

**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 July 26, 2010.

**MEMBERS PRESENT:**

Leg. Vivian Vilorio-Fisher, Chairwoman  
Leg. Lou D'Amaro, Vice Chair  
Leg. Jon Cooper (not present)  
Leg. Daniel P. Losquadro  
Leg. Thomas Muratore

**ALSO IN ATTENDANCE:**

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  
Renee Ortiz, Chief Deputy Clerk  
Alicia Howard, Legislative Aide  
Thomas Isles, Director of Department of Planning  
James Bagg, Chief Environmental Analyst/Department of Planning  
Mike Mule, Department of Planning  
Pamela Greene, Director of Real Property Acquisition & Management  
Lauretta Fischer, Principal Environmental Analyst, Department of Planning  
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy  
Frank P. Castelli, Environmental Projects Coordinator, DEE  
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

**ALSO IN ATTENDANCE: (Continued)**

Dale Moyer, Cornell Cooperative Extension  
Daniel Gilrein, CCE  
Tamson Yeh, CCE  
Christopher Smith, CCE  
Chris Pickerell, CCE  
Angel Dybas, CCE  
Steven Tricaraco, Aide to County Executive  
Rick Brand, Newsday  
Bill Hillman, Department of Public Works  
Michael Kaufman, CEO  
Louis and Alexander D'Amaro  
And all other interested parties

**VERBATIM MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

## THE MEETING WAS CALLED TO ORDER AT 1:15 PM

### **CHAIRWOMAN VILORIA-FISHER:**

Good afternoon everyone and welcome to today's meeting of the Environment, Planning and Agricultural Committee. And we have special guests with us today. Mr. Louis D'Amaro and Mr. Alexander D'Amaro. And I was just wondering if you two together can lead us in the Pledge? Can you just start it for us, the Pledge of Allegiance?

### **ALEXANDER D'AMARO:**

Sure.

### **CHAIRWOMAN VILORIA-FISHER:**

Okay, if everyone can join us, please.

## SALUTATION

Thank you. Okay.

We have a presentation today. I think we're starting out with Dale Moyer, okay. And, Dale, I believe you have some colleagues from Cornell Cooperative who are going to be joining you. And if each one of you can introduce yourself as you begin your presentation, that way the stenographer can know who everybody is; okay? Tom, can you take the reports from Dale, please.

## SLIDE SHOW PRESENTATION

### **MR. MOYER:**

Okay. Good afternoon, Madam Chair, and Committee members. My name is Dale Moyer. I'm an Associate Executive Director and the Ag Program Director for Cornell Cooperative Extension of Suffolk County. I'd like to thank the Committee for your support of CC's water quality projects.

I'd also like to thank you for giving us the opportunity to make this presentation to the Committee about six water quality projects we are currently conducting. These six projects have been developed in response to requests from the County as well as response to a variety of environmental conditions. These projects have had significant impacts on marine and agricultural industry and Suffolk County properties and have addressed the goals of the Water Quality Program. In addition to providing the County and its residents quality programs, Cornell Cooperative Extension provides approximately \$500,000 in matching funds, primary fringe benefits towards these projects.

Last fall the Department of Environment and Energy did a cost analysis showing that it's more cost effective for CC to conduct these projects compared to the County. We have put together a report for your reference which includes an executive summary and brief reports of each of the six projects which you have just received. We have a short power point presentation to show you with the six of us making brief reports on each project. If you have any questions during the presentation, feel free to ask.

Once again thank you for your time and we welcome any of you Legislators of the Committee here to visit any of the project sites at any time.

I'm going to start out with the Agricultural Stewardship Program. Unfortunately Becky Wiseman's aunt past away and she could not make it today. So I'm kind of pinch hitting for her.

This project was initiated primarily by the Suffolk County Legislature Agriculture Environmental Management Task Force which completed a report back in 2004. The Agricultural Stewardship Program promotes use of agricultural input such as pesticides and fertilizers in a responsible and environmentally sound manner to protect our groundwater and surface waters while maintaining

strong environmental agriculture and horticulture industries that generate over \$2 million annually.

Looking at the slides now we have about three slides for each one of these presentations. It's six different projects. We're going to try to make it brief but to the point. Our major efforts have been with the Stewardship Program in nutrient and pesticide management, which you see in the slides, a lot of that's been done on farm demonstration projects, where this year we have over 70 farms cooperating with us on various projects. The goal is to show the farms -- the farmers what we are doing, what the best management practice technique is best for, in this case, we do a lot of work with control release fertilizers reducing the impact of nitrogen on our groundwater. We've done a lot of work with nurseries, sod and vegetables particularly potatoes. And at this point in time it's estimated there's about a couple thousand acres of crops including sod and vegetables that are using this technique to hopefully in the long term reduce the amount of nitrates getting into groundwater.

Another un-farmed demonstration we've been involved with for the last couple of years is pheromone disruption, especially of the ornamental fruit moth. This is done at fruit orchards. And this allows you to use a non-chemical pesticide method to reduce the pest and hopefully reduce any impacts on groundwater.

Another part of our Stewardship Program is our educational programs, very diverse educational programs. Last year we met or had programs with over 700 farmers. Those include fact sheet, work sheets that we work with, seminars, workshops and the agricultural forum. Over the last couple of years we've developed a web site that growers can use as references for stewardship. And we also do a lot of articles in our publications and newsletters. And so that's how we get the message out in addition to on-farm demonstrations with the growers.

Another factor which I'd just like to highlight as part of our Stewardship Program we cooperate very closely with the Soil and Water Conservation District and NRCS. And with our expertise in different crops and so forth, we work closely with these two what we call sister agencies. And through the funding for this year, it's amounted to over one million dollars in cost sharing. These dollars go to farmers directly. It's not part of our educational program. And this program consist of an ag plastic impactor which we're starting to initiate where the growers can take the plastics off their greenhouses and other plastic uses for recycling. We have ag mixing and loading facilities and other programs including transition to organic production, all which are cost sharing programs for the farmers that are part of this Stewardship Program. That kind of --

**CHAIRWOMAN VILORIA-FISHER:**

If I can just interrupt, Dale, I really appreciate that Becky included that slide when she did her presentation at the Water Quality Review Committee. I said it would be really good for people to know how much money is coming to farmers in Suffolk County through these partnerships with the federal and state governments.

**MR. MOYER:**

Right, right.

**CHAIRWOMAN VILORIA-FISHER:**

And that's a very important slide. That's a million?

**MR. MOYER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

It looks like over a million dollars.

**MR. MOYER:**

Over a million dollars which we're bring in.

**CHAIRWOMAN VILORIA-FISHER:**

Over a million dollars we're bringing into our agricultural sector, which is an important economic engine.

**MR. MOYER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

So when you see her, thank her for me for including that.

**MR. MOYER:**

We listen very closely usually.

**CHAIRWOMAN VILORIA-FISHER:**

Thank you.

**MR. MOYER:**

Okay. Any other questions regarding Stewardship? I'm going to pass it over to Dan Gilrein.

**MR. GILREIN:**

Good afternoon. I'm Dan Gilrein, the entomologist working with water quality projects here. And it's nice to be here. I'll give you a little sense of the kind of thing that we're doing. I work, of course, with insects and pesticide issues as they relate to water quality surface and groundwater. And we have some significant threats to those. We have, of course, some detections of certain pesticides in groundwater. Some of them continue to be used and are still registered.

We are working against those kind of uses and those particular problems that make for risks to groundwater and surface water. And I'll give you some examples of things that we do and how I work for that. I work in mainly three areas: Diagnosis, research and educational programs, diagnosis to determine what problems are happening and to learn the actual causes so we can provide the proper solutions; research so we can try to find answers or validate ones that have been shown elsewhere to work and bring them here to Suffolk County where they can work for our citizens. And, of course, educational programs. I speak to thousands of people a year. I do several dozen programs, training, as well as educational programs on new problems, new solutions, alternatives to pesticides so that people can learn quickly and use those in their businesses.

This slide shows one example of a problem that we're dealing with in trying to use a non-pesticide way of managing. It's a pest called oriental fruit moth. It's a significant pest in fruit orchards. And you'll see a red twist tie there that is on the branch. And I'll pass this around so you can kind of see what that looks like. That's used for disrupting the mating of this particular moth. It works quite well. It's worked very well elsewhere. We have a hundred acres now, five orchards. One is not using any insecticides at all. And you really don't need to in most cases with this strategy. So the twist tie around the branch there, the damage on the upper right and you can see the moths in the trap. And I'll pass around the trap that shows what those moths look like. Next. So that's been very successful. We're getting really a good reception by the farmers that are participating in that program.

Some of you may think that we just work with agriculture in the east end of Long Island. Well, that's not at all the case particularly with my program where we have a major focus on landscape kinds of issues and landscape problems. Here's an example of one that has been a serious one all around Suffolk County. It's called arborvitae leaf miner. And we've had a lot of complaints about that particularly from the western part of the County of this pest problem. It can destroy plants. So we've done some research to show that a product that's naturally derived, it even can be used by organic gardeners and growers, can be used very, very successfully to control this. It's a matter of timing. But some of the research that we've done here has shown very, very good efficacy. Yes?

**CHAIRWOMAN VILORIA-FISHER:**

There's a question. Legislator Losquadro.

**MR. GILREIN:**

Sure.

**LEG. LOSQUADRO:**

While we're on this subject, is this at all similar to what happened with the hemlocks here on Long Island?

**MR. GILREIN:**

It's a different kind of a problem. They're both insect problems but this is different. This is a native pest that is bothering arborvitae, which is a native plant. The hemlock we're dealing with a non-native insect that is destroying a native plant.

**LEG. LOSQUADRO:**

Right. I know that's something, I mean there have been short term fixes but --

**MR. GILREIN:**

Yes.

**LEG. LOSQUADRO:**

-- long term, really none of those have survived. Most people have switched away from them, remove them.

**MR. GILREIN:**

Right, right. The short term fix is, and there are better and worst choices there to be made, specifically as they concern groundwater and surface water issues, but the long term fixes will involve biological control. And that work is being done. North Carolina, there's some releases done elsewhere in more forested areas where hemlock is a part of the forest where it makes sense to at least start with that. We would like to bring that home here, but we're waiting for the positive results to be shown in an area where it's a little more likely to have some initial impact.

**LEG. LOSQUADRO:**

Thank you.

**MR. GILREIN:**

Next. Another pest, this is just an idea to show you that we're also on the lookout for new problems that are not yet here. This is a pest that is right on our borders includes -- just found in Bethpage State Park this past year. It's in Glen Cove and Westbury. It has not been seen in Suffolk but it is a destroyer of viburnums which are valuable landscape plants. But this is something that will not just impact the nursery industry but will also impact landscapes.

An example of one of the many ways we work with landscapers to be aware of a problem when it occurs, and if you get in there promptly you can even just prune it out and not have to deal with it using insecticides. So that gives you some idea of some of the things that we're doing. And here -- just to wrap up here, I just wanted to show you, I brought this over to the Water Quality meeting here. These are some beetles that we've been trapping with a new pheromone that's never been used before in the east to try to monitor and control a pest that's a serious problem in orchards and some cases in landscapes. It's never been -- they've never had a pheromone like this developed before for these long horn beetles. And this is called a broad necked root borer so we're testing that. And I'm just handing that around so you can see that the pheromone we're testing is actually working and we hope to have a non-chemical kind of -- or non-pesticide way of dealing with this very soon. Any questions on that?

**CHAIRWOMAN VILORIA-FISHER:**

The first one, those bread ties looking things, those also carry pheromones, right, to confuse the moths?

**MR. GILREIN:**

Yes, that's right. That's a pheromone. It is a chemical that is naturally given off by females to lure males. And if you put enough of it out there, the males cannot locate a female accurately. So you can confuse them and disrupt the mating and provide control that way without spraying any insecticides. And it's working quite well.

**MS. YEH:**

I'm Tamson Yeh with the Pest Management Program for Suffolk County properties. And basically what we do is support the law which has allowed a pesticide phase-out to take place on county property. You can see in that first slide up there one of our chief things is we go out and we scout the County golf courses, parks properties, etcetera. Whenever there is a pest problem they call us in and we help to provide nontoxic solutions. So we were formed to support the law. We educate and assist Suffolk County property managers with non-toxic pest control alternatives. We provide technical assistance to the Community Advisory Committee, or the CAC. We also provide research demonstration and resources to support nontoxic solutions.

One example is this pest management procedural for Suffolk County properties. This is for indoor problems and structural pests. I'm going to pass this around. You can take a look. There will also be an outdoor manual by the end of this year. What's unique about this is the one or two page format. And the first thing that you start out with is what your pest is not, because you waste an awful lot of time often trying to decide what or what isn't the pest. There's something grammatically wrong with that, but we'll go to the next slide so that'll get me out of that one.

Okay. This is a slide, we have a unique planting here. We're trying to deter both ticks and deer by planting certain kinds of herbs. This is at the Suffolk County Community College out in Riverhead. And we got some good preliminary results. In our drag for ticks it seems to reduce the population somewhat. We're going to track this over several years. We also provide proper pest sample identification, which also leads to reduced use. Is it really a pest or is it pest wannabe? We provide monitoring and early warning which also reduces pesticide use. We provide a lot of training and development of specialized resources which reduces use. And overall we estimate that our reduction of active ingredient over each year is at least 150 pounds which is a lot of active ingredient.

Okay. And then finally education is the key to reduced use. But instead of being talking heads, what we like to do is to couple the lecture series with actually taking them out in the field. Now this happens to be a program we did for Suffolk County property managers where we actual dragged them outside and made them look at icky slimy things that we like to deal with. And often times as you can see from that last picture in the lower right hand corner, the pest is there because the plant or the situation is stressed out by something cultural. In that case the trees were planted way too deep in the Veterans Plaza up on the Suffolk County Community College in Ammerman. Questions?

**CHAIRWOMAN VILORIA-FISHER:**

I want to go back to Dan a minute because there was something you mentioned at Water Quality that I think is important for the Committee to know as well; that in the near region, you're the only person doing the work that you're doing, right? Can you just explain that again? I remember you said that there was a question, I think, up in New Hampshire or some place and you were the only expert available.

**MR. GILREIN:**

Yeah. An extension entomologist are an endangered species, I would say, particularly those who work with woody ornamental plants and landscape, plants like I do. So as a result I get a lot of calls and inquiries from all around the northeast. Of course my allegiance and affiliation is with Suffolk County. And that's where I spend, you know, almost all of my time. But we get a lot of calls and questions from outside the area, too. You know, by the same token I draw on

entomologists and others from out of the area as well so where you -- it's a give -- there's some give and take that go there as well because not all the expertise resides here. It's often in specialized areas elsewhere.

**CHAIRWOMAN VILORIA-FISHER:**

Any questions for Tamson? Thank you very much. I was hoping you'd be as funny as you were the other day at Water Quality; entertain the whole committee, you know, wake them up a little bit. But thank you very much. Always very informative. Thank you. Yes, Dale?

**MR. MOYER:**

Okay. We're going to turn it over to the marine group Emerson Hasbrouck and company.

**MR. HASBROUCK:**

Emerson Hasbrouck with Cornell Cooperative Extension Marine Program. I'm going to talk a little bit about our phase II Storm Water Management Program. And the program is a cooperative effort between Suffolk County Departments of Public Works, Environment and Energy, Health Services, Parks and Cornell Cooperative Extension of Suffolk County. I also want to add that we're also working with Suffolk County Soil and Water Conservation District in terms of the phase II program as well.

This program is required to fulfill federal and state mandates which oblige the County to comply with numerous storm water initiatives. The County actually has a SPDES permit, a state nutrient discharge elimination system permit. And that permit comes with specific requirements that the County has to implement in order to stay in compliance. And the program is funded through the Suffolk County Water Quality Protection and Restoration Program.

**CHAIRWOMAN VILORIA-FISHER:**

Do you have an extra sticker on you?

**MR. HASBROUCK:**

Yes, I'm glad you reminded me.

**CHAIRWOMAN VILORIA-FISHER:**

We have some great kids who might want one.

**MR. HASBROUCK:**

Thanks for the reminder. I forgot to bring some buttons, though. That would have been better if I had some buttons.

Let me back up a little bit. Our mascot, if you will, for the Storm Water Program is our duck logo. And all of our literature and so forth for the program and our website highlight Stormy the Duck to identify the program. And the duck actually and the name were both through a competition that we had with schools. And there were -- we handed out an award several years ago to a elementary school student for naming our mascot.

The phase II Storm Water Program has six minimum control measures that have to be addressed and there's permit requirements associated with each of these six minimum control measures. The first is public education and outreach, where we have an extensive educational program in the schools, youth programs, adult programs, service organizations and so forth. We also interact with different associations, for instance, Nassau/Suffolk Landscaper Association to educate them about the program. And we educate -- the focus of the education primarily is, you know, what is storm water run-off, why does it need to be addressed, and, you know, why it's important for the County to spend money to address storm water and what it means to our local embayments.

Public participation and involvement just means that we have to involve the public in terms of

developing and reviewing our programs and our reports. Elicit discharge detection and elimination is where we have to inventory and inspect all of the discharge pipes that emanate from Suffolk County roads and properties to make sure that there are no illegal connections into these storm water conveyances and that they are only conveying storm water and that somebody else hasn't tapped into them.

Construction site run-off control and post construction run-off control are very similar. It's a matter of developing and implementing policies and guidelines that control run-off during construction as well as after construction is completed. And then pollution prevention and good housekeeping are practices that the County implements in its day to day activities, certain things that DPW does in their Public Works' yards, Parks does on the Parks Department properties and so forth.

In terms of some of the results, primarily and most importantly we developed and implemented a Storm Water Program to keep the County in compliance with the permit requirements. Our programs have reached over 23,000 children and youth. All County roads and properties surveyed -- have been surveyed for storm water structures. And we've installed 11,000 catch basins marked with the *No Dump* logo. Those were those little placards that we passed around. They get actually glued to all of the catch basins on all county roads and county properties.

We've monitored over 250 outfalls from County roads and properties to assess for illicit discharge detection and elimination. Storm water pollution prevention plans have been developed for the County. And they're available for all County construction projects. We've developed a website [suffolkstormwater.com](http://suffolkstormwater.com). And we've had over 37,000 visitors to the site. And County employees have been trained in BMP's relative to their daily activities. Any questions?

**CHAIRWOMAN VILORIA-FISHER:**

I just want to thank you again, Emerson, for coming to the Soil and Water District Commissioners' meeting where, you know, you helped to cross pollinate the different folks who are working toward the same goal. So I appreciate your coming to that meeting and I hope to see you there again.

**MR. HASBROUCK:**

We'll see you there again next year. And thank you for the opportunity to go to that committee. And that's part of our public involvement process as well to have a public hearing on our annual report that we prepare for the County.

**MR. SMITH:**

The next project we're in is the restoration of Peconic Bay Scallops, populations in fisheries.

**MS. FLESHER:**

Could you identify yourself for the record.

**MR. SMITH:**

Chris Smith with Cornell Cooperative Extension Marine Program.

Just to quickly identify, we have some project partners, primarily the Long Island University Dr. Steve Tettlebach; done a tremendous job of helping us. We have this Southold project in aquaculture training. And to a lesser extent but important the New York State Department of State Coastal Program and Stony Brook University.

Just as a quick review, back in 1985 with the brown tides the Peconic bay scallop was basically wiped out and a multimillion dollar fishery was lost to economic benefit to Suffolk County and its residents. In 2004 we embarked on requesting funding through the Water Quality Program to initiate the largest shellfish restoration project for bay scallops in history. That was supported and funded.

And just as a quick review, the bay scallop back through the brown tide, there really was not enough

brood stock on the bottom to repopulate itself. And our goals have been throughout these years to conduct large scale plantings. Our hatchery -- we have scallops from our hatchery in Southold. It's a Suffolk County facility that we run. And to plant approximately one million of those scallops per year, 500,000 of which goes into the largest spawner sanctuary containing 2,500 nets over a four acre area in Orient Harbor, tremendous labor intensive effort, keeping those nets clean throughout the year. And we spawn scallops from scratch so to speak. And we hold them in those nets until they spawn in June. It's about an 18 month process.

A big part of the effort goes into monitoring the success of this program. Are we getting really the kind of results that we want? The project deliverable basically to Suffolk County is large number of spawning bay scallops. And we both have 500,000 scallops we place in that sanctuary in those nets. But we also have excess capacity from the hatchery. And we plant about 500,000 scallops throughout the rest of Peconic Bay but not in nets. It's been on free plantings.

So our desired outcomes of this project are recruitment to the fishery. And by that I mean little baby scallops are the result of spawning of what we raise coming into the fishery. We'd like to be able to measure the impact of our efforts for population size increases. And then, of course, the big pay off to the residents of the County are fishery landings. If we can get those to increase, then that provides economic benefits and employment.

So basically the results have been very promising. We've been able to generate in '09 18,619 pounds of meats landed in the fishery. You can see in that right-hand graph that the fishery landings are increasing. This is due basically to the generations of scallops that we've started and build upon every year since 2005. The impact to the regional economy is about \$1.2 million in '09. On opening day there were much greater than 500 people on the grounds harvesting scallops. And those scallops basically were consumed in the regional economy so there's many benefits to local restaurants and seafood shops.

Also having this many scallops on the bottom increases and improves water quality by converting potentially harmful algae to scallop biomass that creates jobs and economic development. A big part of it certainly for the residents who participate in this fishery is restoration of a heritage industry and an activity that extends back to colonial America. In the fall on the east end there's just a euphoric feeling when the opening day approaches and every person who participates in this, and there's many thousands of people that do, have a chance to get out in mother nature and actually harvest scallops. We're building that back, people. We're harvesting scallops right up to the final day of the season which is the last day in March. So it shows the degree with which populations are building back.

So what does the future look like? The graph on the left is an indication of that term recruitment that I told you about. It's basically a measure of how many young scallops are coming out of the plankton as very microscopic organisms and moving into a bottom dwelling existence. So you can see how that has built over the years. This year we've had our largest recruitment since we started this project in the Orient Harbor Hallocks Bay area wherein '05 through '07 we were getting less than 50 scallops in our spat collectors that measure this. We're now getting 16,000. In Northwest Harbor it's gone from about 50 to 6,000. So we're very excited about the results we've gotten so far.

But really what I'm hoping for is if you look at that right graph, you can see the last real large landings was right before '95. So the number of scallops that created those landings is reflected in the previous bar you see, which is much, much smaller. But it gives you an idea of how scallops can explode as a population if mother nature provides the correct water quality in the bay. So that many scallops in that short little bar created that big high bar which are tremendous landings equal to pre-brown tide landings. Now if you move out to where we are now, our last bar, our last landings that were about 18,000 is just about the same size as that. And so we're now approaching the position where we have enough brood stock that if mother nature cooperates this fishery could explode back in the time of a year or two. But if it doesn't happen, we still are building. And if our

recruitment on the left is any indication our fishery will double again yet next year, and we're still constantly building back this fishery.

And I guess before I end, you know, obviously we're all in this program thanks to Suffolk County Legislature. But back in '04 when we presented to you this project, there was a gentleman who's sitting here, Ben Zwirn. And Ben was very helpful in getting this through. And so I just want to sort of echo that this is working. It's pretty cool. So I just wanted you to know that.

And thank you. So any questions?

**CHAIRWOMAN VILORIA-FISHER:**

I'm going to thank you for Ben. It's not that often that he's sitting here and he hears people remembering good things that he did. Huh, Ben?

**LAUGHTER**

But it's good to see that success. You know, especially this morning when I was reading the paper about the {Doxy} family and clams. That was a name that -- that's a name that's almost generic with, you know, when you think of clams and the industry. And you hate to see any industry impacted the way that family, that five generation business has been impacted.

Are there any questions for Chris Smith? I have a general question. I think either Emerson or Tamson, I'm not sure who could answer this, but when we were going over the budget last year, and I think, my two colleagues here were both in the working group, there was a question as to why we need to pay for Cornell to do training of landscapers and nursery men associations. I don't know if any of you remember that discussion.

**LEG. LOSQUADRO:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

Could you answer that for us, please, why -- because I think, Emerson, you mentioned some of the training of the nursery men and landscapers. And I think Tamson did as well. So if you could just give us a general answer why should we invest in that?

**MR. HASBROUCK:**

I'll answer for the Storm Water Program. And, Tamson, you may want to respond as well.

It's important to train landscapers in the phase II Storm Water Program so that they understand that their activities and actions can have an impact relative to pollutants and storm water. And further that those impacts to storm water can have an impact on the water quality of our bays and lakes and a few rivers that we have here on Long Island. So it's important for them to make the connection and to understand what the issues are relative to their businesses and the impact that it may have on storm water; and pollutants on storm water.

**CHAIRWOMAN VILORIA-FISHER:**

Wait, wait. You can't say anything until you're on the microphone. Okay, we're tough here, Tamson. That way we have you on the record. You don't want to waste any of those words of wisdom. Tamson, while you're addressing us on that, if you can just let us know is there there any fee to the nursery men when they take these courses? Do we have any licensing or certification laws that require them to have this training? You know, so that we get the full picture of what's going on. And thank you, Emerson, for that piece of it.

**MS. YEH:**

Basically there are two kinds of trainings that we do in my part of Extension. One is not for external landscapers. It's for County landscape managers. These are County employees. There is a

second grant from the County that's been given to our part of Extension. And that's to support a second law. That's the fertilizer law which limits fertilization on County properties all the time. And it prohibits fertilization on any property on turf grass between November 1st and April 1st.

The programs that we give for that are for outside landscapers. And that is part of the law that education is mandated. The fertilizer grant ended officially on June the 30th of this year. But they're going to extend the education part of that. It was free up until the end of this particular part of the grant. In the Extension of it doing some more education programs, there'll be a nominal fee to cover some of the printing costs which are quite extensive, like, maybe \$10 per person. But that's the fee that is charged.

The mandate for the fertilizer part comes, as I said, for the education program for the County employees that are involved with landscaping problems. There's no charge to them to come to our programs. We specifically gear our program to their specialists; for example, if the County golf course managers have their very own program once a year at which they get specialized training, we provide specialized training to DPW so they're better able to manage road side weed programs, etcetera. And we also give specialized training for people that are doing general landscape management such as people at the County colleges.

**CHAIRWOMAN VILORIA-FISHER:**

Thank you, all of you, for coming down.

**MR. HASBROUCK:**

We have one additional element.

**CHAIRWOMAN VILORIA-FISHER:**

I'm sorry?

**MR. HASBROUCK:**

We one additional program element. Our Eelgrass Restoration Initiative.

**CHAIRWOMAN VILORIA-FISHER:**

I'm sorry. I thought Chris said *as I'm winding up* and I thought that was the end.

**MR. HASBROUCK:**

Last but not least.

**CHAIRWOMAN VILORIA-FISHER:**

I'm sorry, go ahead.

**MR. PICKERELL:**

My name is Chris Pickerell. I'm a habitat restoration specialist with Cornell Cooperative Extension. And I'm going to talk about the habitat component of water quality and fisheries. Emerson introduced the water quality aspect. Chris talked about the fisheries. But you can't have a considerable yield without some type of habitat out there. You can't have scallops or clams or fish in a vacuum. They need some place to live. So we're working on that aspect there, the habitat.

When I thought about a picture to include with my first slide, I found this one from a site that is near the spawner sanctuary that Chris Smith already discussed near Orient Harbor. And this shows pretty closely how scallops and this habitat can and do co-exist. These two species evolve together. And they both have a two year life cycle. So the point is we're out there trying to reestablish this essential habitat, fish, scallops and other species. If we don't do it, it's not going to happen on its own unfortunately. There's what's called propagation limitation similar to what Chris is seeing in the scallops where there's not enough out there to spawn on their own. We have to move it to new areas. So the goal of our effort was to plant about 9.75 acres over three years. We're in the

middle of the second year right now so we're well on our way. If I could have the next slide, please.

One good analogy I'd like to bring up with regard to eelgrass on the bottom because not many people spend time snorkeling or diving, they may go fishing or water skiing or what have you. They'll go to the beach but they don't spend time on the bottom in the water. And I like to compare many of our bay bottoms to the dust bowl. That's what it looks like. So the picture on the left is obviously the dust bowl from the '30's. On the right is a picture of our bay bottom just, I don't know, if it's a year or two ago. That's what most of the bottom looks like.

And just like you're not going to have squirrels and birds and insects and have you, small mammals, large mammals, without the trees and without the structure, you're not going to have a lot of the productivity, the fishes, the shell fishes without have some type of structure on the bottom, some type of habitat.

The pictures along the bottom are actually from sites where we planted as part of this program. So there was no grass there before we got there. After we were done there was grass there so there was new habitat. And you can see the species are there. Flounder, bay scallops, porgies. These guys show up. So you heard the phrase in the movie, *if you build it, they will come*. That's what happens. So it is basically that simple.

The hardest part of our effort is site selection. So picking the proper site to plant into, you can't just go out there and say -- put a dot on a map and pick that. You have to do a lot of work to select those sites.

And if I can have the next slide. We have sites throughout Suffolk County to the extent possible. Many of them are clustered on the east end obviously but we work in Long Island Sound, Peconic Bay as well as the south shore. Unfortunately in the south shore system, we've got a lot of brown tide occurring. And that's a big problem for eelgrass. As Chris mentioned it wiped out the scallops. It also did the same for eelgrass because it cut down the light. Anything that shades in the water is going to kill of eelgrass just like a house plant. You put it in your closet, it's going to die. The same thing happens with eelgrass. So we don't have many sites down there now. Although the western reaches, outside of Suffolk County, the grass is doing pretty well. Amazingly. There's a large population of people there but the grass is doing okay because of the connection to the inlets and the ocean.

In total we have planted at about 36 sites. Obviously they're not all shown on there. We have 13 large scale sites. So what we do, the process is to go out. I start in the winter and look at aerial photographs, look for the right bottom signature, look at historic maps where grass was in 1930 prior to the {wasting disease} which was in '31 and '32. And then we go out and scout those sites and then do small scale test plantings and see if it works. If it works for a year, then we'd come back and scale up that planting and really increase our time and effort there.

Once we pick those larger sites, they're usually fairly successful. We get greater than 75 percent survival over the plants we put in. And this work is done all by hand. So all the divers under water, so it's very labor intensive, time intensive. And pictures along the bottom show some of what goes on. You got divers collecting plants from healthy meadows. We collect one plant every square meter so we're not having a large impact on those meadows. We process the plants on a boat or in a lab. And then we plant them out back out literally by hand.

We're developing methods that are similar to agricultural methods where we can scale up and have conservation of effort by doing more work out of the water than in the water. But those are in development right now. And that's pretty much it.

I don't know if there are any questions. But it's -- we're excited about it. We're actually -- we're the only successful projects in the region if not the country. There's some work in the Chesapeake

that's doing very well. But I get calls from Europe, from the west coast, from up and down the east coast I get called into speak about, you know, what we're doing and the innovative ways we're trying to bring grass back. And it's something to be proud of. So I thank you again for the funding. It's been great. And we look to continue on to the extent possible.

**CHAIRWOMAN VILORIA-FISHER:**

Any questions? Imagine gardening under water.

**MR. PICKERELL:**

It's like planting your lawn under water bit by bit.

**CHAIRWOMAN VILORIA-FISHER:**

Hard to mow it. Thank you very, very much. Thank you very much.

**MR. PICKERELL:**

Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Always informative.

**MR. HASBROUCK:**

Thank you for the opportunity to come before the Committee today.

**CHAIRWOMAN VILORIA-FISHER:**

We're proud to see the money that we invest is well spent. Thank you.

Are there any other speakers? I don't see any cards.

**CEQ RESOLUTIONS**

Okay, so we will go to the agenda. First we're going to go to CEQ resolutions. And not Jim Bagg today. We will have Mr. Mule. Mike Mule who is stepping up.

**MR. MULE:**

Good afternoon.

**CHAIRWOMAN VILORIA-FISHER:**

You can just go through it.

**MR. MULE:**

Okay. First off we have CEQ resolution **24-10, ratification of Recommendations for Legislative Resolutions Laid on the Table for June 8, 2010. (Type II and Unlisted Actions)**. This is pretty much pro forma. CEQ classified these actions mostly as unlisted and Type II Actions requiring no further SEQRA compliance. I do want to point out that an EAF was submitted for IR 1670, an unlisted action by Legislator Kennedy's office. And it's going to be presented at CEQ on August 18.

**LEG. D'AMARO:**

Yeah, I'll offer a motion to approve.

**CHAIRWOMAN VILORIA-FISHER:**

Second. All in favor? Opposed? Motion carries. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**MR. MULE:**

Next up **CEQ resolution 25-10, proposed Sale of the John J. Foley Skilled Nursing Facility, in**

**the Town of Brookhaven. (Unlisted Action, Negative Declaration).** CEQ recommends classification of the action as an unlisted action with a negative declaration, no adverse impact on the environment.

**CHAIRWOMAN VILORIA-FISHER:**

And just for the information for the Committee, I voted against this listing as a member of CEQ because I believe that when we looked at various different areas of SEQRA, and in terms of it impacting the area around it, impacting not just the environmental, but the pieces that talk about how many jobs would be lost, how it would affect the surrounding community, I felt that it would have broader impact than just the property itself. Tom's on this Committee.

**LEG. D'AMARO:**

I'll offer a motion to approve. Did you make a motion?

**LEG. LOSQUADRO:**

Yes.

**LEG. D'AMARO:**

All right, I'll second the motion.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, there's a motion and a second. All in favor? And I'm opposed.

**LEG. MURATORE:**

Me, too.

**CHAIRWOMAN VILORIA-FISHER:**

That's two. Legislator Muratore opposed. Motion fails. Okay, go ahead, Mike. **(VOTE: 2-2-0-1. LEGISLATORS VILORIA-FISHER AND MURATORE OPPOSED. LEGISLATOR COOPER NOT PRESENT)**

**MR. MULE:**

Next up **CEQ resolution 26-10 Proposed Sewer District #14 Parkland, Construction of Additional Recharge Bed CP 8118. Town of Islip. (Unlisted Action, Negative Declaration).** CEQ recommends a classification as an unlisted action with no adverse impact on the environment neg dec.

**LEG. D'AMARO:**

Motion.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second. All in favor? Opposed? Okay. All in favor? Motion carries. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**MR. MULE:**

Next up **CEQ resolution 27-10, proposed Acquisition for Open Space Preservation Purposes Known as the Beaverdam Creek County Wetlands Addition, in the Town of Brookhaven. (Unlisted Action, Negative Declaration).** CEQ recommends a classification of an unlisted action with a negative declaration, no adverse impact on the environment.

**CHAIRWOMAN VILORIA-FISHER:**

If it's okay, same motion, same second, same vote. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**MR. MULE:**

Next up **CEQ resolution 28-10, proposed Cedar Point County Park Master Plan, Town of**

**East Hampton. (Type 1, Negative Declaration)** CEQ recommends a classification as a Type One action with a negative declaration, no adverse impact on the environment.

**CHAIRWOMAN VILORIA-FISHER:**

Same motion, same second, same vote. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**LEG. D'AMARO:**

Question.

**CHAIRWOMAN VILORIA-FISHER:**

Question, Mr. Mule.

**LEG. D'AMARO:**

Just very quickly, if the Committee does not adopt an unlisted action negative declaration, what happens next?

**MR. MULE:**

If it doesn't adopt an unlisted --

**LEG. D'AMARO:**

On resolution 25-10 that was just taken where the resolution failed, so the Committee is not adopting the negative declaration on that resolution for that project, what happens now in the SEQRA process?

**MR. BAGG:**

If I may answer that, basically the Legislature makes the final SEQRA determination, not the Committee. It's been a standing procedure that CEQ's recommendations go to the Committee for a recommendation to the full Legislature. But in the past some recommendations have gone directly to the Legislature, not to committee and then voted upon.

**LEG. D'AMARO:**

So irrespective of the vote here today, this will appear on the agenda for the full meeting at the Legislature?

**MR. BAGG:**

Well, I believe the County Exec's Office has incorporated the CEQ recommendation directly into the sale resolution so it's part and parcel of the resolution.

**LEG. D'AMARO:**

All right. And just to double check with our Counsel, George, is that your understanding?

**MR. NOLAN:**

Yes, that's correct.

**LEG. D'AMARO:**

All right, thank you gentlemen. I appreciate it.

**CHAIRWOMAN VILORIA-FISHER:**

Jim, you heard that too? That we did that with vector control where the committee hadn't voted for it, but then before the full Legislature there was a vote. Thank you, Mr. Mule. Welcome.

**MR. MULE:**

Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, tabled resolutions. And the team is up.

**COMMISSIONER MEEK GALLAGHER:**

Yes. Actually before we got to the tabled resolutions, we wanted -- we had two items to bring to your attention. One is if you're interested, we have an update on the status of funds, since we will be requesting at the next Legislative meeting on August 3rd, we'll be laying a resolution on the table to --

**LEG. LOSQUADRO:**

Before we move onto the agenda, I'd like to make a request that we reconsider one of the CEO motions. I'd rather just get it out of the way here.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**LEG. MURATORE:**

Make a motion to reconsider.

**CHAIRWOMAN VILORIA-FISHER:**

I'll second. All in favor? Opposed? **25-10** is before us again. **(Proposed Sale of the John J. Foley Skilled Nursing Facility, in the Town of Brookhaven. (Unlisted Action, Negative Declaration))**

**LEG. LOSQUADRO:**

Same motion to approve.

**CHAIRWOMAN VILORIA-FISHER:**

There's a motion to approve by Legislator Losquadro and a second by Legislator D'Amaro. All in favor? Opposed? I'm opposed. The motion now carries. **(VOTE: 3-1-0-1. LEGISLATOR VILORIA-FISHER OPPOSED. LEGISLATOR COOPER NOT PRESENT)**

Also, Carrie, we had a Water Quality Review Committee meeting last week. And I think you mentioned what the balance was on that, which is not very much, right? So we won't be seeing too many other water quality projects going through. Would you happen to have that number here?

**COMMISSIONER MEEK-GALLAGHER:**

We just -- between the June meeting and the July meeting the Committee recommended roughly \$2.7 million worth of project. And we had --

**CHAIRWOMAN VILORIA-FISHER:**

And we have 2.8, right?

**COMMISSIONER MEEK GALLAGHER:**

And we had about 2.8, right. So you'll be seeing over the next couple of months, you'll be seeing resolutions coming before you to approve the projects that had been recommended by the Committee. But it's unlikely that we'll see any more projects or have any more meetings this year unless, you know, something major comes up.

**CHAIRWOMAN VILORIA-FISHER:**

There's a big upturn in the revenue.

**COMMISSIONER MEEK GALLAGHER:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Thank you. And go ahead with the report.

**COMMISSIONER MEEK GALLAGHER:**

So we just, of course, are trying to keep you updated on the status of funds. And as you will see this month if you look in the column that's the bonded Quarter Percent Drinking Water Protection Program, which is essentially the sole source of funds that we're utilizing right now, the amount available after negotiations, we're in the negative 78.3 million. And we have available for still to be bonded and appropriated right below that 77 million. So we have actually crossed the point now where once we are -- what we have in contract, accepted offers and in negotiation exceeds the amount we have available for bonding and appropriating by a small amount. But we do have the -- of course some of these will probably fall out. Some of the negotiations won't proceed. And we will have the Pay-go money once we are finished with bonding.

But we wanted to give you this because at the next legislative cycle you will see a request for an appropriation for \$30 million which is what we anticipate needing to close on properties before May of next year, which will be the next time that we would have money bonded and available to us. So that will be what will go forward in the fall bonding.

And then the other -- obviously if you have questions, ask them. But the other matter we wanted to bring to your attention is we are required when an acquisition has not closed after two years from the time of the authorizing resolution, we are supposed to -- the Director of Division of Real Estate supposed to come before you this Committee and just update you on the status of any those properties and why there's been a delay in those closings. And so I will turn it over to Director Pamela Greene.

**CHAIRWOMAN VILORIA-FISHER:**

Before we go to Pam, are there any questions about the status of funds?

**LEG. D'AMARO:**

I just want to clarify.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Hi, Carrie. Just to clarify the Quarter Cent, the amount that's in contract right now, not negotiation but further along where a contract has been signed, exceeds the amount of bonding authority or exceeds what's already been bonded or authorized?

**COMMISSIONER MEEK-GALLAGHER:**

The amount in contract currently is 29 million. In accepted offers we have 78 million. And so that gives us -- and then in negotiation another eight million. So when we subtract -- the balance of the accounts is 37 million. So when you do the math on all that, if everything that's in contract and accepted offers and in negotiation were to go forward, we would exceed it. We actually still have -- if you look at this green line, the amount available for future negotiation, we're only 70.3 million in the red. So we still can cover all of that, everything in contract and in accepted offers by what's available for future bonding and appropriations. It's only when you add in in negotiations that we exceed the amount.

**LEG. D'AMARO:**

The amount available for future negotiations, the green highlight --

**COMMISSIONER MEEK GALLAGHER:**

Yes.

**LEG. D'AMARO:**

-- is a negative number.

**COMMISSIONER MEEK-GALLAGHER:**

Exactly. It's negative but -- right. So, it's negative. But if we bond and -- appropriate and bond everything available, which is the orange line on the very bottom, that 77 million we still have available to appropriate and bond before the fall of next year. So that 77 million could cover the 70.3 million in amount available for future negotiation. Or essentially it would cover everything currently in contract and accepted offers.

**LEG. D'AMARO:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Carrie, we've been talking about the second column from the right, okay, where we have 108 in total projected expenditures. We have a balance of 37.

**COMMISSIONER MEEK GALLAGHER:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

And that's how we wind up with the negative number and then -- because we have less that we can bond. Explain the last column, then, with the totals.

**COMMISSIONER MEEK GALLAGHER:**

Right. So the total is we're still taking into consideration what we in the Old Drinking Water Program. That's that first column, the 1987 12-5A, the South Setauket Woods, what we still call the New Quarter Percent which was the 2000 program Multifaceted Legacy Fund because we are still trying to utilize and use up those funds. But as you know Multifaceted and Legacy, we've -- there's been an agreement between this body and the County Exec's Office that we would first use up the bonded Quarter Percent money before we went back and used those funds. And then the 12 5A and the South Setauket Woods are very specific as to which parcels can be utilized for those funds. So we are still trying to keep, you know, to keep a total balance. But in reality this source that we're utilizing for the majority of our acquisitions right now is the bonded Quarter Percent.

**CHAIRWOMAN VILORIA-FISHER:**

Can we take any of the in contract or accepted offers -- well, not the accepted offers but the ones that we might have in contract and move them to another program?

**COMMISSIONER MEEK GALLAGHER:**

You mean the bonded Quarter Percent ones or you mean the Multifaceted or Legacy fund?

**CHAIRWOMAN VILORIA-FISHER:**

Well that's what I'm -- can we move them somewhere where there's money so that we won't run into --

**COMMISSIONER MEEK-GALLAGHER:**

The ones that are already in contract it happened -- you know, most of that happened before, and in fact those are some of the ones we were going to talk to you about today, before we agreed not to utilize the funds. They were already in contract so we will still -- and that money's already been encumbered. So will be able to move forward and close on those in those funds, which is why we have to -- we continue to, you know, to show them each month so you see there is -- there are actually, I think, two acquisitions in Multifaceted and one in Legacy that are still moving forward from -- that predate that spring of 2008 time frame when we came to the agreement not to utilize those funds for the time being. You'll actually see the three acquisitions that have exceeded the two years since the authorizing resolution. One is Legacy Fund and two of them are Multifaceted.

**LEG. D'AMARO:**

Just going back to the Quarter Percent, I understand how you're getting at those numbers. I just want to ask you the in contract, the 29,329 --

**COMMISSIONER MEEK GALLAGHER:**

Yeah.

**LEG. D'AMARO:**

What percentage of that will actually go through? A high percentage?

**COMMISSIONER MEEK GALLAGHER:**

Yeah. In contract usually, you know, you can say close to 95 percent of those go through; accepted offers a little bit more may fall out depending on if there are issues with the subdivisions don't come through or there's a survey issue or a title issue that arises; but the majority, once we get all the way to the contract phase those usually goes through.

**LEG. D'AMARO;**

So the accepted offers maybe 85 percent might go through?

**COMMISSIONER MEEK GALLAGHER:**

Yeah.

**LEG. D'AMARO:**

And maybe 50/50 on the negotiations?

**COMMISSIONER MEEK GALLAGHER:**

Yeah, negotiations, actually yeah, 50/50 is a good estimate.

**LEG. D'AMARO:**

So when you look at the bottom line amount available to be bonded or appropriated 77 million, I mean we're very close at this point to having exhausted the bonding authority on the Quarter Cent; is that correct?

**COMMISSIONER MEEK GALLAGHER:**

Yeah.

**LEG. D'AMARO:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, Carrie, if we were to take the 29 million that we have in contract and pay for those out of the Legacy Fund and the Multifaceted Program --

**COMMISSIONER MEEK GALLAGHER:**

Well, remember Legacy requires a 50 percent partnership.

**CHAIRWOMAN VILORIA-FISHER:**

Don't we have any partnerships in any of those? I mean can't we tease out the ones that might have a partnership ability rather than cut it so close? What if all the parcels that are in negotiations are accepted? Then we wouldn't be able to borrow enough to cover them. I think Robert wants to jump in on this.

**COMMISSIONER MEEK GALLAGHER:**

Well, we will -- and maybe, Robert, you want to just -- we will still have the Pay-go money available and there's a balance in that.

**MR. LIPP:**

Yeah, there are several issues here.

**CHAIRWOMAN VILORIA-FISHER:**

But why not use the Legacy? Okay, wait a minute, Robert, before you answer that. What about the Multifaceted? That doesn't require -- that's \$9 million. Is it sitting there or is -- that's bonded money also, right?

**COMMISSIONER MEEK GALLAGHER:**

Yes. It's already -- the only money that you see here is money that we've already appropriated; not necessarily all bonded but appropriated.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Sorry, Robert, go ahead.

**MR. LIPP:**

Don't be sorry. Okay, there are several issues which we spoke to in our review of the Capital Program. First of all with the Multifaceted Legacy, those would be borrowing programs, too, but they're General Fund so that's General Fund debt service. So the General Fund would pay for that, number one.

Number two, the bonded quarter percent which it's probably pretty clear it's bonding through the end of 2011. And it is shown in second to last column at the end there is still outstanding borrowing capacity of 77 million. And as Commissioner had just stated they're expecting to borrow another 30 million in the fall. That would leave \$43 million to be borrowed next year.

That being said, there's probably well in excess of \$50 million that will be available in cash at the end of 2011 to start on a Pay As You Go basis. In addition and finally these parcels that are even in contract, accepted offers including negotiation may not all -- even if they all went through, they may not all go through by the end of 2011 anyhow. So the negative amount being shown here assumes that everything's going through and that it would all go through before 2011, which we don't think is an accurate representation. So even though, yes, the money's tight, no doubt. But we think that there probably will be sufficient amount and clearly there will be enough once the borrowing capacity is exhausted to be borrowing going forward. Clearly in the future, you know, there will be limitations though, but I think there's a sufficient amount for now.

**LEG. D'AMARO:**

How could the -- if the borrowing capacity is exhausted, how do you bond going forward? Not under the Quarter Cent you mean?

**MR. LIPP:**

Right, you don't bond the -- the bonding portion -- the Quarter Percent sales tax was extended from December '07 through the end of 2030. But only the first four years 2008 through 2011 allow for borrowing. After that it would be only on a Pay As You Go basis so there's still purchases available, not borrowing but beyond 2011 purchases.

**LEG. D'AMARO:**

Pay As You Go using the revenue source as the Quarter Cent?

**MR. LIPP:**

Cash, right. Yeah, and in effect among other things because of the restrictions on the amount of borrowing, they'll be in all likelihood well over \$50 million of cash as a balance sitting there at the beginning of 2012.

**LEG. D'AMARO:**

That's accumulated from the Quarter Cent which wasn't part of the bonding program.

**MR. LIPP:**

Correct, but it is part of land acquisition purchase portion.

**LEG. D'AMARO:**

You project that at the end of next year to be about 50 million?

**MR. LIPP:**

Roughly off the top of my heard, yeah, sure. And then moving forward it'll be a small amount moving forward that will add to it, like maybe four million or so in the early years. And then as the requirements for debt service are losing, then the amount available going forward will be larger amounts in future years to pay on as a Pay As You Go cash basis.

**LEG. D'AMARO:**

And that 50 million is net of the amount needed to service the debt from the bonding?

**MR. LIPP:**

Correct.

**LEG. D'AMARO:**

That's good news, I guess.

**CHAIRWOMAN VILORIA-FISHER:**

Robert, what's the cost of bonding in the different programs? Are we paying the same amount in the different programs?

**MR. LIPP:**

Typically what we're doing now with the Quarter Cent borrowing is it's just one capital project out of maybe 120 that we go out and borrow for. So the rate is the same as our general capital program serial bonds, be it roads, land acquisition or whatever. I'm not sure if I answered the question but that was my answer.

**CHAIRWOMAN VILORIA-FISHER:**

No, no, because I'm not comparing it to other programs and other borrowing in the capital budget. I'm comparing it to Legacy Fund and the Multifaceted. Is that the same level?

**MR. LIPP:**

Yeah, it's whenever we go out to borrow for any project be it Legacy or Quarter Cent bonding, it's included typically in the borrowing for like 120 different capital projects. So it's all part of the same bond with the same interest rate and the same number of years to maturity.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Thank you, Carrie, for that update.

**COMMISSIONER MEEK GALLAGHER:**

You're welcome.

**DIRECTOR GREENE:**

Madam Chair and members of the Committee, how are you? If I might, Legislator D'Amaro -- sure. Thank you, Legislator. If I might Legislator D'Amaro, just as you're reviewing that chart and using the term "exhausted" on behalf the Division we might offer as a suggestion to use the word "met". The Division was charged by purpose of the 2007 referendum with a very aggressive land acquisition program purchase in a very short amount of time. And on behalf the acquisition unit, they have been working very, very diligently to meet the mandate for which they were charged.

So, yes, it's tight but it's also showing that it is meeting its goals in that the land that was expected

to be purchased and thus preserved is certainly very, very close to being on track. So if we can phrase that where it's "meeting" our mandate and looking at it in a positive, again, noting that we must follow all of the acquisitions extremely closely. We have handed out to you a memo as required by law that states that when certain authorizing resolutions have exceeded a two year time period and the property has not closed, that I as Director, Director of the Division must make a presentation to the committee to advise them of such and then to continue the acquisition process.

So the law does not state there is anything for you to do or approve or put forward in a motion but for the Director to make that presentation for you to see that there are pending acquisitions that have exceeded the two year time frame. And I'll just go through them quickly with you.

The first one is an acquisition on Shelter Island. It is 12.67 acres. It is a 50/50 partnership with the Town of Southampton -- I'm sorry -- with the Town of Shelter Island and that is why it qualifies for Legacy funding.

The next two, if you will, are part of one acquisition, the Randall Lecky and the Lecky, Leighton acquisitions are both in the Village of Head of Harbor in the Town of Smithtown. And then finally we have a farm in the Town of Southold. And that is 14.24 acres. And that is about to come to that two-year time period. And we are awaiting Health Department approval for subdivisions for all of those properties.

**CHAIRWOMAN VILORIA-FISHER:**

What's taking them so long? I mean are there issues on these properties or --

**DIRECTOR GREENE:**

It's my understanding that the process for a subdivision through the Health Department is often -- requires a great deal of time.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Why is -- I'm confused. You know, usually subdivision approvals come from the Town, right? Why is there a subdivision -- I mean what are you subdividing? In real terms what are they doing?

**COMMISSIONER MEEK-GALLAGHER:**

Many times when we do an acquisition, what happens is they actually want to subdivide and keep a parcel especially that already has a house on it. And then maybe keep another parcel to build on for, you know, family member, I think you see sometimes at ETRB where there are cutouts for them.

**CHAIRWOMAN VILORIA-FISHER:**

Is that what's happening here?

**COMMISSIONER MEEK GALLAGHER**

Yeah.

**CHAIRWOMAN VILORIA-FISHER**

Are these where we've cut the footprint of the house out so we're creating a subdivision?

**COMMISSIONER MEEK GALLAGHER:**

Yes. So we're creating a subdivision or they're actually creating a subdivision first. And in that case they also need approval not just from the Town for the land use portion but also from Health Department for sanitary purposes. Because each lot -- each lot that may be built on needs to be up to the current sanitary code and needs to have -- right -- they need to have septic, they need to have drinking water.

**CHAIRWOMAN VILORIA-FISHER:**

But with a two-year time period, one could say that there's a perception of a department dragging its feet. So we're not spending this money that's coming out of the General Fund. That's how it might look. It's a two-year delay. And many of us sitting here have had issues with the Health Department when we have local businesses who are waiting for Health Department approval for nine months, a year to have approvals so that they can start their businesses. And here we have coincidentally for acquisitions that are all coming out of General Fund. And all of those are delayed for two years by our own Health Department.

I want to have more conversations about this. And I'd like somebody from the Health Department, whoever is doing these approvals, to come to our next meeting and explain us to in detail why these approvals are taking two years. Okay. I'll send a letter to Dr. Tromarken and ask him to have somebody from his shop come here and tell us why there's a delay of two years by one of our own departments.

Legislator D'Amaro.

**LEG. D'AMARO:**

Yes, thank you. The memo indicates that you need to go to Ways and Means and the Parks Committee. Is that for further approval? It says to continue -- is this quoting the language of the law itself?

**DIRECTOR GREENE:**

Yes, we've quoted the law.

**LEG. D'AMARO:**

So how are we interpreting that?

**DIRECTOR GREENE:**

We would interpret it that we are before the successor committee, which would now about yours. This one here.

**COMMISSIONER MEEK-GALLAGHER:**

In terms of the committee that deals with acquisitions of land.

**LEG. D'AMARO:**

So in other words these all came before the -- what committee --

**COMMISSIONER MEEK GALLAGHER:**

EPA.

**LEG. D'AMARO:**

-- did these originally come before?

**COMMISSIONER MEEK-GALLAGHER:**

These all came before EPA Committee. These acquisitions.

**LEG. D'AMARO:**

They did.

**COMMISSIONER MEEK GALLAGHER:**

Yes, these resolutions. So the law was written, I'm assuming, before this Committee existed or before land acquisitions came to this Committee. I'm not sure.

**LEG. D'AMARO:**

When was this was law passed? I don't think so.

**COMMISSIONER MEEK GALLAGHER:**

This is part of the code.

**LEG. D'AMARO:**

I think that you need to be at either Ways and Means or Parks. I'm not sure. I understand that the original authorizing legislation came through this Committee, but I don't think that you come back here necessarily and the two year rule applies.

**DIRECTOR GREENE:**

We'd be happy to make the presentation at that committee as well.

**LEG. D'AMARO:**

I'm just curious because, you know, if it comes to Ways and Means, which I Chair, I'm not sure -- I don't know why there's a two year delay. I know that often the Health Department might be requesting information. And there's applicants. There are legitimate reasons that they don't submit right away, or they're delayed. There's all kinds of things going on. So I'm not convinced that it would necessarily be the Health Department that's causing the delay but I certainly would want to give the Health Department an opportunity to come down and explain, you know, what the chronology was and why there is a delay. So I'm just not sure why we're at this Committee for this reading that law. George, any idea?

**CHAIRWOMAN VILORIA-FISHER:**

I have a guess. Pam, how old is this law, do you know?

**DIRECTOR GREENE:**

No, I don't.

**CHAIRWOMAN VILORIA-FISHER:**

Because at one time it was Parks and Environment. When I was Chair of Parks in 1999 acquisitions were part of the Parks Committee. And, you know, it was Parks and Environment. So if this is before 2002, I think that's probably when they split up. But George doesn't recall when --

**MR. NOLAN:**

I know when we created the Department of Environment and Energy, and we redid that whole -- we created a whole new article 42, but this could have been a predecessor section. But it does say the Ways and Means Committee. So I think you do have to come before the Ways and Means Committee as well to make the presentation.

**DIRECTOR GREENE:**

Or any successor committees thereto. So, again, we're fine making the presentation wherever you would wish us to. We're just quoting you the law so you see the purpose of our presentation today.

**LEG. D'AMARO:**

Well, right now there is no successor committee to Ways and Means or to Parks. There are none.

**DIRECTOR GREENE:**

In order to continue the acquisition process, again, that was our inference.

**LEG. D'AMARO:**

Well, that was the second part. In other words if we agree that you have to go before one of those two committees, and I don't know how you choose or if you go to both, I really don't know, it's a little ambiguous to me. But then what needs to happen at those committees for you to feel authorized to continue with the acquisition? Do we need a resolution? Do we need some kind of vote?

**DIRECTOR GREENE:**

It's silent to that --

**LEG. D'AMARO:**

It is.

**DIRECTOR GREENE:**

-- other than stating that the memo must be presented.

**LEG. D'AMARO:**

George?

**MR. NOLAN:**

Just coming before those committees, I think, would do the trick.

**LEG. D'AMARO:**

Okay. So in order to continue you have to at least appear and bring the memo. Okay.

**COMMISSIONER MEEK GALLAGHER:**

We just felt that since this is the Committee that actually votes on acquisitions and approves these resolutions, it was important to start here.

**CHAIRWOMAN VILORIA-FISHER:**

And, in fact, if this was in effect, if this particular article was in effect, acquisitions was still part of the Parks Committee that, in fact, this Committee would be the successor committee. Because acquisitions are now here. So when we get the date on that, we can figure out whether this is indeed the successor committee. But thank you for bringing it here because it seems only logical because this is whence acquisitions emanate.

**DIRECTOR GREENE:**

Thank you.

**LEG. D'AMARO:**

And also I agree, I agree it should go to both. Because also if you're talking about exceeding the two-year period, that means there's a delay, not necessarily unjustified. It may be a justified delay. That would be also be -- may require an examination of the reason for the delays, procedural matter, governmental kind of matter. And I think that's why probably both committees were chosen.

**MR. NOLAN:**

Yeah.

**LEG. D'AMARO:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Thank you.

## **TABLED RESOLUTIONS**

Okay, now to the agenda. Tabled resolutions. Dan is out and I think his is the first one.

Okay, our first tabled resolution is **1174 (Adopting Local Law No. -2010, A Local Law amending Chapter 8 of the Suffolk County Code) (Co. Exec.)** And can you just give us al

little status on that, Mr. Isles?

**DIRECTOR ISLES:**

I can. Thank you. The County has been working with the County Attorney's Office, the County Planning Department, the Department of Environment and Energy to examine the issues that were raised at the June 22nd public hearing held by the Legislature, which primarily concerned the issue of variance authority and where that should be placed and what the criteria should be for variances. So we have submitted alternative language, some amendments to the County Executive. And we hope that that will be submitted soon.

Let me point out that we've also been advised that the bill will be stricken next week so we will be composing a resubmission of a new bill to replace it and hopefully that will occur next week.

**CHAIRWOMAN VILORIA-FISHER:**

All right, thank you on that update.

Legislator Losquadro, up next is 1220, what's your pleasure? That's the Gentleman's Driving Park.

**LEG. LOSQUADRO:**

Table.

**CHAIRWOMAN VILORIA-FISHER:**

1174, I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? 1174 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**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)** Motion to table by the sponsor. I'll second that. All in favor? Opposed? IR 1220 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**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 the sponsor. I'll second that. All in favor? Opposed? IR 1278 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**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 will make a motion to table, second by Legislator D'Amaro. All in favor? Opposed? IR 1280 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**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)**

It's the Garsten property in the Town of Riverhead. I don't think there have been any changes made in this one as far as the review. I will make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Second by Legislator D'Amaro. All in favor? Opposed? IR 1416 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 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)** And I think you took another look at this parcel, Mr. Isles?

**DIRECTOR ISLES:**

I would like to inform you that the sponsor has sent in a web page link to Wikipedia. And there is a discussion of what's known as the Manorville Branch of the railroad that extended from Manorville down to Eastport. And this property, the question in terms of the hiking trail is that old rail line.

We did examine that. We did do research on this referencing Wikipedia. What it states is that the road bed is also now a hiking trail. The sponsor had indicated that based upon that, there should be extra points awarded on the rating form.

We did examine that. And, number one, is that there was a reference to a County legislative resolution placing this into a nature preserve trail category. We did locate a copy of that and we did map that. And that resolution covers an area to the north and stops at Chapman Boulevard. South of Sunrise Highway, actually south of that point the old rail line goes to the Long Island Game Farm, goes through what's now known as the {Weiss} farm and down through a private air strip. So according to the resolution it did not include the area adjacent to this property known as Heritage Square.

Other research we've done in terms of trying to source whether this is a trail, we contacted the County Parks Department to see if they had done any management or maintenance or had any awareness of it. They did not report any at this point. We also checked with the Town of Brookhaven, Division of Environmental Protection and did not find any reference or hear of any information from them.

And then lastly we did also, I want to note to the board that we did check the Town of Brookhaven records. Heritage Square was the development project that was referred to the County Planning Commission on two occasions. We'll note that there are no direct references in the environmental documents that were submitted to the Town concerning the historic trail.

What is noted in the record is that the Town in approval of the project Heritage Square had called for the preservation of the portion of this property in the Pine Barrens. And that included the area where this rail bed was. So in the application for development that the Town approved, this area was going to be preserved any way. And it talked about allowing for walking trails to go through the property.

So at this point in time, the Department does not find a basis to support the two extra points for the trail. It will remain open. And if there's other information that's presented, and here again I wanted to share with you the Wikipedia reference, we do have a copy if you'd like to receive that.

Therefore, the point value of this property remains as reported at the last meeting, which overall is 25 points; however, if you divide it between the two parcels that are part of the resolution, the two areas, north of the former rail line is 23 points in the Pine Barrens compatible growth area; south of the old rail line is 17 points. If you have any questions I'll try to address those questions.

**CHAIRWOMAN VILORIA-FISHER:**

Wikipedia notwithstanding, I'm going to make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? 1430 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 1453, 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)**

**LEG. LOSQUADRO:**

Motion.

**CHAIRWOMAN VILORIA-FISHER:**

Motion by Legislator Losquadro, seconded by myself. Any questions on the motion?

**LEG. D'AMARO:**

I just had a quick question.

**CHAIRWOMAN VILORIA-FISHER:**

It has gone through Water Quality Review by the way.

**LEG. D'AMARO:**

So this is using funding from the fund 477; correct?

**MR. LIPP:**

Correct. It's water quality portion.

**LEG. D'AMARO:**

Right. So that funding is funding a portion of a capital project?

**MR. LIPP:**

Correct.

**LEG. D'AMARO:**

Okay. So what's the entire amount of the capital project and how much of this is covered by it?

**LEG. KENNEDY:**

If I can, Madam Chair, what we have before us today is we have an amended version of 1453 which in fact is for the amount of 250,000. 250,000 is 50 percent of the cost of silt remediation for the south side of Route 347 down to {Bow Drive}. There are attachments that go with the resolution. And I don't know if the Committee's seen them, but I can pass around the certified copies. And I'll be happy to go ahead and make them available.

This is a \$500,000 capital project authorized through the Town of Smithtown. And the 250,000 that we have before us today represents 50 percent of that cost for implementation. So it meets that participatory share that we have established with the groundwater quality review standards when we have a village or a town or other entity that's collaborating with us.

The Water Quality Review Committee in addition authorized the additional 400,000 in planning and engineering funding for the stream course as it goes up to Village of the Branch.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**LEG. D'AMARO:**

So what was the total cost of the project; the capital project?

**LEG. KENNEDY:**

650,000 is the amount that the Water Quality Review Committee has approved.

**MR. LIPP:**

I think there's a question for Counsel, though, in terms of the process that it was approved, I guess, last week actually by Water Quality Review Committee, but I'm not sure in terms of all of them being brought forward by resolution or something, whether or not we're putting the cart before the horse yet.

**MR. NOLAN:**

No. This piece has gone through the Committee and they approved it. So this is -- now is the right time. The amount has changed but it's still good.

**LEG. D'AMARO:**

So this will provide adequate funding for the entire project?

**MR. LIPP:**

According to the Water Quality Review Committee, yes.

**CHAIRWOMAN VILORIA-FISHER:**

This is phase II of the project; right?

**LEG. KENNEDY:**

This is for the implementation component which is the south side of Route 347. There is a subsequent phase that is composed primarily of county owned property only which would require additional planning and engineering funding as well as implementation money. But there we will in essence have no local share because the remainder of that water course in Miller's Pond itself are all county parklands.

**CHAIRWOMAN VILORIA-FISHER:**

That's the short answer; is that this is phase II, isn't it? It's not -- this is Phase II?

**LEG. KENNEDY:**

Correct.

**LEG. D'AMARO:**

So what properties are actually having the work performed?

**LEG. KENNEDY:**

The properties that will be -- have a certain remediation and the storm drains reconstructed under this resolution 1453 are Town of Smithtown Parks properties.

**LEG. D'AMARO:**

And the Town is partnering with the County 50/50 on this?

**LEG. KENNEDY:**

Yes, that's the resolution. As a matter of fact don't you see before you referencing 500,000?

**LEG. D'AMARO:**

All right. And what's the balance of that fund?

**CHAIRWOMAN VILORIA-FISHER:**

The Water Quality Fund?

**LEG. D'AMARO:**

Yes. I'm sorry. Yes.

**CHAIRWOMAN VILORIA-FISHER:**

Well, we had voted on 2.7. It was up to 2.7 million that we -- at the end of the last meeting. And the balance was 2.8 million so that leaves only point one million.

**MR. LIPP:**

Yes, there is -- there is left over from the last year 1.5 million -- actually I'm sorry, left over from the Old Water Quality Program there's 1.5 million on top of that. There's 2.8 million available for the middle of June in the Water Quality Fund for capital projects.

**LEG. D'AMARO:**

Okay.

**MR. LIPP:**

And typically what happens is we don't use the current year's funding until the year after.

**LEG. D'AMARO:**

And this would be a cash outlay, not a bonded project?

**MR. LIPP:**

Correct.

**LEG. D'AMARO:**

Okay.

**CHAIRWOMAN VILORIA-FISHER:**

Do you have any questions, Tom?

**LEG. MURATORE:**

No.

**CHAIRWOMAN VILORIA-FISHER:**

All right. We have a motion and a second. All in favor? Opposed? Motion carries. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 1534, adopting Local Law No. -2010, A Charter Law to authorize the transfer of development rights for non-profit community centers. (Schneiderman)** I will make a motion to table.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator D'Amaro. On the motion? All in favor? Opposed? 1534 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**1553, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Four Boys X LLC property Town of Brookhaven) (Muratore)**

**DIRECTOR ISLES:**

Okay, we are circulating a map and a rating form for this property. This is a proposed planning steps resolution under the amended New Drinking Water Program. And it's specifically under the active recreation component. We do appreciate the information supplied by the sponsor in terms of the completion of the questionnaire and a copy of the proposed plan for the site.

Based upon the information we've reviewed, we've identified the following points that could be awarded for this. One is based on the fact that the site could accommodate the proposed use in terms of the six athletic fields; does have access that is convenient in terms of proximity to a highway. It also gets points for being a census designated place with a population over 1,000 persons per square mile. It also gets points for the parcel size reference to that same criteria. And also points for a resolution that was submitted for a partnership with the Town of Brookhaven. If the County were to purchase it, they have indicated a partnership in the management and development. In terms of the total point value that we've rated the parcel on is 28 points.

I would like to bring two points to your attention in further consideration of this request. Here again, it's an active recreation component proposing athletic fields at this site. The site itself is located at the intersection of Nicolls Road and State Route 25 and also at the intersection of South Coleman Avenue in the Town of Brookhaven. It is a parcel that was a subject of a rezoning within the past two years A-one residential to PRCHC for an assisted living facility. And I'm just passing that along in terms of your knowledge of the zoning of the property, its potential impact on value and so forth. I understand this is planning steps but I felt this was a significant enough information that you should be aware of that.

The second point is that as Commissioner Gallagher and I explained or presented at the last meeting of this Committee, and as reported today by Commissioner Gallagher in terms of the status of funds, we are concerned about the -- getting over extended on the County's Open Space Program and have suggested that planning steps resolutions in general be held aside until the end of the year; and then see where we are with the program, with the status of funds, with some pending acquisitions including a couple of very large acquisitions that are quite a few dollars and then move forward or not at that point in time. So we raise that caution here.

28 points is certainly higher than 25 which is the typical threshold this Committee uses and we use. But we would recommend at this point that this parcel be held at this time until the end of the year until we have a better idea where we stand with funds. Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Thank you, Tom. I have some questions for the sponsor. Tom, are there -- is this part of that middle country sustainable plan? Is this in that area with sustainability? Sustainable Long Island is working with the community?

**LEG. MURATORE:**

I don't know. I'm not sure about that.

**CHAIRWOMAN VILORIA-FISHER:**

You're not sure if it's within that plan? That may be further west.

**LEG. MURATORE:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

More in Centereach by the library. And are there athletic associations or groups that have come to you in need of fields?

**LEG. MURATORE:**

Yes.

**CHAIRWOMAN VILORIA-FISHER:**

Do you know which ones?

**LEG. MURATORE:**

Middle Country Soccer.

**CHAIRWOMAN VILORIA-FISHER:**

Middle Country? They don't have the fields closer to Wireless?

**LEG. MURATORE:**

Right.

**CHAIRWOMAN VILORIA-FISHER:**

Those are just baseball fields there? They have no fields.

**LEG. MURATORE:**

They don't have anything.

**CHAIRWOMAN VILORIA-FISHER:**

They have no fields for soccer. Okay. You want to make a motion?

**LEG. MURATORE:**

Motion to approve.

**CHAIRWOMAN VILORIA-FISHER:**

I'll second that. I guess you got the votes. Okay. Motion by Legislator Muratore, seconded by Legislator Losquadro. All in favor? Opposed? Motion carries. **(VOTE: 4-0-0-1.**

**LEGISLATOR COOPER NOT PRESENT)**

**IR 1554, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Sirfar Associates LP property Town of Brookhaven) (Muratore)** A BMX park, huh?

**DIRECTOR ISLES:**

Okay, this is a parcel that is located also on State Road 25. This is a short distance east of the intersection with County Road 83. It is a vacant parcel presently; slightly less than three acres in area.

We have been working with the sponsor in gaining information on this site. We would like to request a tabling of this resolution to enable the completion of getting that information. We don't at this point have a plan last we checked on it.

So I guess two points. One is that we're finalizing receipt of information with the sponsor's office and are not there yet in order to complete a rating form.

Second, I'll make the general comment we are suggesting a postponement or holding off on planning steps until, here again, later on this year. And, here again, the main purpose or main issue at this point is we can't complete the rating form based on the information we have now and we'll look to further continued cooperation with the sponsor to enable us to get to that point soon we hope.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Thank you, Mr. Isles.

**LEG. MURATORE:**

Motion to table.

**CHAIRWOMAN VILORIA-FISHER:**

Motion to table by the sponsor.

**LEG. LOSQUADRO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator Losquadro. All in favor? Opposed? IR 1554 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 1609 (amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to County environmental recharge basins in the Town of Smithtown -CP 5072) (Kennedy)** I remember, and I'm looking at my notes, from our last meeting that there was some concern draining the 1755 account.

**LEG. LOSQUADRO:**

I spoke with the sponsor. He made a request to table this.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, very good.

**LEG. LOSQUADRO:**

I would make a motion.

**CHAIRWOMAN VILORIA-FISHER:**

Motion to table by Legislator Losquadro, seconded by myself. All in favor? Opposed? IR 1609 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 1671, 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 remediation on CR 80 at Senix Creek in Center Moriches (CP8239). (Romaine)** I can't remember from the Water Quality Review Committee --

**MR. LIPP:**

I don't think so. I'm not aware of it, too.

**CHAIRWOMAN VILORIA-FISHER:**

I don't remember seeing this. Frank? Just state your name for the stenographer, Frank.

**MR. CASTELLI:**

Frank Castelli from the Department of Environment and Energy.

This project was not brought to the Water Quality Review Committee. So we have -- the committee has not addressed this. An application for this funding out of the Water Quality Protection and Restoration Program was not brought forth this year.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I'll make a motion to table, second by Legislator Muratore. All in favor? Opposed IR 1671 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

## **INTRODUCTORY RESOLUTIONS**

**Introductory resolutions. IR 1695, Authorizing the inclusion of new parcels into existing certified agricultural districts in the County of Suffolk. (Co. Exec.)** And it's a variety of parcels. Tom, did you want to speak to this?

**DIRECTOR ISLES:**

We'd like to request that it be tabled for public hearing.

**CHAIRWOMAN VILORIA-FISHER:**

So I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 1697, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Grausso property - Kings Park Greenbelt - Town of Smithtown - (SCTM No. 0800-029.00-02.00-001.000) (Co. Exec.)**

**DIRECTOR ISLES:**

Okay, we are circulating a map of this property. This was included in Master List Two. It's part of the Nissequogue River Watershed Land Protection Area. It includes portions of Kings Park that are protected by the State of New York, a substantial number of parcels. Additional parcels protected by the Town of Smithtown and then parcels protected by Suffolk County. So it's a joint effort among agencies.

We have completed one recent acquisition in this area which is outlined in green. The map that was just handed to you, subject parcel is in red. The acquisition is at a price of \$80,000 per acre. And based on the estimated acreage of 6.52 acres, would be a total cost of \$521,600. If you have any questions, we'll try to address those questions.

**CHAIRWOMAN VILORIA-FISHER:**

Tom, is this part of the area that has been experiencing the flooding problem or is it west of it?

**DIRECTOR ISLES:**

No, it's not part of the area that's been experiencing flooding problems. It's a higher elevation.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. Is there a motion?

**LEG. LOSQUADRO:**

I'll make a motion.

**CHAIRWOMAN VILORIA-FISHER:**

Motion by Legislator Losquadro, second by Legislator Muratore. All in favor? Opposed? IR 1697 stands approved. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**IR 1698, authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Rottkamp property, Rottkamp Farm, Town of Riverhead (SCTM No. 0600-061.00-02.00-008.001) (Co. Exec.)**

**DIRECTOR ISLES:**

The resolution -- pardon me. The aerial photograph is being circulated of the subject parcel located on the south side of Sound Avenue. It is adjacent to Warner Nursery, which is another major farm in this location. The subject property consists of 11.3 acres. It is currently under crop agricultural use for the production of corn, which the Rottkamp family is well known for. This is a location with extensive protected farmlands and a major agricultural belt in Suffolk County.

The acquisition before you, here again, this is a resolution to authorize the purchase of the property. It would be at \$65,000 per acre for a total cost based on the estimated acreage of 11.3 acres, \$734,500. This is a development rights purchase, of course. And for the purposes of the rating of the property, the parcel scored a rating of 14.25 out of a scale of zero to 25. Thank you.

**LEG. LOSQUADRO:**

Motion.

**CHAIRWOMAN VILORIA-FISHER:**

Motion by Legislator Losquadro.

**LEG. MURATORE:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Seconded by Legislator Muratore. I have a question as I'm looking at the map, Tom. What is the -- seems to be a line -- (inaudible)

**DIRECTOR ISLES:**

Right, that is a good question. And we did examine that. We did contact the owner. In producing the corn for two months of the year in April and May they put a plastic cover over that portion of the field in order to help the early production of the corn crop. It is then removed. So it is a layer of plastic material that goes over the ground to warm it up quicker and protect the sprouts. So that's what that is.

**CHAIRWOMAN VILORIA-FISHER:**

Greenhouse.

**DIRECTOR ISLES:**

Well, they're not full blown greenhouses.

**CHAIRWOMAN VILORIA-FISHER:**

A greenhouse effect.

**DIRECTOR ISLES:**

It has a greenhouse effect, exactly. Yes, it does.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Tom, what's the funding source for this acquisition?

**DIRECTOR ISLES:**

The funding source is the New Drinking Water Protection Program. The Quarter Percent Program.

**LEG. D'AMARO:**

So this is included on the chart we saw earlier with what's in the pipe line to close?

**DIRECTOR ISLES:**

It is. This is a parcel that's in contract at the present time.

**LEG. D'AMARO:**

In contract. And what was the total acquisition cost for the development rights?

**DIRECTOR ISLES:**

The total cost based on the acreage estimated at this point is \$734,500.

**LEG. D'AMARO:**

And does the County own any other development rights or property, fee title to any other parcels near this?

**DIRECTOR ISLES:**

We own the development rights to the property immediately to the west that I know of off the top of my head, which is the Warner Nursery, which the County has purchased both in recent years and prior years various parts of that property.

**LEG. D'AMARO:**

Usually that's indicated on the map, but I don't see that on here.

**DIRECTOR ISLES:**

The farmland maps have not always indicated that.

**LEG. D'AMARO:**

Okay.

**DIRECTOR ISLES:**

And we're actually in the process of redoing our mapping based on staffing challenges. And we're going to be trying to address that with the ability to show ownership more completely. We can certainly furnish that to you, too.

**LEG. D'AMARO:**

Okay, yeah. That's fine. To your knowledge is there any development pressure on this parcel?

**DIRECTOR ISLES:**

I don't know.

**LEG. D'AMARO:**

It's an active farm right now?

**DIRECTOR ISLES:**

It is definitely an active farm, yes.

**LEG. D'AMARO:**

And it seems to be that there's active farms surrounding this property.

**DIRECTOR ISLES:**

Absolutely, there is.

**LEG. D'AMARO:**

Because, you know, one of the things we talk about when modifying our criteria at least in our thought process when we go to acquisitions was whether or not there's any real development pressure; you know, why buy the property, is there a threat of development? Is there any way we're going to get a read on that? Can you suggest a way that we could possibly --

**DIRECTOR ISLES:**

Well, that's one point of view, which is maybe we don't need to buy it if it's not under active development pressure. Another point of view is that should the County wait 'til there's an expectation of development, that there's an application filed, there's a subdivision map or a rezoning in the door, and potentially, you know, an increase in value because of that investor expectation, and the preparation of a development plan and so forth, this is something the Farmland Committee

has discussed as well.

So the feeling, at least in terms of farmland in particular, is that the goal of the County, as we understand it, is the protection of the agricultural industry, the number one ag county in New York State. And also the protection of the ancillary benefits including the open space vistas as well as the tourism economy of Suffolk County. And, here again, respecting the point of view, our feeling from the Department has been that we should try not to be in a reactive mode; we should try to plan for one of the most strategic and important parcels to create these significant agricultural belts and buying since it is a voluntary program, if we have owner interest, when the opportunity arises.

We understand the point in terms of development that maybe this is a premature acquisition if it's not going to be developed for another ten or twenty years. But we also think it's an opportunity and perhaps one that may be most cost effective for the County. But I respect the opinion of the Legislature certainly.

**LEG. D'AMARO:**

That makes sense, you know, if you wait until the last hour, it would certainly drive up the cost and may not even be available at that point. And I understand that. Is there a comprehensive plan other other than just, you know, like we have master lists on acquisition programs, do we have any type of master list plan with acquisition of farmland, development rights?

**DIRECTOR ISLES:**

We do. Two points, I think, you should be -- to be aware on that. The County does have an Agricultural Farmland Protection Plan, number one. And, number two, as part of the Master List process, there were farms included in that; for at least Master List One and Two. So in many cases we're working off of those lists.

**LEG. D'AMARO:**

When we purchase -- just a general question. When we purchase through this program, is there a requirement that it remain an active farm?

**DIRECTOR ISLES:**

An active farm?

**LEG. D'AMARO:**

Yeah.

**DIRECTOR ISLES:**

There is not a requirement that it remain an active farm. There is a prohibition against non-agricultural development.

**LEG. D'AMARO:**

Okay.

**DIRECTOR ISLES:**

So the intent of the program when it was set up 30 some odd years ago was to remove the development pressure and then by and large, and it's proven itself out, is that farming can then continue to operate. But to do something affirmatively through an agreement saying *you must farm the property* is not part of the current program.

**LEG. D'AMARO:**

But we have a covenant that goes on the property that requires it remain -- if it's used, it's used as farm related use.

**DIRECTOR ISLES:**

Exactly, agricultural uses only.

**LEG. D'AMARO:**

Has that ever been an issue with the County or ever been requested to be lifted, that you know of?

**DIRECTOR ISLES:**

I'm not aware of any formal request for it to be lifted. On occasion there are proposals that are brought in by telephone or an inquiry.

**LEG. D'AMARO:**

Yeah.

**DIRECTOR ISLES:**

It does require your approval -- legislative approval to alienate county development rights. It also requires the approval of the voters of Suffolk County and a mandatory referendum. So I've never actually seen it happen.

**LEG. D'AMARO:**

Have you seen a drop, given the drop with the economy, have you seen a drop in the acquisition costs for development rights similar to the fee acquisition costs?

**DIRECTOR ISLES:**

Yes. Depending on the area, and I'm not going to speak for Real Estate but in observing this process in ETRB, absolutely.

**LEG. D'AMARO:**

Okay. Thank you for answering my questions.

**DIRECTOR ISLES:**

Thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Before Legislator Losquadro, I also want to mention that there is a great movement that we're experiencing right now in trying to have locally grown produce. And in protecting our farms, we're protecting our goals to have more of our produce grown right here on Long Island so that we are not suffering the kind of movement of food on and off the Island and diesel trucks clogging our roadways in order to carry the food here. So protecting our farms is an important piece of that planning step in the broadest sense of the word.

Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. Mr. Isles wound up enumerating most of the points I was going to make. But our PDR program has long been a way for us to best leverage our always finite dollars that we have. It's a way to keep the farming community viable. Obviously there is a critical mass of farmland that needs to remain in order for the ancillary and supporting industries to stay viable, you know, be it tractor dealers or feed supply, whatever it may be. So it's a very important aspect of our land preservation program, one that's been emulated across the country.

**LEG. D'AMARO:**

Just on that note, and I agree with the Director and with my colleague Legislator Losquadro, but the thing I always try and question is are we really having an impact? So, you know, we can read story after story about our groundwater and there's more nitrogen and there's more pollution, more farms are closing down. So I always like to stop and pause for a moment and let's, you know, ask the big question and take a long view approach, the big picture approach when we're handing active

farmers a substantial amount of funds to preserve that use and to make it more economically viable for them. And that's a positive thing. I don't disagree with that.

But at the end of the day long term projection-wise are we going to accomplish the goal of the program? Because I don't see that. I don't see the trend where farms are not going out of business, where the environment is being more protected. In fact, I see it going the other direction. So, you know, I understand we do this case by case. But I think we also need to look at the big picture as well. Because in the long run if we don't accomplish the goal, we would have handed out an awful lot of money and accomplished nothing.

So what I would like to see is some kind of review that tells us, you know, when a program from inception, *this is what -- here is the goal, this is what we tried to accomplish, here's where we're at and here's the impact that we're having long term*, I would find useful as well as the case by case analysis. And that's why I asked the questions that I asked.

**CHAIRWOMAN VILORIA-FISHER:**

One of the indicators of reaching that goal, I'm sorry that Becky Wiseman from the Stewardship Program is not still here -- well actually couldn't attend today because of her aunt's death -- is that the farmers, whether or not they have been participants in our development -- Farmland Development Program, hundreds of farmers are now participating in our stewardship programs at different levels of participation. And at the Water Quality meeting Becky Wiseman did a tremendously powerful presentation on a pilot program with corn and potato farmers. Now, as you know, the potato farmers use the most fertilizers because potato growth needs a lot of nitrogen in the soil. And they're working in reducing the amount of fertilizer that's going into the ground by these particular types of farmers.

So our protection of the land in conjunction -- because I was concerned, Lou, a few years ago that we're protecting the farms but yet we were looking at newspaper articles saying that the farms were putting in more carcinogens than much of the development. And nitrogen load, etcetera. And that's when I introduced my nitrogen -- my fertilizer and pesticide reduction program. The farms are buying into that stewardship program. They're decreasing the amount of fertilizer, the amount of pesticide and using much more sophisticated irrigation techniques. So they're not using as much water either.

So if we can continue with a robust stewardship program and good incentives to keep our agricultural products on Long Island -- you know there was a supermarket who said -- they have the sign that says *grown on Long Island*. It's grown on Long Island. They ship it to Connecticut where they warehouse the food and then ship it back. So we have to have a really robust *grown on Long Island program* so we're benefiting our population without impacting the traffic problems that's the bane of most Long Islanders and at the same time encouraging our farmers to have less impact on our water quality.

So I think your points are well taken. And I agree. But I think we have made a difference. I really believe we have made a difference. I think there are many farms that would have gone under a long time ago and we would have lost not just the food and the history and the culture, but we would have lost the vistas and the eco-tourism that we have. So I think we've made a difference.

That being said, there's a motion and a second. All in favor? Opposed? 1698 is approved.  
**(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)**

**LEG. LOSQUADRO:**

List me as a cosponsor on there.

**CHAIRWOMAN VILORIA-FISHER:**

**1699, authorizing planning steps for the acquisition of land under the Suffolk County**

**Drinking Water Protection Program, as amended by Local Law No. 24-2007 (School Board of Education property - Town of Brookhaven) (SCTM No. 0200-392.00-04.00-016.000) (Muratore)**

**DIRECTOR ISLES:**

Okay, this is a proposed active recreation proposal as indicated in the resolution before you. The authorization would be for planning steps. This is a parcel that's located directly next to the Grace Presbyterian Church property, if you recall that, in the hamlet of Selden in the Town of Brookhaven. The County is in the process, and I believe, in contract to purchase portions of the Grace Presbyterian Church property. It is located adjacent to the subject property, which is owned by the local school district. The subject property is about 21.3 acres. And we have been receiving information from the sponsor as to the proposed use of this property.

The property in question is approximately 20 percent used for educational uses. And the proposal, as we understand it, is to carve up the rest of the property, here again, which is about 15 acres overall for use -- for active recreation uses.

There is also a Town of Brookhaven ball field facility to the north of this property directly adjacent. So at this point in time we have not prepared a rating. We are working with the sponsor and his staff to collect the information necessary for us to complete that process. We do note it is a public entity and that there may be an issue with that in terms of county acquisition. But we will complete our review upon receipt of the remaining information and to present that to you at that time.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. So motion by the sponsor to table. I'll second that. All in favor? Opposed? 1699 stands tabled. **(VOTE: 4-0-0-1. LEGISLATOR COOPER NOT PRESENT)** Thank you very much. Tom and Laretta, thank you.

Tom, I saw Mr. Hillman here. I assume he was here for the last -- I don't see him any more. Okay. **IR 1705, amending the Adopted 2010 Operating Budget to appropriate funds from Fund 477 Water Quality Protection for a Senior Environmental Planner to assist with dredging operations in the Department of Public Works (Co. Exec.)** Here he is; he's back.

**MR. HILLMAN:**

Sorry about that. I'm here to answer any questions that you might have.

**CHAIRWOMAN VILORIA-FISHER:**

How about speaking about it a little bit? Is there an existing position of environmental planner? Okay, because usually we don't have the 477 monies going to personnel. So can you explain exactly what that person will be doing and why it would have to come out of 477? You know, the percent of time has to be such that it justifies it coming out of the Drinking Water Protection money.

**MR. HILLMAN:**

Sure. This person would, we envision, end up running our Dredge Program. The person that's doing that presently is contemplating taking the retirement incentive. If he does we're trying to work at maybe getting him back part-time. The dredge process has morphed over the last five to seven years into an extremely environmentally based work environment. We deal with the DEC, the Army Corps. Every application has to have an environmental data report attached to it. It's just become very, very -- very much an environmental project.

In addition with the -- with the addition of criteria number 11 to our ten criteria which allows dredging for public benefit, the 11 criteria was passed a few years ago which allowed for using 477 funds for dredging for flushing, environmental benefit due to increased habitat; all those types of things could be considered for public benefit. So not only does the base work, that they deal with, this person will deal with, meaning the DEC and the Army Corps applications are high intensity environmental work, they also have -- we, Suffolk County, also have an eleventh criteria, which is

solely based on environmental criterias. And in DPW we really don't have anybody to -- with those types of expertise.

**CHAIRWOMAN VILORIA-FISHER:**

Bill, I know what kind of regulatory agencies you have to work with because I have so much dredging in my district. And I have to work with Fish and Wildlife and Corps of Engineers, etcetera, etcetera, etcetera.

**MR. HILLMAN:**

Correct.

**CHAIRWOMAN VILORIA-FISHER:**

But I'm not comfortable with this coming out of 477 because this is for a part-time this year, but it will be a salary line for years to come coming out 477. And that hasn't been -- I don't think that's the appropriate role for the money.

Counsel just pointed out to me that there's a problem with the resolution that the lines -- the expenditure lines are not completed correctly, so.

**MR. LIPP:**

That's correct. There are flaws in the resolution. It's not clear exactly how it's being funded based upon the resolution.

**CHAIRWOMAN VILORIA-FISHER:**

So, Bill, I'm going to make a motion to table.

**LEG. LOSQUADRO:**

On the motion.

**CHAIRWOMAN VILORIA-FISHER:**

Let me just finish this motion. Because the resolution has to be fixed; okay, has to be changed. And I'll speak with you and Mr. Anderson and people from the Water Quality Review Committee as well. But as I said right now, as I stand, I'm not comfortable with this expenditure coming out of 477. But in the meantime it has to be tabled so the resolution can be fixed. Okay. Legislator Losquadro.

**LEG. LOSQUADRO:**

Thank you. I just wanted to ask if and when the position, you know, whether it's this year for part-time, if it's a full-time position, is there enough work to have somebody working full-time in this capacity on water quality protection issues?

**MR. HILLMAN:**

Without a doubt every dredging project we do has water quality issues associated with it now. Because of the DEC, Army Corps, US Fish and Wildlife, all their regulations are dictating that we take that into account. So every project we work on will have those requirements.

**LEG. LOSQUADRO:**

With the number of projects we're involved in annually now, what you're saying is there would be sufficient work time for an individual to be devoted to the solely full time?

**MR. HILLMAN:**

I could keep probably four people busy, yes.

**LEG. LOSQUADRO:**

Okay, thank you.

**CHAIRWOMAN VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

Do we have -- out of the 477 account, are we funding other salaries out of that account?

**MR. LIPP:**

Yes, actually we did bit of an analysis of the 2010 adopted budget for the water quality. And basically there's like -- in an individual year you get about 7.7 million implicitly in the 2010 budget. 41 percent are the salary and benefits, other operating expenses like equipment, supplies, 19 percent; so that's 60 percent right there. 24 -- rather 16 percent you could argue are water quality projects like Cornell that are part of the operating budget. The rest 24 percent, like 1.9 million is left for the actual projects that are vetted out by the Suffolk County Water Quality Review Committee. And it's a policy issue that's up to, you know, the Legislators as to what extent you want the monies to be funded through the operating budget for salaries as opposed to water quality projects through the review committee.

**LEG. D'AMARO:**

Right. And you're saying that about 60 percent goes to salaries per year?

**MR. LIPP:**

Salaries and benefits 41 percent. Total operating expenditures, like equipment and supplies, another 19 to add up to 60 percent.

**LEG. D'AMARO:**

Right. But those positions are related to the goal and objective of the fund itself.

**MR. LIPP:**

Yes. In fact there was a resolution passed a couple of years ago that required the operating budget to show that the staffing relates to water quality issues. So it's -- I don't think the issue here is whether or not the position is water quality related, but rather whether or not that's the policy issue that the -- the direction that the Legislature wants to go.

**LEG. D'AMARO:**

Right. Based on what I'm hearing, it seems like the function of this person who fills this position would be working on matters that relate to this fund and water quality.

**MR. HILLMAN:**

That's definitely correct. We feel very comfortable that it meets the water quality guidelines regulations. I think the reso pretty clearly spells that out, how we think it relates. I'd be more than happy to discuss with Legislator Fisher that in more depth. But our dredging program definitely needs some help. And this would be a big boost to helping us continue our dredging program.

**LEG. D'AMARO:**

And, George or Vivian, what's the problem with the resolution; there's a technical drafting problem with it?

**CHAIRWOMAN VILORIA-FISHER:**

It doesn't done have the -- in the expenditures portion of the resolution, there are parts that haven't been completed.

**MR. LIPP:**

I could speak to that. The problem is it's not clear that the person would be paid out of Fund 477 or the General Fund based upon the way the Second Resolve is.

Also, in the Third Resolve the fund number is listed as the appropriation number. There is no -- it's not clear if it's a transfer to the General Fund and it's being paid out of General Fund, which I'm not sure they can do; or if it's just a new appropriation that they're creating in Fund 477 and the person would be paid out of that new appropriation; not clear at all. The resolution needs to be amended.

**CHAIRWOMAN VILORIA-FISHER:**

Although, Robert, in the title it says an inter-fund transfer. And so my assumption --

**MR. LIPP:**

But the devil's in the specific line items or the resolve clause. It doesn't matter what the title says, you have to show it properly and it isn't.

**CHAIRWOMAN VILORIA-FISHER:**

This is for Bill's benefit. Although it's in the title where it says inter-fund transfer, it has to show the funds there in that area.

**MR. HILLMAN:**

We'll definitely modify that. I'll work with Carmine and the Budget Office and --

**MR. LIPP:**

Yeah. We had to e-mail Carmine a couple days ago but that's crazy, busy man.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, Bill, there's a question from Legislator Losquadro.

**LEG. LOSQUADRO:**

It wasn't necessarily for Mr. Hillman. I saw Mr. Zwirn sitting there. I just wondering was this change made or is a corrected copy coming through? Is this a change that has to be made that we'd have to wait another cycle? Could it be brought forward by CN?

**CHAIRWOMAN VILORIA-FISHER:**

It's a short cycle.

**MR. ZWIRN:**

If we have to, we'll make the amendments. I don't know if we can get it in by five o'clock but we would have to get in it today. I'm not sure we can do that, so if we to, we'd have to table it for one cycle.

But my only thought I would add to the debate is that when we have funded positions with 477 money, it was because we would have to go out and hire people to do the same work. So instead of going outside to hire a consultant or to hire a firm to do it, we've used county employees.

When we lost the grant in the Labor Department, there were about 25 or 30 individuals who would have lost their jobs. We transferred them; and with the Legislature's approval we were able to save those positions and had them doing work in various departments. That was related to 477 work.

This is another way to try to take some pressure off the General Fund and provide a position that is dealing strictly with water quality with the revenue coming in from the sales tax. And that is the thought here as well; is to try to create a position, not put any more pressure on the General Fund and accomplish the goals that we're looking to, you know, to achieve.

**CHAIRWOMAN VILORIA-FISHER:**

My problem is this: 477's goal is water quality protection. And the people when they are hired to work on that are working toward that goal of water quality protection. And I understand what you're saying, Bill, that the person who is -- who you're looking for in this job has to understand the science needed to meet the requirements of the regulatory agency. And I understand that.

And you definitely need somebody of that caliber in order to do the job. I know the good job that DPW does with dredging.

But that person's ultimate position isn't ultimately for water quality protection because dredging isn't always the -- you know, I think it's a stretch to say that dredging is always an issue of water quality protection, like storm water remediation would be or, you know, culverts, etcetera.

**MR. HILLMAN:**

Sure.

**CHAIRWOMAN VILORIA-FISHER:**

And there are many jobs that we have in the County where there is a level of expertise that is needed; okay? You have people in Vector Control, let's say, who have to work with regulatory agencies; or you have so many different projects in the Department of Public Works where you have to work with DEC when you're on wetlands, etcetera. And I know how short handed you are in your Department. I know that you have a great need for technically able people and competent people, but I don't believe that that qualifies them as the kind of job that I would see. But, you know, I'm one Legislator and that's my policy view, that this is stretching it. And I know that your department needs somebody like this, but I don't believe that we should be raiding the 477 account because we're unwilling to fill positions out of our operating budget.

However, I as always am willing to sit with you and Gil and talk about precisely what these projects would be. But I'm concerned that this year it's (inaudible) and it's part-time. Next year it will be full-time and that money will always be coming out of 477. And we're very jealous of salaries coming out of 477, because once they're in there, they're always in there. And we need our 477 money for our water quality protection programs. And we have the programs that you saw here today, the Scallop Restoration Program, IPM Program; those are directly related to the quality of our water.

The stewardship program, you know, it's bringing in money for farmers, but we need the technicians out there working with our farmers. They have to take them by the hand and walk them through these programs because don't forget, these farmers are subject to weather issues and all sorts of other mitigating problems that can affect their crop and their livelihood and the food they put on the table for their families. And they don't want to play around with other issues. So we need hand holding. So that's very labor intensive. We need to pay those technicians, but I'm concerned that this isn't serving the same purpose.

**MR. ZWIRN:**

Madam Chair?

**CHAIRWOMAN VILORIA-FISHER:**

I'll be happy to talk about it, you know, we have two weeks before it comes up again. While you're amending the resolution --

**MR. ZWIRN:**

An amended copy has been filed.

**CHAIRWOMAN VILORIA-FISHER:**

Okay.

**MR. ZWIRN:**

I've been advised the amended copy has been filed with the clerk of the Legislature. And there is an amended copy. So this could be discharged to the floor.

**LEG. LOSQUADRO:**

Budget Review, have you seen the amended copy?

**MR. LIPP:**

No. The only thing we saw is 217, the fiscal impact statement was filed. We haven't seen -- at least it's not -- oh, here it is now. Hold on a second.

**LEG. LOSQUADRO:**

Isn't technology grand? I just wanted to ask if the amended copy addressed your concerns?

**MR. LIPP:**

If you can give me a few seconds.

**LEG. LOSQUADRO:**

Absolutely.

**MR. LIPP:**

This would appear on the surface from a quick read that it would do what my expectations were, that is it would fund the position in an appropriation in Fund 477; and it would abolish a title in fund one and create one in Fund 477. So it would appear to be a yes.

**CHAIRWOMAN VILORIA-FISHER:**

So I talked long enough for you to be able to fix it, Ben?

**LAUGHTER**

**MR. ZWIRN:**

And I appreciate -- we appreciate your comments that you made. I think that is the debate over this issue. The County Executive is looking for a way to provide the service and take as much pressure off the General Fund wherever possible. And this may be a situation. And we just ask if we can get it to the floor so we can have this debate before the whole Leg.

**CHAIRWOMAN VILORIA-FISHER:**

Okay. I just want to remind everybody that this is a tough fiscal time. We all appreciate that. But there have been a lot of one shots to protect us during this time. But the ramifications will go on for a longtime. And I won't be sitting at this horseshoe after next year. But there are legislators sitting here who will be facing times when we have water quality protection needs and we're going to need to have money there to perform those functions. We can't be raiding this account.

**LEG. LOSQUADRO:**

To your point, Madam Chair, that's why I was so pointed in my question as to whether or not there was sufficient work for someone full-time. You know, the one thing we've all in this Committee asked that question many times to make sure that, you know, a person wasn't just fulfilling one component of water quality work and then spending other time working on other things. And I think Mr. Hillman answered that very pointedly; said he could actually keep several people busy, if not four. And, I think, with the information that's been provided to Budget Review, I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRWOMAN VILORIA-FISHER:**

Okay, there's a motion to approve by Legislator Losquadro, seconded by Legislator D'Amaro. And even if it takes four people to do the work, I don't agree that that work is a condition of the 477 monies. Okay. There's a motion and a second. All in favor? Opposed? Motion carries. **(VOTE:**

**3-1-0-1. LEGISLATOR VILORIA-FISHER OPPOSED. LEGISLATOR COOPER NOT PRESENT)**

Okay. Is there anyone in the audience who wanted to make any further comments? Okay.  
Motion to adjourn.

**THE MEETING CONCLUDED AT 11:15 AM**

**{ } DENOTES SPELLED PHONETICALLY**