

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 May 3, 2010.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairwoman
Leg. Lou D'Amaro, Vice Chair
Leg. Jon Cooper
Leg. Daniel P. Losquadro
Leg. Thomas Muratore

ALSO IN ATTENDANCE:

Legislator William J. Lindsay, Presiding Officer
Legislator John M. Kennedy, Jr., Twelfth District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, County Executive's Office
Robert Lipp, Deputy Director, Budget Review Office
Laura Halloran, Budget Review Office
Tim Laube, Clerk of the Legislature
Renee Oritz, Chief Deputy Clerk
Alicia Howard, Legislative Assistant
Thomas Isles, Director of Department of Planning
James Bagg, Chief Environmental Analyst/Department of Planning
Pamela Greene, Director of Real Property Acquisition & Management
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Real Property Acquisition & Management
Carrie Meek Gallagher, Commissioner, Department of Environment and Energy
Tom Ryan, Aide to Leg. Vilorio-Fisher
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader
Dot Kerrigan, AME Legislative Representative
Gail Lolis, County Attorney's Office

ALSO IN ATTENDANCE (continued from first page)

Rick Brand, Newsday
Terrence G. Pearsall, Chief of Staff
Errol D. Toulon, Jr., appointee, SC Water Authority
James F. Gaughran, appointee Chairman, SC Water Authority
Steve Romano, appointee, SC Water Authority
John Finn, appointee, SC Planning Commission
Jim Gleason
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:21 PM

CHAIRWOMAN VILORIA-FISHER:

Good afternoon everyone. I apologize for the delay. Welcome to today's meeting of the Environment, Planning and Agriculture Committee. Please join us in the pledge of allegiance.

SALUTATION

Madam Clerk, do we have any cards?

MS. ORTIZ:

No cards.

CHAIRWOMAN VILORIA-FISHER:

However, we do have several people who are here for appointments. And I will ask them to come up first so that we can look at those resolutions first.

Okay, Mr. Romano? Right here at the table if you'd like. Just be certain to press the button that says "push" at the base of the microphone. And you have to keep it pressed while you're speaking. This is Steven Romano. And the resolution is 1395, to appoint him as a member of the Suffolk County Water Authority. Okay. Hello, Mr. Romano, how are you?

MR. ROMANO:

Good afternoon. Very good.

CHAIRWOMAN VILORIA-FISHER:

Thank you for being here.

MR. ROMANO:

Thank you for the invite.

CHAIRWOMAN VILORIA-FISHER:

Can you tell us a little bit by yourself, what you would bring to the Water Authority?

MR. ROMANO:

Yes. It was interesting several months or actually several years I've continued to read editorials by Newsday in regards to authority boards, planning boards, zoning boards. There is a perception that it might be helpful to these boards that if some of the members that are appointed have some experience in the industry that they would monitor, regulate, set policy. I've worked for the Water Authority for 28 years. I believe my life experiences, my work experiences, my civic experiences, could help transition what I call a good company into a great company. And that's why I put my name in.

And what was also interesting to me is that it's never promoted within the company. And as I'm going to say maybe an original Tea Party person, maybe because it does or has the perception of double dipping that, you know, you work for a company or an organization; and then you kind of come out of your position to go into another position and you're taking rate payer money. And that's why I believe I indicated in my application that if I can continue to work, I would do the board position with no stipend. And if I had to retire, I would retire and do it for half the stipend.

CHAIRWOMAN VILORIA-FISHER:

Okay. Thank you. Are there any question from the Committee? Okay. Okay, go ahead.

LEG. LOSQUADRO:

Yes.

CHAIRWOMAN VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. In your opinion how has the current board -- how have their actions affected the situation of the employees working without a contract for as long as they have?

MR. ROMANO:

Well, like every time we can't bring the contract to resolution, there are some morale issues. But I'm from the school that I'm fortunate that I work for the Water Authority, that we all play very well. And I'll take Senator Flannagan's letter that he wrote to Newsday saying -- and this is my position -- that every governmental employee, quasi-governmental employee, if we all come together and do some sacrificing.

The problem is, at leave from a management standpoint, there's little communication back. And that as a manager it just would be nice if that's the position of the board to send a memo to all the staff and say, *listen, we appreciate all your hard work; but based on the times, you know, we want to do everything and put out our good foot forward, and we need you guys to sacrifice.* And then maybe give the reasons why they would want that. Without that communication, that would be my only criticism of the board. But as far as the changing, there was an old saying the face has changed but a lot of things remain the same.

LEG. LOSQUADRO:

So you feel that communication has not been forthcoming.

MR. ROMANO:

Well, not to the management staff, that's for sure. I'm not sure how the union negotiations are going but I do know they haven't had a contract since June.

LEG. LOSQUADRO:

Thank you.

MR. ROMANO:

Thank you.

CHAIRWOMAN VILORIA-FISHER:

Mr. Romano, I just want to clarify something. As I was reading your resume, the way I read it, it seems that you currently work for the Water Authority?

MR. ROMANO:

That is correct.

CHAIRWOMAN VILORIA-FISHER:

Okay. And I want to ask Counsel about this because -- I know you just said you that would be willing to retire from your position or work part-time, something to that effect. But if I understand it, you can't be a current employee and be a member of the board, because the board deliberates on issues that affect the employees. But I will ask Counsel about that.

MR. ROMANO:

Madam Chairperson, could I make a statement?

CHAIRWOMAN VILORIA-FISHER:

Let me just hear what Counsel has to say; and then, of course, we'd be happy to hear what you have to say.

MR. NOLAN:

I think generally in terms of public positions, there's one rule that's pretty clear on conflicts, which is you can't be your own boss. So I think it would not be possible to serve as both a member of the board and be an employee of the Water Authority.

MR. ROMANO:

The only question I would ask is, and the reason why it gave me -- to ponder about that precedent, that idea, if I remember correctly, and the rules and laws may have changed, Chairman Logrande when he came in, at some point he was CEO Chairman once again. And his argument was he saved the ratepayers \$30,000 of the Chairman's salary. Again, whatever -- if it is, it is. I have the other offer. If you would consider me and I was an applicant that came to the top, I realize if that was the position you wanted me to take, I would retire to do the job.

CHAIRWOMAN VILORIA-FISHER:

Thank you. I believe Legislator D'Amaro has a question.

LEG. D'AMARO:

You said you would retire from the Water Authority? Is that what you said?

MR. ROMANO:

Yes.

LEG. D'AMARO:

Okay. That's very nice. I just wanted to give you an opportunity to tell the Committee what you see as some of the near term important issues facing the Water Authority right now and what your policy positions may be. Is there anything that comes to the forefront of your mind should you be put into this position? What direction you'd like to take the Authority, you know, that type of thing; more on a policy level.

MR. ROMANO:

On the policy level, I'd like to open up communication. As when I served years ago on the Rocky Point School Board, becoming a board member after a severe recession and with property owners hitting 26 percent tax increase, and I think the Water Authority has to go down this road. And I

think they actually -- the board is trying to do that, to hold the line on expenses. And the biggest expense, as we all know, is salaries and benefits. I would continue. I think that's an important issue, but communicate to all the staff why it's important to do that.

I think the environmental issues that they've chosen to make a priority over the last 15 years, I would continue that, down that road. I think we have to make some inroads in our construction and the way we operate. And that is you folks all realize government is not that flexible. So when you have a serious downturn in the economy and you your staff who, for instance, in our company they do 3,000 services a year, and you drop off to a thousand, or you're normally doing a hundred miles a main and you drop off to 50 miles a main, you can't react that fast with your staff. And attrition normally doesn't do it. So that's an avenue I would work on and maybe prioritize.

And I think that's why someone coming from experience within the Water Authority could be helpful. I would definitely agree that all -- on any board, all the board members shouldn't be former employees; that I just could bring something a little bit different. Obviously I could do that if I go to the meetings and speak or, you know, let my piece known. But sometimes, you know, if you feel a little intimidated, same thing here, coming and speaking in front of your employers, for lack of a better word. Hopefully I answered your question.

LEG. D'AMARO:

Yeah, generally you did and I appreciate that. Any particular policy comes to mind that you'd like to pursue with the Water Authority, whether it's on environmental issues or construction issues, infrastructure issues that you mentioned?

MR. ROMANO:

It would be more, because I come more from a background with construction than the environment side, looking on how we can do business differently to lower the costs, because, again, I classify ourselves as a good organization. And the reason why I say that, I know nationally our rates are around 50 percent higher in some areas and 50 percent lower in some other areas. To me a great organization you would be in the top 10 percent. Now I realize, and I haven't studied every water company in the nation, that we probably offer services typical of Suffolk County much more than they do in other areas and it could be that's why we're in the middle of the pack.

LEG. D'AMARO:

And one more question. What's your current position with the Water Authority?

MR. ROMANO:

My current position is New Construction Manager. But most of my career was in customer service.

LEG. D'AMARO:

Did you say new construction?

MR. ROMANO:

Yes, sir.

LEG. D'AMARO:

New Construction Manager. And as a -- so that's one area or one department of the Water Authority itself?

MR. ROMANO:

That is correct. It's a department within what we call our Construction Maintenance Division. And basically is, anybody looking for water that doesn't have water, we're the central processing unit, we're the first contact that the public makes. So we were at one time an arm of the customer service division but in 2006 we continue to reorganize and reinvent ourselves in hopefully better ways and more efficient ways to do business.

LEG. D'AMARO:

Okay. Thank you for answering my questions. I appreciate it.

MR. ROMANO:

Thank you.

CHAIRWOMAN VILORIA-FISHER:

Okay. Are there any other questions from the Committee? Okay. Thank you very much.

MR. ROMANO:

Thank you. And I just -- if there are any other candidates you guys are going to be looking at, and if I'm not the selected one, my offer stands, I'd love to meet with them, talk to them and throw any ideas I can at them so they can bring that to the table. Thank you again. I appreciate it.

CHAIRWOMAN VILORIA-FISHER:

Thank you. That's very generous of you. Thank you. Okay.

MR. ROMANO:

Thank you very much.

CHAIRWOMAN VILORIA-FISHER:

Mr. Gaughran, can you come up please? Thank you for coming down, Jim.

MR. GAUGHRAN:

Thank you very much, Legislator.

CHAIRWOMAN VILORIA-FISHER:

Can you just tell us a little bit about yourself? And I know that you've been serving on the Water Authority for a couple of years. And now what you're looking at is the Chair's position.

MR. GAUGHRAN:

Right.

CHAIRWOMAN VILORIA-FISHER:

The Chairman's position with the Water Authority.

MR. GAUGHRAN:

Right. Well, I've had the opportunity to serve for two years as you pointed out as a member of the Water Authority Board. And, again, I'd like to thank this legislative body for giving me that opportunity. When I was first appointed, I thought I knew a lot about the Water Authority just from having practiced law as well as having served in this body and also on this Committee for six years. But once I got there I realized there was a lot that I needed to learn and I had very much enjoyed the experience. And I think it has prepared me to be the Chairperson.

I served as a Legislator for six years. When I was here I co-authored with Steve Englebright and also worked with then County Executive Pat Halpin. And we came up with a new referendum to bond the money to buy the Quarter Cent Drinking Water lands because it was an idea that actually had been created by Mike LoGrande who now chairs the Water Authority; however, it was determined that we could only buy as much land as we would be able to receive sales tax money for each year. And then it turned out we might be able to buy a parcel or two a year.

So we came up with the plan to basically bond that money. And we took a gamble. And the gamble was that the price -- the value of the properties would escalate much higher than the cost of the bonds. And even with the recent downturn in the real estate market, I think that gamble paid off. And as a result this body over the years has been able to buy a lot of land for drinking water

purposes.

And recently we put together a program with you whereby we have actually purchased 34 easements from Suffolk County. I think it cost about \$2 million to the County. And that is giving us the right in the future to build new wells. And I think that's important because it not only shows cooperation between a private -- a separate authority, a separate public authority, independent public authority and this legislative body, but it also, I think, helps to show the public that the purpose of purchasing the Quarter Cent lands is for drinking water and we will make use of that as we need new wells.

My other experience includes, I served as a member of my Town Board in Huntington for four years. In that capacity I also served as a Commissioner of the Dix Hills Water District where I also learned a lot of the operations of a water company. I have also served -- years ago I was an aide to the New York State Senate. And I think as a practicing attorney, I was a Village attorney, I was a municipal attorney in Huntington for a while, I have a good understanding of how government operates. And I think that will be helpful to the Water Authority because we need to deal with all levels of government and various different agencies in trying to get things accomplished.

Do you want me to talk a little bit about some of the things I might want to do?

CHAIRWOMAN VILORIA-FISHER:

You know what? Why don't we give members of the Committee an opportunity to ask you questions --

MR. GAUGHRAN:

Sure, okay.

CHAIRWOMAN VILORIA-FISHER:

And, then, you know, you can talk about more specifically what people's questions are.

MR. GAUGHRAN:

Okay. That's fine.

CHAIRWOMAN VILORIA-FISHER:

Okay? Is there anyone who has a question for Mr. Gaughran? No? Okay, Legislator D'Amaro.

LEG. D'AMARO:

Mr. Gaughran, welcome.

MR. GAUGHRAN:

Thank you.

LEG. D'AMARO:

Good morning to you. The same question I asked previously. You've been serving on the Water Authority board for a couple of years now. Any particular policy directions, current policies that you'd like to pursue and push even for harder for as Chair?

MR. GAUGHRAN:

Well, I think first of all I'd like to say on the onset that the Water Authority years ago used to have a lot of problems. It has become a very political agency. It didn't have a lot of, I think, good government and strong planning mechanisms within it. 20 years ago Mike LoGrande came along and he really did do a good job in bringing in professionals to run this. We have one of the best staffs in the country.

The lab, which we run a highly sophisticated lab, it is ranked as one of the sixth top laboratories of

its kind by the EPA. I want to continue that professionalism. And Mr. Romano, who spoke before me, is an example of that. He does an excellent job. We have an outstanding workforce. And I think it's -- you know, I want to recognize that and also make it clear that, you know, we need to continue to build on that. As a result of this, we actually have water rates that are very low. It's about \$1.50 per gallon as opposed 2.50 on average. We're the lowest anywhere around.

That is a main priority of mine if I'm selected as the Chair is to try to keep those rates down because we have -- people are going through tough times. And we don't want to add to their burden. And we're going to face some challenges that we haven't had in the past because one of the reasons why we have been able to maintain low rates, in addition to the professional staff is, you know, the fact that we have been growing as a County. And when we grow and there's new development, that means we get new customers.

Our -- we're not a taxing authority as you know. So most of our -- the vast majority of our revenue comes from selling water to our customers. When we expand, when there's development, and that has taken place over the last you know, 10, 15, 20 years, that has helped us to keep the rates down. There is really limited new development in Suffolk County and we recognize that. So that's going to mean that we're going to need to try to figure out ways that we can save money. And then we have a lot of -- you know, a lot of specific plans that I want to put in place to do that.

We also have a challenge to our infrastructure. You may have seen there was an article in the New York Times earlier this year about how water systems all over the country, not only in metropolitan areas like Washington, DC but in suburban areas, pipes are 100, 150 years old and they're breaking down. We have tried to stay ahead of that curve but, you know, we have pipes that are 50 years old. And we have pipes in the Southwest Sewer District where two thirds of our problems are because of some of the construction that was done within constructing the sewers and the impact that they're now having on our pipes. This is a lot of money. And we need to maintain the infrastructure, but I want -- and we want to try avoid the crisis so that you're not getting your constituents coming in one day, you know, saying, you know, *why don't I have any clean water and how comes it's going to take the Water Authority two months to rebuild that pipe?* So far we've been able to stay ahead of the curve and avoid the crisis, but, you know, that is something that's -- that's very important.

We also try to keep up with the changing technologies. The major innovation that has taken place since I've been there is we now have an automated reading system. We've invested millions of dollars in this but basically what it means is that if a meter reader can do reads of 100 to 200 per day, with this new system we can do 8,000 reads a day. And we are working with our employees so obviously there's going to be cost savings but it's also going to be eliminating meter readers. We are -- but we have agreed as an authority that we're going to do that through attrition, but nobody is going to be laid off. And we're actually -- putting that -- pushing that out over a -- over a ten-year period. But this is a wonderful project because it also gives us information instantaneously such as if you have a water leak on your front lawn and water is, you know spurting out and you're wasting money and wasting resources, this system gives us the signal back in our central command facility. And we actually pick up the phone and call the customer and say, you know, *you got a problem on your front lawn.*

So there are other things that we need to do. Energy savings, we spend \$24 million a year to LIPA. I think we're their third largest customer. We have taken advantage of their program whereby we try to use our pumps as much as possible in their off peak hours and in the evening hours. And we have been successful. Last year we saved over a million dollars in our energy bill by doing that.

We have added -- this is something that had began before I got there but it continues with cell phone towers. We are entering into agreement with cell phone companies to allow cell phone capacity. I feel strongly that we need to continue to do it as good neighbors and not in opposition, you know, to towns and neighbors that are concerned about that. We are only using our existing infrastructures. So the existing antennas and towers that we have for our current communication

system, we just add, you know, the cell phone technology. And that has given us actually about \$10 million. We've added GPS to our vehicles. We're reducing our fleet. We're buying more energy efficient fleet.

Since you appointed me to this board, I think I've convinced my colleagues to change the policy which had been to ask the DEC to go into the Lloyd Aquifer if necessary to try to provide drinking water. I think that's a mistake from an environmental standpoint, from a planning standpoint. And so I'm, you know, going to continue to oppose that but I think basically the policy now of the board is not to do that.

Also, I think my background as an attorney will be helpful with the new public authority's law that we have to comply with as a public authority that's been passed by the state Legislature and signed by the governor. Everything has to go out to RFP's. We have to have a lot more transparency. And it's the obligation of the board, not the staff to make sure that we're complying with this law. And, you know, we had more open budgeting process. We now put everything on our website. You can see our agendas ahead of time. You can go get our minutes. And that's important to have, you know, to continue to have open, honest government.

And I think finally we're also, you know, willing to talk to any other water authorities, water companies that would like to become part of us and through a consolidation. I know that's an effort that a lot of people in government to see -- to try to see if we can eliminate some of these agencies that perhaps are a little too costly and unnecessary. We're very open to do that but we're also, speaking for myself, recognize that, you know, these authorities and town boards have their own independent jurisdiction and that's a call they have to make. But if they're willing to come us, we could probably find a way that we can save money for their taxpayers by becoming part of us.

LEG. D'AMARO:

Okay. I appreciate that response. And seems like there's a lot of -- a lot on your plate as far as policy goes and that's encouraging to see. So the trend during your tenure, two years, I think, you've been on the board now, what's been the trend with respect to rates? Because you mentioned that a large part of your agenda is not only delivering a quality of service and the professionalism of the staff, which is so important, but also being sensitive to ratepayers.

MR. GAUGHRAN:

Right.

LEG. D'AMARO:

So how are we trending? And, you know --

MR. GAUGHRAN:

Right now we're freezing the rates; froze the rates last year. We would like to try to continue that. Currently I've asked the staff to look at ways that in the coming year we can avoid a rate increase and I'm committed to doing that. In all honesty, you know, further down the road we may be looking at something simply because, again, we derive all our income from the sale of water. Our fixed costs go up.

We're also dependent on the weather. If we have a dry, hot summer sprinklers go off and we generate more income, which by the way kind of goes against another goal of this authority which is water conservation. We're very committed to that as well. But the business model that we have is -- kind of depends on weather to a large extent. And we've had two very difficult years in terms of revenue because of the weather and hopefully that will change this coming summer.

LEG. D'AMARO:

Thank you.

CHAIRWOMAN VILORIA-FISHER:

Well, those were certainly very well thought out responses to the policy issues. Are there any other questions? Legislator Muratore.

LEG. MURATORE:

Thank you, Madam Chair. Good afternoon, Mr. Gaughran. Thank you for coming. Just two questions. First of all, does the Water Authority outsource? And do you agree with outsourcing?

MR. GAUGHRAN:

There is -- there is some things -- first of all anything that isn't done by our employees we put out to bid. In terms of outsourcing, we try to do as much as we can with our laboratory but there are some chemicals that we need to test for that there are only like one or two labs in the country that actually can do it. So we do have some very selective use of some outside agencies to do some of the testing.

We do -- our major construction projects have been primarily put out to bid such as our new mains. We're looking to try to see where we could do, you know, a lot of that, more of that in-house where we can. But there -- a lot of work is done with the staff. Some of it is done with contracts. We now require prevailing wages, which is something that we actually implemented since I've been on the board for our projects. We would like to try to see if we can do as much as possible in-house. And that's part of how I think we are going to try to keep these rates down, is to see if there are ways where maybe we could better utilize our wonderful staff to perhaps do some things that we might otherwise have to put out to bid.

LEG. MURATORE:

So if you do outsource, what would be the reason? Just because you can't do it inhouse? You don't have the equipment or you don't have the personnel or you don't have the expertise?

MR. GAUGHRAN:

If we have to put in a major new water main, you know, going a mile, half a mile, sometimes we need to put that out to contract for us to be able to -- be able to get it done. We don't have enough employees to do the job. We have some very dedicated employees who work very hard but they are, you know, large scale construction public works projects, which, you know, have to go out to bid.

LEG. MURATORE:

And my next question are you in correct negotiations with any of the unions in the Authority?

MR. GAUGHRAN:

We are currently -- we have two collective bargaining organizations actually run by the same president. One is overseeing the laboratory employees, which is a fairly new bargaining unit. And then the other is basically, you know, our blue color and construction workers. We are currently in negotiations with them. And I would, you know, hope that we can try to resolve those issues sooner than later. That certainly is going to be my goal if I'm named the Chair.

LEG. MURATORE:

How long are you in negotiations right now with the union?

MR. GAUGHRAN:

I think since about June. The contract's been up in June but the negotiations have been going on, I think, since the day I've been there we've been discussing, you know, the upcoming negotiations and the contract. We do want to get a contract but we also need to try to keep the water rates down as well. And that's I think part of why, you know, you put us on this board to grapple with that. But we have a good dedicated force and we know there's some unhappiness out there that we haven't reached an agreement, but I'm hoping that we can.

LEG. MURATORE:

Thank you.

CHAIRWOMAN VILORIA-FISHER:
Legislator Losquadro has a question.

LEG. LOSQUADRO:

Thank you. You talked about having the prevailing wage laws in place now. But one thing I haven't thought of until you mentioned prevailing wage, talking about some of the things that the County does, do you have local preference laws for contractors?

MR. GAUGHRAN:

I've actually asked our Counsel if he can come up with a way where perhaps we can do that.

LEG. LOSQUADRO:

So short answer is no but you're looking at it?

MR. GAUGHRAN:

Well, the short answer is he's trying to figure out a way we can get around the interstate commerce clause of the -- of the constitution. But it's something that I would like to do.

LEG. LOSQUADRO:

We have language that we allow for it. Is it different for us as a municipality than it would be for you as a public benefit corporation?

MR. GAUGHRAN:

Because we have obligations to our bondholders that are different than what you have. But, you know, I'm going to look at that legislation because I concur with your goal.

LEG. LOSQUADRO:

And that's what I was going to suggest.

MR. GAUGHRAN:

Yeah, I'd like to look at -- I will talk to your Counsel and see if we can get a copy of that legislation and see what we can do. I mean I would like -- I would also like to see more outreach because we bid out a lot of projects. And since I've been on the board I've actually asked to rebid a lot of things because I find sometimes, that, you know, we come back with one bid or two bids for things like auto maintenance out on the east end. And it puzzles me as to why we're not getting more bids. So one of the things I would like to do as Chair is to see if we can outreach to get more -- a bigger pool of local contractors, more minority contracts, I think, we could use and local. But I'm going to talk to your Counsel to see -- and give it to our Counsel to see if we can come up with something concerning that. But also I would to be more aggressive in marketing the work that we do put out to bid so that we can try to get local participation.

LEG. LOSQUADRO:

I think that would -- I think that would be a great idea and that's why I brought it up. We have some very large contractors here on the Island obviously, you know, we would like to see the money that we invest here stay here, just -- it's that whole cycle of putting that money back into the local economy.

As far as your procurement of material when it comes to your purchasing, I know that many major corporations have gone to, and it really sort of goes against many decades of those who are in the purchasing industry, but most industries have gone to the model and they've realized tremendous cost savings. Your purchasing model, does it include an online bid process or any electronic procurement of materials and supplies? Or do you deal with specific suppliers for concern products?

MR. GAUGHRAN:

Everything we do we have to do pursuant to the Public Authority's Law of the State of New York which requires us to put everything out to a public bid. Okay? And we do put, you know, all our bids are on line. A lot of the stuff that we do, sometimes there is some very technical parts that we need to replace a pipe that may be 50 years old; that sometimes it's hard to find a competitive pool to provide that. And, you know, it becomes frustrating.

One of the things we're trying to do actually is we're trying to come up with uniform fire hydrants because, you know, we're responsible for maintaining the fire hydrants throughout the County. And there are all sorts of different fire hydrants. There are all sorts of different parts that are needed. So we're looking towards trying to see if we can up with something uniform so that when we need to buy materials to repair them, you know, we get more competition, something more modern, too, so that there are more people available. But, you know, everything, everything goes to bid. And sometimes we as a board quite often, probably every meeting we're rejecting certain bids because we'd look at it and that's our job and we say *we don't think there's been enough competition here* and we want to send it out and try to get it done, you know, get more bids in. And often we do, often we don't.

LEG. LOSQUADRO:

Well, that's good to hear. I actually became very familiar with the specifications for the products that you are procuring because I'm sure as you know it was of great interest to -- I spoke with the Chairman at length about it and to many others involved with the agency about my legislation that created the uniform drinking water distribution system standard for private developments. And that new standard -- and you were talking about expansion of your services and new product, you know, we had such a large problem with developers going to a single meter and then doing their own distribution system through out a homeowners' association with materials that were not up to par with what the public authorities were offering. We had tremendous problems with those private developments.

Well, my legislation provides that all new development have to be built to mirror the standards of the public authority, which some developers have chosen to hire an outside contractor to build two of those standards. But many other developers have realized you offer a very competitive product and have just gone to the authority to install those systems. So I think that will probably help in that business model as well. So, good, I'm glad to hear that you're being aggressive in terms of trying to keep costs in check through the procurement models.

MR. GAUGHRAN:

And your legislation, I think, Legislator is helpful to us and perhaps maybe we need to get the word out more because we have told -- basically have said to a lot of these private condo and other types of developments where they have their own internal water systems, that we're willing to work with them. You know, our authority stops at the curb. Okay? You're responsible for the pipes both up your lawn and into your home. Same thing with a condo. Our authority stops there at the curb and then their internal system going to all the private units within that development is their responsibility.

We have, however, said that where you have antiquated systems or unsafe systems, we would be willing to come in and look at your system and possibly even take over the system. Now, if it's a handyman special, you know, it's going to cost a little bit more than something that had a decent price but we're willing to take over and then work out a financial arrangement, spread it out over ten years so that we can try to improve their distribution system, their pumping system and their fire safety system.

LEG. LOSQUADRO:

Absolutely. The Authority did that -- exactly that with a development in my community that until the system started to fail almost across the board, many of the residents never even gave a second thought to the fact that part of the reason why we saw the proliferation of so many of these HOA's were so that developers could use that loophole to not only build roads that did not meet the same

standard that the Town would require, but also there was the issue of the water distribution systems. And we saw PVC with no metallic marking tapes so you couldn't even trace out lines. It was absolute disaster. So that's something the Authority has done very well with and I hope you do continue to get that word out. Thank you.

MR. GAUGHRAN:

Absolutely. We want to continue that.

CHAIRWOMAN VILORIA-FISHER:

Are there any other questions? Actually I thought you were going to also go to the fire hydrant legislation that we had that resulted from the fire in Selden. And the Water Authority has the authority to go in and do the testing of the equipment and see that the pressure is sufficient.

MR. GAUGHRAN:

Our obligation is to make sure that the hydrants are working. The problem sometimes is with the system being on -- the hydrant in a private development, if they don't have, you know, proper pumpage distribution system, if -- you know, it's not our system and that's where, you know, again we would love to come in and try to assist communities if they have these problems. And we enter into simple contracts with them. We agree to run the system for them.

CHAIRWOMAN VILORIA-FISHER:

I was surprised when you said that there's such a different standard for different types of hydrants. I thought that, you know, hydrants being such an important piece of equipment, that they would be -- a standard that was pretty universal.

MR. GAUGHRAN:

I shouldn't say standard. I should clarify that. Models. They're --

CHAIRWOMAN VILORIA-FISHER:

Maybe you did and I might have taken it as --

MR. GAUGHRAN:

Yeah. They're -- it's just that different companies have sold different hydrants to us over the years. And we'd like to get to a uniform hydrant so that it makes it a lot simpler for us to operate and hopefully more cost efficient.

LEG. LOSQUADRO:

Madam Chair, if I could, it's sort of like a fleet maintenance issue. If you have all Chevrolet vehicles in your fleet you can standardize your parts so that when you do have to perform maintenance you have them on hand. If you have Chevy's, Chryslers, Fords, Hondas, it just makes it difficult to keep everything on hand.

MR. GAUGHRAN:

I agree.

CHAIRWOMAN VILORIA-FISHER:

Okay. Thank you very much. Thank you, Jim.

Errol Toulon, could you join us? And again, Mr. Toulon, welcome. Thank you for coming down. And you know to put your finger on the button and keep it there.

MR. TOULON:

Thank you.

CHAIRWOMAN VILORIA-FISHER:

Okay. Can you just tell us a little bit about yourself although we have your resume and the reasons

why you would like to serve on the board.

MR. TOULON:

Thank you, again. I'm a retired New York City Correction Captain. I worked on Rikers Island for 22 years. Twelve years was in the emergency service unit responding to any type of disasters from plane crashes right of Laguardia Airport, hostage situations, riots, any type of disturbances on Rikers.

For two-and-a-half years I was a firearms instructor at the New York City Police Range; on 9/11, that's where I was working. And I was tasked with the responsibility with the New York City Police Department of securing the police range because of the millions of rounds of ammunition that's there; and also the many firearms, the amount of officers that come up there to qualify.

The final year of my career, I worked for an independent auditing unit within the Department of Corrections that reported to a federal court judge regarding environmental issues. Within the prison population we have 15 jails, ten on Rikers and 5 in the borough facilities. And those environmental conditions basically were the air and the lighting.

Currently I have a masters degree. I have a post graduate degree in homeland security management. I'm currently in my third year of my doctorate in educational administration. I am a instructor certified to teach through the Department of Homeland Security Weapons of Mass Destruction Awareness, domestic terrorism, hate crimes and most recently the National Institute of Management system, which is utilized throughout the country ever since 9/11 occurred. It originated in California with the brush fires and it migrated across to the east during the 9/11 tragedy.

One of the things that I hope to bring as a board member is actually the security and looking at how to protect our infrastructure. I see many talents on our board that come from diverse backgrounds. But I think with the security as far as protecting our key infrastructures, also when you look at our security personnel to surveillance apparatus that may be available or currently being utilized, those are the things that I would focus on; in addition to working with the board to keep rates that are reasonable and fair to the residents of the County. And that's really it.

CHAIRWOMAN VILORIA-FISHER:

Thank you. Are there any questions from members of the Committee? Legislator Losquadro.

LEG. LOSQUADRO:

What was the final score of the Yankees game yesterday? No, I'm only kidding. We had a little conversation about the Yankees earlier.

LAUGHTER

I appreciate you coming down. And I think that was very carefully crafted. And I think what you probably wanted to say was some of the apparatus that *may or may not* be in place. So I appreciate that sentiment and that line of reasoning. I think that is an important component. And I think that's one of the things that makes anybody strong is people coming from those different backgrounds. No offense to the attorneys on the board, but if everyone was attorneys, we would all be thinking very logically one way. So I think it's very important to have that diverse background. And I appreciate your willingness to serve on this capacity.

Obviously these are not easy times for our economy. And I think you've heard a lot of the conversation geared towards ways that we can control costs and with, of course, the goal being, of course, in controlling the rates. *Reasonable* is a relative term in these times. You know, people really are having a hard time coping with any increases. And, you know, taxes, utility rates, they're

all death by a thousand cuts. If one only increases slightly, they all increase slightly, a little bit equals a lot. So it's a very difficult thing for people to contend with right now. So it's something I'm sure you're aware of. And based on your comments, you'd be working towards that goal. So thank you, again, for coming down.

MR. TOULON:

Thank you. And I would also be willing to defer any compensation until the beginning of the first of the year.

CHAIRWOMAN VILORIA-FISHER:

Okay. Legislator Lindsay has a question for you.

P.O. LINDSAY:

Errol, your background brings up something that I think is on everybody's mind after the events of this last weekend. And I for one don't normally think of our water supply as a terrorist target. But when you really think about it, that our entire water supply comes from underneath Long Island. If something was done to pollute that, it would be just devastating, I mean just devastating. So although it isn't the normal credentials we would look for, I think your credentials could prove invaluable in preventing a catastrophe of huge, huge proportions. So I appreciate your expertise.

MR. TOULON:

Thank you, sir.

CHAIRWOMAN VILORIA-FISHER:

Are there any other questions from the Committee? Thank you, Errol.

John Finn. This is a different resolution. This is to appoint a member of the County Planning Commission. Thank you for coming down, Mr. Finn.

MR. FINN:

Good afternoon. Thank you for having me.

CHAIRWOMAN VILORIA-FISHER:

Again, if you could just tell us a little bit about yourself although we have your resume we do like to hear from you what you think you'd bring to the board.

MR. FINN:

Okay. Very good. I have been a resident of Suffolk County for ten years. I grew up in Nassau County. And I came to a little firm about 12 years ago. It was JPC Property Management Consultants. And their company's been out for 42 years and it's primarily owned by the Damianos family. And so getting a lay of the land of Suffolk County I thought it was important to get behind a strong name. And we went through this brand new name change and called it Damianos Reality Group and that's what we're known as today.

The family primarily has a commercial and retail and medical interest. Part of the family is in the arbor growing/agricultural business out in the north fork and the south fork as far as vintners. Although we primarily focus on commercial real estate development, we're not growing grapes on our side. But the -- so we've over the years have been growing. Our company's doubled in size in the last decade. And we look to establish smart growth projects, ones that service the community and ones that more importantly are economically viable. We use all private dollars to invest in our projects. And there's a lot of thought and a lot of planning that goes into making sure that our efforts are going to yield a profit at the end of the day. And some municipalities at the end of the day takes a little bit longer to get to, but we've been doing this for 42 years. And so we understand the challenges.

But part of being on the Commission would be to focus on the interactions between the different

municipalities who we own property in and different townships across Suffolk County and villages. And there is a difference on how business is done in each municipality. So if the Commission's going to take a position to kind of identify that and what good things work and what things don't work and try to create a communication level that everybody can get to projects -- have projects that become successful, and as well as the Commission is embarking on a comprehensive plan for Suffolk County.

So that's the part that's most exciting to me as a relatively young person on Long Island, and to see how this County's going to grow because we have to grow. Just this past weekend my daughter, she's 7-years-old she says, *daddy, I want to stay this size forever*. And as cute as she is, I said, you know, *I would love for you to stay 7-years-old forever*, but the reality is she's going to grow up. And same thing -- no different with Suffolk County. Suffolk County's going to grow up. How it's going to grow up is going to determine whether my daughter can actually live here or not. And that's what some of the ideas that I'm focusing on being on this Commission.

CHAIRWOMAN VILORIA-FISHER:

John, I'm going to ask my questions first because my Committee has been so thorough that they've asked my questions before it's come back to me. You have a very well rounded resume. And along with your professional duties, I see that you serve on a number of boards which gives you a broader view of planning and the future of Long Island and the kind of developing that we're looking that would be sensible and workable. Now do you see any of these boards to have a -- to possibly be going in a different direction than you would as part of the Planning Commission? Do you see any kind of inherent conflict with any of the boards and your work on the Commission?

MR. FINN:

No. I think if anything it just would add additional value. One board I'm proud to be on is the Long Island YMCA. And we're about to open our state of the art flagship location in the Village of Patchogue, which Patchogue is seeing a renaissance, if you would. It has things that have every component of a sustainable environment on Long Island should have. It has political leadership and a mayor that has a vision. It has parking. And it has something that only 30 percent of Suffolk County has which is sewers. And that's a key component to how this County is going to evolve. Thirty percent of Suffolk County is sewered, 70 percent is not. And as we talk about drinking water and the gentleman before me who's going to be appointed to the Commission, it's interesting that not a one of them mentioned the word sewer. And that's going to be an integral part of how this County evolves.

But getting back to your point about being on board, I think it just makes me more well rounded. The Y board is a very deep board. It's a \$50 million a year operation. It has no debt. And it provides a vital service to the community from six months up to 95 years old. So it's -- I just looked at -- used those experience. And getting on this Commission just broadened my personal experience and be part of a well rounded Commission which I think is starting to take shape.

CHAIRWOMAN VILORIA-FISHER:

I know Damianos is involved with projects, a real community minded group. But I was thinking more in terms of, you know, we're really looking at -- I think you might have been at the Brookhaven Town presentation, Blight to Light and looking at development in the right places, preserving the right places. And that's why I asked that question, because I wanted to make sure that we're all going in the same direction; not just development everywhere but where it makes sense and reusing properties that have already been -- you know, we have so many businesses that have gone out of business and now we have blight and reusing those properties, that kind of vision. And that's why I asked the question regarding the Long Island Real Estate Group and {ABLY} and the Commercial Real Estate Commission if they're all going in comparable or compatible directions. That's where I was going with that. By the way, you do a great job at St. George's.

MR. FINN:

Thank you. In different townships you have different projects that have been sitting idle for way too long. And so it takes some creativity, but it also takes some political will. But with the Commission

identifying these sites, it makes perfect sense to develop the sites that are sitting there vacant and blighted versus new projects and to go into any undeveloped land. So obviously that would be the low hanging fruit, if you would, but there has to be some creativity to create -- to redevelop it so it becomes economically viable. And that's the key. It has to be -- it has to make sense and make a profit at the end of the day.

CHAIRWOMAN VILORIA-FISHER:

Thank you. Legislator Losquadro has a question.

LEG. LOSQUADRO:

Thank you. The Chairwoman addressed a few of the questions that I had. But you brought up the issue of sewerage, which of course brings up the issue of density. And we have areas, and I think, you know, one of the things I try to push hard for has been efforts of downtown revitalization, that adaptive reuse, looking towards areas that are already developed instead of moving into young developed areas. I think that's something that's very important.

But something to be cognizant of, and it's something that as we look at the County and we want obviously the Planning Commission, you as a board member, to look at the County as a whole; instead of just looking at spot projects. And quite frankly that's been one of the criticism of developers, that the community has had; is they say well, we can make this development work. And I think EPCAL is a prime example of that. The reason EPCAL hasn't gone anywhere is the infrastructure isn't there to support it. William Floyd Parkway can't handle pumpkin traffic, let alone an entire, you know, amusement use. And you also have Calverton National Cemetery. And I certainly don't think, you know, a one lane road of Route 25 in Calverton, you know, we'd want to be interrupting a ten mile line of traffic stopping our veterans from being interred at one of our national cemeteries.

So that infrastructure, the problem with having that, that cannot keep up is something that, I think, the board really has to look at. And maybe removing that development hat a little bit to look at the whole picture of how each -- how each development fits into the larger picture; not just whether or not that one development works in isolation. Because that's a real problem that we have. And it's a problem that we see as Legislators in our own districts. When a project gets proposed, and all of a sudden we start to look at it in its entirety, how it fits in with an entire corridor. And you see that the traffic models that were developed for that one project don't take into account build-out in other areas. It's a very serious problem. And I just want to ask how you would address that as a board member?

MR. FINN:

That's very good. And that's a very good point. And I think to my earlier point about the communication between townships and villages so it's not just focus on one project. It's focus on a region at large. And there are some problems that we're going to have to solve at a County level.

But also be mindful that this is a new environment that we're engaged in. We have other parts of the country where you have economic development agencies calling up and cold calling our business owners. And more often than not they're very successful. I have a friend of mine that owned a company in Hauppauge, 115 employees; got a cold call from the Economic Development Agency in North Carolina. He flew down there and was met by the governor of North Carolina at the airport. And his words were *whatever I have to do to get you to come to North Carolina, I will*. And sure enough he was successful. The cost savings were just too steep and too tremendous for him to avoid. But your point about --

LEG. LOSQUADRO:

Just before you continue there, we've seen -- sometimes the grass is always greener. We've seen of a lot of these states that have been so aggressive in doing that. And you look outside of Georgia now, you look outside of Phoenix, you look at these areas where they -- what has taken us a hundred years of modern development to exceed the carrying capacity of our infrastructure, they've

managed to accomplish in ten years, fifteen years. They've outstripped their infrastructure and their taxes are now going through the roof. They have situations where people are voting down budgets, throwing people out of office. And they don't know what to do because they can't even build the infrastructure to keep up with what they've done.

So some of those areas have been a little shortsighted and some of the people who have moved there with the promise of great savings have been a little bit shortsighted because they've encountered the same problems we have at a far accelerated rate. And we want to make sure that we don't make the same mistakes here just because we have other people making bad decisions elsewhere to try to take people, only to experience the same problems we're having. So that is something to be very aware of. And instead of just saying people are going elsewhere, well, what's the consequence of them going elsewhere and how successful have those models been?

MR. FINN:

Right.

LEG. LOSQUADRO:

Because quite frankly those areas that experience such a boom are now experiencing the biggest bust.

MR. FINN:

Well, I agree with that. But the factor is that, as I pointed out earlier about how we grow and how that balance is achieved between keeping the pristine beaches that we have, the agricultural infrastructure and -- but we have to address the traffic. Long Islanders have a love for the automobile. And without the mass transit infrastructure, it's -- as projects come down the pipe, they have to be looked at in a more global as it pertains to the County on how these projects will take shape.

LEG. LOSQUADRO:

Absolutely. Those issues for this Island moving, you know, there's been a lot of talk about creating communities within communities, these downtown walkable areas. But I think some of that with the fact that we are a very suburban community and that the people, again, I think those are being looked at in a vacuum because the individual homeowners and property owners and the people are here because they want that bucolic atmosphere on eastern Long Island. They're there because they don't want Queens. They don't want Nassau County. So that concept of putting these very large scale self-contained developments in the middle of areas, I think, may only make sense like you said if it ties in with mass transit and other factors.

So it's something that as a board member, I think, is going to require a great deal of attention much more so than, you know, I heard you use -- I don't begrudge you at all. I mean as a business person your goal is to make a profit. But, again, I think we need to look past whether or not just an individual project can be successful and how it ties into the whole. Because it's something for the past six years I've contended with in my own district. And we had a project that would have absolutely flat lined the school system. And it wound up not going anywhere. But that was only because the market tanked. As things start to recover, that project very well may come back. And we're going to have to address that. So this is something that requires that global view we were talking about. Thank you.

MR. FINN:

Thank you.

CHAIRWOMAN VILORIA-FISHER:

There's another question coming up. Legislator D'Amaro.

LEG. D'AMARO:

Mr. Finn, welcome. I think I'm picking up a little bit on what Legislator Losquadro is driving at, looking at your organizations that you're a member of, you're active in. One of them is a real estate developer, another is an intent to promote a deliberate agenda that will protect the region's business space, which is a good thing. Because we need to grow, we need to be worried about our local economy and things like that. But at some point if you're put on this Commission, it's the interest of Suffolk County residents that you need to be considering when making all of your decisions. And I think that at times what's best for the residents of the County may conflict with the positions that some of these organizations may take or at least what their agenda may be. And I'm just curious how would you resolve that conflict when serving on this Commission?

MR. FINN:

Very good -- that's a good point. Well, I think this Commission is not a one. It's a broad base Commission between environmental, between legal, between residential development and commercial development. As commercial developers, you know, we're focussed on creating projects that are going to expand the tax base and create jobs both on the construction front and on the long-term. And I think that's something that as a County to evolve, we have to be focussed on those two critical elements, is expanding the tax base and job creation.

And so I think it's essential to have a -- whether it's myself or somebody else that's affiliated with commercial real estate be part of any planning commission. Because that's one of the pillars of sustainability that you have to maintain. So that's -- and not to say everything's not one way. When we look at a project, it has to balance with the needs of the community. Because if it doesn't, you're just going to run and bash your head against the wall because it's going to take 7 to 10 years to get approval. So there has to be that balance and that understanding of the big picture. And --

LEG. D'AMARO:

Yeah, and I agree with that. And that would be from a Planning Commission perspective. And I think that's correct; that's the way it should be approached. But what's driving it in the private sector is often profit motive. The project works on paper. The numbers get crunched. This makes sense. You can make a profit. And those broader policy considerations may not be a strong factor. And if you're going to be members of the -- all of these various organizations, I think, you can expect at times for there to be a direct conflict between the various agendas of these organizations. And I would ask that you be mindful of that. The purpose of an appointment to the Commission is not to bring any one specific agenda and use the appointment as a means to further that private agenda. It's to put people on a commission who would be mindful of what's best for Suffolk County. And I'm not suggesting that you would do that. But I'm just asking you to be aware of the fact that I think you can expect to face that conflict if you're appointed to this board.

MR. FINN:

Yes, I agree. And I understand. But as I've evolved personally and as well with our company, that's part of the thing, is to engage and get involved in the process. And I'm going to die here on Long Island. I just want to make sure that my children have a chance of dying here, too and for the big long-term picture. So that's why I'm excited about volunteering my services. And I'm going to learn and grow as well. So different perspectives will lead to hopefully a better product at the end of the day.

LEG. D'AMARO:

Thank you.

CHAIRWOMAN VILORIA-FISHER:

Actually what we can come to see is that in previous generations in the suburbs the environmentalists were on one side and developers were on the polar opposite side. And we've come to learn that it's about engaging and protecting the environment while also working on our economic development, keeping a robust economy. So as you serve on this Commission I'm hoping, and I think that you've heard that from the other members, that although there may be some tension sometimes between the other positions that you hold, that you also bring back to those

positions the knowledge and the exposure that you'll be getting as a member of the Planning Commission where you're seeing the bigger picture. And that's one of the positives of having people from different points of view on a commission because you're not only speaking, you're hearing. And it's no longer mutually exclusive to have something that's environmentally sound and economically robust. And that's the key when we're looking at that balance. Thank you for being here.

MR. FINN:

Thank you for having me.

CHAIRWOMAN VILORIA-FISHER:

Okay. I'm going to make a motion to take the four resolutions out of order.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Well, let me make the motion first.

LEG. COOPER:

I know which ones they are.

CHAIRWOMAN VILORIA-FISHER:

Okay. Well, I think we have to do them one at a time. Yes, Counselor? Or can I say all four?

MR. NOLAN:

You can take them out of order at once, then vote individually.

CHAIRWOMAN VILORIA-FISHER:

Okay. Good. I'm making a motion to take **IR 1395, IR 1480, IR 1481 and IR 1498** out of order. And it's been seconded by Legislator Cooper. All in favor? Opposed? Okay.

IR 1395, appointing member of the Suffolk County Water Authority (Steven Romano) (Romaine)

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by Legislator Muratore.

LEG. COOPER:

Motion to table.

CHAIRWOMAN VILORIA-FISHER:

Motion to table by Legislator Cooper, seconded by Legislator D'Amaro. Motion to table takes precedence. And I do have to say that I'm going to support the motion to table because, as has been mentioned, Mr. Romano does work for the Suffolk County Water Authority. And perhaps at some later date when and if he does retire we could consider it then but I don't feel comfortable approving legislation for someone who's currently an employee. So the motion to table takes precedence. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

LEG. MURATORE:

Opposed.

CHAIRWOMAN VILORIA-FISHER:

Okay. Motion to table carries. **(VOTE: 3-2-0-0. LEGISLATORS LOSQUADRO AND MURATORE OPPOSED)**

IR 1480, appointing Chairman of the Suffolk County Water Authority (James F. Gaughran) (Lindsay)

LEG. COOPER:

Motion to approve.

CHAIRWOMAN VILORIA-FISHER:

Motion by Legislator Cooper, seconded by Legislator D'Amaro. All in favor? Opposed? Congratulations, Jim. **(VOTE: 5-0-0-0)**

MR. GAUGHRAN:

Thank you very much.

IR 1481, appointing member of the Suffolk County Water Authority (Errol D. Toulon Jr.) (Lindsay) That's Errol Toulon. I'll make the motion to approve.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1481 is approved.** Congratulations, Errol. **(VOTE: 5-0-0-0)**

IR 1498, to appoint member of County Planning Commission (John J. Finn) (Co. Exec.) I'll make a motion to approve.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? Abstentions? **IR 1498 is approved. (VOTE: 5-0-0-0)**

Congratulations, John. Okay. And thank you all for coming down and thank you all for your willingness to serve.

We will now move to presentation. Thank you, Legislator Cooper. This will be before our General Meeting next Tuesday but you are not required to attend. Okay. Thank you for being here today.

We'll go to the agenda. If you will? Actually I'm going to ask Mr. Bagg to come forward so I can do the CEQ resolutions. Thank you. Okay, Jim, you're on. We're ready for you.

CEQ RESOLUTIONS

MR. BAGG:

The first CEQ resolution before you is number **16-10 (ratification of Recommendations for Legislative Resolutions Laid on the Table for March 23, 2010. (Type II and Unlisted Actions))**. It's the Council's recommendations for resolutions laid on the table of March 23rd, 2010. It's fairly pro forma and the Council recommends mostly Type II Actions or other actions that have been previously reviewed under SEQRA.

LEG. LOSQUADRO:

Motion to approve.

CHAIRWOMAN VILORIA-FISHER:

Motion to approve by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? Okay, motion's approved. **(VOTE: 5-0-0-0)** Go ahead.

MR. BAGG:

Second resolution **CEQ number 17-10, it's for the proposed Acquisition for Open Space Preservation Purposes Known as the Mud Creek County Park Addition St. Martin Estate Property, in the Town of Brookhaven. (Unlisted Action, Negative Declaration)**. Council recommends an unlisted action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:

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

MR. BAGG:

The third CEQ number **18-10 is the proposed Safety Improvements to CR 21, Main Street, Yaphank, in the Town of Brookhaven. (Unlisted Action, Negative Declaration)**. The project consists of the redesign of a sharp curve on County Road 21 that has experienced a history of run-off-the-road accidents. The intent is to regrade the road surface to provide super elevations sloped towards the inside of the curb. Additionally the design will include a modification of existing curb alignment to flatten the curb. This project will be constructed within the existing right of way of CR 21, Main Street and no net increase of impervious surface is anticipated. Council recommends an unlisted action, negative declaration.

CHAIRWOMAN VILORIA-FISHER:

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

Thank you, Jim.

MR. BAGG:

You're very welcome.

CHAIRWOMAN VILORIA-FISHER:

See you next month. This is your penultimate meeting, I understand.

MR. BAGG:

Things are on hold for a while.

PRESENTATION

CHAIRWOMAN VILORIA-FISHER:

Okay. Just a minute, Tom and Laretta.

Commissioner, if you could just come up for a minute. I know that we have the same numbers that we did at the last meeting. However, there was a question by Legislator Cilmi at the last General Meeting regarding the Multifaceted Program. And if you could just put it on the record again for us.

COMMISSIONER MEEK-GALLAGHER:

Yes. So currently -- Friday was the close of the month so we have not updated the numbers yet, which is why we don't have new information for you.

So right now we have roughly in Multifaceted \$7 million available when we are directed to use that fund again. Legacy Fund roughly \$20 million, again, when we're directed to use that fund again. And in the Quarter Percent roughly 77 million that we have not already bonded and appropriated out

of the \$210 million which is the amount that both the Budget Office and the Budget Review Office have agreed on is the amount we are -- could bond through the end of 2011.

CHAIRWOMAN VILORIA-FISHER:

When you say "when we're directed to use that again", are you saying that in the resolution if it specifically says Multifaceted or Legacy; is that what you mean when you say that?

COMMISSIONER MEEK GALLAGHER:

No. I mean that there had been a general policy decision of both this body and the County Executive back in 2008 when we saw the economy sliding downward, that it was in the best interest of the taxpayers to use the Quarter Percent money first since that was bonded against sales tax revenue as opposed to having to do capital borrowing.

CHAIRWOMAN VILORIA-FISHER:

I just wanted to clarify. But we did have something before us at that last general meeting that was using Multifaceted. Do you know the reason? I believe that that's what prompted Legislator Cilmi to ask his question. But I see Mr. Isles. Tom, was there something at the last General Meeting? Wasn't there --

COMMISSIONER MEEK-GALLAGHER:

Yeah, I guess nobody's 100 percent sure but anything that is coming before you that would be under Multifaceted or Legacy --

CHAIRWOMAN VILORIA-FISHER:

Okay.

COMMISSIONER MEEK GALLAGHER:

-- was money that had already been bonded and it's just there was -- the process had been dragged out for some reason and had not --

CHAIRWOMAN VILORIA-FISHER:

Okay, that might have been the case with that because I know it was Multifaceted and I haven't seen Multifaceted in a while. So when he asked the question, you know, that's when we contacted you. Okay. Thank you. Anybody else? Legislator D'Amato has a question, Commissioner.

LEG. D'AMARO:

Good afternoon. On the Quarter Point, what's available for new planning steps or acquisition?

COMMISSIONER MEEK-GALLAGHER:

Well, if you subtract everything that isn't accounted for -- well, now that they've agreed on that number, it looks like actually nothing is available. But, again, that's because of what's in contract, accepted offers and in negotiation. We assume that what's in contract will proceed; but sometimes what's in accepted offers and negotiation will fall out.

LEG. D'AMARO:

So if everything in the pipeline came to fruition, we're down to zero?

COMMISSIONER MEEK-GALLAGHER:

Yes. We'll actually be negative 1.5 million.

LEG. D'AMARO:

Okay. Thank you.

CHAIRWOMAN VILORIA-FISHER:

And, Carrie, that's including what's on our agenda today for acquisition?

COMMISSIONER MEEK-GALLAGHER:

Yes.

CHAIRWOMAN VILORIA-FISHER:

Thank you.

COMMISSIONER MEEK GALLAGHER:

Yes, for acquisition; not planning steps. Obviously planning --

CHAIRWOMAN VILORIA-FISHER:

No, I'm talking about acquisition. Thank you. Any other questions for the Commissioner before she eagerly leaves us?

COMMISSIONER MEEK GALLAGHER:

Well, I'm going to have to stick around 'til the end because I have -- if there's any questions on the Forge River reso, I'll be here for that one, so.

CHAIRWOMAN VILORIA-FISHER:

Okay. Thank you, Commissioner.

TABLED RESOLUTIONS

And now to the agenda.

Okay, Mr. Isles, our first tabled resolution is the **1174, Adopting Local Law No. -2010, A Local Law amending Chapter 8 of the Suffolk County Code. (Co. Exec.)** I'm going to make a motion to table, seconded by Legislator Cooper. But I'd like you to give us an update on that because I know that you've had a number of conversations with some of the parties that have had opinions on this. Could you just give us an update?

DIRECTOR ISLES:

Yes, I'd be happy to. Based upon the public hearing held by the Legislature in March, the Department has reviewed all of the comments made at the hearing. As I indicated at that hearing it was a difficult process to get to the point we got to at the hearing. But certainly there were additional points that were made that we felt warranted further consideration. So we have reviewed the amendments again. We have met with several of the stakeholders including from the farm industry as well as the Suffolk County Farmland Committee itself which is a more diverse group. We have also worked with Peconic Land Trust and so forth.

We are in the stages of finalizing a revised draft. I doubt that it'll be ready for next week to resume the hearing. And, I think, here again, we want to make sure it's done right. And so I would expect at this point to have it back to you for consideration hopefully at the June meeting, the early meeting in June. But, here again, we have factored in the comments that were made and have done further research and further revisions we think will hopefully address those comments.

CHAIRWOMAN VILORIA-FISHER:

So is the major point still the greenhouses and structures on the farmlands?

DIRECTOR ISLES:

That was certainly a major point. We have been examining ideas for legislation on that. And I think one of the points made by a number of the legislators was that rather than doing that in the form of guide lines, which is how the County Farmland Committee currently does it, that that should be incorporated into the actual law.

We have concerns with that in terms of just singling out greenhouses and not other structures. So we think it should be done more broadly in terms of any permanent foundation; should probably be covered by that. So we're exploring that idea in terms of any permanent structure, a barn, a tool shed, a greenhouse, whatever it may be would then be subject to the law, which it currently is not in the proposal before you. So that was a big issue.

There are some other -- many other smaller issues including the issue of an annual review. And we have done work on that as well. In terms of looking at ideas of addressing the public's concern as well as what we believe to be concerns of some legislators, but we also don't feel it's something that should be thrown out, at least in terms of the Department at this point. So we have come up with some ideas that we are fine tuning at this point and we'll present it to you with the revised legislation.

CHAIRWOMAN VILORIA-FISHER:

Was that going to be your question, the annual review? I had a feeling.

LEG. LOSQUADRO:

I just wanted to ask where they were with the work on it.

CHAIRWOMAN VILORIA-FISHER:

Yeah, I think that's important too, Dan, looking at that.

By the way, at Detmer Farm, again with the rain event, their sump blew out again and there's flooding all over there. So I just wanted to call that to your attention because it's been a problem with the historical Thompson House, the flooding has occurred because of some work that has been done on the Detmer Farm.

DIRECTOR ISLES:

Okay, I will look into that. The tenant on that property, the farmer, did appear before the Farmland Committee, I believe it was at the March meeting, with a plan to add more drainage capacity to that property. That was reviewed by {Allen Connell} from the Natural Resources Conservation Service. And he did approve the plan. I think it was actually two meetings of the Farmland Committee. Whether he's implemented that plan yet, I don't know. So I will check on the status of that and see

--

CHAIRWOMAN VILORIA-FISHER:

That's Mr. Connell.

DIRECTOR ISLES:

-- how they -- if they've addressed it or not and if that, you know, if they did the work, and if so, did it work or not work. And obviously you're telling me it didn't work.

CHAIRWOMAN VILORIA-FISHER:

Yeah.

DIRECTOR ISLES:

So we'll look into it.

CHAIRWOMAN VILORIA-FISHER:

The road is flooded there, right on Thompson Hay Path.

DIRECTOR ISLES:

Okay.

CHAIRWOMAN VILORIA-FISHER:

Not on Thompson Hay Path. On, maybe, Ridge Way. Anyway, thank you. So we have a motion and a second to table 1174. All in favor? Opposed? **IR 1174 is tabled. (VOTE: 5-0-0-0)**

IR 1220, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Gentleman's Driving Park property) Town of Brookhaven (Losquadro)

LEG. LOSQUADRO:

Motion to table.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Motion to table by the sponsor, seconded by Legislator Cooper. All in favor? Opposed? **IR 1220 is tabled. (VOTE: 5-0-0-0)**

IR 1278, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Daisy White Nursery property, Town of Brookhaven) (Losquadro)

LEG. LOSQUADRO:

Motion to table.

CHAIRWOMAN VILORIA-FISHER:

Motion to table by Legislator Losquadro.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? Tabled. **(VOTE: 5-0-0-0)**

LEG. LOSQUADRO:

I will just say on that one that we're still in discussions with the Town with their Parks Department to see if that is something -- we're trying to -- the Counsel person is interested and we're just working with their Parks Department to see if that is something we could get them to do a similar situation like the Wedge that they could do the build out and the maintenance if we were to acquire the property for a pocket park. So still working on it and there's hope there.

CHAIRWOMAN VILORIA-FISHER:

Okay. I did call the vote, okay.

IR 1280, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Copeland property Town of Brookhaven) (Viloria-Fisher) I'll make a motion to table.

LEG. COOPER:

Second.

LEG. MURATORE:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Muratore. All in favor? Opposed? **IR 1280 stands tabled. (VOTE:**

5-0-0-0)

IR 1304 (authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007) (Copeland property Town of Brookhaven). (Viloria-Fisher) I'm going to work on this a little bit more after having received the response from the stimulus money not being given to the consortium and work with them on this. So I'm going to table 1304.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1304 stands table. (VOTE: 5-0-0-0)**

IR 1338, approving planning steps for the acquisition of Farmland Development Rights. (Co. Exec.) And these are the two parcels at the Head of the Harbor. And we talked about this last time. Is there a motion?

LEG. LOSQUADRO:

I'll make a motion to approve. I thought a rating of -- I apologize, I wasn't here at the last meeting -- a rating of 10 on farmland was a pretty decent rating.

DIRECTOR ISLES:

Well, 10 is a passing grade --

LEG. LOSQUADRO:

Yeah. It's farmland, right.

DIRECTOR ISLES:

-- out of 25 points. It's for farmland, yes.

LEG. LOSQUADRO:

It's not pristine property but --

CHAIRWOMAN VILORIA-FISHER:

Dan, I had made a motion to approve but it failed because of the expense and the budgetary issues. But we know that property -- you know, that's a BBGG right on 25A on the north side and it really is, I think, a very critical piece of farmland.

LEG. LOSQUADRO:

I think it's worth -- it's planning steps. I think it's worth looking at.

CHAIRWOMAN VILORIA-FISHER:

I'm going to second your motion.

LEG. COOPER:

On the motion.

CHAIRWOMAN VILORIA-FISHER:

Yes.

LEG. COOPER:

Tom or Carrie, what monies are still available for the Farmland Preservation Program that have not already been committed?

DIRECTOR ISLES:

In terms of the three programs Commissioner Gallagher referred to in her presentation earlier, both the New Drinking Water Protection Program, the Multifaceted Program and the Environmental Legacy Program, all three of those programs allow the purchase of development rights to farmland. Of course, it's up to you and the County Executive to decide how to place that, but all three are eligible for the purchase of development rights. It could come from all three. This resolution has it coming from the New Drinking Water Protection Program.

LEG. COOPER:

And money's currently available from that program?

COMMISSIONER MEEK-GALLAGHER:

Well, let me -- just to modify what I mentioned earlier, I'll just update you on what our acceptance rates have been. We've seen a fall-off in our acceptance rates. We're only now experiencing about 40 percent acceptance rates whether it's because people still expect they can get more for their property and they can't or they're waiting for the market to recover, we're not sure. So out of the almost 50 million that's in negotiation right now, we would anticipate only 40 percent of that actually being accepted. So we should have, you know, 25 to \$30 million of that, that'll still be available for circulation.

In addition, you know, eventually we'll have the Multifaceted, Legacy Fund and we will have Pay-As-You-Go starting in 2012, after we've, you know, expired all the bonded money. And both the Budget Office and the Budget Review Office, I believe, have agreed on a number that over the life of the program out 'til 2030 we should have roughly \$250 million available in Pay-Go money. Of course that will depend on -- that's a projection as of today. That'll depend on the sales tax revenue every year, but right now that is the current projection.

LEG. COOPER:

So then further to the conversation that we started at the last meeting, what are the recommendations of your respective departments as to whether we should be revisiting the current rating systems and whether we should be moving forward with some of these planning steps that are right at that boarder line; that years in the past we would have routinely approved, but now that we're realizing that there is a finite amount of money available and we're getting closer to the end game, that perhaps we should be a little bit more selective in what we acquire?

CHAIRWOMAN VILORIA-FISHER:

Well, actually since -- that's a policy question, Legislator Cooper. During our discussion at last month's meeting, although ten points doesn't seem high, if we had an open space acquisition and it scored 40, we'd consider that high. And this is -- 10 is 40 percent of the total.

LEG. COOPER:

I realize. But there must be some reason why you came up with 10 on the scale of 25 versus 25 on the scale of 100. I'm not trying to compare one rating system to the other. My question is whether in your professional opinions, are the current rating systems adequate or should they be fine tuned and perhaps 25 should be 28 or 30? And 10 should be 12 or 14? I just hesitate moving forward acquiring parcels or farmland preservation rights for properties that are just at that minimum threshold. And at some point in the future there'll be even more valuable property that we wished we could acquire but there's no money available.

DIRECTOR ISLES:

It's certainly an excellent point. In terms of the current rating forms, I think, in my opinion that they are very accurate in terms of trying to measure as closely as possible the criteria the County has established in the open space and farmland programs.

When we did the update of these forms, I think the last one was done in June of 2007, we did quite a bit of research on that and we looked at every rating form and every town that has an Open Space

Program trying to make sure that we were as accurate as possible in measuring those things. But I guess two points.

Beyond just the rating forms themselves, I think, one is that the idea of -- the rating form looks at the individual parcel and what the qualities are of that parcel. I think the idea of comparative analysis between parcels is something that certainly we've discussed in terms of our conversation two weeks ago at this meeting. And I think we'd be, here again, speaking for the Department, pleased to consider that further in terms of ideas that we could bring back to you. We don't want to just make a flip recommendation *and now all of a sudden the number should be this*. We want to give you thoughtful advice as much as possible. And having done this now for a few years, it's not as simple as it sounds. So I think we'd want to -- we think the idea, here again, warrants some merit. And I think we'd like to fine tune some suggestions and bring them back to you.

The last point I'd like to make, though, and this is something I've been very aware of being a member of the County Farmland Committee is, if there is a decision to let's change things or let's put a halt on things, if that's what it is, I think we have to be a little bit careful about what we've represented to the world already in terms of -- in good faith. Some people have progressed with applications to the Farmland Committee, for example, which typically starts months ago to actually get on the pipeline and so forth. So I'd be a little bit concerned about pulling the rug out from now. Not to say that you're doing that or the County Executive is doing that, but just to say that if there is going to be a shift, I think, we should get that word out there and then, you know, without -- with the least disruption to the private world.

So that would be the other thought is that we advance the thoughts in terms of specific recommendations, perhaps at the next meeting if that's possible. And then we figure out a way to actually implement it, here again, doesn't cause a disruption in the private sector.

LEG. COOPER:

I'm done with my questions. I do, though, think that since this is -- would be a very expensive acquisition. And since once again it's just barely passing, it's just at that threshold, if I had my druthers I would -- I will be voting to table this until we can get these new recommendations from the Planning Department. Thank you.

CHAIRWOMAN VILORIA-FISHER:

Thank you, Legislator Cooper. I'm going to reiterate some of the objections I had to tabling two weeks ago which is that there is severe development pressure in this part of the County, number one. Part of the rating system gives points for surrounding farmland. And in St. James there's not a lot -- you know, we're not in Riverhead or in Southold. In St. James you're not going to find -- or Head of the Harbor that kind of surrounding farmland. So it seems to me to put the farmland preservation in the western part of Suffolk County at a severe disadvantage. Because we're trying to protect the few farms that we have.

And you've addressed this in the past, Legislator Cooper, very articulately. We have to look at the whole Suffolk County landscape and say, yes, this only got the ten points, which by the way is 40 percent of the total, and we allow when we get a 40 rating out of 100 for open space, we allow that as a good rating. But part of the reason why it didn't get that is because there's no surrounding farmland that's immediately -- yes, Robert, did I say just my percentages wrong?

MR. LIPP:

No, no, no. Just point of information in terms of the numbers that have been thrown around. First of all, I agree that one should be as critical as one could be in terms of ranking projects and all of that. And clearly it's a policy choice. That being -- and as Commissioner said, you know, there are limited funds. We did agree with the Budget Office to \$210 million overall. That being said, the information that's being provided which shows what are accepted offers, in contract, in negotiation, part of the problem which we don't see the data on is, it's not clear when parcels close.

So it's not clear if we will or will not have sufficient funds through the end of 2011, 2011 being the last year that we could bond, or the program. After that, one projection that we just very preliminarily, we're not even including interest in it, we would probably study in 2012, have a total amount left over, \$66 million that we could start using in terms of Pay-As-You-Go on a moving forward basis, we're probably talking maybe 16 to \$18 million in terms of debt service a year that we're going to need for bonds. So we're not going to have a lot left over on an annual basis over the 66 million. Maybe we'll start with \$24 million that is at least \$20 million in the revenue. But that number will keep on going up. The revenue as we go out to 2030 and perhaps by 2020, we're talking about an extra ten million a year.

So what's my point? My point is that we -- we may have, it depends upon the timing of when one closes on parcels, whether we'll have enough money through 2011 or not. And then moving forward, we will have money for Pay-As-You-Go. So, yes, we do need to be diligent. And we do need to be careful as to what we're adopting, but it's not clear if we run out of money at all by the end of 2011, then we could start with the Pay-As-You-Go process.

LEG. COOPER:

Thank you. Actually I have one other question. Tom, I know that you had revised the rating forms for open space acquisitions where additional points were available for parcels in areas that had high population densities which were primarily western Suffolk. Was that same change made to the form for farmland preservation?

DIRECTOR ISLES:

It was. And before answering that question I do realize that, Legislator Losquadro, you weren't at the last meeting so I don't know if -- anyone who didn't get the form, we do have additional copies of the rating form. Andrew can circulate those.

LEG. LOSQUADRO:

I was able to review it.

DIRECTOR ISLES:

Okay. But just to answer your question, Legislator, we did make the change to the farmland form as well. And it provides a three point bonus or addition to the scoring for locations that are within census designated places of a population density of greater than a thousand people, which is principally western Suffolk. Interestingly in this case this parcel did not qualify for that.

LEG. COOPER:

That was my next question.

DIRECTOR ISLES:

Right. Because within this particular census designated place, this hamlet, the population density is less than a thousand people per square mile. That would have made a difference of three points had it been within that criteria.

LEG. COOPER:

Okay. Thank you.

CHAIRWOMAN VILORIA-FISHER:

There's a motion to table and a -- there's no motion to table?

LEG. COOPER:

Yes, there is. Motion to table.

CHAIRWOMAN VILORIA-FISHER:

Was there a second?

LEG. COOPER:

No, I'm joking. Now I'm making a motion to table.

CHAIRWOMAN VILORIA-FISHER:

Okay. All right. There is no second.

LEG. COOPER:

I don't take it personally. You don't have to show me that look of pity.

LAUGHTER

CHAIRWOMAN VILORIA-FISHER:

Okay. There's a motion to approve. All in favor? Opposed? Motion carries.

LEG. COOPER:

I'll abstain, please.

CHAIRWOMAN VILORIA-FISHER:

Please note the abstention. Motion carries. **(VOTE: 4-0-1-0. LEGISLATOR COOPER ABSTAINS)**

We have to tell those people in Head of the Harbor to build their houses closer together.

LEG. LOSQUADRO:

Put up some more guest cottages.

CHAIRWOMAN VILORIA-FISHER:

Right, put up some more guest cottages. Or declare them. Okay. We won't go there. All right. That's how some people afford to stay there.

LAUGHTER

We're on 1480, Counsel?

MR. NOLAN:

1351.

CHAIRWOMAN VILORIA-FISHER:

I completely lost my thought because of the ones I took out of order.

1351, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Sciretta & Venterina property Town of Brookhaven (SCTM No. 0200-976.10-03.00-027.002). (Browning). We tabled this because it received a ranking of 17 -- it received a ranking of 17 out of 100 and that one is well below the -- and we have a new ranking on that? 26. Okay. Oh, you just handed something out. Thank you.

DIRECTOR ISLES:

Following the last meeting of the Committee the sponsor provided additional information and provided six or -- was sought to address six additional items on the rating form which I'd like to go over very quickly. And just let you in the beginning half of those we ultimately upon further investigation agreed with, half of those we didn't agree with.

On the first item on the rating form is section "C" under "natural resource characteristics", item

number four "habitat diversity", based up further review including contact with a naturalist with the Town of Brookhaven, who is a partner on an acquisition adjacent to this property with Suffolk County, it was identified that there are at least three distinct habitats on the property, here again, confirmed on site. So that would add two points.

The second change was on physical characteristics, section "A" number two. This one was -- took a fair amount of research but this is relating to unique geological land form and either a kettle hole doing a escarpment or located within a major swale area that contributes direct run-off to surface waters. We did examine this more carefully and in fact we obtained a copy of a subdivision map for this property that was reviewed by the Town of Brookhaven in recent years; and also obtained as part of that a topographic survey of the property at two foot contour intervals and compared that to the adjacent area as well as with the Beaver Dam Planning Study that was done by the Suffolk County Planning Department in approximately 1995.

The topographic map did confirm that a portion of the swale does enter onto this property so it is a direct contributor to the swale. The information we had leading up to that point of the last meeting was not able to confirm that. But we were able to confirm it with the new information.

And the last item that we agreed with was on, here again, referring back to the Beaver Dam Study that talked about direct surface water contribution to the river, Beaver Dam Creek as adding points. We did apply that. What we disagreed with information submitted was on the location criteria "C" 3, the sponsor had submitted information to indicate that this is recommended by the South Shore Estuary Reserve Plan. We did not see a specific recommendation in that report. That would have been three points. We did not award those points based on our review at this point.

Secondly, section "C" 6, "site is located within or adjacent to a designated greenbelt or historic trail," we conducted research on that including contact with the Town of Brookhaven to see if there was any sort of designated trail or historic trail at this location. That would have given it two points. We have not been able to confirm that. So we have not added that to the scoring sheet.

And lastly item 8 in that same area "site is adjacent or near to private open space", there is a proposal to purchase open space by the Post Morrow Foundation adjacent to this property. That has not yet happened. So, therefore, we have not given a point for that. So based on the information that we've been provided and reviewed by Principal Environmentalist Laretta Fischer, and here again checking on this information the point value is 26.

Just by way of refresher this is adjacent to what used to be the Marist property. The County is in the process of acquiring the piece which is to the immediate east of the subject property outlined in orange as a 50/50 partnership with the Town of Brookhaven. Here again, Beaver Dam Creek watershed vicinity. The parcel outlined in white is the parcel that the private not-for-profit Post Morrow Foundation is apparently going to buy. Subject parcel is outlined in red.

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

CHAIRWOMAN VILORIA-FISHER:

Tom, are you saying it's within a major swale or -- it's a major swale, okay.

DIRECTOR ISLES:

I'll ask Laretta to speak on that specifically. But we actually reviewed the topographic maps. And it's part of the swale that leads directly into one of the tributaries to Beaver Dam Creek adjacent to that.

MS. FISCHER:

It's on the western side of Beaver Dam Creek. And there is a major swale area adjacent on the property. I outlined on the map that we're in the process of acquiring it at this point in time. And the swale area actually includes that property as well as a portion of this property. So we did give it

points in relation to that. Actually it's part of the steep slope area that flows -- that contributes and flows into Beaver Dam Creek. And it's all part of the watershed. It's in the surface watershed of Beaver Dam Creek as well.

CHAIRWOMAN VILORIA-FISHER:

Okay. Any other questions? Legislator Cooper.

LEG. COOPER:

No thank you.

CHAIRWOMAN VILORIA-FISHER:

Is there a motion?

LEG. COOPER:

I'll make a motion to approve.

CHAIRWOMAN VILORIA-FISHER:

Motion to approve by Legislator Cooper.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Second by Legislator D'Amaro. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-0)**

There's a SEQRA resolution **1392, making a SEQRA determination in connection with the proposed acquisition of land for open space preservation purposes known as the Lake Panamoka County Park addition Oakview Trail Trust property, Town of Brookhaven (Pres. Off.)**

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by myself. And that's for the consent calendar; to approve and place on the consent calendar.

LEG. LOSQUADRO:

Yes.

CHAIRWOMAN VILORIA-FISHER:

Okay. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-0)**

IR 1393, making a SEQRA determination in connection with the proposed improvements to CR 31 at CR 104 Roundabout, CP 5572, Town of Southampton (Pres. Off.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

IR 1394, making a SEQRA determination in connection with the proposed construction of sidewalks on CR 76, CP 5497, Towns of Islip and Smithtown (Pres. Off.) Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

Okay, now we're at **1396, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Robin Place property, Town of Huntington) (D'Amaro)**

LEG. D'AMARO:

Motion.

CHAIRWOMAN VILORIA-FISHER:

Motion by Legislator D'Amaro. Okay, Laretta or Tom.

DIRECTOR ISLES:

We have circulated to you both a rating form as well as aerial photographs. And in this case there are two aeriels we've provided. The first one indicates the subject parcel as it relates to the larger West Hills County Park. And it's outlined in red on the right or east side of the property. There is an inset that shows the actual parcel, which I'll talk about in a moment.

The second map focuses in a little bit closer in terms of the area and depicts the subject parcel in red. And I think it's an important map. I think it is a context in the review of this resolution.

The subject parcel, as you can see, is located essentially on four sides surrounded by West Hills County Park. There is an access to the east on a paper street. And subject parcel, as you can see in the inset of the first photo, has a remnant dwelling on the property that was -- apparently commenced construction and then at some point during construction was the subject of a fire.

So the Department did do a rating as you request with all introductory resolutions for planning steps. And we environmentally will begin with that. In terms of groundwater resources, we did find that it is within hydro-geologic zone one. And as such awarded three points for that. I would like to point out the groundwater resources that this property directly adjoins the West Hills special groundwater protection area. It is literally along the west boundary of the property.

If the property were in the SGPA it would gain five additional points. It's not. And it is accordingly given no points for SGPA even though obviously it's right on the edge there and it certainly would be contributed to groundwater in that area. But nonetheless it got three points total instead of eight points for the full value.

The next characteristics deal with location, here again, proximity to County parkland. Here again, the map clearly show that it's surrounded on three and if not four sides by County parkland. And it is a location that -- when I looked at this in the Department, this is a case where I think the parcel becomes somewhat of a strategic parcel. It reminded me of two cases we've had in the past couple of years, one being the Chandler property in Mount Sinai where there was the availability of the home that the County purchased because it was smack in the middle of an existing County park.

The other one would be the {Commindinger} property in Smithtown. And, here again, was a parcel with an existing house, in that case surrounded by County parkland. This is a similar case and in fact -- given the fact that it's a remnant structure not a house, it's kind of an opportune time to consider this one since if it's not purchased, and that's obviously a policy decision, it would probably be developed at some point. So I think if the County wants to act to kind of consolidate this, it is adjacent to a trail. It does intrude into the park. Now would be the time to do it.

So despite the scoring being lower considerably than the typical threshold, I wanted to explain the context and have you see the aerial photograph that this may be a case where for management purposes, for avoidance of encroachment onto County parkland, conflict with County park users and so forth, it may be an opportunity to extinguish the private use and to fold it into the County parkland.

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

CHAIRWOMAN VILORIA-FISHER:

Tom, when we do the appraisal on this, my assumption would be that the cost of the demolition or the cleanup of what the remnants of this structure would be borne by the seller.

DIRECTOR ISLES:

Yeah, that is definitely examined as part of the real estate appraisal process through the Real Estate Division. And they usually do -- they do get an estimate for that cleanup cost. And that is factored

in and somehow carried by the seller and either deducted from the purchase or a requirement that they clean it up prior to us accepting title to the property.

CHAIRWOMAN VILORIA-FISHER:

Legislator Losquadro has a question.

LEG. LOSQUADRO:

Thank you. It's more of a comment. You said what I was going to say. This reminds me exactly of the out parcel that we have remaining on the Chandler property, which we were fortunate enough to be able to acquire. So, I mean, I think the two maps that you provided show very clearly that this is one of those opportunities to consolidate our holdings and really, as you've said, have the chance to avoid future problems associated with having that out parcel within the property.

CHAIRWOMAN VILORIA-FISHER:

Okay.

LEG. COOPER:

And, also, Tom, I think more recently there was an acquisition at Froelich Farm where we had a piece of property that abutted into the property.

DIRECTOR ISLES:

Right. There was also Arthur Kunz County Park where there was an outhouse, out dwelling. An out parcel I should say. Similar situation. So, you know, here again, they may not by themselves score high. But if you look the context of the park and the strategic role, they warrant further examination.

CHAIRWOMAN VILORIA-FISHER:

The last word will go to the sponsor.

LEG. D'AMARO:

Thank you. And I agree with all the comments. And that's really why this is pending before us. When I took a look at this, the location speaks volumes for the support for acquisition. This is one case where normally we look at the rating. And, you know, based on the rating alone, it's questionable. But I think there are so many mitigating circumstances here it deserves support.

A just want to add one more point for the record, that the way this came to my attention is that there had been a building permit issued on this property already, which expired. And the builder is going to renew that permit so there is some development pressure here as well. So for all the reasons that were stated by the committee members as well as Mr. Isles, I would urge you to support this resolution. Thank you.

CHAIRWOMAN VILORIA-FISHER:

Okay. There's a motion to approve. I'll second it. All in favor? Opposed? Okay, motion carries. **(VOTE: 5-0-0-0)**

IR 1412, adopting Local Law No. -2010, A Local Law establishing fair and objective procedures for contracting title insurance work. (Kennedy) That's still in public hearing, isn't it? I'll make a motion to table.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? Motion stands tabled. **(VOTE: 5-0-0-0)**

IR 1416, authorizing planning steps for the acquisition of land under the Suffolk County

Drinking Water Protection Program, as amended by Local Law No. 24-2007, Garsten property, Town of Riverhead (Romaine)

DIRECTOR ISLES:

If you'd like me to proceed, the subject parcel, of course, is outlined in red on the aerial photograph before you. To give you a context and the location, this is located in the Town of Riverhead along County Road 58. That is the road that extends along the south or bottom end of the parcel. This is a commercial corridor. The Riverhead Center is located directly to the east of this subject property. The property itself is about 12.1 acres.

We have -- by the way, just looking at the area, too, it's an area where the blue indicates wetland so it's a bit of a high water table location. You can also see proximity to holdings of the Town of Riverhead, whether it be the Town as the municipal entity or the Town Water District.

In terms of the rating of the property, the Department has completed a rating based the County's criteria. The total rating came to 21 points. The wetlands that I referred to did provide some point value as well as soil type, soggy soil type and the zone three location in terms of the hydro-geologic zone. It also got points for proximity to an existing pond as well as -- this is an interesting case. It actually got points for the persons of greater than 1,000 persons per square mile so even though it's an East End parcel. It think with some of the recent apartment and condo development in the area, it got over the 1,000 person mark.

So the Department's review of this is, here again, 21 points speak for themselves and I think reflect the wetlands presence. And I think just to comment further, when we saw this and we examined it, it's a location we currently do not have County land, we do not have a County presence here in terms of a County park system or open space area. We do see, here again, a strong presence of the Town of Riverhead. And obviously not that we're speaking for them or necessarily suggesting to them but the water district itself to the immediate east seems to encroach a little bit on the subject parcel.

This is actually just south of the vicinity of Horton Avenue where the severe flooding problems that occurred a month or two ago. So it's a location that may be more suited to a Town consideration given their holdings and given their situation with some of the drainage problems in the area. But as far as the County's consideration, here again, the point value is 21. I'm just noting the lack of a significant or any county presence in this vicinity right now. If you have any questions, we'll try to address them.

LEG. LOSQUADRO:

Tom, just by way of reference, the road that runs diagonally to the northwest that's at the -- that touches the back end of the property, what road is that?

DIRECTOR ISLES:

I believe that's Mill Road.

LEG. LOSQUADRO:

Okay. I was trying to figure our where this was exactly. You said which shopping center is that at the front? That's just to the --

DIRECTOR ISLES:

It's a Riverhead center which has Home Depot and Pier One and a number of other stores there. It's a very large center.

LEG. LOSQUADRO:

Okay.

DIRECTOR ISLES:

Probably built about 8 years ago.

LEG. LOSQUADRO:

I know where that is.

DIRECTOR ISLES:

We also think Target's one of those stores, too.

LEG. D'AMARO:

The rating is 21 out of 100 on this one; is that correct?

DIRECTOR ISLES:

It is.

LEG. D'AMARO:

21. And six of those points were from the census standard that we use?

MS. FISCHER:

Yes.

LEG. D'AMARO:

And that applied out in Riverhead for this particular parcel?

MS. FISCHER:

Yes, downtown Riverhead. It encompasses the downtown Riverhead census designated place. That's where we got the numbers from.

LEG. COOPER:

I'd like to make a motion to table.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA-FISHER:

There's a motion to table and a second. All in favor? Opposed? Motion's tabled. **(VOTE: 5-0-0-0)**

1430, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Heritage Square property Town of Brookhaven) (Romaine) 51 acres.

DIRECTOR ISLES:

The subject parcel, of course, is outlined in red on the aerial photograph before you. This is property located in the Town of Brookhaven in the hamlet of East Moriches. By way of orientation the wide road to the north end of the map is Sunrise Highway, State Route 27. And the road extending more in a north/south direction adjacent to the east side of the property is County Road 51. So we're just south of Sunrise Highway.

Subject parcel is two parcels; are currently not developed. As indicated they total about 51 acres. We have reviewed them based on obviously the County's rating system and environmentally in the first section there was one criteria that the site did hit which was, is located within a special groundwater protection -- within the CGA of the Pine Barrens, which is the compatible growth area, which is also a SGPA which is the Central Suffolk SGPA. So for that it got eight points.

The other points came from the parcel size which is over 25 acres so it got 8 points for that. And proximity to other towns, protected open space, which is the parcel in purple to the east. And it got

two points for being in a major road corridor, that being County Road 51.

Total point value is 20 points. The parcel, as we understand it, is zoned for multiple family development in the form of congregate care living. We understand that there has been litigation on that in the past. The parcel just by way of explanation on the parcel outlined in yellow, it's something you may be familiar with, which is known as the Oaks property, which is also a pending acquisition with Suffolk County. At this point there's nothing going forward with that that I'm aware of, but there was a planning steps for that parcel. And I believe a declined offer. So the subject parcel in summary achieved a point score of 20 points.

And if you have any questions, we will try to address those questions.

CHAIRWOMAN VILORIA-FISHER:

Are there any questions? Is there a motion?

LEG. COOPER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Motion to table by Legislator Cooper, seconded by Legislator D'Amaro. All in favor? Opposed?

LEG. LOSQUADRO:

Motion to approve.

CHAIRWOMAN VILORIA-FISHER:

Motion to approve by Legislator Losquadro, seconded by Legislator Muratore. Is there any comment on the motion? Motion to table takes precedence. All in favor? Opposed?

LEG. LOSQUADRO:

Opposed.

LEG. MURATORE:

Opposed.

CHAIRWOMAN VILORIA-FISHER:

Motion to table carries. **(VOTE: 3-2-0-0. LEGISLATORS LOSQUADRO AND MURATORE OPPOSED)**

IR 1453 --

LEG. COOPER:

Motion to table.

CHAIRWOMAN VILORIA-FISHER:

I have to read the title first, Jon. **Amending the Adopted 2010 Operating Budget to transfer funds from Water Quality Protection (Fund 477) and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown (CP 8710) (Kennedy)**

And before I go to you, Legislator Kennedy, I just want to clarify some things, Commissioner, if I may. Now there had been an approval of this project and there was money set aside in the budget

to work on this project.

COMMISSIONER MEEK-GALLAGHER:

A related project, not this specific project. What I would term as phase one of this project was approved. And you just recently authorized the extension or the authorization of a new inter-municipal agreement because the old one had run its course. So that phase one can be completed. This would be phase II and phase III.

CHAIRWOMAN VILORIA-FISHER:

We just voted on that at the last meeting, right? The inter-municipal agreement?

COMMISSIONER MEEK-GALLAGHER:

Yes, yes. So this is a different phase of the project. It has not yet gone before the Water Quality Review Committee.

CHAIRWOMAN VILORIA-FISHER:

And when will it go before the Water Quality Review Committee?

COMMISSIONER MEEK-GALLAGHER:

At its June 23rd meeting.

CHAIRWOMAN VILORIA-FISHER:

Okay. So then I'll let the sponsor speak but I would be inclined to make a motion to table until the Water Committee has gone over it, the Water Review Committee. Isn't that our usual requirement to do that?

COMMISSIONER MEEK GALLAGHER:

Yes, it is as of the amended -- new referendum in November 2007. Now this sponsor has noted in several Whereas clauses that it wouldn't go forward until and unless that has occurred. But it is rather unusual that you would have the resolution first before having the recommendation by the Committee.

CHAIRWOMAN VILORIA-FISHER:

Well, as I said as Chair of the Committee, I would rather wait until it went through the Water Review Committee because I know they do a thorough job. And I will put that on my calendar to attend that meeting.

COMMISSIONER MEEK GALLAGHER:

Yes, and I apologize that everyone hasn't gotten that notice. I thought that notice had gone out.

CHAIRWOMAN VILORIA-FISHER:

It might have and I might have missed it. Go ahead, John.

LEG. KENNEDY:

Thank you, Madam Chair. I won't take up much of the Committee's time. And, Madam Commissioner summed it up very well. I will say that this is a natural extension of what turned out to be a very successful venture for the initial 1200 feet of dredging that was done at the Nissequogue River stream belt. As a matter of fact, it was work that's unique here on Long Island and I believe in New York State in that all of the work was done from within the bed of the stream. And there were 440 cubic yards of some material that were moved from that 1200 foot section. And it has had a positive impact on groundwater in the surrounding area.

At the same time as everybody's aware we have groundwater that's at unprecedented levels. As a matter of fact, even higher, Madam Chair, than when we first started this whole venture back in 2006. And I thank you for your support. You were very supportive of what actually was a brand new venture for us, I believe, in partner with the Town in going into this groundwater remediation

project.

The delay, if there was a delay, in essence really focussed on getting an approval from the DEC for the permit to actually do the work. It involved having to bring H2M on board to do the preparatory analysis and then DEC had a level of comfort so they could go ahead and issue the permit.

We are looking to expand that existing permit at this point. That's being done by the Town Engineer's Office Ted Sanford. And my purpose with filing at this time, Madam Chair, and to the Commissioner, as a matter of fact as she's very graciously made her staff person available for working meetings that we've had in my office, is time. We have a contractor who is on-site who is also doing capping work, Terry Contracting. And they did an outstanding job. We have a black out map for the next two months because of supporting activity that will occur in the water way. And the next time that we can actually begin dredge work will be in July, I believe it is. Yeah, July. And the Town Board on Tuesday will be advancing the sum of 500,000 in order to engage the contractor to do the second phase of dredging, which will entail 2600 additional feet of the water corridor south of 347.

So while we will have the Water Quality Review Committee presentation on June 23rd, which I plan to be at, I'm just thinking about the schedule that we have. The earliest that we could have an adopted resolution then would probably be the latter part of August or the beginning of September.

CHAIRWOMAN VILORIA-FISHER:

Since it's already in Committee, we could do it in the first August meeting.

LEG. KENNEDY:

Well, if we got -- we could have a committee approval in the first meeting, and then we could hopefully have a full body approval in the second meeting assuming that we would go ahead and make it through all the hurdles.

CHAIRWOMAN VILORIA-FISHER:

We could have it the first meeting in August.

LEG. KENNEDY:

Okay.

CHAIRWOMAN VILORIA-FISHER:

I mean as long as it's a recommendation from the Water Quality Review Committee, we would be able to do it in that first cycle in August.

LEG. KENNEDY:

Yeah. That would be fine. What's the matter, Mr. Chair?

P.O. LINDSAY:

Don't you lose your window? Your window's in July, right?

LEG. KENNEDY:

You're right in some respects. And, again, that's why I'm here because to be candid with you, this is a sum of financing that's being first instanced by the town. And in order for them to at least know that they'll be some degree of participation, I'm meeting to demonstrate to them that we're moving through the process here. The town is going to move the project forward. But you're right, we will hit a second black out that comes probably somewhere, I think, in the end of September or October. And then we've lost our opportunity to be in the stream belt.

And then it'll be gone until the following January. And I have to tell you, although everybody's heard me talk about groundwater here probably ad nauseum, I was in the stream beds again myself over the last couple of days. We literally have to have several thousand homes that are impacted with

this. As a matter of fact, our FEMA Hazardous Grant Mitigation Plan that was adopted now acknowledges 3300 properties that are impacted with groundwater flooding in the south eastern part of the Smithtown area. So it is something that is beyond just a matter of inconvenience for a street or neighborhood. And it's having a fairly broad systemic effect within the southern part of our area.

So, look, if it's the will of the Committee to table, I understand that. I recognize the importance of process here. I was unaware that we had a committee date set, Madam Commissioner. So I will work with your office to bring the information there to make sure we have the application completed and hope that we have the ability. What I might ask the Committee to contemplate is, is even if there is a motion to discharge without committee, it would be beyond the full Legislature's agenda then for that first meeting in August as we get further.

CHAIRWOMAN VILORIA-FISHER:

We could still do that because -- if I could just answer this, Mr. Presiding Officer, our meeting is -- July 26 is the next committee meeting. And the August General Meeting is August 3rd. So we can vote it out then.

And I just wanted to ask the Commissioner regarding the permitting and the windows, can you just speak to that a little bit.

COMMISSIONER MEEK-GALLAGHER:

Okay. I believe the next black out is usually October 15th, around the middle of October unless they've changed it on us again but --

CHAIRWOMAN VILORIA-FISHER:

Okay. So then we could pass it in August; then have the work done --

COMMISSIONER MEEK GALLAGHER:

It sounds like the Town already has someone kind of on contract ready to go with their portion.

LEG. KENNEDY:

And yes they do. As a matter of fact Terry Contracting is there. They were able to be accessed because they were in the Town involved with the capping. It is important that we keep this contractor engaged. And, especially as I said, since this was really a pilot project with DEC to allow the Town to employ this process. It eliminates any kind of degradation of the adjoining wetlands and flood plain. You do not have to bring in tract equipment. You have basically all the apparatus floating on a pontoon in the stream itself with the removal of the silt to role off some adjoining streets. And as I said very successfully removed 440 cubic yards of silt and street run-off that had accreted and built up over 30 years. It's increased the flow in that section very well. But if we go to the south side, it's still in the same absolutely, terrible, terrible shape. I'm meeting with the Parks Commissioner, as a matter of fact, for our County portion which was woefully loaded with debris and just not a healthy stream at all.

CHAIRWOMAN VILORIA-FISHER:

Mr. Presiding Officer.

P.O. LINDSAY:

I'm a little confused, John. Is your window in July or -- I mean how does it help you if we approve it in August?

LEG. KENNEDY:

The help, Mr. Chair, would be in that there is a opportunity for us to offset some of the out of pocket costs that the Town has with this resolution. And then to underwrite the planning work that needs to be done for this stream area that runs through the Village of the Branch and up into Miller's Pond which is all County property. There we don't get into any of the -- there's no split as far as participation from another municipality. It's all us.

P.O. LINDSAY:

So you're okay with what the Chair Lady proposed to do it the first week of August?

LEG. KENNEDY:

It's a path to follow, Mr. Chair. And, yes, I will absolutely participate with the process as I said. Although the Commissioner and I have talked back and forth through her office, I was unaware that a date was set yet for the Groundwater Quality Review Committee to convene. And so I needed to kind of move this not knowing where that was. Knowing now that we have this date, I'll work with that date and we'll hope for the best.

P.O. LINDSAY:

Because -- two things. First of all, the flooding that I think is every one of our districts is experiencing is really at an emergency level.

LEG. KENNEDY:

It is.

P.O. LINDSAY:

There's no two ways about it. I just had a constituent in the other day that is doing everything he can to save his basement and he's losing but -- and the other thing is, John, if you got Smithtown to spend some money, I mean that's no easy feat either. So I'd hate to see that window disappear.

LEG. KENNEDY:

Well that is somewhat unprecedented.

P.O. LINDSAY:

I guess. And I don't know whether it's necessary and it would be highly irregular, maybe you modified your resolution and we could approve it subject to Water Quality Committee approval? I mean reverse the process?

CHAIRWOMAN VILORIA-FISHER:

Counsel?

MR. NOLAN:

I would just point out one potential problem, is that the Charter which governs in this area, says it's got to go through the Committee first. We got to wait for a recommendation. We can -- it's an advisory recommendation but it's supposed to go through the Committee first.

CHAIRWOMAN VILORIA-FISHER:

And since the window will still be available and it's August 3rd that we have our General Meeting, and that will occur after the Water Review Committee has met, I would feel more comfortable passing it out of -- and we all know how dire the situation is in Smithtown. We're all very sensitive to that. But given that the Town has a contract already, they're ready to go, they're moving with it, we're not really holding it up, John, right?

LEG. KENNEDY:

All right. Thank you.

CHAIRWOMAN VILORIA-FISHER:

Okay. I'm making a motion to table.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1453 stands tabled. (VOTE: 5-0-0-0)** Work on that, John. I know how bad it is there.

1468, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Pagnotta property Peconic River Greenbelt addition Town of Riverhead (SCTM No. 0600-137.00-04.00-001.000 p/o) (Co. Exec.)

DIRECTOR ISLES:

Okay, once again the subject parcel's outlined in red. It's property located in the Town of Riverhead as well as the Hamlet of Riverhead. Just by way of reference it's adjacent to the Expressway on the left hand side of the west side. Peconic River is to the right.

This parcel is included on Master List II. As indicated by the cross hatching, proposed acquisition would be of six acres of this parcel that is approximately eight acres in size overall. The parcel's gone through the review and appraisal process. And the valuation is indicated at \$75,000 per acre. Based on the acreage estimated at this point pre-survey the total cost would be \$450,000 for the six acres.

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

CHAIRWOMAN VILORIA-FISHER:

Tom, what was the rating on this when we went through the planning steps?

DIRECTOR ISLES:

It was done as part of the Master List process. So it was done generically as protection of the Peconic River Corridor. So it doesn't have a rating per se.

CHAIRWOMAN VILORIA-FISHER:

All right.

LEG. LOSQUADRO:

Motion.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? Motion stands approved. **(VOTE: 5-0-0-0)**

IR 1469, authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(a)] for the Sweetwater Estates, LTD property Hauppauge Springs Town of Islip (SCTM No. 0500-001.00-01.00-001.001) (Co. Exec.)

Tom, has this been around a long time? Or is this another Hauppauge spring? Because I remember Hauppauge Springs when Legislator Crecca was still on.

DIRECTOR ISLES:

Right. This resolution was introduced by Legislator Crecca in 2001 as a planning steps resolution.

CHAIRWOMAN VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

So it did take a while. And in fact it's across the street from where we are today. The Legislative building was on the north side of Veterans Memorial Highway. Has the box of yellow going around it

in terms of the parcel lines. So this parcel is indicated as you exit the eastern roadway of the North County Complex. Parcel contains a little over seven acres. It's in the Town of Islip right on the north western corner of the Town of Islip adjacent to the Town of Smithtown.

Subject parcel was not rated specifically at that time because there was not a consistent rating system in place in 2001; however, in consultation with Principal Environmental Analyst Fischer the property would rate fairly high given the presence of wetlands and wetlands buffer on the property. The Master List One includes extensive properties going to the west, which are hatched in that location.

And, yes, this is all part of the headwaters in the Nissequogue River, all of these ponding high water elevation locations that do drain directly into the Nissequogue River corridor.

The proposed acquisition would represent a valuation of \$125,000 an acre. And, here again, based on the estimated acreage provided, the cost would be \$895,000. This is coming from the Islip portion of the Old Drinking Water Program, the 12 (5) (e) portion. So this is funding that is dedicated to the Town of Islip by that legislation.

CHAIRWOMAN VILORIA-FISHER:

Tom, I just have a couple of questions about this. Wasn't this one of the areas that was also flooded a lot? Was it the Hauppauge Springs area that -- is that part of Legislator Kennedy's district that experienced a great deal of flooding a couple of years ago?

DIRECTOR ISLES:

I'm not familiar that this location per say was flooding, but it certainly makes the point your conversation before on IR 1458 the -- 1453 in terms of dredging of different water bodies and so forth. This is part of the reason for considering the acquisition of wetlands or parcels adjacent to wetlands.

CHAIRWOMAN VILORIA-FISHER:

So you can manage it?

DIRECTOR ISLES:

It's not having houses built. This parcel could probably support another five houses. And, here again, you're not only protecting the environment through the acquisition of these properties; you're also avoiding those kind of problems in the future. So it's very wise.

CHAIRWOMAN VILORIA-FISHER:

Okay. I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? **1469 stands approved. (VOTE: 5-0-0-0)** Because we don't want more flooded basements.

IR 1470.

Of course this goes back, Tom, to when I had requested that all supervisors commit to not approving any kind of building in these flood prone properties. You know, we're spending money on this and there shouldn't be houses permitted to be built on these.

DIRECTOR ISLES:

Sometimes it's very difficult from a Town's stand point in terms of property rights versus the power of zone and wetlands laws. I think many of the towns do try to avoid development but sometimes it's unavoidable.

CHAIRWOMAN VILORIA-FISHER:

Okay, **1470**, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component for the Carlson Estate property Kings Park Greenbelt Town of Smithtown (SCTM No. 0800-029.00-02.00-002.000) (Co. Exec.)

DIRECTOR ISLES:

Okay, this is also a Master List parcel, this is Master List II. This is also part of the Nissequogue River corridor on the western edge. This is in the vicinity and adjacent to state land in Kings Park. The Master List identified several parcels in this vicinity to add to the holdings adjacent -- of the State of New York. So this constitutes an area of 3.7 acres at a valuation of \$88,000 an acre. And the total cost based on the estimated acreage is \$325,600.

CHAIRWOMAN VILORIA-FISHER:

Tom, are those paper streets just to the south of it or are those developed?

MS. FISCHER:

Yes, they're paper streets and they actually -- that area is included in the Master List to acquire that paper street area. It's undeveloped. It's hard to see because of the scale that we did it at but --

CHAIRWOMAN VILORIA-FISHER:

Oh, I see the hatch behind that.

MS. FISCHER:

Yes.

CHAIRWOMAN VILORIA-FISHER:

Okay, I see that.

MS. FISCHER:

And the one just north of it, the larger parcel is in negotiation as we speak as well.

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA-FISHER:

Motion by Legislator Losquadro.

LEG. D'AMARO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Second by Legislator D'Amaro. All in favor? Opposed? **1470 is approved. (VOTE: 5-0-0-0)**

IR 1471, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component for the Nature Conservancy as contract vendee property Manor Grove Arshamomaque Wetlands addition, Town of Southold (SCTM Nos. 1000-053.00-01.00-001.003 and 1000-053.00-01.00-001.002 p/o). (Co. Exec) Okay, Tom?

DIRECTOR ISLES:

This is also a Master List area and the subject parcel is part of Master List II. Area of the parcels 28.74 acres is the estimated amount at this point. This is a parcel looking at the aerial photograph quite colorful in terms of the presence of both County lands outlined in green, extensive holdings by the Town of Southold in purple. Peconic Land Trust is also an owner in this area. And there are

also farmland development rights that are just to the south and west of the subject parcel.

So the subject parcel is an area with extensive wetlands presently on the property. It is a parcel, here again, identified through the Master List parcel process, I should say. This is a proposed 50/50 acquisition with the Town of Southhold. And the total acquisition cost is \$1,125,000. Of that the County's portion would be \$562,500.

Let just point out, too, interestingly not only is this on the Master List, when the County Executive called for the preparation of the Master List including Master List II, this one actually made the cover of the report. So this is the poster child in terms of the importance of this property. And it's one that certainly has been in Planning's target list in terms of its importance environmentally.

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

CHAIRWOMAN VILORIA-FISHER:

Motion for the poster child.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Losquadro. Can you just explain for me, though, Tom, the process? We're saying that we're buying it for the Nature Conservancy's contract vendee? Can you just explain that?

DIRECTOR ISLES:

Okay, to the best that I can, otherwise I'll defer to Real Estate, but the process, as I understand it then, is the Nature Conservancy would be the in between party on this. So they would be purchasing it from the current owner and then we would buy it from the Nature Conservancy. They often or sometimes serve a role as a facilitator for acquisition. They sometimes can move in a timeliness that we can't always match and so forth. There are various reasons why they might get involved. So in this case the contract would be with the Nature Conservancy.

CHAIRWOMAN VILORIA-FISHER:

I think it's the preposition that threw me off because it says we are buying for the Nature Conservancy. Are we buying it from the Nature Conservancy?

DIRECTOR ISLES:

We're buying it from the Nature Conservancy. I'm sorry. Okay, fine. I stand corrected.

CHAIRWOMAN VILORIA-FISHER:

Okay. We're not buying it for them.

DIRECTOR ISLES:

Oh, no, we're definitely not buying it for them, although they may agree with it. We're buying it from them.

CHAIRWOMAN VILORIA-FISHER:

Yeah, okay, we may have just typed it wrong here, but now it's clearer. Because I had never seen it that way so thank you.

DIRECTOR ISLES:

So corrected.

CHAIRWOMAN VILORIA-FISHER:

Probably my office mistake. I don't know. Anyway, there's a motion and a second to approve. All

in favor? Opposed? **1471 stands approved.** We can't mess with propositions and English teachers. **(VOTE: 5-0-0-0)**

IR 1472, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component for the Curtis property Northwest Harbor Headwaters Town of East Hampton (SCTM Nos. 0300-112.00-03.00-004.000 p/o and 0300-133.00-02.00-011.001) (Co. Exec.)

DIRECTOR ISLES:

Okay, this is another Master List parcel. This one was not on the cover, but it was -- it is a parcel that, here again, looking at the aerial photograph subject parcel's outlined in red. But looking at the surrounding area, this is Northwest Harbor in the Town of East Hampton. And it's an area of extensive environmental value both with the wetlands, the surface water bodies, the upland and adjacent buffer areas. And there's extensive conservation that's already occurred and public investment in this area including the State of New York, including the Town of East Hampton as well as, here again, Suffolk County having extensive holdings all the way around Northwest Harbor.

This is a proposed joint acquisition with the Town of East Hampton. It would be a 50/50 split of the purchase price. And there is a dwelling on the property. And that was evaluated in terms of the appropriateness for County or Town use. We've taken the position that we feel it's not appropriate. And there is a cutout proposed to exclude that from the acquisition. The net acquisition amount then is the 27.87 acres. And, here again, it's a 50/50 with the Town of East Hampton.

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

LEG. LOSQUADRO:

Motion.

CHAIRWOMAN VILORIA-FISHER:

Motion to approve by Legislator Losquadro. I'll second it. What is future property? Someone has left it as a legacy when they die? Is that what that means that little yellow spot?

MS. FISCHER:

Actually the owner is the same, Curtis. And it was a small piece that was not put in the survey that was completed as part of the acquisition. They will be donating it to the Town and/or County after this transaction moves forward; it's our understanding.

CHAIRWOMAN VILORIA-FISHER:

Oh, that's nice of them. Okay. There's a motion and a second to approve. All in favor? Opposed? **1472 stands approved. (VOTE: 5-0-0-0)**

1473, approving planning steps for the acquisition of farmland development rights April 2010. (Co. Exec.) And the recommendation is right from the Farmland Committee.

DIRECTOR ISLES:

They are the recommendations from the Farmland Committee.

CHAIRWOMAN VILORIA-FISHER:

Thank you.

DIRECTOR ISLES:

There are two farms that the Farmland Committee has reviewed. And I'll refer to you today through the County Executive. The first one is the Wade Colonial Springs Farm, LLC in the Town of Babylon. This is property that's currently farmed with pumpkins, corn and vegetables. It is subdivided as you can see on the aerial photograph, although, here again, development does not currently exist on the property.

At this point the property owner has requested to come into the County program to consider the sale of development rights. The net area that would be considered is about 20.8 acres. The little blue box on the aerial photograph shows an exclusion area of eleven acres in the north end. The applicant, or I should say the property owner did request that this be included in the program. The Farmland Committee noted that that's not farmed and that's it wooded and recommended that that be excluded.

I will point out that that area is on a Master List. It's adjacent to extensive open space to the west. So that could be pursued under current Master List authorization if the County chose to do so.

In terms of the rating of the property, the review by the Farmland Committee noted a rating of eleven points for this property. I'll point out Babylon's the only Town in the County that does not have any parcels in the County program for farmland at this point.

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

CHAIRWOMAN VILORIA-FISHER:

Did you say that it's currently farmed? I'm sorry, I was looking at the map and I missed it.

DIRECTOR ISLES:

Yeah, I'm sorry. Yes.

CHAIRWOMAN VILORIA-FISHER:

Is that what you said, pumpkins and --

LEG. LOSQUADRO:

Corn and vegetables.

DIRECTOR ISLES:

Corn and vegetables. We did do a site inspection, the Planning Department staff, Andrew.

CHAIRWOMAN VILORIA-FISHER:

Oh, I see crops. Pumpkins, corn and vegetables. It's written right there. Thank you, Dan. Okay. And you are going to go onto the next farm.

DIRECTOR ISLES:

And the next is for property located in the Town of Riverhead -- Riverhead, yes. And this is Kujawski Farm. This is an area where the County has extensive development rights already preserved. This is a case where this is part of a farmbelt as we discussed earlier with Head of Harbor acquisition, that this is an area that certainly gains high points due to the significant farm presence in this area, the significant County and Town protection efforts, the significant agricultural soils. So this one hit all the high points in the County's rating form in terms of agricultural value.

The rating as reviewed by the Farmland Committee was 18 points of 25 points. There is proposed exclusionary that's outlined in white. A balance of it is proposed that, here again, 20 acres that would be included in the proposed acquisition.

CHAIRWOMAN VILORIA-FISHER:

Legislator Losquadro.

LEG. LOSQUADRO:

On the first farm, I can see the exclusionary coincides, as you said, with the area that's wooded. On the second why such a large exclusionary?

DIRECTOR ISLES:

That was the preference of the property owner. I can't state what his reason or the family's reason for that. It certainly would be highly desirable in terms of the County's program. Sometimes property owners want to stage their sales to the County for perhaps estate planning or capital gains tax planning and so forth. Here again, I can only speculate in this case. But at this point he did not ask or they did not ask to include that portion of the property. It wasn't knocked out for any reason or the County's reason or the Farmland Committee's reason.

LEG. LOSQUADRO:

Okay, thank you.

CHAIRWOMAN VILORIA-FISHER:

Motion to approve.

LEG. COOPER:

On the motion I had one further question.

LEG. LOSQUADRO:

Second.

CHAIRWOMAN VILORIA-FISHER:

Second by Legislator Losquadro. Legislator Cooper.

LEG. COOPER:

Thank you. Tom, I've expressed this concern before. And it's okay in this case but I was wondering why two different parcels were lumped together in one resolution, one Babylon, one Riverhead. And my concern is, in this case one had a rating of 18; the other one was 11. But if it was 18 and 9, let's say, I'd really have a problem in approving the resolution; where as if they were two separate resos, we can approve one and -- if there concerns about the other. So why is this done very often?

DIRECTOR ISLES:

Well, it has historically been the way that it's been done, not that that's the reason we continue to do it but just in terms of, what has happened is that the Farmland Committee previously met four times a year. They now meet 6 times a year. They will then take all the referrals or requests to come into the program, review them at a meeting and then forward their recommendations to the County Executive and ultimately to you for consideration. So they're based upon the flow of meetings coming in from the committee.

In terms of whether each one should be its own standing resolution, that's something I can take back to the County Executive's Office and discuss it with them.

LEG. COOPER:

I just hate to see an occasion arise where maybe there are ten lumped together, we have a problem with one out of the ten and we have to hold up on everything. So if you can pass along that recommendation, I think it would be to our mutual advantage down the road. Thank you.

DIRECTOR ISLES:

I will certainly do so and discuss it County Exec's Office.

CHAIRWOMAN VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? **1473 is approved.**
(VOTE: 5-0-0-0)

We've already acted on 1480, 1481 and 1498.

And 1504 (amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and

appropriating funds in connection with the US Army Corps of Engineers' Forge River, New York feasibility study - 710.127 (Co. Exec.) I just have a question for the Commissioner. Has this gone through the Groundwater Quality Protection Committee?

COMMISSIONER MEEK-GALLAGHER:

Yes. It went through last August. And then we were just waiting on resolutions that we needed from the Towns since this is authorizing us to enter into an inter-municipal agreement with the Town of Brookhaven.

CHAIRWOMAN VILORIA-FISHER:

So I'll make a motion to approve.

LEG. COOPER:

Second.

CHAIRWOMAN VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1504 is approved.**

Is there any other business? If not, meeting is adjourned.

THE MEETING CONCLUDED AT 4:00 PM

{ } DENOTES SPELLED PHONETICALLY