

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 October 4, 2010.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chair
Leg. Jon Cooper (Not Present)
Leg. Daniel P. Losquadro
Leg. Thomas Muratore

ALSO IN ATTENDANCE:

Legislator Edward P. Romaine, First District
George Nolan, Counsel to the Legislature
Ben Zwirn, County Executive's Office
Robert Lipp, Deputy Director, Budget Review Office
Laura Halloran, Budget Review Office
Renee Ortiz, Chief Deputy Clerk
Thomas Isles, Director of Department of Planning
Jessica Kalmbacher, Planning Department
James Bagg, Appointee to Council of Environmental Quality
Michael Mule, Department of Planning
Pamela Greene, Director of Real Property Acquisition & Management
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Real Property Acquisition & Management
Carrie Meek Gallagher, Commissioner of the Department of Environment and Energy
Tom Ryan, Aide to Leg. Vilorio-Fisher
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Majority Leader
Linda Bay, Aide to Minority Leader

ALSO IN ATTENDANCE: (Continued)

Dot Kerrigan, AME Legislative Representative

Gail Lolis, County Attorney's Office

Lillian Ball

Hugh Switzer

Bob DeLuca

Dorothy O'Haire

Tom O'Haire

Mike Foley

Joseph Caruso

Jim Sullivan

Barbara Foley

Joseph Fontana

Supervisor Sean Walter, Town of Riverhead

Michael Tillman

Eugena Merwin

Bob Kelly

Phil Barbato

Rick Brand, Newsday

Michael Kaufman, CEO

And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:01 PM

VICE CHAIR D'AMARO:

Okay, Good afternoon ladies and gentlemen. Welcome to the Environment, Planning and Agriculture Committee meeting. We're going to start. I'd ask everyone to please rise and join the Committee in the Pledge of Allegiance led by Legislator Losquadro this afternoon.

SALUTATION

Okay. Thank you. Please be seated. Turning to the agenda, the Committee has not received any correspondence this morning.

PUBLIC PORTION

We'll turn to the public portion. We have a series of individuals who have filled out a card this afternoon to address the Committee. And keeping with our procedures and practices, I see there we do have a card from the Supervisor of the Town of Riverhead, has joined us this morning. Mr. Supervisor, Sean Walter, please come on up and welcome.

Just for everyone's information during the public portion, please come up to the microphone, state your name and address for the record. And at that time you will be given three minutes to address the Committee.

Mr. Supervisor, welcome.

SUPERVISOR WALTER:

I have to hold this, I guess.

VICE CHAIR D'AMARO:

Yeah.

SUPERVISOR WALTER:

Thank you, Legislator D'Amaro. The reason I'm here is to talk about the Reeves Park, part of the EMB resolution, which you have as 1948. This is a parcel located along Sound Avenue. It's roughly four acres. I know there's a bunch of people from the Reeves Park area that want to speak to you about this parcel. I'm calling to -- coming here and calling on you to push this resolution forward. We'd like to see a county -- joint county/town acquisition of this parcel.

I'm going to give you a very abbreviated version of this and I'm going to give you two documents and, again, it's the last two documents I have with me. If you have to make copies, I'm sorry. You'll have to make the copies. This parcel was the subject of long protracted litigation. It was always zoned commercial. The gentleman that owns it bought it as a commercial parcel. The Town in its Master Plan waffled back and forth as to whether this parcel should be commercial. Town under the previous administration rezoned it to residential. Litigation was brought. The Town lost at the Supreme Court. We appealed it to the Appellate Division. And at the Appellate Division the Town lost again.

I'm sure most of you understand the corridor -- Sound Avenue corridor is a beautiful corridor. And part of the reason people come to the East End to go to the farms and the pumpkins and everything else to drive along Sound Avenue is not to go shopping centers, it's not to go to get pizza, different things like that. It is to see the bucolic farm stands, farming country and everything that Sound Avenue through Riverhead and Southold has to offer.

During this protracted litigation, the court Appellate Division approved a site plan for a 28,000 square foot strip shopping center. There's nothing I as a Town Supervisor can do anymore except process the application. I'm going to give you the site plan. Here it is; the only one that I have again, that shows you what is depicted on what will be constructed on this parcel. I'm also going to give you the court decision both at the Supreme Court level and the Appellate Division level that basically says this site plan is approved subject to SEQRA. I implore you to vote to this resolution to move it forward for the planning steps so that hopefully it will warrant further action of the Suffolk County Legislature and we'll be able to do a joint purchase with the County and the Town.

Just so you know the Town is very happy with the acquisitions you've done in the Town of Riverhead. We've spent some \$70 million, just to give you a little update, we have bonded all of the future anticipated revenues for the CPF fund. And roughly \$70 million has been bonded and spent. And so we're kind of out of the business right now. We really do appreciate the work that you folks do. I understand most of you are not from the East End, but we appreciate it. And we thank you for it. And we're hoping that maybe we can continue a partnership on this property.

So my three minutes is probably up. Let me hand you these documents. And if you have any questions, I'd be happy to answer them.

VICE CHAIR D'AMARO:

Okay, thank you, Mr. Supervisor. We appreciate your comments. Is there any questions at this time? Okay. And, of course, your comments will be considered when the bill comes before us in a little while. Thank you, sir.

SUPERVISOR WALTER:

Thank you.

VICE CHAIR D'AMARO:

And now I'd like to turn our proceedings over to our Chair, Legislator Viloría-Fisher.

CHAIRPERSON VILORIA-FISHER:

Thank you very much, Legislator D'Amaro. And I apologize for my tardiness. May I have the cards? Lillian Ball.

MS. BALL:

Hello.

CHAIRPERSON VILORIA-FISHER:

Hi.

MS. BALL:

I'm Lillian Ball. I'm here on behalf of the Goldsmith inlet and pond area of Southold. It's a part of a globally rare maritime fresh water inter-dunal swale that runs from Hortons Point to Goldsmith Inlet on the western end. The area's included in the New York State significant habitat maps with its vibrant salt marsh, double dunes, varied bird life and unique and threatened species.

Some of you may remember that I've been here previously to preserve the area. And as a member of Southold Town Land Preservation Committee I'm extremely concerned about the water quality in Goldsmith Inlet. So we're here today to -- in support of Ed Romaine's suggestion that there be grant funding given to this particular very, very sensitive area.

Most of the surrounding properties are preserved by Suffolk County Parkland. But that does mean that they are protected from environmental degradation. The current circumstances of impeded flow and shoaling challenge its ability to heal itself. This area needs the full support of all stakeholders, the local community, the Town and the County to ensure effective stewardship. Please lend your support to the Goldsmith Inlet initiative here. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you very much for coming down.

MS. BALL:

I did promise you all some cranberries -- I did promise you cranberry preserves if you helped preserve the property. And you were very helpful and we were able to preserve three properties around the area, but that is further to the east. The Goldsmith Inlet area is preserved by the Land Trust and by the County. So it's already preserved. And I owe you some cranberry jam.

CHAIRPERSON VILORIA-FISHER:

Just in time for Thanksgiving. Hugh Switzer.

MR. SWITZER:

Good afternoon and thank you. My name is Hugh Switzer. I live in the Town of Southold. In fact I live at Goldsmith Inlet itself. I'm here representing the group to save Goldsmith Inlet and to request that you approve resolution number 1938 of 2010.

Going back, Goldsmith Inlet was healthy and safe for hundreds of years, in fact, all the way back to when it was originally created by the last glacier. And then in 1964 the County decided to rebuild only one of the two jetties at the entrance from the Sound into the inlet. And that was when the problems began. Sand is filling the channel and the inner inlet itself. The tidal range has gone for gone for many feet to just a few inches. Pollution levels are eight times the DEC allowable levels for shellfishing. And we distributed a one page diagram of the DEC testing results, the most recent ones.

There has been no shellfishing in the inlet for more than 25 years. There are no more mussels, nor more oysters or scallops. I'm sorry, a few oysters. And limited fishing and boating. In fact only Kayaks can now traverse the inlet. All this while more than 50 percent of the homes have been removed that surround the inlet. And large portions have been protected by the County, the County Park and the Peconic Land Trust. They own now four pieces of property.

In addition septic tanks have been upgraded in the remaining homes. In 2003 the County attempted to correct the problems by conducting a major dredging of the channel that goes into the inlet. Unfortunately it was a failure. It filled in completely within a few months. As a result the Town has had to perform annual emergency dredging at the entrance from the Sound. This keeps the water flowing. Unfortunately it also fills in. And in this case fills in within a few weeks. These dredging experiences have proven the futility of using dredging alone as the answer to the problems.

So in 2009 the Town approved a comprehensive management plan for the inlet that contained both short and long term objectives. The short term objectives are already being accomplished. I represent the group to save Goldsmith Inlet. And we have had hundreds of local citizens participating in our projects, these short term projects. We've had cleanup projects over the last year, four of them, that have removed more than eighty tons of debris and garbage from the inlet. And that's because it comes in; it doesn't go out. We are in the process of removing the invasive species, phragmites. We're providing -- we have provided ecological best practices information to more than 2000 of the local residents. And we conduct a watershed watch in conjunction with the local police and the DEC enforcement personnel.

Now these are all helping to solve -- to address the problems and actually solve some of the immediate problems, but they do not address the long-term issue of what is causing the problems to begin with. And that's what brings us to today and the resolution before you. This resolution will focus on the long-term solution allowing us to bring in hydrological engineering experts in the field to do three things. First, to gather factual scientific data about the inlet. Secondly, to analyze that data to determine the cause and the trends. And, three, to provide realistic and cost effective

long-term solutions to solve the problems finally so that we can return the inlet to a healthy and safe resource for us all.

Our supporters include the Town of Southold, the County Parks organization, which owns the majority of the surrounding land, the Group for the East End and the Peconic Land Trust. The benefits are very, very straight forward. Using hydrological engineers with proven experience and expertise, we can get to the real science. We can create a data base of facts versus best guesses and estimates. We can develop cost effective solutions that are based on those facts and real expertise in this area. And we can allow the sand that would naturally be transported along the shoreline back to the shoreline instead of going into the inlet and creating the pollution levels and the problems that we have.

Finally, we'd be saving the inlet before it is too late. We don't know when too late is. The Band-Aid and dredging only approaches are not working and the problems are increasing everyday. And we thank you in advance for your support. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you for coming down, sir. Bob DeLuca.

MR. DE LUCA:

Good afternoon, Madam Chair and members of the Committee. My name is Bob DeLuca and I serve as President of Group for the East End. The group has offices on Main Street in Bridgehampton and the Town of Southold. And we represent the planning and conservation concerns of about 3,000 member households, businesses and individuals across the East End of Long Island. I have three resolutions to speak on so I will try to be mercifully brief.

The first one IR 1938 which you just heard Hugh Switzer go through, we're here to offer our support for that capital budget amendment as well. In a nutshell essentially you have a major water body there where the County's the prime stakeholder with respect to its own parkland. The community has come together on many occasions to work toward the increased protection and well being of that water body. And we as an organization would like to help to take that community energy alongside the County support and really put together an analysis of what's going on in Goldsmith Inlet.

And I will tell you just from being out there, there's about four or five things that have to be looked at. There is bacteriological issues. There are sediment issues, there are sediment flux, there's run-off. It really is a fine example in some ways of what not to do to take care of a water body. And I think if we had good background information along with our partners, with the Land Trust and the Town of Southold, we actually have a chance to put together a strategy for a fairly low amount of money that will help get us toward a more protected future. So I hope that you'll consider passing that proposed budget amendment.

Number two, IR 1948, I have a memorandum of support, which I'll offer up with respect to the EMB parcel in Riverhead. I think the Supervisor put it well when he indicated that Sound Avenue as well as being a major transportation corridor is also a major scenic corridor and adds tremendously to the vineyard farm stand and the agri industry or agri tourism that goes on as part of our sustainable East End economic base. And anything that the Legislature can do to help us preserve that going forward is good not only for transportation but for the future of the resources on the East End.

And my third and final item is IR 1962. And I'd like to ask you to move forward with the final stage of the Four Poster Study. This introductory resolution is a 477 project. And it allows the County to help provide the last bit of funding which is necessary for the Four Poster research which has gone on on Shelter Island. And if we get that research done, we'll finally have, I think, the necessary information for the DEC to render an opinion on that particular device. And hopefully long term we'll be able to better manage ticks with a more targeted type of approach than a broad spectrum approach.

So, again, our support for IR 1938, IR 1948 and IR 1962. And as always I appreciate your time and attention.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro has a question for you.

LEG. D'AMARO:

Thank you, Madam Chair. Mr. DeLuca, good afternoon. Thanks for coming down. I wanted to ask you on 1938, which is the Goldsmith Inlet resolution, you are here representing the Group for the East End?

MR. DE LUCA:

Yes, that's correct.

LEG. D'AMARO:

You're a member of that organization?

MR. DE LUCA:

Yeah, I'm the President.

LEG. D'AMARO:

Okay. And I'm just looking at a copy of the legislation that's been proposed; it says that what this funding would provide is sufficient funding to develop a work plan for the inlet; is that correct?

MR. DE LUCA:

That's correct.

LEG. D'AMARO:

All right. It says also in the resolution that the Group for the East End will provide coordination of the project. Just in ten sentences or less, tell me what you have in mind to coordinate.

MR. DE LUCA:

Well, essentially I think what we do is we try to bring together stakeholders around issues like this. So, for example, this is going to be a project which involves the Group to save Goldsmith's Inlet, the Town of Southold, the County of Suffolk as well as a contract consultant. And from time to time, if you don't ride herd on all of those components, the project doesn't move forward as well. If we're good at anything, we hope it's actually getting people together, keeping the stakeholders on track and hopefully getting this thing to the finish line.

LEG. D'AMARO:

Is the goal of the work plan to determine what is the next course of action to save the inlet?

MR. DE LUCA:

Yes.

LEG. D'AMARO:

Or is the goal of the work plan to implement some remedies?

MR. DE LUCA:

As I see the first stage of this, essentially -- and there's a further detailed analysis that can be provided by the outside consultant in terms of what they're looking at here. But what you really want to get is you want to get a base line set of information about a variety of factors that are impacting that pond. And based on those factors a series of then probably capital recommendations for some of it and management recommendations for other parts. And so you have a strategy going forward. Right now there's a lot of individual efforts. I'm sure that they're all as well

coordinated as they could be or as well grounded as they ought to be if we really want to look at the pond down the line.

LEG. D'AMARO:

You had mentioned, and I think the prior speaker had mentioned it, that there was some emergency dredging going on just to keep at least some of the water flowing through the inlet but not sufficient, I guess, in your opinion to really save the inlet itself.

MR. DE LUCA:

Yeah. And the Town of Southold currently provides on an annual basis kind of an ongoing -- they essentially have a machine out there for about a day that try to forge a connection back between Long Island Sound and the Pond. I think the Town would probably also agree that it's kind of a stopgap measure. And the effort here would be to really examine whether or not -- if there's money being spent, first of all, is it the best way to be spending it. And what is the best long-term dredging strategy for that area along with other water quality strategies.

LEG. D'AMARO:

But I know that the 2003 efforts were not successful. That included dredging.

MR. DE LUCA:

Yes. The dredging, if you go out there for a couple of weeks or a week and a half or so, it looks great. And then just the way that it's set up, it fills back in very quickly.

LEG. D'AMARO:

So what would the work plan establish that could be done in lieu of dredging?

MR. DE LUCA:

Well, I think there's two components here. One I would say is a storm water component that looks at the input, right, so there's direct pipes coming in, there's road runoff coming in, there's a variety of structures. There's an open pipe that, I think, Vector Control maintains.

LEG. D'AMARO:

That are all impacting the inlet.

MR. DE LUCA:

Those are all going in.

LEG. D'AMARO:

Right.

MR. DE LUCA:

And on the outflow side, what we have is a very limited kind of dredging window where we pull out some sand and hope that some of the water goes out. But it's not necessarily, you know, if you understood what it was you were managing for, you might come up with a better plan. I'm not an engineer in this respect. But just kind of cracking it open once in a while and hoping that it does some good is probably not the best way to proceed.

LEG. D'AMARO:

You need a more detailed and technical analysis of the causes and then you can start to look for remedies.

MR. DE LUCA:

And I think the dredging itself, there may be ways to utilize the same amount of equipment, maybe even over the same time. It depends on the, you know, how deep are you dredging, how steep are you dredging, how far back are you dredging, all of those things have to be looked at. You know, it may be better to go more shallow further back than just digging a hole at the mouth of the inlet

which can actually pull more sand in. But those are the kind of things you want to look at.

LEG. D'AMARO:

All right. Last question who owns the inlet?

MR. DE LUCA:

That's a very good question. I'm guessing that it's probably -- the eastern part of it is County of Suffolk. And I think the western part of it is the Town of Southold.

LEG. D'AMARO:

Okay.

MR. DE LUCA:

But I'm not positive.

LEG. D'AMARO:

I have a quick question for you also on another bill you had mentioned today, that was resolution 1962. Is that the one that you're --

MR. DE LUCA:

The Four Poster.

LEG. D'AMARO:

Yeah, the Four Poster, multiyear study. Would this be the final allocation required to complete the study?

MR. DE LUCA:

It is. In fact the State of New York was able to secure what was just about the final allocation through an environmental benefits project. This remaining \$20,000 or so is the cap on the end of it that will get them through their last season of data collection and analysis. So, yes.

LEG. D'AMARO:

What was total cost of the study to date, if you now, or roughly?

MR. DE LUCA:

About a million two.

CHAIRPERSON VILORIA-FISHER:

I think Ed might know the answer to that.

MR. DE LUCA:

I would agree with that since he is the person who did the study. About a million two.

LEG. D'AMARO:

Okay, thank you, sir. Thank you, Legislator Viloría-Fisher.

MR. DE LUCA:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Bob, before you leave you because you and I sit on WQR seats and I get to see it. 1938 --

MR. DE LUCA:

I wasn't there then. Bad hurricane.

CHAIRPERSON VILORIA-FISHER:

Bad hurricane, that's right. But as I look at the Fourth Whereas, it seems like many of the objectives of this resolution are issues that we cover in the WQRC and 477 monies. Why wasn't this brought as a 477 project?

MR. DE LUCA:

Good question.

CHAIRPERSON VILORIA-FISHER:

And you know how protective I am of 477.

MR. DE LUCA:

Right.

CHAIRPERSON VILORIA-FISHER:

But this seems to be a water quality issue and --

MR. DE LUCA:

It was our objective essentially for the next round of funding, if there was not a way to do through a capital budget, the fund, as you know, was -- we were told that there was not going to be another round of funding for 477 this year.

CHAIRPERSON VILORIA-FISHER:

Not this year.

MR. DE LUCA:

Right.

CHAIRPERSON VILORIA-FISHER:

Right. We're out of money.

MR. DE LUCA

And so we were just trying to move forward as quickly as we could. I would suspect that it would probably be right before another application if the capital budget did not get amended.

CHAIRPERSON VILORIA-FISHER:

Yes. This is one of those projects that seems to be so clearly a water quality issue that I think 477 is a more appropriate place. But we'll discuss that when we get to the legislation.

LEG. ROMAINE:

I'm happy to address that when the resolution comes up.

CHAIRPERSON VILORIA-FISHER:

When the resolution comes up.

LEG. ROMAINE:

But why we went with the capital, because time is of the essence. And 477 money right now 60 percent of that is siphoned off for salaries.

CHAIRPERSON VILORIA-FISHER:

Okay, all right. We do have a lot of speakers. So we'll save the discussion until we get to that. So you'll be hanging around so we'll be discussing it when we get to the resolution on the agenda.

MR. DE LUCA:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thanks for coming down, Bob.

MR. DE LUCA:

Sure.

CHAIRPERSON VILORIA-FISHER:

Our next speaker is Dorothy O'Haire.

MS. O'HAIRE:

Dorothy O'Haire, 179 8 Bells Road in Reeves Park, Riverhead. Everything Mr. Walter said is true and Mr. De Luca is true. But the main problem, and the reason than I myself want this piece of property bought is because it's a critical zone. Water-wise, 26 years ago we had a private water system and three wells were contaminated, two of them with {aldicarb temik} and {carbs furan} and the third one with {gacto} which is the main ingredient in Agent Orange. And that came from the sod farms. Just sitting there -- they test the temik out in Indianapolis which has a denser soil. Everything is fine. But they used it out here and it just went right down and it contaminated our private water supply, you know, the shallower aquifer.

So now if you look at the map of what this monstrosity that they want to put there, I counted 29 septic systems. And the underground water plume goes right down. If you know anything about the area, Park Road is like a ski slope. Everything goes right down into the Sound. And at the bottom of Park Road is the Riverhead Town beach, the Reeves Park Beach. And to the left of it is a privately owned beach for the area. And to the right of it is the Roanoke. So, I mean if they were -- it's not that we didn't help ourselves. We did everything, everything we could to fight this thing. And we just -- somebody has to educate the judges. That's all I can say.

But this whole thing here, it can't be allowed to be built. It just can't; because, as I said, what are you going to do if the main aquifer gets contaminated? They didn't even leave us a {disarminazation} plant. The whole Long Island is dependent on this underground aquifer. And I could be here all day, but I just hope you realize that this is something -- for the sake of the people who live there, I mean sure it's nice to go -- nothing is more beautiful than Sound Avenue. But I'm talking the health of the people. And I hope you will vote for this. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you for coming down. Tom O'Haire.

MR. O'HAIRE:

Hi, Tom O'Haire, 49 Nautical Drive, Riverhead New York. I also just want to say that I totally support resolution 1948 as being spearheaded by Mr. Romaine and several others. And I think it was pretty well covered by Supervisor Walters. I think it's important not only for, as was mentioned in terms of the environmental impact of a site plan such as what's being proposed there, but I think more importantly is what Mr. Walters had gone through also. It has to do with part of the rural corridor that Sound Avenue and the east end of Long Island, especially on the north fork there, I think, possess. I think there's some intangibles here that really can't be put down as dollars and cents. And I do hope that when all is said and done at the end of this that you put your full support behind this as well.

I speak certainly for myself, but probably for the over 2000 petition signature holders that we have that also support this as well. So I don't think this is a localized issue. I think it's an issue for certainly the people in the area, certainly the people on the north fork, but I think it's an issue for all Long Islanders as well. So I certainly hope you will consider it. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you. And I love the address of you and the speakers before; certainly reflects our maritime time heritage. Okay, Mike Foley is our next speaker.

MR. FOLEY:

Good afternoon, Madam Chairwoman. Good afternoon, Legislators, my name is Mike Foley. I live at 43 Woodlawn Drive in Reeves Park, Riverhead. And I come in support and thanks of Ed Romaine putting forth resolution 1949. I've got about a dozen of my neighbors and friends behind and most of them, Madam Chairwoman, that also signed a card to speak; most of whom we're here just to yield their time in case one or two of us were a minute or two before. So I would ask you to consent to extend my remarks a minute or two.

CHAIRPERSON VILORIA-FISHER:

Sure.

MR. FOLEY:

Thank you. Mr. Romaine is one of many politicians who have given us support recently. The Town Board of Riverhead, all five have unanimously agreed for the space to be opened. We had Executive Levy visit us about three weeks ago after a chamber of commerce meeting who also lent his support to this. Senator LaValle decades ago deems this property a historic corridor for a reason. It is one of the few areas that go east on the north fork that really don't have any strip malls and we are ripe with vineyards and farms stands and golf courses. And a 27,000 square foot strip mall in the throws of empty store front after empty store front on Route 58 and on Main Street just really belies any kind of logic. And as my friend Tom mentioned, Legislator Romaine has 2000 petition signatures that will be double or triple that with very little effort on our part for anybody that sees it. We don't just speak for Reeves Park, although we have been fighting this fight for the most part ourselves over the last eight years over many different town boards.

And the Master Plan that was paid hundreds of thousands of dollars for really is so inconsistent with this dead of night change in the meeting. Inserting a sentence saying that something that has been designated and should have been residential in the dead of night changed to commercial. And Legislator Romaine has the pertinent piece of paper that when you look at it, you can only say there were one of two things involved. Negligence or corruption; or maybe a little bit of both.

So here we are thousands of taxpaying citizens, democrats and republicans -- I forgot to mention Assemblyman Alessi who has also lent his support, through many levels of government that see this wrong and want to right it. Now I know that this is really an environmentally scoped body that we're speaking of right now. I'm going to ask that you look at some of intangibles, that you don't just score this on the scoring system that you look at under normal pieces of property. This is not a normal piece of property.

We've been fighting this fight for eight years. One of the things that Supervisor Walter did not mention is that resolution 890 was passed in October of 2008 in the throes of this litigation that perfected this zoning as residential.

Now we are having a dispute right now over the viability of once again litigating as a Town or throwing that obligation onto the tax paying citizens that are going to have collect additional money to take this to court. We have a perfected residential zoning here. And we have for the first time in eight years a owner who is willing to part with this property. Up until a month ago, he said he was coming -- come hell or high water to build this strip mall. He has since said he's willing to part with this land.

Now the pricing is up for negotiation. But clearly when we have thousands of people, dozens of civic organizations from Wading River to Jamesport including the Pine Barrens Coalition, and a Legislative body in virtually every Legislative section of this state, I don't know why we can't get this done.

So I will ask you to please look past the normal scoring and look at the emotion on this land and the importance of this historic corridor. And finally, and I'm sure, I'm hopeful that Bob Kelly will speak

today, the brother of Tom Kelly, a fallen firefighter from September 11th who went down in the Trade Center. We have a memorial on Park Road and Sound Avenue. Park Road is deemed Thomas Kelly Memorial Highway. We have a monument there that is very, very near and dear to an awful lot of people, not only living in that town but are being aware of it.

We don't want a strip mall to be contiguous with this monument. It is four acres of lands that is critical to continue the historic rural corridor atmosphere of Sound Avenue. And we ask that you support this bill and take it ultimately to its successful conclusion, purchasing this land. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thank you. Our next speaker -- and by the way when we get to the discussion, I will ask a couple of questions about the SEQRA issue on 1890 because it's a little unclear to me regarding the court decision about that. So I'll ask our staff about that. Okay, Joseph Caruso.

MR. CARUSO:

I will yield my time.

CHAIRPERSON VILORIA-FISHER:

Thank you. Jim Sullivan.

MR. SULLIVAN:

I'll yield my time.

CHAIRPERSON VILORIA-FISHER:

Barbara Foley.

MS. FOLEY:

I yield my time.

CHAIRPERSON VILORIA-FISHER:

Thank you. Joseph, I think it's Fontana.

MR. FONTANA:

I'll yield my time.

CHAIRPERSON VILORIA-FISHER:

Michael Tillman.

MR. TILLMAN:

My name is Michael Tillman. I live at 32 Hornpipe Drive in Reeves Park, Riverhead, New York. I'd like to ask the board to consider the fact that this would be the first property to be developed since the '70's when this was designated -- Sound Avenue was designated as a historic corridor. And I believe that no other building except for perhaps on the very east end of Sound Avenue, I don't think there's been any new construction there. I mean it's true that there's a Lobster Roll that was -- a group of buildings that were there previously. There's a moving company that used to be a barn, a potato storage barn. But most of the other facilities on Sound Avenue have -- there is no new ground broken, there are no trees or anything taken down. So this would be your opportunity to preserve a piece of property 4.1 acres that's never, ever had a development on it. And I thank you for your consideration and time.

CHAIRPERSON VILORIA-FISHER:

Thank you for coming down. The next speak is Eugena Merwin.

MS. MERWIN:

I'm Eugena Merwin. I reside at 16 Nautical Drive, yes, in Reeves Park. I'm a homeowner there.

And I just want to paint a picture briefly in these three minutes of the area. It was originally -- Reeves Park was originally --

CHAIRPERSON VILORIA-FISHER:

I'm sorry to interrupt you but some people are having difficulty hearing you. Can you hold the mike a little closer to you?

MS. MERWIN:

How's that?

CHAIRPERSON VILORIA-FISHER:

Just get your mouth a little closer to it.

MS. MERWIN:

Okay, test, one, two, three. Can you hear me now?

CHAIRPERSON VILORIA-FISHER:

There you go.

MS. MERWIN:

Thanks. I'm Eugena Merwin. I live at Reeves Park on Nautical Drive. I want to paint a little picture of the area briefly. Reeves Park was originally a beach bungalow community built in the 1950's comprising of well over 100 homes, the majority of which are now winterized, improved, expanded. We have deeded beach rights and we are an active neighborhood association.

This area in question is a very usual area. In general this area is surrounded by acres of farms, many, many acres, acres of forest. To the north is Long Island Sound and to the south is, yes, many miles of retail businesses on County Road 58. We need to preserve the character of this area, please. And I, therefore, support the resolution that Mr. Romaine has put forth.

I also want to say in question of the water quality that I've been either living or drinking the water of this area, you know, visiting friends and staying with friends for well over 25 years. I'm not going to necessarily say that that was the cause of my breast cancer but I'm a recent survivor of breast cancer. And I've certainly been drinking the {temik} contaminated water there at some earlier point in my life.

Anyway, so here we are. We're, you know, a group that's very interested in preserving this area. Sound Avenue is tens and tens of miles of nothing but open farmland. And to plop commercial -- a development in the middle there, it seems unseemly and not necessary. So it's an excellent idea of Mr. Romaine's proposal and I support it as well. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Ms. Merwin. How many years, Ms. Merwin?

MS. MERWIN:

A little less than one. I finished my treatment last November.

CHAIRPERSON VILORIA-FISHER:

Congratulations. Be well. Bob Kelly.

MR. KELLY:

Bob Kelly, 24 Marine Street, Reeves Park, New York. I just want to thank Mr. Romaine, again, for putting together resolution 1948. It's a heck of an understatement to say what a negative input a commercial development would have on Sound Avenue at Thomas Kelly Drive. As was spoken before about the groundwater, the runoff within a stone's throw of Sound Avenue, the manmade pollution and traffic notwithstanding would create a negative impact.

It's also one of the last wooded areas that's left along Sound Avenue. There aren't too many wooded acres left there. It's home to various species of birds and wildlife. It creates a sense of open space for migratory birds and for animals in that area. As was stated before, there's farmland in the area. But there's also been a sprawl of residential building in the last 20 years and a lot of displaced animals have also don their homes sort to speak along that small parcel of land.

As was stated before, this is also home to a 9/11 memorial that's been dedicated on behalf of my brother. Thomas was killed on September 11th. And seeing a strip mall in that spot would not do any justice to any of those that lost their lives on that day. It was discussed by the previous administration, there was a discussion of perhaps taking a parcel of that land and dedicating that to all those that lost their lives on September 11th; perhaps putting a wooded area there and a garden.

I have been fortunate in my life to go to Ireland. I visit a town call Consales in Ireland where a lady who is a nurse at the Cornell Burn Center, she established property there. And she's planted a tree for each individual that was killed that day. So on her own, she planted almost 2800 trees partially on her land and partially on the Town's land. The people in Ireland were able to see fit to dedicate this piece of property in memory of all those folks that lost their lives that day. And I think a little something like that here would go a long way in keeping their memory alive. And also that we would never forget what happened that day.

So I just want to thank Mr. Romaine and all the Legislators for their help and what they've been able to save what's left. And that parcel of land we do firmly believe is zoned, as we said before, it's residential. We retained an attorney by the name of Carolyn {Zank}, and a lot of other civic groups, we all believe that is residential area and we'd like to see to see the Town actually not act on moving forward with the approval of a commercial development, if they could take a step back and perhaps put their energies towards good folks like you and let's see this development become what it should be and what it always should be; either a wooded area or at worse case scenario a small parcel of housing. But again, wooded area, would be the way to go on that.

Again, thanks for your time and we appreciate everything you people are doing for us. God bless you.

CHAIRPERSON VILORIA-FISHER:

Mr. Kelly, we're sorry for your loss. And I just have a brief question. You said there's a memorial on the property?

MR. KELLY:

Yes, it's on the corner of Sound Avenue and what's called Thomas Kelly Memorial Drive now, which was Park Road. Some years ago the Town of Riverhead changed the name to Thomas Kelly Memorial Drive from Park Road. About a month after September 11th -- excuse me-- my brother with a few friends, they had a stone that they took up from the beach and they put a plaque there. And they dedicated it to my brother. It's inscribed on there. It's a small modest stone, but it has a lot of meaning. And I will tell you that over the last ten years, countless people have come by there and left condolences, have seeked me out.

CHAIRPERSON VILORIA-FISHER:

So it's a sacred spot.

MR. KELLY:

I don't want to be on this too much, I'm sorry, but my brother was never recovered and neither were any of those folks from his company that died that day. There's one gentleman that lost ten kids. He has ten children who were left behind. And their family comes out there quite often, too. We're fortunate to have a place like Reeves Park that we can go and have quiet reflection. There's just so many people that were never recovered that really have nothing left like that. And as I said, we talked a little bit with the previous administration about making this a memorial garden for

everybody. And I'll do everything I could to see that come to light.

CHAIRPERSON VILORIA-FISHER:

We appreciate you coming down. Thank you. Phil Barbato.

MR. BARBATO:

Good afternoon. My name Phil Barbato. I live at 211 Manor Lane in Jamesport. I'm here representing the Riverhead Neighborhood Preservation Coalition. We're a coalition that was formed about a year ago and --

CHAIRPERSON VILORIA-FISHER:

I'm sorry, our stenographer's having a little trouble hearing you. You got to get a little closer to the mike.

MR. BARBATO:

Okay. How's this?

CHAIRPERSON VILORIA-FISHER:

Much better, thank you.

MR. BARBATO:

I said I'm representing the Riverhead Neighborhood Preservation Coalition. We were formed about a year ago. Our main purpose is to preserve the quality of life in residential neighborhoods throughout the Town of Riverhead as well as the rural atmosphere. And we do this by advocating for the protection of residential areas, open spaces and agricultural areas.

We'd like to put our support behind resolution 1948. I won't go over all the reasons that I agree with already, that have been stated. But obviously there are a number of things that this piece of land has in its favor for preservation. Perhaps the most important one is that it would be more in conformance with the Master Plan that duly adopted comprehensive plan in the Town of Riverhead, which advocates for residential development in this area, residential or agricultural.

The environmental protection aspects are obvious. The groundwater protection as well. And what we think is perhaps even more important is preserve the quality of life for the surrounding neighborhood. This huge commercial development that's been proposed and is the subject of litigation would basically destroy the quality of life in that neighborhood.

So for all those reasons the Riverhead Neighborhood Preservation Coalition would like to throw our support behind this. And hope that there would be a study performed and that the criteria and the rating would lead to further action on this piece of property.

The other thing I'd like to mention is that -- and it has been discussed, but Sound Avenue is a historic corridor. It's the gateway basically to the north fork that a lot of people are familiar with. That's how they go there. They enjoy driving on that road. And not only would it preserve that feeling, that atmosphere for the Town, but also for the rest of Suffolk County and any other visitors.

The last thing I'd like to talk about is the recent Rouse Foundation Report that has demonstrated that money like this to preserve open spaces is money very well spent. The return to the County is many fold. So this would not be a poor expenditure of taxpayer money at all. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thank you for coming down. Is there anybody else who didn't fill out a card who is interested in coming up? Is there anyone else who would like to address the Committee and hasn't filled out a card? Okay. Well, thank you all for coming down. We're going to move to the agenda.

LEG. LOSQUADRO:

Madam Chair, if I might, in the interest of time, we have so many people here from those communities, if we could take the two subject matters before us out of order, 1938 and 1948?

CHAIRPERSON VILORIA-FISHER:

I'd be happy to take those out of order from the rest of the agenda but I had told two people who are here for appointments that I would also take them out of order. So I don't think it'll take us a longtime to interview --

LEG. LOSQUADRO:

No, that certainly will not.

CHAIRPERSON VILORIA-FISHER:

-- Jim Bagg, Diana Weir. We know them very well. So I'll be taking those out of order if the Committee agrees. Okay? Motion to take 1946 out of order.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1946 is before us, to appoint member of County Planning Commission Diana Weir. (Co. Exec.)** Diana, can you please join us up here? Because since you're a stranger we're going to have lots of questions for you. We all know Diana Weir. She has given much of her time to serve the community. And I suppose we would just like to ask you why you would to serve on the Commission? And how see your role there?

MS. WEIR:

Thank you, Madam Chair, members of the Committee. It's a tremendous honor for me to serve as the representative for the East End. I have been nominated by the County Executive for the Town of East Hampton. And having served as a Council woman there, I know the town pretty well; been there 25 years about. So I think it's important to have someone who can have that perspective on the community and the community's goals and what they need as far as preservation of land and development, proper development and, of course, housing for working families and everyone else who is having trouble living out there right now.

CHAIRPERSON VILORIA-FISHER:

Are there any questions from Committee members? I'll entertain a motion.

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro, second by Legislator D'Amaro. And I said that backwards. I'm sorry. But we're all on board. All those in favor? Opposed? Abstention? Congratulations, Diana. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

MS. WEIR:

Thank you very much. Thank you.

CHAIRPERSON VILORIA-FISHER:

And you know we will be voting on this at the general meeting but you don't have to attend that having attended this meeting. Thank you. Thanks for your service, Diana.

I'll make a motion to take 1961 out of order.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1961** is before us (**Appointing member to the Council on Environmental Quality (James F. Bagg, Jr.) (Viloria-Fisher)**) And never a stranger to this Committee, Jim Bagg, can you join us, please? While you're there, I'm going to ask you that SEQRA question about that town resolution. Just kidding. Jim, tell us, why are you coming back?

MR. BAGG:

Well, as everybody knows, I've been the major staff person to CEO for over 38 years. And I've now retired. And I would like to give a little bit of my time and my expertise back to the County. And also keep my fingers kind of close to the pulse, give me something else to do once a month. So that's why I'm here.

CHAIRPERSON VILORIA-FISHER:

And we certainly appreciate your stepping up and coming back. You know my only concern was, I said, well, is Mr. Mule going to feel like his mentor is looking over his shoulder? You're sitting on CEO. And very typical of Jim. He's been -- somebody who's worked hand in hand with Michael, I think. And I don't think Michael will have any problem with Jim sitting with us on CEO. It's such an important committee and you have so much institutional knowledge. And so this is really terrific that you're willing to do this.

I'm going to make a motion to approve.

LEG. LOSQUADRO:

I'll second that. And just on the motion very quickly I just want to say thank you for volunteering your time. It's good to have you back. We knew you couldn't stay away.

MR. BAGG:

My pleasure.

CHAIRPERSON VILORIA-FISHER:

I don't think you've been away long. Okay. There is a motion and a second. All in favor? Opposed? Abstentions? **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** Congratulations, Jim and --

MR. BAGG:

Thank you.

CHAIRPERSON VILORIA-FISHER:

You know the deal. You don't have to come back to the General Meeting. Thank you very much.

Okay, and as requested by Legislator Losquadro, we'll take each of those resolutions that we've been hearing about during the Committee out of order one at a time.

LEG. LOSQUADRO:

Motion to take 1938 out of order.

CHAIRPERSON VILORIA-FISHER:

Okay, motion by Legislator Losquadro to take 1938 out of order, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1938** is before us (**Amending the 2010 Capital Budget and Program and appropriating funds in connection with improvements to Goldsmith Inlet, Town of Southold) (CP 8207) (Romaine)** Is there anyone here from -- Goldsmith Inlet. Is there anyone here from the Department of Environment? Anybody here from Water Quality Review

Committee? Ben, let's see if you can field this because my question is you heard me ask Bob earlier, was that I thought a more appropriate place for this would be 477. And I'm sure that Legislator Romaine will join in the response to this. Since Ben came up, let's hear his answer and then we'll talk about -- Ed, about your resolution; okay? Ben?

MR. ZWIRN:

Madam Chair, you are correct. There have been projects like this that have been funded by 477 money. And Carrie Meek Gallagher mentioned Meeting House Creek, Forge River and Fredericks Canal among them. The only question -- we have no opposition to the concept of this program. We're just wondering if -- maybe I could ask George Nolan this question, is can we go out and spend money and give it to a group in this manner without going out to bid or having an RFP? Is it possible for us just to use capital funds in this manner? It's a question that we haven't had a chance to look at.

MR. NOLAN:

Well, the resolution before us is capital monies, right?

MR. ZWIRN:

We just want to make sure the procedure is okay. In concept we don't have a problem with the concept at all. I just want to make sure it's just done, municipality-wise we just do it the right way. That's all.

MR. NOLAN:

I think that the problem with bonding money, always is, is it a County project, a County property. And if it is, then you can use the bonded monies that way.

CHAIRPERSON VILORIA-FISHER:

I'm going to go to Legislator D'Amaro; you have an answer?

LEG. D'AMARO:

Well, I just want to point out to our Counsel that in the submission backing up the resolution, it says *note: The work plan above will be developed by Greeman, Pedersen, Inc., Cornell Cooperative Extension and EDesign Dynamics.* So this resolution calls for the development of a work plan. And it has a -- it actually has a budget within this document that was submitted showing how much would be spent for each area of evaluation. But I guess the question is who or what entity is on the receiving end of the funding and is that appropriate.

MR. ZWIRN:

If we might, maybe if the Committee is so inclined, maybe we can discharge it to the floor. And then in the next -- next week we can come up with an answer so at least it'll be live in the event -- we can move on it, it can be done. We just want to double check to make sure that we can give money to this particular group as opposed to the County or to an approved --

CHAIRPERSON VILORIA-FISHER:

It wouldn't be then the County contracting with Cornell Cooperative Extension? It's another group that's contracting --

MR. ZWIRN:

Well, the work plan would be done by a private group. And we're not sure -- you know, looking at it at first glance, can we do this without, you know, big process, or going through approved list of vendors that do this kind of work. It's the only question that we have. We're not, again -- and I think everybody agrees that the concept is fine. We just want to make sure that we're not in violation of using County funds.

CHAIRPERSON VILORIA-FISHER:

Okay, I'm going to go to the sponsor and see if maybe he's researched it because I know that --

LEG. ROMAINE:

Yeah, I'd be happy to work with the Executive branch on this to ensure that we're following the proper procedure. So my recommendation to my colleagues today, and I'm not a member of this Committee but my recommendation would be to discharge this without recommendation, allow the Executive branch to do the research. I'm sure Ben will contact my office. And if changes are needed to the resolution, we'll either draft those change or allow the County Executive to do a Certificate of Necessity, whatever the Executive branch wishes. We're certainly happy to work with them on this. My goal is to get this project done. The reason I chose capital funds instead of 477 because there's a number of projects that are backlogged waiting for 477 funding. The 477 Committee only meets, I think, once or twice a year.

This inlet truly is one of the most beautiful places on earth. And it is dying in front of our eyes. Unless we get a plan to save it and then move to save it, we will see one of the rare areas of Long Island cease to exist. So time was of the essence. That's why I chose capital funding. I am happy to have this discharged. I am happy to work with the Executive branch, our County Executive on this. But I do want to see this project go forward because it really can't wait.

CHAIRPERSON VILORIA-FISHER:

Is there a lot of non-point source contamination going into the inlet?

LEG. ROMAINE:

There's a number of factors. There's non-source point pollution. There's a question of the jetty. In fact, the Southold Town took up issue of jets at the jetty. It was very controversial whether to shorten the jetty, whether it affected the lateral drift, if that was preventing the flushing of the inlet. That inlet at one point, you could walk out there, it'd be six, seven feet deep. It's now two feet deep. So that we have major problems.

The inlet right now pollution levels have increased to dangerous levels. In fact the DEC has placed the inlet on its priority water problem list and ranked the level of impairment of this water body as sever. So when I say that I believe time is of the essence, I believe it is; however I'm certainly willing to work with the Executive on anything that we need to do to tighten up this resolution. My recommendation to my colleagues on this Committee is that you would be so kind as to discharge it without recommendation so it will come to the full Legislature. And in the ensuing week, I'll work very closely with Ben and whoever else, Carrie Meek Gallagher, etcetera.

CHAIRPERSON VILORIA-FISHER:

Ed, I believe that Legislator Losquadro has a question as well.

LEG. LOSQUADRO:

Absolutely. I agree with Legislator Romaine wholeheartedly. I'm happy to be co-sponsoring this legislation. We've seen other critical areas across this County fall victim to delays and process. We have the Carmen's River watershed area where the County has done a tremendous amount of work only to see the Town of Brookhaven now pulling back from their commitment to do an extensive study which will be helping that watershed tremendously.

I don't want to see the same thing happen here. We have an opportunity to move forward in an expeditious manner. We should do so. I wholeheartedly agree that we should not hold this up within Committee, that we should move forward and keep it active by discharging it without recommendation. And if there are no other comments, I'd be happy to make that motion to discharge without recommendation.

CHAIRPERSON VILORIA-FISHER:

Counsel was just saying to me, and I know Legislator D'Amaro that you're going to refer to this as well, but Counsel has just said to me, if it doesn't work, Ben, then bond Counsel won't give us the bond resolution. So, you know, they'll be reviewing that piece of it as well.

MR. ZWIRN:

If we can resolve it before it even gets there, because Legislator Romaine is correct, this has been identified on the significant habitat maps issued by the DEC. It has also been targeted for preservation by The Town of Southold's Local Waterfront Revitalization Program. We understand the urgency. And we'll do what we can to try to make this happen. But Counsel's correct. If it doesn't meet the test, we won't get the bonding and then we'll be back to square one again. So we'll move forward with the Committee's inclination and then we'll try to get this resolved in the next week.

CHAIRPERSON VILORIA-FISHER:

I don't know if Legislator D'Amaro still has any comment.

LEG. D'AMARO:

No, that covers it. I'm happy to support the discharge without recommendation just pending the resolution of the legal issues. That's fine.

CHAIRPERSON VILORIA-FISHER:

That being said I'll make a motion to approve and seconded by Legislator D'Amaro. All in favor? Opposed? Wait a minute. Not to approve. To discharge without recommendation. I made the wrong motion. I apologize. And that was seconded by Legislator D'Amaro. And we'll be meeting in Riverhead on October 12th so you'll have a shorter trip. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

LEG. ROMAINE:

I'm sure there'll be some people speaking on this issue.

CHAIRPERSON VILORIA-FISHER:

Thank you, Legislator Romaine. You never disappoint. Just so you know, he does his homework. I got a ream of newspaper articles and comments and letters. So we were very well prepared for this. Thank you.

LEG. LOSQUADRO:

Madam Chair, I would like to make a motion to take 1948 out of order as well.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **1948 is before us. Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (EMB Enterprises, LLC property Town of Riverhead). (Romaine)** Okay, we have Planning here to give us a presentation and the rating. Go ahead.

DIRECTOR ISLES:

Madam Chair and members of the Committee, we are circulating to you an aerial photograph of the subject parcel. The subject parcel is outlined in red. As you will note, the parcel's located along the north side of Sound Avenue on the east side of Park Road in the hamlet of Baiting Hollow in the Town of Riverhead. By way of a landmark the Lobster Roll Restaurant is a little bit to the west and to the south of Sound Avenue.

Also in your package is a rating form for the Suffolk County Open Space Rating System for Natural Environments. The resolution is filed under the Quarter Percent Program for open space preservation purposes. The Department of Planning has completed the rating form based on the information available to the Department. I'd like to go over that very briefly.

As you will see the rating form takes into consideration several environmental factors beginning with natural resource characteristics, examining for the presence of wetlands or adjacent wetlands buffer

areas, groundwater resources, whether it's in certain protective zones, natural habitat, identifying whether the property has been identified for certain species of special concern or protected species, registration by the Natural Heritage Program and so forth. Also the rating form looks at physical characteristics in terms of geological land forms and boundaries such factors as kettle holes, water bodies, things of that nature, presence of a flood plain.

The rating form also looks at the size of the parcel as a County Open Space Program. Generally the County seeks to target larger parcels or parcels that are contiguous to other County holdings, typically reserving smaller sites for Town and Village entities for primary protection. So there are some points for larger parcels. Continuing other locational aspects deal with proximity to other County parkland, parcels recommended within various estuary study recommendations and so forth as you look down the list in terms of location.

In this particular case based upon review by the Planning Department we identified two points that would be awarded in the location criteria for proximity along a major road corridor as mentioned, obviously Sound Avenue is a major road corridor and a scenic road corridor at that.

Secondly, we did receive from the sponsor a copy of a letter -- actually two letters from the Town of Riverhead from the Supervisor of the Town indicating their endorsement of support for this acquisition, at least the planning steps resolution that is before you today. And then also indicating that the Town would agree to partner with the County to the extent of contributing management maintenance of the property. Based upon that letter and the planning step's nature of this resolution, the Department is recommending five points for that category.

So in total based on the review that we've done, the parcel measured seven points. As you know, the rating form is based on a scale of zero to 100. Typically 25 is the threshold for your recommendation. So we provide this information for your information. If you have any questions, we'll address those questions the best we can. Thank you.

CHAIRPERSON VILORIA-FISHER:

There are a couple of questions. This is for open space use?

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA-FISHER:

If it were -- there was testimony from Mr. Kelly who talked about some sort of memorial park or, I guess, that would be more active use or a hamlet park kind of designation, would that be able to glean a higher rating? Wouldn't that be able to achieve a higher rating if it were under the Hamlet Park Program?

DIRECTOR ISLES:

I am not sure if it would. Certainly -- I don't know. So we can certainly do that if that were the desire of the Committee or the sponsor.

CHAIRPERSON VILORIA-FISHER:

Okay. I was thinking as he was speaking that that seemed like the use would be more a hamlet park. It's at a cross-section and it's on the main road. So I was just wondering if that might have been a consideration particularly with the Supervisor having said that there was an interest on the part of the Town as well to help to manage the property as a steward. But I'm just putting that out there for everyone to think about that.

Legislator Losquadro has a question or a comment.

LEG. LOSQUADRO:

Thank you. Two things, number one, not to be nit picky, but it is the Lobster Roll north side. All

right? Let's get that clear.

DIRECTOR ISLES:

That's true. I stand corrected.

LAUGHTER

LEG. LOSQUADRO:

In the rating form under *location*, item number two, I think it would certainly fall under an area where the County already has significant interest, not necessarily park or open space. But look at all the money the County has invested within that corridor in our acquisition of Farmland Development Rights Program. And this entire corridor has been the main focus of the County's obviously, as you know, very successful program, one that we pioneered here in Suffolk County. I think if there was ever an area where the County would want to continue to make an investment or incorporate into their own rating system an area where we already have made an investment, I think this would certainly qualify. So I think that's an area where it would certainly pick up some more points.

But that being said, I certainly would like to speak to the sponsor more regarding this. This is just a few miles from the end of my legislative district now. And I'm almost at the end of my legislative district where I live so just a few miles from my home. So I am very familiar with this area. And I think it is certainly an area where the County -- maybe it's a little bit different in that it's not adjacent to those County parks; but it certainly, as I said, is within that area that the County has made a huge investment in promoting and maintaining the agricultural sector, the agricultural business. We all know that Suffolk County is still the largest dollar producing County agriculturally in New York State. I would like to keep it that way. And I think this -- maintaining the bucolic character of this corridor is part and parcel of maintaining that agricultural industry.

We heard it testified to by several individuals who live there today, as much as we can all be frustrated by the pumpkin traffic sometimes, we know that the reason the people do come there is not to look at more development. It's to maintain sort of that last bastion of what most of Long Island did look like at one point, and we have unfortunately still remaining only in one small section of the Island today. And I think that this is, while a small piece, an important component in the grand scheme of things as the direction that we want to see development move so I for one will be supporting it.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro.

LEG. D'AMARO:

Okay. The purpose of the Land Preservation Program is to first and foremost protect environmentally sensitive land. I think that's a major factor even in the design of the rating form. And I'm looking at a rating form here that is in essence saying that as per the form, not as per some of the testimony you heard today, that there's no environmental significance sufficient to warrant the County acquiring this property, or very little.

The points received on the form go to location and the management agreement so there's no criteria being met from an environmental standpoint on this property, which is the criteria that we use meeting after meeting and parcel after parcel. But we did hear testimony about some environmental impacts about -- and I believe it was on this resolution about groundwater protection. And so I'm a little concerned about whether or not we're missing something in the form. Any thoughts to that, Director Isles?

DIRECTOR ISLES:

Yes. I think in terms of any property on Long Island is going to have -- the development of that property will to some extent have an impact on the environment. So, for example, a parcel -- this

parcel in terms of recharge of this property will migrate into the groundwater table, will migrate horizontally into Long Island Sound.

The form has been set up and the County policies have been set up to not spread out the County's program from one end of the County to the other, but more to focus that on the more critical resources. And in Suffolk County and on Long Island, for example, there have been areas designated as special groundwater protection areas where there are deep flow recharge areas, for example. And our point system is set up that those are a notch above of sorts in terms of more of a vertical movement of groundwater and more of a need to protect that.

So it's not the case of saying that a property that doesn't score on this sheet in terms of the environmental factors that are typically taken has no environmental value whatsoever. But in terms of where the County resources have typically been going, it's targeting those environments that are most sensitive as measured by environmental factors of either hydro-geologic, groundwater factors, natural factors and so forth.

So in this particular case, here again, we look at it. And the Department staff looks at it in terms of those factors. This property did not hit any of those key criteria. We're not disputing the point of the residents and feeling an importance of this property from their neighborhood, from their Town in terms of the concern about a strip shopping center here. That's not something we evaluate on this. We look at in terms of the environmental factors and report back to you.

LEG. D'AMARO:

Okay. And just so I understand the history of the property, it was the Town itself that had rezoned the property to the commercial use. And then later, I guess, sought to annul that through the site plan process. Legislator Romaine, do you know is that the history?

LEG. ROMAINE:

I don't know if the Town itself rezoned it or someone made a mistake with the boundary line. And I believe it was a mistake made by the Planning Department about the boundary line. And when the Town caught the mistake, they rezoned it quickly. That's what the lawsuit was over. The court said that they rezoned it improperly. And they lost -- they appealed it all the way. And they have since rezoned it properly, but they don't want to fight because of the cost of litigation, continue to fight on about this. But when the Chair Lady wishes to recognize me, I have just a few words to say.

CHAIRPERSON VILORIA-FISHER:

As soon as the members of the Committee have finished asking their questions, then I'll bring it to you.

LEG. D'AMARO:

Well, I would really -- I guess to even the people who are here and concerned about this, you know, it's always been our practice on this Committee to be guided by this rating form that's in front of us. And you're not scoring sufficiently on this form and, you know, as individuals charged with responsibility of allocating our resources to where they're most needed, that's why we use the form as a guideline. But I hear your testimony. And I'm trying to keep an open mind on this. And I'll pass it off to Legislator Romaine.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, if you could also address the question I asked regarding it being a hamlet park, if that would be a consideration that you would have, but I'll let you go ahead with your comments.

LEG. ROMAINE:

That would be a consideration if it would improve the rating system. I don't think it's going to improve the rating system. The resolution is here. The resolution's before us. We're being asked to do something that we usually don't do. We're being asked to put aside empirical data that the

Planning Department has submitted where they've given this property a very low rating.

And we're being asked to look beyond that rating form. And we're being asked to understand that there's a greater significance to this property. And I could talk about that but my words would pale in comparison to the editorials I sent every member of this Legislature from Suffolk Times and the Riverhead News Review. And I will not read the whole editorial but I'll read three paragraphs of it. "Sound Avenue in Riverhead is one of the last purely rural corridors in all of Long Island. To out-of-towners it is truly a site to see. Leaves quite an impression, especially for those in western Suffolk and Nassau who otherwise would have to travel hours through tunnels and other bridges for such a panoramic and romantic glimpse of old time America. That intense compelling feeling in the gut that such a treasure should be preserved is what's driving the outcry over an out of place commercial project proposed 4.1 acre at the corner of Park Road and Sound Avenue."

Now I'll drop down. "At this point the County government appears to be the only hope for keeping this project off Sound Avenue. Riverhead Town has exhausted all of its legal remedies."

So it falls to us here at this level of government at the County to look at something very local that means a great deal to people far away from Hauppauge out in Riverhead. It falls to us to look beyond the numbers in a rating form and look to the soul of this County and understand what Suffolk once was. Because when people drive out there, they say *wow, this is like Babylon was 50 years ago. This is what Huntington was like 50 years ago.* Well, this wouldn't be like anything was 50 years ago. This would just be another commercial strip instead of what is left that's raw, that needs to be preserved in this County.

So I speak to a different rating form. I speak for what's left. And out east you see the green and white bumper stickers. And they say *Save What's Left.* You've heard my constituents speak from their heart about this land. You won't find that on a rating form.

I ask you to use your best judgement. I understand the power of the rating form, but I also understand the power and the competence and the intelligence of my colleagues that can see the greater purpose for this county. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Ed. Well put as always. But I have to ask if we can work together to look at another designation; because if I'm going to vote to approve a piece of property as open space for environmental protection, I want it to be open space for environmental protection. When I introduced the SOS referendum for the people of Suffolk County, I included farmland, open space and hamlet parks. Because I believe that we do need to protect the vistas, that we do need to protect the heritage and history of our County.

When I heard, and I jokingly referred to two people's street names which were nautical and 8 Bells, and that referred to the nautical history, and this is part of our agricultural history, the vistas, but I don't believe it's an open space parcel. I believe it's more of a hamlet park parcel. I would like to table this for one cycle and work with you and see how we can have a different designation for it.

LEG. ROMAINE:

I certainly would like to get this approved out of Committee today. I see our Deputy County Executive Ben Zwirn there. I know Mr. Levy has visited this property. If in the wisdom over the next several days that we decide that a different resolution is needed, I certainly would avail myself of the County Exec's ability if he agreed with me, and I don't want to pre-condition anything, but if he did, to bring forward a resolution to make this a park.

But, again, I don't know how the ratings will turn out on that. And I don't think Mr. Isles is prepared to in any way guaranty higher ratings for it. So I don't know if that's the case. We want to see this essentially preserved. There is a memorial there that I would want to stay there, but it's in the public right of way. I think we'd like -- I think the people of this area would like to know next

week when they come to Riverhead to the County Center at 9:30 to talk on this issue, that this land has a shot to be preserved, that this Legislature has exercised a greater wisdom and they spoke to the greater issue.

CHAIRPERSON VILORIA-FISHER:

You know you can amend until five o'clock today.

LEG. ROMAINE:

And I will work with George to do that. I will work with George but it has to be alive.

CHAIRPERSON VILORIA-FISHER:

Ben, did you have a comment? I saw you walking up. I assume you wanted to say something.

MR. ZWIRN:

No, just generally that we -- the County Exec's Office has pretty much stood by the ratings forms. And we stay out of it. We let Planning make their own recommendations. We understand they're advisory. The Legislature can, you know, sometimes there's exceptions to the rule. If you wanted to go to the full body for more discussion to have the folks who came in here today come back to Riverhead to speak before the full Legislature, we would understand that. Without, you know, saying the County Executive would be supportive, I understand some of the folks spoke here today and said they've met with the County Executive, when he was out there and that he was supportive of this, I haven't had that conversation with him.

But if we move it along to the General Meeting Legislature, we can come back and, again, review the forms that the Planning Department has, just to get it before the full Leg. That's all. Generally we are very supportive of whatever the Planning Department recommends. We usually go along with what they have. They've done a very professional job in the past.

I understand the sensitivity of this and there are more issues here that sometimes can wind up on a form. My only recommendation is if it went to the full Legislature, we'd have another day to debate this. But we respect -- the comments that you made are similar to what we would generally say. Again, but if you want to get it to the full Leg to get a bigger circle for the Legislature to debate this, and maybe take it under advisement, we wouldn't object to that.

CHAIRPERSON VILORIA-FISHER:

I want to just keep on the record that I value and respect the rating form that is prepared by the Planning Department. It's an objective enumeration of the empirical issues. And so I really couldn't vote for this as an open space piece based on the evaluation done by our Planning Division.

Legislator D'Amaro has a question.

LEG. D'AMARO:

I agree with the Chair; however, I will say that in my tenure here, there's been one or two other kinds where we have gone below our self-imposed threshold on the rating form. And I guess that's the beauty of being in this position, that the rating form is advisory only. And we can at times consider other factors in whether or not to move forward.

I think Legislator Losquadro made a very compelling case, looking more at the cumulative area and, you know, sometimes these rating forms and these criteria don't take a step back and look at what's really happening. And that kind of hits a nerve with me. And the reason it hits a nerve with me is because I represent the western part of Suffolk County, a portion of the Town of Babylon, a portion of the Town of Huntington. And it's not uncommon for me to be driving in those towns and always think back to the fact that, you know, my family's lived out here since the late 1950's. And that's really when all of the decisions were made on development.

And I always think about, boy, you know, I wish I had been there at the time because, you know,

what were they thinking when you look at some of the development that happened in western Suffolk County.

So there is an environmental -- there's an environmental impact here that extends far into the future. And that's the type of consideration that was never taken perhaps in some areas of development in western Suffolk.

And taking that perspective, I would be in a position to support at a minimum discharging this out of Committee today so we can look at some amendments and have some further deliberation.

CHAIRPERSON VILORIA-FISHER:

Well then you'll be happy to hear that Ed and I work very collegially most of the time. And he has agreed to make the amendment by five o'clock this afternoon to change the program to Hamlet Park. And then that being the case, and I take him at his word, I will make a motion to approve -- or would you like to make the motion?

LEG. LOSQUADRO:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Losquadro, seconded by myself. And the agreement has been made by Legislator Romaine to amend his resolution so that --

LEG. ROMAINE:

Which Counsel will do.

MR. NOLAN:

You bet.

CHAIRPERSON VILORIA-FISHER:

And Counsel's on it. So it would be a hamlet park. And I think with the memorial being there, I think a hamlet park is really appropriate designation.

LEG. D'AMARO:

Of course you need a willing seller.

CHAIRPERSON VILORIA-FISHER:

Yes.

LEG. ROMAINE:

We do have a willing seller.

CHAIRPERSON VILORIA-FISHER:

And by the way, I think when we were having some side bar discussions, we wondered the viability of a strip mall there, it doesn't look like they would have the kind of customer base that they would need to make another --

LEG. LOSQUADRO:

And besides, who's can compete with the {stuffy} at the Lobster Roll? I mean, you can't.

LAUGHTER

CHAIRPERSON VILORIA-FISHER:

So there's a motion and a second to approve. All in favor? Approved, because Ed gave his word to change it. All those in favor? Opposed? Abstain? Okay, motion carries. **(VOTE: 4-0-0-1.**

LEG. COOPER NOT PRESENT)

Okay, we'll go to our -- Laretta and Tom, since we're there, let's stay with the regular part of the agenda and then I'll go back to CEQ because you have all your papers there. It's not a very long agenda. Okay, Mr. Mule, I know we usually put you first, but we're going to just finish the agenda.

TABLED RESOLUTIONS

Okay, so we'll go to our tabled resolutions. Okay, tabled resolutions, **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)** I didn't hear otherwise from the sponsor so I will continue to make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1416 stands tabled. **(VOTE: 4-0-0-1. LEG. 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) Again, I haven't heard anything from the sponsor regarding that. I don't think anything has changed. I will make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

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

1534, Adopting Local Law No. -2010, A Charter Law to authorize the transfer of development rights for non-profit community centers. (Schneiderman) Again, I have not heard from the sponsor regarding any changes. I will motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1534 stands tabled. **(VOTE: 4-0-0-1. LEG. 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)

LEG. MURATORE:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

We're still waiting for the plan from Brookhaven Town?

LEG. MURATORE:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay, would you like to make a motion?

LEG. LOSQUADRO:

He did.

LEG. MURATORE:

Yeah, motion to table.

LEG. LOSQUADRO:

I'll second that.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Muratore, seconded by Legislator Losquadro. All in favor? Opposed? IR 1554 stands tabled. **(VOTE: 4-0-0-1. LEG. 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) Counsel, you know I get very confused with all these Town of Smithtown budget amendments, with the Mill Pond and Blydenburg. Budget Review, can you help me on this a little bit because we passed it --

MR. NOLAN:

I think Legislator Kennedy has tabled this because the money's coming from the Legislature's offset fund 1755 and some Legislators have expressed reluctance about using that -- that pot of the money.

CHAIRPERSON VILORIA-FISHER:

Motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1609 stands tabled. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

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 (CP 8239) (Romaine) I don't think we have any money to transfer.

LEG. D'AMARO:

Right.

CHAIRPERSON VILORIA-FISHER:

So I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? 1671 stands tabled. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 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) I called your office about this, Tom. You're still tabling it, right?

LEG. MURATORE:

Yes, please, motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator Muratore, seconded by myself. All in favor? Opposed? IR 1699 stands tabled. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1728, authorizing planning steps for the acquisition of farmland development rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Marion Carll Farm Property Town of Huntington). (Kennedy) This is the Marion Carll farm property in the Town of Huntington. There are still many problems with that, with the title, etcetera. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. All in favor? Opposed? IR 1728 stands tabled. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1817, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Shultz's Holding Corp. Property - Forge River - Town of Brookhaven - (SCTM No. 0200-750.00-03.00-040.002). (Co. Exec.) That's not ready to go either, is it?

DIRECTOR ISLES:

We're still waiting for an environmental site assessment phase II. So we'd like to --

CHAIRPERSON VILORIA-FISHER:

Okay. But we haven't been able to go onto the property to do our phase II environmental assessment; is that correct?

DIRECTOR ISLES:

Right, that's correct.

CHAIRPERSON VILORIA-FISHER:

Okay, I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? IR 1817 stands tabled. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

INTRODUCTORY RESOLUTIONS

1931, authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Kozak property - Kozak Family Farm - Town of Riverhead (SCTM No. 0600-043.00-01.00-001.005 p/o). (Co. Exec.) That's a straight farmland acquisition, is it not, Mr. Isles?

DIRECTOR ISLES:

Right. It achieved a rating of 16.75 under a rating of zero to 25 so it's quite a high rating. There's protected land all the way around this property of either mostly Suffolk County but also Suffolk County and the Town. And it's currently used for crop agriculture including cauliflower, broccoli, potatoes, squash and pumpkins. This is on the north side of Reeves Avenue just east of Roanoke

Avenue.

LEG. LOSQUADRO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator Losquadro, seconded by Legislator D'Amaro. And just on the motion real quickly, do you have any idea whether the Kozak family has joined our stewardship, our Ag Steward Program at all?

DIRECTOR ISLES:

I don't know, but I could find out.

CHAIRPERSON VILORIA-FISHER:

All right. Would you be able to let me know by Tuesday? I would just like to mention whether or not they had -- I know they have over 200 farms. And it's good for us to know when we have the acquisition, you know, we've talked about this a number of times when we do the farmland development acquisition, whether or not they've jumped on board to lower their pesticide and fertilizer use. Thank you.

DIRECTOR ISLES:

Right, we'll find out.

CHAIRPERSON VILORIA-FISHER:

Thank you. So there's a motion and a second. All in favor? Opposed? Abstain? Motion carries. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1932, this is another good farmland acquisition, if I recall, **authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) open space component - for the Ammerita property Beaverdam Creek - Town of Brookhaven - (SCTM No. 0200-932.00-01.00-023.000). (Co. Exec.)** This is a different one. Oh, this is the one where we're aggregating around the Beaver Dam Creek in order to -- this has really strong environmental impact.

DIRECTOR ISLES:

Right. And last month the Committee approved or the Legislature approved 57 acres in this area. So a lot of it's coming together right now. This is a relatively small piece, but, here again, it's surrounded by protective lands. The price \$1,250 so it's small in price as well.

CHAIRPERSON VILORIA-FISHER:

We have two, right? For Beaverdam Creek, right?

DIRECTOR ISLES:

We have two in a row for Beaverdam and then we have a Mastic Shirley Conservation area.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. I'll make a motion, seconded by Legislator Losquadro. All in favor? Opposed? IR 1932 is approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

1933, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Pedro property - Beaverdam Creek - Town of Brookhaven - (SCTM Nos. 0200-901.00-03.00-016.000 and 0200-901.00-03.00-019.000). (Co. Exec.) Beaverdam Creek as we just mentioned. Motion to approve by Legislator D'Amaro, seconded by Legislator Losquadro. Laurretta? I think this map simply speaks for itself. You can look at the -- you can see the assemblage of County property. It's a Master List property. Do we have a motion?

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro, seconded by Legislator Losquadro. All in favor? Opposed? Abstain? Motion carries. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1934, authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Smith property - Mastic/Shirley Conservation Area II - Town of Brookhaven - (SCTM No. 0200-983.50-02.00-042.000). (Co. Exec.) It's Master List, isn't it, Tom?

DIRECTOR ISLES:

Yes, it is.

CHAIRPERSON VILORIA-FISHER:

Okay. Were you going to give us something, Laretta, or can we just go ahead?

MS. FISCHER:

Yes, that's Master List Two.

CHAIRPERSON VILORIA-FISHER:

Okay, it's Master List. Okay. Motion by Legislator Losquadro, seconded by Legislator Muratore. All in favor? Opposed? IR 1934 is approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

IR 1935, authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Pappalardo property - Town of Riverhead - (SCTM No. 0600-100.00-01.00-015.001 p/o). (Co. Exec.) Okay, that's not a very big farm. Right? It's in Calverton. I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator Losquadro. I remember the name. Okay, any questions on this? All in favor? Opposed? 1935 stands approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

1938, we have voted on already.

1942, authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Harbor Cove Restaurant, Inc. Property - Town of Brookhaven). (Eddington) And this is for active recreation, Mr. Isles?

DIRECTOR ISLES:

It's for Hamlet Park, yes.

CHAIRPERSON VILORIA-FISHER:

That's Hamlet Park. And that's on the Swan River. And is there an agreement with the Town of Brookhaven?

DIRECTOR ISLES:

Not to our knowledge. And we have communicated with the sponsor's office. They have completed a preliminary questionnaire that we've requested. At this point there's still a lot of information that we would need in order to complete a rating form. We would respectfully request this matter be tabled at this time.

LEG. LOSQUADRO:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table. Because if it's a hamlet park, they still haven't finished the questionnaire and there are some outstanding questions about it. Okay. There's a motion to table by Legislator Losquadro. Seconded by Legislator D'Amaro? I'll second it. All in favor? Opposed? IR 1942 stands tabled.

(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)

IR 1946, we took care of that one.

IR 1948 has been done.

IR 1951 has been voted on.

And so now we have **IR 1962**, a very good year, **Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with a Four Poster Field Study 2010-2011 (CP 8710). (Co. Exec.)** Now, Budget Review, this is amending from the 477 account. Are the funds there to take money out of the account?

MR. LIPP:

We're not exactly sure what's left in that fund because money's been dwindling. So I'm not sure. I'd have to get back to you on that.

CHAIRPERSON VILORIA-FISHER:

It's only -- it's 21,000 but I know last time Carrie was at our meeting, she said there was so little. Okay, well, I'm going to make a motion to discharge without recommendation just until I get those answers from DEE.

MR. LIPP:

We'll make sure we'll have an answer for Tuesday.

CHAIRPERSON VILORIA-FISHER:

Okay. Did you raise your hand?

MS. O'BRIEN:

Yes.

CHAIRPERSON VILORIA-FISHER:

Come forward, identify yourself and speak into the mike, please. Thank you.

MS. O'BRIEN:

Elyse O'Brien from DEE. This project was approved by the Water Quality Review Committee on June 23rd. So I believe that we have the money to approve this project.

CHAIRPERSON VILORIA-FISHER:

I was at that meeting. I didn't remember this so thank you. All right. So I'll make a motion to

approve. I don't think there was a second to my earlier --

LEG. LOSQUADRO:
Second that motion.

LEG. D'AMARO:
Just on the motion.

CHAIRPERSON VILORIA-FISHER:
On the motion Legislator D'Amaro.

LEG. D'AMARO:
I just want to make clear I think we heard some testimony previously that we spent approximately 1.2 million so far on this multiyear study.

MS. O'BRIEN:
Yes.

LEG. D'AMARO:
And this is an additional \$21,600. It's my hope that after spending -- expending those kinds of funds, that we would get some kind of conclusion relatively soon. Do you have any idea how soon the study will be complete?

MS. O'BRIEN:
I believe the study is until 2011.

LEG. D'AMARO:
Next year.

MS. O'BRIEN:
Yes.

LEG. D'AMARO:
All right. And is this the last funding request?

MS. O'BRIEN:
Yes.

LEG. D'AMARO:
It is? Okay. Thank you.

CHAIRPERSON VILORIA-FISHER:
Wrapping it up. Okay, there's a motion and a second to approve. All in favor? Opposed? Abstain? IR 1962 stands approved. Thank you. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

CEQ, Mr. Mule.

CEQ RESOLUTIONS

MR. MULE:
Good afternoon. CEQ resolution, **33-2010, proposed Acquisition of Land for Open Space Preservation Purposes Known as the Beaverdam Creek County Wetlands Addition Marist Brothers of Schools, Inc., Property in the Town of Brookhaven. (Unlisted Action, Negative Declaration)** CEQ reviewed and recommends classification as an unlisted action with issuance of a negative declaration. They recommend that there would be no adverse impact on the environment.

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Second. All in favor? Opposed? IR 33-10 is approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

MR. MULE:

CEQ resolution 34-2010,CEQ Recommendation Concerning Adoption of the Final Scoping Document for the Draft Generic Environmental Impact Statement for the declaration as surplus and subsequent sale of 255+ acres of County owned land in Yaphank for mixed use development purposes. CEQ found the scope to be acceptable and were confident that it addressed all of the relevants comments made by the public during the public comment period. And CEQ recommends adoption of the final scope and proceeding with the development of a Draft Generic Environmental Statement.

CHAIRPERSON VILORIA-FISHER:

Okay, and everybody's clear what this represents? This is the scoping statement. I thought even my own comments and my questions that were answered -- it's just a scoping. It's not the EIS yet. Okay? So I'll make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator Losquadro. All in favor? Opposed? CEQ resolution 34 is approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

MR. MULE:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Anything else, Mr. Mule?

MR. MULE:

That's all I had.

CHAIRPERSON VILORIA-FISHER:

Thank you.

If there are no other questions or comments, the meeting is adjourned.

**THE MEETING CONCLUDED AT 3:08 PM
{ } DENOTES SPELLED PHONETICALLY**