

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 Friday, November 5th, 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:

George Nolan, Counsel to the Legislature

Robert Lipp, Deputy Director, Budget Review Office

Laura Halloran, Budget Review Office

Renee Ortiz, Chief Deputy Clerk

Thomas Isles, Director of Department of Planning

Michael Mule, Department of Planning

Lauretta Fischer, Principal Environmental Analyst, Department of Planning

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

Lynne Bizzarro, County Attorney's Office

Marge Acevedo, Aide to Presiding Officer

Walter Dawydiak, Chief Public Health Engineer

And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

VERBATIM MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

[THE MEETING WAS CALLED TO ORDER AT 1:09 PM]

CHAIRPERSON VILORIA-FISHER:

Welcome to today's meeting of the Planning and Agriculture Committee. Please join us in the Pledge.

SALUTATION

Thank you. Madam Clerk, I don't have see any cards. Are there any speakers? Okay. Then I'm going to ask Mr. Mule to join us for the CEQ resolutions. And as Mr. Mule approaches, I'm going to ask that we take IR 2044 out of order. And the reason for that is if we have any questions about that, Michael Mule can help us walk us through it. Okay. So I'll make a motion to take 2044 out of order.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator D'Amaro. All in favor? Opposed? No, he said it too. Didn't you say?

LEG. D'AMARO:

Yes, I did.

CHAIRPERSON VILORIA-FISHER:

Yes, okay. No, no, no. I got it right this time. Okay. All in favor? Opposed? Okay, 2044 is before us. So we're going to do 2044 first, okay, Michael. And then we'll go ahead to the CEQ resolutions. Okay?

IR 2044, making a recommendation concerning adoption of the Final Scope for the draft Generic Environmental Impact Statement for the declaration as surplus and subsequent sale of 255± give or take acres of County owned land in Yaphank for mixed use development purposes, Town of Brookhaven (Lindsay) I'm going to make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro. Okay. And I'm just going to quickly say on the motion before we even get to Mr. Mule that I know that there are recommendations that we -- that we just buy the 95 acre piece or we separate out different parts of this project. But my contention is we really can't do anything until we let the EIS play out because we have made a commitment to do an EIS and the EIS has been recommended by CEQ and so, you know, the policy has been set that we're looking at the whole piece. And I think it would be segmentation under SEQRA if once we've started that process and called it one project and looked for the EIS in that, if we try to circumvent that at this point we can run into problems.

And for those of us who are eager to look at the sale of that 95 acre property, in order to get some revenue this year when we so sorely need it, if we enter into a policy position that's questionable, it probably would delay us for a number of years and we wouldn't be able to realize any revenue coming from this 255 acres for a long time because there are those who are chomping at the bit to sue us on this issue.

So I just wanted to put that out. And Mr. Mule is here to answer anybody's questions if there are

any further questions about this. Legislator Losquadro.

LEG. LOSQUADRO:

Thank you. I really concur with that entirely. We need to make sure we dot all our I's and cross all or T's on this. And the scope of this draft GEIS is such that different scenarios have been included and you can just verify what I'm saying here, taking into account multiple scenarios; as of right development, change of zone, open space, multiple scenarios, which will then, as Legislator Vilorio-Fisher referred to, would give the Legislature a menu, so to speak, that we could choose from à la carte, to decide what we wanted to do and didn't want to do. But without having this EIS, we will not even have the opportunity to pick from any of those options. So if you could just maybe speak to that.

MR. MULE:

Yeah, sure. There are several alternatives in the impact statement. The no action alternative, which is, in essence a municipal use, continuing using the property for County facilities. Existing -- developing that existing zoning. The no development or open space alternative for the property and the development proposal that's before the County now.

Once those are all looked at, yes, the County will have a choice of picking through any of those. And should something else come about in the future, at least you'll have that as a baseline. And anything over and above what was looked at in the EIS could be handled in a supplemental EIS. But moving forward without going through this, you do open yourselves up to segmentation.

LEG. LOSQUADRO:

Absolutely. And also I believe that there is a considerable component now dealing with the Carmen's River as well; is that correct?

MR. MULE:

Yes, that was expanded due to comments on the draft scope.

LEG. LOSQUADRO:

Very good. I mean, I think all the comments have been taken into account and I think we have a -- quite a broad and encompassing product here.

MR. MULE:

Sure. And just for the record, CEQ actually tabled the draft scope at their August meeting because they felt it didn't handle the public's comments enough and had to go back and revise it.

LEG. LOSQUADRO:

Very good. Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. And, Legislator Losquadro, as a member of CEQ, I looked at the comments that were submitted by members of the public and by myself included. And I saw the responses to those comments and changes and additions and, you know, a recognition of the comments that were provided.

LEG. LOSQUADRO:

Good.

CHAIRPERSON VILORIA-FISHER:

Okay. So there's a motion and a second to approve. All in favor? Opposed? **IR 2044 is approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)** Okay. Okay, Michael, so we'll go to the CEQ resolutions now.

CEQ RESOLUTIONS

MR. MULE:

Okay. CEQ resolution **36-2010, Ratification of Recommendations for Legislative Resolutions Laid on the Table September 16, 2010 and October 12, 2010.** CEQ reviewed both lists and they're mostly Type II Actions. SEQRA was completed. Nothing really stands out with regard to SEQRA compliance in the future. The CEQ recommended classifications were in the margins of the resolution sent over.

CHAIRPERSON VILORIA-FISHER:

I make a motion to approve, seconded by Legislator Losquadro. All in favor? Opposed? **36-10 stands approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

MR. MULE:

CEQ resolution **37-2010, Vector Control 2011 Annual Plan of Work.** CEQ reviewed the document and determined that it is in conformance with the conditions and thresholds set forth in the Suffolk County Vector Control and Wetland's Management long-term plan Final Generic Environmental Impact Statement and Findings of 2007. And CEQ recommends approval with no further SEQRA compliance required.

CHAIRPERSON VILORIA-FISHER:

And Michael, just to point out, it was well within the proposed plan for the wetlands that we had looked at a few years back.

MR. MULE:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. Same motion, same second, same vote. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

MR. MULE:

CEQ resolution **38-2010 - Proposed Acquisition of Land for Open Space Preservation Purposes Known as Woodhulls Landing Woodlands - PEFCOS Realty Corporation Property, Town of Brookhaven (Unlisted Action, Negative Declaration)** CEQ reviewed the proposal and recommends classification as an unlisted action with the issuance of the negative declaration with no adverse impacts on the environment.

CHAIRPERSON VILORIA-FISHER:

Same motion, same second, same vote. **Approved (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

MR. MULE:

CEQ resolution **39-2010 - Proposed Acquisition of Land for Open Space Preservation Purposes Known as Three Mile Harbor County Park Addition - Boys and Girls Harbor, Inc. Property, Town of East Hampton (Unlisted Action, Negative Declaration)** Again, CEQ reviewed the proposal and recommends classification as an unlisted action with issuance of a negative declaration with no adverse impacts on the environment.

CHAIRPERSON VILORIA-FISHER:

Yes, Michael, and just to refresh the memory of Legislators here who might have been here when we looked at this earlier, I think there had been a change because a few years ago it involved a number of buildings on the property.

MR. MULE:

Yes, now the County and the Town have developed a management plan for the property, which

includes only retaining one of the buildings and demolishing 17, I believe.

CHAIRPERSON VILORIA-FISHER:

It had been used as a camp and Three Mile Harbor was associated with Boys and Girls Harbor, which is in uptown Manhattan. And they would come out and the kids would be there, but we didn't want to manage all of those buildings. So it came back to us and CEQ reviewed it a second time and now it has -- it's an unlisted action. Okay. Same motion, same second, same vote. **Approved.**
(VOTE: 4-0-0-1 Not Present: Legislator Cooper).

Okay. And, Michael, I think you were going to talk about the tabled resolution as well or not?

MR. MULE:

Which tabled resolution?

CHAIRPERSON VILORIA-FISHER:

Oh, never mind.

MR. MULE:

That's for next week.

CHAIRPERSON VILORIA-FISHER:

Okay, good. Thank you, Michael.

Okay. We move to tabled resolutions.

TABLED RESOLUTIONS

IR 1534 - Adopting Local Law No. -2010, A Charter Law to authorize the transfer of development rights for non-profit community centers. (Schneiderman) I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **1534 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

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) Legislature Muratore, I think you're still working on this; am I correct?

LEG. MURATORE:

Can we table it? Motion to table.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion to table by the sponsor.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1554 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

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) And I think this was money that came from someplace else.

Right? So we should table it again? Okay. So motion to table, seconded by Legislator D'Amaro.

LEG. LOSQUADRO:

On the motion.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll have Counsel answer your questions about this.

LEG. LOSQUADRO:

Yeah, that's why I was just going to ask for -- just an update on this.

MR. NOLAN:

Well, I think the reason it's been tabled all these times is the offset is from the capital project, 1755 offset. And I believe the sponsor was agreeable that it was maybe not the best place to take the offset from. That's why we've been tabling it.

LEG. LOSQUADRO:

And it has not been amended as of yet?

MR. NOLAN:

No.

LEG. LOSQUADRO:

Okay, thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table and a second. All in favor? Opposed? **IR 1609 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1671, Amending the adopted 2010 Operating Budget to transfer funds from Water Quality Protection (Fund 477) and amending the 2010 Capital Budget and Program and appropriating funds in connection with stormwater remediation on County Road 80 at Senix Creek in Center Moriches (CP 8239). (Romaine) I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **IR 1671 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

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)

Legislator Muratore.

LEG. MURATORE:

Motion to table, please.

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 Not Present: Legislator Cooper)**

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) I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? Abstentions? **IR 1728 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

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. Levy) Now, we are still continuing, Tom, to do the research on that property so should we continue to table it?

DIRECTOR ISLES:

We would request that.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to table.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1817 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

IR 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). Now, I understand that it was in the hamlet park designation and you're still reviewing it?

DIRECTOR ISLES:

Yes, and we have been in contact with the sponsor. He's indicated he wants to set up a meeting with a community group that would potentially be involved with this. We're awaiting that meeting and further information to enable us to complete the rating form.

CHAIRPERSON VILORIA-FISHER:

All right. So there's a motion to table and a second. Yes?

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay, I think that was Legislator Losquadro. Okay. All in favor? Opposed? **IR 1942 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

INTRODUCTORY RESOLUTIONS

IR 1990, Extending the deadline for the Equestrian Task Force. (Eddington) I'll make a motion to approve.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro.

LEG. LOSQUADRO:
On the motion, Counsel.

CHAIRPERSON VILORIA-FISHER:
Yes.

LEG. LOSQUADRO:
Have we extended this previously?

MR. NOLAN:
I think we have, yes.

CHAIRPERSON VILORIA-FISHER:
(Nodding head yes)

MR. NOLAN:
This extends it out to the end of year.

LEG. LOSQUADRO:
Just to the end of this year.

MR. NOLAN:
Yes.

LEG. LOSQUADRO:
All right.

MR. NOLAN:
According to Legislator Eddington's office they need to -- that time to finish a report.

LEG. LOSQUADRO:
Okay.

CHAIRPERSON VILORIA-FISHER:
I think they -- it took them a little while to get up and running or trotting.

*(*Laughter*)*

LEG. LOSQUADRO:
I was just going to say they started out at a trot before they reached gallop. Okay. Anymore puns?

LEG. D'AMARO:
We should stop horsing around.

CHAIRPERSON VILORIA-FISHER:
Touche. Okay. Did I call the vote on that?

LEG. LOSQUADRO:
No.

CHAIRPERSON VILORIA-FISHER:

There was a motion and a second to approve. Legislator D'Amaro was the second. Okay, because of the horsing around. You heard that. All in favor? Opposed? **IR 1990 is approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

IR 1991, authorizing planning steps for the Acquisition of Land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Boom Development Corporation Property - Town of Riverhead). (Romaine)

DIRECTOR ISLES:

Okay. The subject property is located on the north side of Sound Avenue and the west side of Park Road in Riverhead and is outlined on the aerial photograph before you in red ink. As you can see, the property is currently farmland. It's cultivated land and we have completed a rating form. The resolution was for open space purposes so that form was used. The property did not achieve any points for environmental characteristics. It did achieve a total of ten points for various site size and location attributes.

As you know, the standard cutoff is 25, or the guideline. We think this may be a candidate for the Farmland Program, but at this point that's not what's before us.

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator Losquadro has a question.

LEG. LOSQUADRO:

That was going to be my question. Why was this not presented under PDR farmland? And number two, we were just noticing, does Nassau County own land next door?

DIRECTOR ISLES:

They do. It's interesting, Nassau County owns a property next door, which is the Nassau County 4-H property, which is about 140 acres.

LEG. LOSQUADRO:

Ah, that's where it is. I know where it is now.

DIRECTOR ISLES:

Yeah.

LEG. LOSQUADRO:

Okay.

DIRECTOR ISLES:

As far as the first question, it is our understanding that the property owner is not interested in a PDR sale.

LEG. LOSQUADRO:

They want a fee simple.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

Interesting.

DIRECTOR ISLES:

Maybe they'll change their mind down the road, but at this point it's open space only.

LEG. LOSQUADRO:

All right. Well, do we happen to know is this in an APZ for Riverhead or would this size parcel qualify under their agricultural protection zone?

DIRECTOR ISLES:

Yeah, I don't believe it is in an APZ, which is more to the south.

LEG. LOSQUADRO:

That's a shame.

DIRECTOR ISLES:

I'm not a hundred percent certain. Whether it would qualify it'd be up to the town, but I believe it's in our AD zoning, but we can check that for you.

LEG. LOSQUADRO:

Okay. All right, thank you. That's unfortunate. Maybe we can get them to -- even if they were to sublet out the land to another farmer.

DIRECTOR ISLES:

Right.

LEG. LOSQUADRO:

All right, thank you.

CHAIRPERSON VILORIA-FISHER:

It's fallow at the moment. Is it? Is it or is it being farmed? But we can't tell by the photo here.

MS. FISCHER:

I don't think it's fallow.

DIRECTOR ISLES:

I believe it's under production, but --

LEG. LOSQUADRO:

I believe it's under cultivation.

MS. FISCHER:

I was there --

CHAIRPERSON VILORIA-FISHER:

What's the crop?

DIRECTOR ISLES:

Please.

MS. FISCHER:

I think it's sod.

CHAIRPERSON VILORIA-FISHER:

Oh, sod. Oh, that's why it's so even and flat. Okay.

MS. FISCHER:

Yeah, I was there about a month ago. And that's my recollection.

CHAIRPERSON VILORIA-FISHER:

Okay. That would make sense. We have a motion to table by Legislator D'Amaro, seconded by

myself. All in favor? Opposed? **IR 1991 stands tabled. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

IR 2003, Appropriating funds in connection with the Peconic Bay Estuary Program (CP 8235). (Co. Exec. Levy) Mr. Dawydiak, are you here to speak about that?

MR. DAWYDIAK:

I'm here to answer questions if there are any.

CHAIRPERSON VILORIA-FISHER:

Well, come on up so we can see you.

And so you need new equipment to find smaller and smaller organisms, huh? You have to hold the button.

MR. DAWYDIAK:

A lot of changes since I've been here last. Walter Dawydiak, Chief Engineer for the Suffolk County Health Department.

This request is to replace a piece of equipment, which is over ten years old. It's at the end of its useful life and the manufacturer will no longer guarantee parts. It's speciation of bacteria to determine whether or not they're pathogenic or not. Typically we find out whether it's total or fecal coliform, in this case we can tell whether it's E. coli and we can speciate down to the source whether it's human or bird related. So it's had a lot uses for drinking water. It'll also support stormwater investigations for the Estuary Program.

CHAIRPERSON VILORIA-FISHER:

Did you have a question?

LEG. LOSQUADRO:

No, that answered my question. I was going to say that's sort of important for the health and well being of our beach-going public. So I'll make a motion.

LEG. D'AMARO:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay. Motion by Legislator Losquadro, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 2003 is approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)** You want to stay there for 2004?

MR. DAWYDIAK:

If there are questions, certainly.

CHAIRPERSON VILORIA-FISHER:

Okay. And, well, we may ask other people questions about that, too.

IR 2004, Appropriating funds for the study and monitoring of public health related harmful algal blooms (CP 8224). (Co. Exec. Levy) Why isn't this under 477? Would that be an appropriate place for that? Maybe Budget Review.

MR. LIPP:

(Shrugging shoulders)

CHAIRPERSON VILORIA-FISHER:

What's does that mean? No, it's not appropriate or, no, you don't have an answer?

MR. LIPP:

We don't have an answer.

CHAIRPERSON VILORIA-FISHER:

Okay. George?

MR. NOLAN:

It's in the Capital Budget. That's where it -- and this just appropriates the money. So, I don't know why they didn't --

MR. DAWYDIAK:

Legislator Viloría-Fisher, if I may?

CHAIRPERSON VILORIA-FISHER:

Yes.

MR. DAWYDIAK:

I'm Walter Dawydiak, again, Chief Engineer for the Suffolk County Department of Health Services. This capital project is approximately ten years old. We've looked at a number of harmful algal blooms and their potential sources including pfiesteria, cochlodinium, polykrikoides. While we've looked at paralytic shellfish poisoning and at this point we're looking at cyanobacteria.

CHAIRPERSON VILORIA-FISHER:

You don't want paralytic shellfish.

MR. DAWYDIAK:

No. Actually that one is a concern.

LEG. LOSQUADRO:

Could you maybe spell some of those for the stenographer? Maybe that's just me. I was trying to keep up. I'm just kidding.

LAUGHTER

MR. DAWYDIAK:

An emerging concern at the state and national level is cyanobacteria, which is a blue-green algae with potential -- very -- potentially very significant health concerns. It's bloomed at very high levels at Lake Ronkonkoma and a number of other places. We've already detected 15 places where it's potentially harmful at levels posing risk to bathers.

This study would allow us to work with probably LIU, actually, now they're Stony Brook Southampton, to monitor not only the bacteria -- the algal organism, but also other nutrient contributions to determine whether it's stormwater or fertilizer related, whether it's related to groundwater underflow and come up with remedial actions.

So, yes, it could theoretically be in Quarter Percent. It's in been Capital because it's linked to infrastructure improvements. For example, in the Peconic Estuary Program the presence of brown tide has supported nutrient reduction at wastewater treatment plants and their farms.

CHAIRPERSON VILORIA-FISHER:

Okay. We were absolutely not questioning the importance of program. What we were looking at was giving some relief to the General Fund if something could be appropriately placed in the Quarter Penny Program because it is, in fact, protecting water. So -- but I don't know at this point if we were to change, it's only \$25,000, so we have enough in our 477 account to cover that.

LEG. LOSQUADRO:

The button's not on.

CHAIRPERSON VILORIA-FISHER:

Oh, you know what, just maybe --

MR. LIPP:

Point of information.

CHAIRPERSON VILORIA-FISHER:

Who's saying that?

MR. LIPP:

Over here? This is a specific capital project that has been ongoing and it's not part of 477, even though it's -- although I'm not sure, this may qualify technically under 477, but it's part of a project that has been ongoing; so, therefore you'd be sort of, "splitting the baby," for lack of better terminology, number one. Number two, obviously you'd have to vet it out with the Water Quality Committee.

CHAIRPERSON VILORIA-FISHER:

You know what, in that case if it's part of a bigger program and it would cause complications and this is so important, I'm going to make a motion to approve.

LEG. LOSQUADRO:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Losquadro.

LEG. D'AMARO:

Just on the motion very quickly.

CHAIRPERSON VILORIA-FISHER:

On the motion, Legislator D'Amaro.

LEG. D'AMARO:

Yeah, Mr. Dawydiak, I wanted to ask you -- it's an ongoing capital project. I'm looking at your letter or memorandum dated September 9th, 2010, which was included in the backup provided to us. It says, *these investigations will determine factors promoting toxic cyanobacteria and cyanotoxins in Suffolk County waters as well as assessed potential remediation factors.*

Before that, you talk about what you had already mentioned that 15 out of 20 lakes sampled had levels of microcystin exceeding levels permissible for drinking, but fortunately these areas are used for recreation.

So when we go ahead and appropriate the other 25,000, that'll bring us up to, I believe, a total of 60. What is the target date for completion of the study and recommendation for remediation measures?

MR. DAWYDIAK:

If all of the procurement goes well, we hope to have this study done by the end of 2011. The monitoring would occur weekly over the summer and into the fall. The report would be prepared. With the way the procurement works, we can't guarantee that, but that's our goal.

LEG. D'AMARO:

And so the study's already been started with the initial appropriation of 35,000?

MR. DAWYDIAK:

No, that \$35,000 is sitting in a residual account that has not yet been contracted. So that 35 would be added to this 25. And either a request for proposal or an RFP waiver would be issued for \$60,000 total.

LEG. D'AMARO:

Okay. So we previously appropriated 35,000. Was that this year?

MR. DAWYDIAK:

That was from a prior year's appropriation.

LEG. D'AMARO:

Just now you're ready to get the project started, I guess.

MR. DAWYDIAK:

Exactly. There have been a lot of nuts and bolts being worked out in terms of designing a study. And at this point we're ready to go. We need a little more money. This will bring us to where we need.

LEG. D'AMARO:

All right, thank you.

MR. DAWYDIAK:

Thank you.

LEG. D'AMARO:

Okay. Thank you, Madam Chair.

CHAIRPERSON VILORIA-FISHER:

There's a motion and a second to approve. All in favor? Opposed? Abstentions? Okay. **IR 2004 is approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

MR. DAWYDIAK:

Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Thanks for coming down, Walter. I believe we have two more. Okay.

IR 2005, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Brookhaven Trust Property - Pine Barrens Core - Town of Brookhaven - (SCTM No. 0200-465.00-04.00-002.000). (Co. Exec.) Okay, Laretta's distributing the map with backup information.

CHAIRPERSON VILORIA-FISHER:

Mr. Isles.

DIRECTOR ISLES:

As you can see the property is outlined in red. It is located on the north side of County Road 51, which runs somewhat at a diagonal on the property. It is within the core of the Pine Barrens so that's the primary conservation area. And surrounding this property in green ink would be other County properties, which include properties to the east and to the north as well as properties of the State of New York, which includes properties to the west. So this is in the heart of a major water

recharge water protection area in this County.

Proposed before you then is an authorization resolution to authorize acquisition of the property. It's 49.9 acres, about 50 acres for a purchase price of 853 -- \$63,270. If you have any questions we'll try to address those questions.

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro to approve, seconded by Legislator Losquadro.

LEG. LOSQUADRO:

I was just -- I'm sorry, I was just trying to do the math quickly on the cost and it's still a little over 17,000 per acre, which is about the going rate there. I just wanted to double check the math. All right, thank you.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? **Motion stands approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper)**

IR 2006, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the McGahey and Ledogar property - Sagaponack Woods - Town of Southampton - (SCTM Nos. 0900-056.00-01.00-001.002 and 0900-056.00-01.00-065.000). (Co. Exec. Levy)

DIRECTOR ISLES:

Okay. This is for property located more specifically along the east side of Sagg Road and south side of Northwest Path. This is in an area known as Sagaponack Woods and more generally it's within the South Fork special groundwater protection area. The properties identified are properties that were identified on Master List II. The resolution before you would authorize acquisition and specifically in this case the acquisition is 8.4 acres at \$850,000. If you have any questions we'll try to address those questions.

CHAIRPERSON VILORIA-FISHER:

Motion to approve.

LEG. MURATORE:

Second.

CHAIRPERSON VILORIA-FISHER:

Second by Legislator Muratore. All in favor? Opposed? Okay. **IR 2006 stands approved. (VOTE: 4-0-0-1 Not Present: Legislator Cooper).**

And we've already addressed **2044**.

If there is no further discussion on anything, we stand adjourned.

THE MEETING CONCLUDED AT 1:39 PM.

{ } DENOTES SPELLED PHONETICALLY