things that perhaps I didn't put in, I tried to draft this legislation very broadly as an identification mechanism. If you wish, once the properties are identified, I can put in secondary legislation that will further spell out how this program should run relieving any of the County departments of any of the burden of developing an RFP and just legislating how the program should operate, which I'm happy to do. But as a first step, I didn't want to do that. I wanted to make it as broad as possible.

CHAIRMAN SCHNEIDERMAN:

I guess I got two people wanting to chime in here. Let me do Legislator Fisher and the Commissioner Gallagher for the last word there.

D.P.O. VILORIA-FISHER:

Yes, thank you, Mr. Chair. Legislator Romaine and I have spoken about his bill and my bill and their similarities and differences a number of times. And we've spoken about how they would be mutually supportive because in my legislation I have a task force that would help identify them. And if maybe that were the first step and we could then work with Real Estate, I don't know if that would be something that might be possible as we're looking at this for Real Estate to work with the task force.

In my district I have -- there are a couple of parcels where something like this is being done. One of them is the Hobbs Farm, which was a farm that was left to the AME church in my district. And it was too small for us to buy the development rights, but Brookhaven Town bought development rights on the parcel. And last year, and my church worked with the AME church and a number of other volunteer groups worked with them and we raised over five tons of food that went to local food pantries. We did have a lead agency which was the AME church. And then there were lead managing people who worked with all of the volunteer groups. My church is a sister church to theirs. And it looked like a very good model to have this kind of community group with a lead agency that was within the community. And it seemed --

CHAIRMAN SCHNEIDERMAN:

It sounds like a good idea.

D.P.O. VILORIA-FISHER:

-- to be an easy way of going. And perhaps if we work with the task force hand in hand with Real Estate, it might be a workable way to go. And as I said Legislator Romaine and I have spoken about this because there's such a need now for it.

CHAIRMAN SCHNEIDERMAN:

Commissioner Gallagher. Oh, I'm sorry.

MS. GREENE:

Again, Legislator Fisher, not to interrupt, I'm sorry, but the identification of the parcels is not onerous. And that can be provided to each Legislator with tax maps to show their exact location.

CHAIRMAN SCHNEIDERMAN:

Commissioner Gallagher.

COMMISSIONER MEEK-GALLAGHER:

I will reiterate that we could provide a listing of parcels that are in the County inventory. Obviously we would then be -- the evaluation we would be able to do is which of those -- these parcels obviously would be precluded from going to auction if they were going to be turned into community

gardens so we could do some initial evaluation in terms of what we thought was most likely to sell or something in that fashion. And that much we can do.

We do not have the expertise to evaluate then which of those, you know, parcels that we would identify would be most suitable for developing a community garden in terms of which are best for -- you know, best suited for a whole variety of reasons. But identifying parcels in the County inventory. It would also be difficult for us to then try to issue an RFP and then manage exactly -- it's unclear what types of agreements would be going on with these different community organizations. That would be difficult as we've seen just with the omnibus contracts that we do have individually is a rather difficult process.

CHAIRMAN SCHNEIDERMAN:

Okay, thank you. All right. So we have a motion and a second to approve the bill. I'd like to call the vote. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1490, amending Resolution No. 1357-2007, Amended by Resolution No.685-2008 in connection with the Brownfields Program (CP 8223.111) (Co Exec.)

LEG. BEEDENBENDER:

Motion.

CHAIRMAN SCHNEIDERMAN:

There's a motion by Legislator Beedenbender. I'll second. This is an additional \$80,000 in state aid. All right. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1508, adopting Local Law No. -2009, A Local Law Amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species. (Schneiderman) This needs a public hearing. So I'll make a motion to table.

LEG. D'AMARO;

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? So tabled. **(Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1512, authorizing substitution of YMCA of Long Island, Inc. In place of Town of Riverhead for improvement and maintenance of property acquired under Greenways Program in connection with active parkland in the Town of Riverhead (SCTM No. 0600-125.00-01.00-05.200). (Co. Exec.)

I'll make a motion.

LEG. LOSQUADRO:

Second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator Losquadro. Commissioner, there's no issues with switching the entity from the Town of Riverhead, is there, to the YMCA in terms of management?

DIRECTOR ISLES:

It's a legal question. It's not one we've reviewed.

CHAIRMAN SCHNEIDERMAN:

Counsel?

MS. LOLIS:

Mr. Chairman, we did take a look at this. There isn't a problem. All of these subsequent agreements must comply with the criteria of the program.

CHAIRMAN SCHNEIDERMAN:

So they become the managing entity. Now, what happens to the buildings that they pay for and build on the property? Is it going to be like a lease that we establish?

MS. LOLIS:

Yes.

CHAIRMAN SCHNEIDERMAN:

Do we know the terms of the lease?

MS. LOLIS:

That's something that we would have to negotiate. This is just the first step in the process to substitute the YMCA for the Town.

CHAIRMAN SCHNEIDERMAN:

Okay. Now, Tom, and we at a later date if we decided they are not proper managers, we can change who is the manager here from the YMCA either back to the Town or to another entity?

MS. LOLIS:

It's agreed and it will be in the ultimate agreement that if we are unable to proceed with the YMCA building, the facility, it reverts back to the Town of Riverhead and they are obligated under the initial agreement.

CHAIRMAN SCHNEIDERMAN:

Okay. But the YMCA would not be permanent; we're making that clear.

MS. LOLIS:

No. It's a long term -- it's a lease. And I believe what they had proposed was ten years with options to renew.

CHAIRMAN SCHNEIDERMAN:

Okay. Do we have any oversight as to what they may charge in terms of membership fees and things like that?

MS. LOLIS:

They have a proposal. I don't have the actual, what the rate plan would be, but it would be open to all Suffolk County residents. And I believe there would be a reduced rate but I don't have that in front of me right now.

CHAIRMAN SCHNEIDERMAN:

Okay. I mean I know it's a very reputable agency. I just want to make sure that we've covered all of our bases. Okay. So there's a motion and a second to approve on 1512. Any more discussion? All in favor? Opposed? Abstentions? **1512 is approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1515, authorizing the acquisition of farmland development rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the DeFosse, F. Cuomo, V. Cuomo, Howitt, Casey, J. Cuomo, and L. Cuomo property Cuomo Family Farm Town of Brookhaven (SCTM No. 0200-916.00-02.00-004.000 p/o). (Co. Exec.) This is a 28 and a half acre parcel. There's a motion by Legislator Losquadro to approve. I'll second it for the purpose of discussion.

While the aeriels and ratings are being distributed, let me just say because I neglected to do this earlier that Legislator Cooper has been given an excused absence from today's Committee.

Commissioner, it's all yours.

DIRECTOR ISLES:

Okay. The aerial indicates subject parcel which includes a delineation of a cut-out where there's an existing residence. So the net acquisition area would be 28.56 acres. That is, of course, subject to a survey. This is a joint acquisition with the Town of Brookhaven. And the matter before you is an authorizing resolution. So this authorizes the transaction to move forward. It is, of course, a purchase of development rights for the purpose of protecting farmland.

In the case of the subject parcel, the agricultural activity is the growing of vegetables and crop type farming. The acquisition itself, here again, is a 70 percent County acquisition, 30 percent Town of Brookhaven. The split on that is roughly 3.6 million of County, 1.5 million Brookhaven and is specified in greater detail within the resolution.

If you have any questions, we'll try to address those.

CHAIRMAN SCHNEIDERMAN:

We had a motion and a second. So any discussion?

LEG. D'AMARO:

Is there a Fiscal Impact Statement on this?

DIRECTOR ISLES:

Fiscal Impact Statement, yes.

CHAIRMAN SCHNEIDERMAN:

While that's being looked up, would the Clerk list me as a cosponsor on this if I'm not already a cosponsor.

LEG. D'AMARO:

Okay, yes, there is. I have it. This says there's no fiscal impact. How could that --

LEG. LOSQUADRO:

If I may, it's coming out of dedicated fund. Wouldn't that be the reasoning behind that? I know we don't have somebody here from Budget Review, but it's a dedicated funding source out of our sales tax revenue. And it's even though it's borrowed against that anticipated revenue, the principal and debt service associated with that comes out of the same fund. So, therefore, there would be no impact because it's in a dedicated funding stream.

LEG. D'AMARO:

Okay. Yeah, that sounds right.

CHAIRMAN SCHNEIDERMAN:

Any other discussion? All right, I'll call the vote. All in favor? Opposed? Abstentions? **Approved.**
(Vote: 4-0-0-1. Leg. Cooper not present)

Mr. Zwirn, has the County Executive stopped the practice of listing the legislator whose district it is as cosponsors on these resolutions? That was a practice. I'm asking you, Mr. Zwirn, if that practice has been stopped? In the past, and I'm not recalling whether this was my original planning's steps resolution, but there was a period where the County Executive in submitting these acquisitions would put the Legislator as well from the district unless that Legislator headed it.

MR. ZWIRN:

No, it hasn't changed. We may miss one here and there but there's no --

CHAIRMAN SCHNEIDERMAN:

All right. I think there might have been an oversight on this one, too.

MR. ZWIRN:

It may have been, but it wasn't deliberate.

CHAIRMAN SCHNEIDERMAN:

I already did. The Clerk has listed me as a coponsor now. Okay.

IR 1534, appoint member to the Equestrian Task Force (Rocky DiVello). (Eddington) He would be the representative of the Long Island Farm Bureau.

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Is Mr. DiVello here? Is this another reappointment, this is a new appointment? I mean our policy has been that we like to interview these individuals.

LEG. LOSQUADRO:

I'm sorry. I thought it was a reappointment; that's why I made the motion. I'll withdraw that.

CHAIRMAN SCHNEIDERMAN:

Well, let's table it then. All right. So I'll make a motion to table, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Tabled. (Vote: 4-0-0-1. Leg. Cooper not present)**

Just make sure that we reach out to the individual, okay, at least for the next meeting.

IR 1536, amending the 2009 Capital Budget and Program and appropriating funds in connection with the Charter Law extending and accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection for Land Acquisitions. (Co. Exec.) This is the bonding of sum I think, \$50 million. 60 million. This is a bond of \$60.8 million against future proceeds of the Quarter Penny Program.

COMMISSIONER MEEK-GALLAGHER:

We're actually requesting 55 million in this appropriating resolution. Between the time we had first prepared the resolution and submitted it to the time that we prepared the backup documentation, some additional parcels had come in accepted offers and contract to have authorizing resolutions so we just included the whole list.

CHAIRMAN SCHNEIDERMAN:

Okay. I see they're on the list, but the actual amount that you're going for -- going out to bond with is 55 million?

COMMISSIONER MEEK-GALLAGHER:

Right. And this is the appropriating resolution so we need it passed in time so that we can bond. This is the first time we are coming to you this year requesting an appropriation. And this is to continue the program moving forward. We waited until we had, you know, a substantive amount of parcels that were ready, meaning that they're in contract or have an accepted offer or have an authorizing resolution; therefore, we need the funds so that we can now close on the parcels.

CHAIRMAN SCHNEIDERMAN:

Now, we've already gone out to bond for like 30 million or so so far or more?

COMMISSIONER MEEK-GALLAGHER:

Under this program we appropriated 57 million last year. And all of that, I believe, has now been bonded.

CHAIRMAN SCHNEIDERMAN:

Okay, so this in an additional 55 million on top of that.

COMMISSIONER MEEK-GALLAGHER:

Right.

CHAIRMAN SCHNEIDERMAN:

What is the limit that we're allowed? 300 million.

COMMISSIONER MEEK-GALLAGHER:

Well, under the resolution -- the referendum when it passed, it was to enable us to borrow up to 322 million. The projection now given the declining sales tax revenue is roughly \$301 million.

CHAIRMAN SCHNEIDERMAN:

Okay.

LEG. LOSQUADRO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Okay. So we have a motion by Legislator Losquadro.

LEG. D'AMARO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Second by Legislator D'Amaro. All in favor? Opposed. Abstentions? Approved. **(Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1544, appointing member to the Equestrian Task Force (Sam Uliano). (Eddington) Is Mr. Uliano here? Counsel's asking me kind of an interesting question. It's a task force. Not a commission. Two, these are designees of a particular organizations. So they're not just --

MR. NOLAN:

I just want to point out I don't think necessarily these people have to come before this Committee.

CHAIRMAN SCHNEIDERMAN:

Do you want to go ahead and -- this is -- let me see what this is -- this is for Suffolk Horsemen's Association. Let's just make our work easier and just -- -

LEG. LOSQUADRO:

I'll make a motion to reconsider 1534.

CHAIRMAN SCHNEIDERMAN:

Okay. We're in the middle of one and then let's do that. Do we have a motion on 1544?

All right, let's go back to **IR 1534 (appoint member to the Equestrian Task Force (Rocky DiVello). (Eddington)** There's a motion to reconsider by Legislator Losquadro. This is for 1534. Second by Legislator D'Amaro. All in favor? Opposed? Abstentions? 1534 is now in front of us again. Motion to approve by Legislator Losquadro, second by Legislator D'Amaro. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1544, appoint member to the Equestrian Task Force (Sam Uliano). (Eddington) Same motion, same second, same vote. **(Vote: 4-0-0-1. Leg. Cooper not present)**

1546, adopting local law establishing a Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. (Co. Exec.) We have to, I guess, table this for public hearing as well. So we can't move forward as I indicated earlier today. So we'll have to wait. I'll make a motion to table.

LEG. BEEDENBENDER:
Second.

CHAIRMAN SCHNEIDERMAN:
Second by Legislator Beedenbender. All in favor? Opposed? Abstentions? **So tabled. (Vote: 4-0-0-1. Leg. Cooper not present)**

IR 1547, establishing a Long Island Victory Garden Task Force (Viloria-Fisher)

LEG. BEEDENBENDER:
Motion.

CHAIRMAN SCHNEIDERMAN:
There's a motion by Legislator Beedenbender. Second somewhere? I'll second. Can we hear from the sponsor? Tell us a little bit about this resolution.

D.P.O. VILORIA-FISHER:
Yes, thank you, Mr. Chair. You may all remember that at the meeting -- at the General Meeting before last, a group of students from Central Islip came to speak with us. When I visited their classroom, I was very moved by the fact that the legislation that they voted on as Legislators for a day when I visited them was finding a way of helping them to afford healthy food. I found that very moving.

And I had met with some of my volunteers who had been working on the Hobbs Farm, kind of community garden. And they had been working on expanding the idea to educate people in the district to having their own gardens, which would resemble the Victory Gardens that were -- that proliferated during World War II when there was a great need for them. And so based on some of the information that we culled together and that we had worked on, I sent the information to our Counsel who helped me put this together.

The main thrust of this is educating people on having their own Victory Gardens. We also mentioned looking for local community gardens because, as I mentioned earlier, we've had such great success with the Hobbs Farm in our district where we raised over five tons of food that was distributed to local food pantries. And so that is the genesis of this legislation, the success that I've had in my own district and the need that was raised by the children that I taught at the one day in Central Islip.

CHAIRMAN SCHNEIDERMAN:
Any questions? Any discussion? I'll call the vote then. All right, I think we have a motion and a second. All in favor? Opposed? Abstentions? **Approved. (Vote: 4-0-0-1. Leg. Cooper not present)**

D.P.O. VILORIA-FISHER:
Thank you.

CHAIRMAN SCHNEIDERMAN:

IR 1555, appoint member to the Equestrian Task Force (Janet Plympton). (Eddington)

LEG. LOSQUADRO:

Motion.

LEG. D'AMARO:

Second.

MS. PLYMPTON:

I'm here.

CHAIRMAN SCHNEIDERMAN:

She's here. We're already to approve you. Come on up, though, real quick. Now you have been picked as an at large representative of the equestrian community. So maybe you could just tell us how that happened.

MS. PLYMPTON:

How did this happen? Do I turn this on? Is it on? Okay. I'm a member of the Long Island Professional Horsemen's Association and have been for 25 years. And I guess a Robert Calarco from Legislator Eddington's office contacted our president, who is Deborah {Delar} and asked for a representative. And she appointed me from that direction. And so I'm here today as per Robert's request.

CHAIRMAN SCHNEIDERMAN:

Okay. And you feel like you could represent the entire equestrian community with your background?

MS. PLYMPTON:

I think I could represent quite a large chunk of it. I've been in the horse business for forty odd years, lived in Holtsville on a small horse farm running a horse business for 31 years. I've horse showed avidly in the hunter jumper community; been a member of the Long Island PHA, their treasurer; been a member of the Long Island High School Awards Association and been their treasurer.

CHAIRMAN SCHNEIDERMAN:

Okay, great. And anything in particular you hope to achieve through the committee; through the task force?

MS. PLYMPTON:

I'd like to bring some light to -- some of the zoning things that are going on for the small horse farm owner. And I'd also like to see things, something as large as Suffolk County thinking about putting together some sort of a property, a potential horse facility at some point in time, but I understand that can be way, way off in the future.

CHAIRMAN SCHNEIDERMAN:

All right, I think you passed the audition.

MS. PLYMPTON:

Cool. Thank you.

CHAIRMAN SCHNEIDERMAN:

All right. All in favor? Opposed? Abstentions? Approved. **(Vote: 4-0-0-1. Leg. Cooper not present)** Thank you for coming out.

Okay, we are adjourned.

THE MEETING CONCLUDED AT 3:28 PM
{ } DENOTES SPELLED PHONETICALLY