

ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE
VERBATIM MINUTE

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 January 24, 2011.

MEMBERS PRESENT:

Leg. Vivian Vilorio-Fisher, Chairperson
Leg. Jon Cooper, Vice Chair
Leg. Lou D'Amaro
Leg. Edward P. Romaine
Leg. Thomas Muratore

ALSO IN ATTENDANCE:

Kate M. Browning, Third Legislative District
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Ben Zwirn, County Executive's Office
Robert Lipp, Deputy Director, Budget Review Office
Laura Halloran, Budget Review Office
Renee Ortiz, Deputy Clerk
Thomas Isles, Director of Department of Planning
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
Frank P. Castelli, Environmental Projects Coordinator, DEE
Tom Ryan, Aide to Leg. Vilorio-Fisher
Paul Perillie, Aide to Majority Leader
Dot Kerrigan, AME Legislative Representative
Byron Young, Peconic River Fish Restoration Commission
Martin McMorrow, Department of Public Works
Thomas Szumczyk, Department of Public Works
Diana Sanford, Suffolk County Parks
Marge Acevedo, Aide to Presiding Officer
Rick Brand, Newsday
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:08 PM

CHAIRPERSON VILORIA-FISHER:

Good afternoon and welcome to the first meeting of the Environment, Planning and Agriculture Committee 2011. Please stand and join us for the Pledge led by Legislator Romaine.

SALUTATION

We have no cards. We have no presentations. So we will be moving directly to the agenda.

CEQ RESOLUTIONS

And I will ask Mr. Mule to come up with the CEQ resolutions.

MR. MULE:

Good afternoon. **CEQ resolution number 04-2011, Proposed approval of a resolution declaring as surplus approximately 221 acres of land in Yaphank and authorizing the auction sale of the property by the Director of Real Property Acquisition and management, Town of Brookhaven. (Type I Action, Negative Declaration)** CEQ recommends classification as a Type I action with issuance of a negative declaration.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make a motion to approve.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed?

LEG. ROMAINE:

Can I ask a question?

CHAIRPERSON VILORIA-FISHER:

Certainly. On the motion.

LEG. ROMAINE:

Yes. CEQ made the determination that this should be a negative declaration?

MR. MULE:

Correct.

LEG. ROMAINE:

They didn't determine that there was any significant environmental findings with this resolution?

MR. MULE:

Not for the surplus and sale of this property with no development attached.

LEG. ROMAINE:

Oh, with no development attached. Okay. Thank you very much.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, there's an important clause in the resolution which rejects the Legacy Village proposition. And so we're released from that level of concern regarding development because there's none attached to this resolution. Okay? So there's a motion and a second. All in favor?

Opposed? Motion carries. **(VOTE: 5-0-0-0)**

MR. MULE:

CEQ Resolution number **05-2011, Ratification of Recommendations for Legislative Resolutions Laid on the Table December 21, 2010 and January 3, 2011.** These are mostly Type II Actions with no further SEQRA compliance required. And the classification recommendations are again listed in the left-hand column of the packet we sent over.

CHAIRPERSON VILORIA-FISHER:

Okay. Same motion, same second. And may I say same vote? Okay. Same vote. **(VOTE: 5-0-0-0)**

MR. MULE:

CEQ resolution 06-2011, Proposed Stormwater Improvements to Meschutt Beach County Park, Town of Southampton. (Type II Action) CEQ recommends classification as a Type II Action.

CHAIRPERSON VILORIA-FISHER:

Is that your district or Jay's?

LEG. ROMAINE:

No, that's Jay's.

CHAIRPERSON VILORIA-FISHER:

I'm sorry.

MR. MULE:

Recommended Type II Action.

CHAIRPERSON VILORIA-FISHER:

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

MR. MULE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

I'm just going to mention that there is new leadership in the CEQ. The Chair continuing to be Mr. Swanson and the Vice Chair is Gloria Russo.

MR. MULE:

Correct.

CHAIRPERSON VILORIA-FISHER:

And also, I'm sorry I'm working from memory, Michael, but there is -- one of the members of the Council is going to -- is reaching term limit very soon. It's very soon. I think in March?

MR. MULE:

There is three actually this year.

CHAIRPERSON VILORIA-FISHER:

Right. But there's one that's coming up very soon.

MR. MULE:

Larry Swanson is the first one coming up.

CHAIRPERSON VILORIA-FISHER:

Oh, okay, he's mine. All right. So I'll have to remember to put in a resolution to reappoint him. Maryanne Spencer is not coming up until June

MR. MULE:

Correct.

CHAIRPERSON VILORIA-FISHER:

And who is the third person? That's what I'm having trouble remembering.

MR. MULE:

I believe Eva Growney? And she's in Legislator Schneiderman's district.

CHAIRPERSON VILORIA-FISHER:

Okay, and Eva. Okay. So we'll let Legislator Schneiderman know that. Okay, thank you, Michael.

MR. MULE:

You're welcome.

CHAIRPERSON VILORIA-FISHER:

And we go to tabled resolutions.

TABLED RESOLUTIONS

Will you join us? We can get started with **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. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed?

LEG. ROMAINE:

Opposed.

LEG. MURATORE:

Opposed.

CHAIRPERSON VILORIA-FISHER:

IR 1728 stands tabled. (VOTE: 3-2-0-0. LEGISLATORS ROMAINE and MURATORE OPPOSED)

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.) And Mr. Isles? Any luck getting onto the property?

DIRECTOR ISLES:

No, we have not. We would recommend and request that part of this acquisition be tabled at the present time. We have requested permission to get on the property to do a Phase Two Environmental Site Assessment. We have not been granted that permission. We would not want to go forward without that being done.

LEG. COOPER:

Motion to table.

CHAIRPERSON VILORIA-FISHER:

Motion to table by Legislator Cooper, seconded by myself. All in favor? Opposed? **1817 stands tabled. (VOTE: 5-0-0-0)**

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). (Eddington) And I believe that we were still looking at a change of use? Am I looking at the right one?

DIRECTOR ISLES:

This is an active recreation hamlet park proposal.

CHAIRPERSON VILORIA-FISHER:

Right, okay.

DIRECTOR ISLES:

At this point we have not yet received a plan or the answer to the questionnaire that we typically send out. So in terms of the Planning Department providing a recommendation or rating to you, we would need that information in order to do so.

CHAIRPERSON VILORIA-FISHER:

Okay, so I'll make a motion to table.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1942 stands tabled. (VOTE: 5-0-0-0)**

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)

LEG. ROMAINE:

Madam Chairman, I'll make a motion to table it. We are looking to do this as a Hamlet Park. There's a meeting that is going to be established in my office next month with the local residents. I believe Laretta will be attending that meeting. People from Parks will be attending that meeting. And at that point at our next meeting we'll be able to take a look and make recommendations on whether we continue this one or not.

CHAIRPERSON VILORIA-FISHER:

Legislator Romaine, would you mind if I attended that meeting?

LEG. ROMAINE:

No.

CHAIRPERSON VILORIA-FISHER:

Just because we've had so much discussion here, I'd love to hear what the details are.

LEG. ROMAINE:

This is, I believe, a 14-acre parcel that's on Sound Avenue. If you remember the other four acre parcel, this is directly across the street from that parcel. And this developer was going to develop this parcel, but because of a whole host of factors has now expressed a willingness to sell it to the

County. So we're looking to develop a plan. And if we do, we'll be back next month with, I assume, a recommendation.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to table by the sponsor.

LEG. COOPER:

And I'll second that motion.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1991 stands tabled. (VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

IR 2256, Adopting Local Law No. -2010, A Charter Law to eliminate requirement for verbatim minutes. (Viloria-Fisher) This is still in public hearing so we will need to table this. So I'll make that motion, seconded by Legislator Cooper. All in favor? Opposed? **IR 2256 is tabled for public hearing. (VOTE: 5-0-0-0)**

IR 2257, Making a SEQRA determination in connection with the proposed stormwater remediation to the Yaphank Lakes and Carmans River at CR 21 Main Street/Yaphank Middle Island Road, Town Of Brookhaven. (Pres. Off.) I was just asking Counsel about the format for this. It's a little different, but I'll make a motion to approve.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Okay. I'll make that a motion to approve and place on the consent calendar, seconded by Legislator Cooper. All in favor? Opposed? **IR 2257 is approved and placed on the Consent Calendar. (VOTE: 5-0-0-0)**

IR 2264, Amending the Adopted 2010 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2010 Capital Budget and Program, and appropriating funds in connection with the Hauppauge fueling facility remediation project (CP 8710). (Co. Exec.)

And Counsel has informed me that it hasn't been amended to reflect that's it's 2011 and --

LEG. COOPER:

I'll make a motion to approve.

CHAIRPERSON VILORIA-FISHER:

Okay. And this had gone through the Water Quality Review Committee. So it's an appropriate use. And I'll make -- I'll second the motion. And on the motion Legislator Romaine.

LEG. ROMAINE:

Yes. Who is the Legislative representative on the 477 Committee?

CHAIRPERSON VILORIA-FISHER:

I go to the 477 Committees.

LEG. ROMAINE:

Were you there for this particular --

CHAIRPERSON VILORIA-FISHER:

I believe I was. There were a group of projects, were there not? This is one of the projects in Kennedy's --

MR. CASTELLI:

I'm Frank Castelli from the Department of Environment and Energy. This proposal was approved by the Water Quality Review Committee during the July meeting. It was not approved during the initial June meeting. During the June meeting of the Water Quality Review Committee, it was -- we approved a project or I guess it's -- of \$204,000 to remove -- for underground storage tank removals. And during the second meeting, the July meeting, Commissioner Gil Anderson came to the Committee and recommended that we change that and take -- switch the funding over to -- to make the funding available to remediate the fuel spill.

LEG. ROMAINE:

If I may ask, how often does the 477 Committee meet? What is their scheduled -- meeting schedule for a given year?

MR. CASTELLI:

There's no set schedule, but we meet at least once per year. And the intention is to meet --

LEG. ROMAINE:

You meet at least once a year?

MR. CASTELLI:

Yes.

LEG. ROMAINE:

Would it be unusual to say that you would have back-to-back meetings?

MR. CASTELLI:

It is not unusual because the -- it has happened in the past. The reason during 2010 that we had to meet during July is that there was so much on the agenda for June that we were -- we went well over three hours and we didn't even get to everything.

LEG. ROMAINE:

I understand that. Was this item on the agenda for the June meeting?

MR. CASTELLI:

The item to appropriate the money for the fuel remediation -- fuel spill remediation was not on the agenda for the June meeting. It was put on the agenda for the July meeting.

LEG. ROMAINE:

How do items get on the agenda for consideration by the 477 Committee?

MR. CASTELLI:

In this case a letter was written by Commissioner Anderson to the Chair of the Water Quality Review Committee, who was Commissioner Carrie Gallagher at the time.

LEG. ROMAINE:

Who is the current Chair of the Committee?

MR. CASTELLI:

The Charter specifies that the Chair of the Water Quality Review Committee would be the Commissioner of the Environment -- of the Department of Environment and Energy.

LEG. ROMAINE:

So that position's vacant now?

MR. CASTELLI:

And that position is vacant.

LEG. ROMAINE:

Okay. How do Legislators get items on the agenda for the 477 Committee?

MR. CASTELLI:

The Legislators could send a letter of request to the Chair of the Committee, which I realize right now we don't have one. But the correspondence would go through my Department; through the Department of Environment and Energy.

LEG. ROMAINE:

But if we sent it you, I assume when a Commissioner was eventually appointed by the County Executive, that that item would then get consideration?

MR. CASTELLI:

Yes.

LEG. ROMAINE:

Is that correct? Particularly if there's some substantive detail to the request?

MR. CASTELLI:

Yeah, definitely. At this point the -- you know, in lieu of having a Commissioner for the Department and, therefore, a Chair for the Committee, the request could be sent to my attention within the Department.

LEG. ROMAINE:

Now let me ask you this: What is the amount of dollars involved in this -- this was a Capital Project at one time, was it not?

MR. CASTELLI:

The actual -- the remediation of the fuel spill was -- as far as I know -- was not a Capital Project.

LEG. ROMAINE:

Okay. It has a CP number, Capital Project 8710 next to it. So I assume it was a Capital Project at one time?

MR. CASTELLI:

That's the Capital Project code that the funding is going to be put into. I know the Budget Office, they call them pseudo Capital Projects because that's where the 477 money is transferred to for use.

LEG. ROMAINE:

Is the County under a consent order with DEC regarding this fueling facility?

MR. CASTELLI:

I would have to defer to the couple of gentlemen here from DPW, Martin McMorrow -- and they're here now.

LEG. ROMAINE:

Is there someone here from DPW that can talk about this project?

MR. CASTELLI:

Yes, sir.

LEG. ROMAINE:

Okay, thank you. Could you come forward, please?

CHAIRPERSON VILORIA-FISHER:

Please identify yourself.

MR. McMORROW:

Yes. My name is Martin McMorrow, Associate Engineer --

LEG. ROMAINE:

You have to hold the button down.

MR. McMORROW:

Marty McMorrow, Associate Mechanical Engineer, Facilities Engineering Division, Department of Public Works.

LEG. ROMAINE:

Marty, if I may, the question that I had is, is the County regarding the remediation of its fueling facility in Hauppauge under a consent order from DEC to clean up this? And by the way, the second question is, has this work been done?

MR. McMORROW:

We are under investigation by the DEC. We do have a form of a consent order. And we're negotiating the terms of the consent order currently. The -- we've stopped the spill. We've investigated what we feel is the best way to remediate the spill. The Department of Health --

LEG. ROMAINE:

Well, what way is that? How would you remediate the spill? Since this is near the headwaters of the Nissequogue River?

MR. McMORROW:

We are proposing an air sparging and soil vapor extraction project to -- adding air to the soil and the spill will help enhance bio-remediation. And pulling the vapor out of the ground will also aid in the removal -- remediation project.

LEG. ROMAINE:

You're not pumping any of this out? Like you did in Yaphank when you had that oil spill in the 1980's? When you pumped and aerated?

MR. McMORROW:

No, sir. We're not pumping groundwater up to the surface and striping or anything of that nature.

LEG. ROMAINE:

Okay. You started this work; is that correct?

MR. McMORROW:

Yes, we have.

LEG. ROMAINE:

Anyone that gets gas at the Hauppauge facility knows that that facility was shut down as you removed the tanks; did a whole host of work. So none of this 477 money is going to go to work that has already been done; is that correct?

MR. McMORROW:

You are correct.

LEG. ROMAINE:

So this is for future expenditures regarding this project?

MR. McMORROW:

You are correct. We paid for much of the design and research into proposing the remediation project. This money would be for setting up the remediation project and running the project for an undetermined amount of time.

LEG. ROMAINE:

If 477 money wasn't available, you couldn't avail yourself of that? This would be a Capital Project?

MR. McMORROW:

We would have to look at other avenues to fund the project.

LEG. ROMAINE:

Do we know the extent in terms of the cost of this project since you are still negotiating with DEC regarding the type of remediation that you would do?

MR. McMORROW:

We're confident that we can prevail with the DEC and have them approve this air sparging vapor extraction project. And we're confident it'll be on the order of 175,000, \$200,000.

LEG. ROMAINE:

And how much money are you getting from the 477 Fund?

MR. McMORROW:

\$204,000.

LEG. ROMAINE:

And when do you expect the work to begin? I assume after the thaw in the springtime?

MR. McMORROW:

Well, we are negotiating with the DEC. And the Project Engineer from the DEC, who was our main point of contact, was laid off.

LEG. ROMAINE:

Okay.

MR. McMORROW:

And we're moving it as fast as we can. We're hoping the springtime, yes.

LEG. ROMAINE:

All right. Thank you very much.

MR. McMORROW:

You're welcome.

LEG. ROMAINE:

Madam Chairwoman, my concern of this is how 477 funds are being expended. This looks like a *quick, let's switch the funding because we've got the DEC breathing down our necks and we're being investigated by the DEC. And it looks like we're going to have to enter into a consent order, and we may not have enough money in this capital fund; let's hit up the 477 fund* because that becomes more critical. Because originally this was for removing tanks, single whole tanks that the County owns and replacing them with double whole tanks. Now all of a sudden we're switching it because we have a consent order breathing down our neck. I mean I would have hoped, and every government I'm sure has these types of problems, but I would have hoped that this would have been a capital expenditure as opposed to a 477. And I'm wondering what happened to the original

project about the tanks and how that's being funded. And I don't know if someone from DEC can answer that question.

CHAIRPERSON VILORIA-FISHER:

Actually, Legislator Romaine, when this did come before the Water Quality Review Committee, we did look at the fact that it was -- the cleanup of an oil spill which certainly has direct impact on our water quality so it's an appropriate place to expend 477 monies. And as you know with the tight economic squeeze that we have on our budget, we needed to put it in a budget where we could be able, as you say and rightfully so, it became an emergency but a spill is an emergency and it is something that you want to take care of.

LEG. ROMAINE:

The emergency was July.

CHAIRPERSON VILORIA-FISHER:

Right. It was before the Water Quality Review Committee last summer. And by the way I believe we had several meetings last year. I know I attended several meetings with Water Quality Review. It wasn't just one meeting last year.

MR. CASTELLI:

There were two meetings basically. The June meeting and also a meeting during July.

CHAIRPERSON VILORIA-FISHER:

I thought there was a meeting earlier in the year where we did the more local remediation. When did we go over all of Kennedy's, those Smithtown projects? Was that in the July meeting?

MR. CASTELLI:

That was during the June meeting.

CHAIRPERSON VILORIA-FISHER:

I guess that meeting went on so long I thought it was two meetings. Okay.

MR. CASTELLI:

Yes, it seemed like two meetings.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

My question is, and I don't disagree with your analysis, Madam Chairman, my question is what happened to the original project that was going to be funded by the 477, the tanks, replacing the underground tanks? Can someone tell me what happened? Because obviously if it's not going to be funded by 477 money, is that project going forward, is it going to be funded, how is it going to be funded? Maybe someone can answer that question as well.

MR. CASTELLI:

You know, I think that would be best answered by Martin.

CHAIRPERSON VILORIA-FISHER:

Isn't that still being funded through 477?

MR. CASTELLI:

There was a previous --

CHAIRPERSON VILORIA-FISHER:

I'm not prepared for your questioning. And I'm just working from memory, but I thought the funding was still there.

MR. CASTELLI:

The funding was appropriated during 2009 for certain tank removals. And at the time we prioritized them so the highest priority tanks were funded during 2009.

LEG. ROMAINE:

These were for lower priority tanks?

MR. CASTELLI:

I don't know if I would call -- not lowest but lower priority than those funded initially.

LEG. ROMAINE:

Lower priority, right. I didn't say lowest; I said lower priority. Do you have a list of those tanks? Does someone have a list of those tanks? Obviously you do because there was a submission to you in June. Could you forward the list to my office, please?

MR. CASTELLI:

Yes.

LEG. ROMAINE:

Okay. And maybe someone now from DPW can answer what's happening with the funding for the lower priority tanks.

MR. McMORROW:

Yes, this is Marty McMorrow again. You have my title from before. Many tanks have been made surplus by conversions -- oil to gas conversions at buildings or buildings don't, for whatever reason, don't need the oil tank anymore. We're removing them on a priority basis as time and budget allows.

LEG. ROMAINE:

How are they being funded? Are they being funded by operating or capital expense or 477? How are they being funded?

MR. McMORROW:

Often times if we plan a construction project ahead of time, we include that in whatever construction is going on. Other times there's a Capital Project 1706 which is to fund emergency spill cleanups, oil tank removals and so on and so forth.

LEG. ROMAINE:

And how much of that Capital Project has been appropriated to date?

MR. McMORROW:

Capital project 1706 we've been using for -- on the order of 20 years.

LEG. ROMAINE:

It usually requires an appropriation. You have an amount in the Capital Project before you can spend it. The Legislature has to appropriate it. I don't remember voting on an appropriation on that Capital Project recently within the last year or so.

MR. McMORROW:

1706 has been -- as far as I know, it's been around for 20 years. I've been with the County ten years. We anticipate what we think we're going to need every year and ask for the money.

LEG. ROMAINE:

Well, the fact that's in the Capital Project, my understanding is, being in the Capital Project nothing gets done until it's appropriated.

MR. LIPP:

Point of information?

LEG. ROMAINE:

Yes.

MR. LIPP:

We adopted a project last year for \$300,000 related to that.

LEG. ROMAINE:

Thank you. Thank you very much. Thank you, Madam Chairman.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you Budget Review. I was just asking my Aide to look that up because I remember voting on that. So thank you. Okay. So we have a motion and a second to approve IR 2264 as amended. All in favor? Opposed? Approved. **(VOTE: 5-0-0-0)**

IR 2265. Again, there's an amended copy with the date 2011 indicated rather than 2010. **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 fish passage at Woodhull's Dam in Cranberry Bog County Park (CP 7180). (Co. Exec.)** I will make a motion to approve.

LEG. COOPER:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **2265 is approved as amended. (VOTE: 5-0-0-0)**

IR 2273, Amending the 2011 Capital Budget and Program and appropriating funds in connection with the Charter Law extending and accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection for land acquisition. (Co. Exec.) And I would like my colleagues to note that that was also amended changing the balance to \$46 million rather than 56. Okay, am I correct on that, Pam?

DIRECTOR GREENE:

Correct.

CHAIRPERSON VILORIA-FISHER:

Okay. And can you explain the amendment and can you just walk us through this a little bit, please?

DIRECTOR GREENE:

I can.

CHAIRPERSON VILORIA-FISHER:

Thank you.

DIRECTOR GREENE:

Thank you very much, Madam Chair. To all members of the Committee, welcome back and a very special welcome to you, Legislator Romaine. And I will take your last comment as an opportunity to

answer the Chairwoman's question.

As you just stated that before money can be bonded, it must be appropriated. The Division in anticipation of putting forward an appropriation for all remaining money to be used this year to finalize the accelerated bonding amount from the 2007 referendum, the Division asked for an amount of what was left to be appropriated. Unfortunately the answer that came back included \$10 million of money that had been appropriated last time but not yet bonded. So that was the original 56 million figure. When that was discovered, we are resubmitting the corrected version. So our total amount to be appropriated at this time is 46 million.

CHAIRPERSON VILORIA-FISHER:

Okay. Is that clear as mud to everyone?

LAUGHTER

No, it was clear. That money has already been appropriated but it's not yet bonded.

DIRECTOR GREENE:

Correct.

CHAIRPERSON VILORIA-FISHER:

That ten million.

DIRECTOR GREENE:

Correct.

CHAIRPERSON VILORIA-FISHER:

Okay. All right. Ed, did you have a question about this?

LEG. ROMAINE:

No.

CHAIRPERSON VILORIA-FISHER:

You're okay? Okay. So I will make a motion to approve.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 2273 is approved. (VOTE: 5-0-0-0)**

Recommitted: **IR 2200, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Fergus Shaw III and Arthur Shaw property - Forge River Watershed - Town of Brookhaven (SCTM Nos. 0200-675.00-04.00-019.000, 0200-675.00-04.00-032.000, 0200-675.00-04.00-033.000, 0200-675.00-04.00-035.001 and 0200-675.00-04.00-035.002). (Co. Exec). Okay, Mr. Isles?**

DIRECTOR ISLES:

Thank you. I do know that this was discussed at the General Meeting of the Legislature on December 21st. Obviously it's recommitted to you today.

What I'd like to do is to provide a little bit more of a more expansive presentation than what we typically do. And I'd like to do it in two steps. One is to look at the subject parcel itself which is outlined in the map that was just circulated to you. And then I'd like to present another map and

look a little bit more broadly and more specifically to the issues related to Forge River Watershed.

So to begin, then, with the on-site considerations, as indicated this parcel is outlined in red on the aerial photograph provided to you. Subject parcel is located along the south side of Moriches Middle Island Road, east side or east of Barnes Road in the hamlet of Manorville in the Town of Brookhaven. It's about 32.4 acres in area. It is, as you can probably detect from the aerial photograph, formerly a farm and actually part of it is still being used as a nursery stock farm. Some of it looks a little bit overgrown but we'll consider it an active farm at this point.

Zoning on the property is A 1 zoning which requires a minimum lot area of 40,000 square feet. So in essence it's a one-acre zoning district. The subdivision of the property would yield an estimated 27 or 28 lots. We're not aware that there's a final subdivision approval granted by the Town of Brookhaven Planning Board at this time, but those are the numbers that were discussed in the preliminary map phase. The property is also --

CHAIRPERSON VILORIA-FISHER:

Excuse me, just before -- Tom --

DIRECTOR ISLES:

Sorry.

CHAIRPERSON VILORIA-FISHER:

Has there been an application for that approval?

DIRECTOR ISLES:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. How long ago?

DIRECTOR ISLES:

A couple years at this point.

CHAIRPERSON VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

I have some records on that, too.

CHAIRPERSON VILORIA-FISHER:

All right. Thank you.

DIRECTOR ISLES:

The property is located in Suffolk County Groundwater Management Zone Six. Groundwater Management Zone Six requires a minimum lot size of 40,000 square feet for onsite waste water disposal. Anything above that requires tertiary level treatment. So in essence, then, the subject parcel, here again, a farm used historically with one acre zoning, with a subdivision potential, we understand from the discussions with Brookhaven that the intent was to do some clustering on this, but still there would be detached lots and some portion of the property undeveloped.

As per procedures with this Committee, the Planning Department has rated the property. And, here again, this was previously presented to you and we'll re-present it today before going into the broader discussion on the Forge River Watershed.

The rating form, here again, is the same rating form we use for all acquisitions for open space. It's an open and transparent process. And we do break down the type of characteristics that would

achieve points with the rating form beginning with natural resource characteristics such as wetlands and adjacent buffer areas, groundwater resources, natural habitat. We then go into physical characteristics including geological land forms, size and location. Location, for example, with proximity to other protected lands and so forth.

In this case as is indicated, the property did achieve eight points for the fact that it was in excess of 25 acres. And that was the total points on the form. Obviously if anyone feels that there's anything missing on this, certainly we'll be happy to address that. But I do understand the points about the Forge River. In fact, the Department certainly shares the concern for water protection in the Forge River. And in fact going back to the Master List the first one that was done in 2004, 162 acres of land were identified in the Forge River for watershed protection.

So at this point I'd just like to talk more broadly. And I'll ask that a second map be circulated at this point that just shows a broader area. And it's actually taking in the area going north of Sunrise Highway essentially, but it does give a sense of where is this property in relation to other properties in the Forge River itself. So I'll just provide a moment for that to be circulated as well.

MAP CIRCULATED

Once again this subject parcel is outlined in red. There are several parcels. They're in the center of the map. As you can see it's indicating the lines for the farm use and so forth. Also on this aerial photograph are indicating other properties owned by other jurisdictions as well as Suffolk County so --

LEG. ROMAINE:

Could I ask you about other jurisdictions? The farmland immediately to the north of the subject parcel, have the rights been acquired by the Town of Brookhaven?

DIRECTOR ISLES:

No. We checked with the Town of Brookhaven, Mr. John Turner. We have a record of the correspondence and conversation with Mr. Turner to confirm that question. And the answer we were given was no. If there's any other information that we don't have, we'll be happy to examine that information.

So based on the Town records and County records, what we have here then is County parcels that we currently own, are shown in green. And they're actually clustered along the Forge River itself. Let me point out that the blue lines there are New York State regulated freshwater wetlands which, here again, shows you where the Forge River is located so those are the blue areas that are identified in the map.

LEG. ROMAINE:

Just going back to the map for a second, just to correct your map, the parcel does not show it reaching Barnes Road, which it does. It fronts on Barnes Road. You have it stopping prior to Barnes Road.

DIRECTOR ISLES:

No, it does border Barnes Road, sir.

LEG. ROMAINE:

Okay. Maybe I'm missing Barnes Road there. Okay.

DIRECTOR ISLES:

The map is not incorrect as far as we know. And if it is incorrect, we'll correct it.

LEG. ROMAINE:

All right.

DIRECTOR ISLES:

Other properties -- and I'd like to be able to continue my presentation, Madam, without --

CHAIRPERSON VILORIA-FISHER:

But if members have a question on details as we go through, it's okay.

DIRECTOR ISLES:

Okay. I respect that. Okay.

CHAIRPERSON VILORIA-FISHER:

And is it because Barnes Road tends to be a little bit more diagonal? It's not that straight north/south road that we're seeing that's a little bit heavier. Barnes Road is a bit more of a diagonal road.

DIRECTOR ISLES:

It's adjacent to the west side of the property. Actually I'd call it north/south, a straight road. It then tapers off to the northwest in a diagonal manner.

CHAIRPERSON VILORIA-FISHER:

Right. That's what I'm saying.

DIRECTOR ISLES:

It is a very small road. And, here again, we're looking at a large scale map. To get a better idea of the --

CHAIRPERSON VILORIA-FISHER:

Well, I can see it on the map.

DIRECTOR ISLES:

Okay.

CHAIRPERSON VILORIA-FISHER:

If you describe it that way being north/south and once it passes the property it tends to head west in a diagonal -- at a diagonal. Okay. So, Legislator Romaine, do you see Barnes Road now?

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Okay.

DIRECTOR ISLES:

Okay, so continuing on with the map itself, the parcels that are hatched indicate parcels that are on the Master List. And, here again, along the south part or the bottom part of the map in the black hatching are parcels that were on One or Two of the Master Lists. Going to the north we come to the top left-hand corner of the map is also hatched. That's known as the AVR property which is in the Pine Barrens. And, here again, something was identified for Pine Barrens protection purposes.

The parcels that are in orange are part of IR 1519-2007 and this is known as Mastic Woods. And in fact an authorizing resolution was approved for that acquisition going back to the last meeting of the General Meeting on December 21st. Parcels in purple are parcels that are owned by the Town of Brookhaven.

So I think that completes in terms of the orientation of -- physically in terms of the relation of the Shaw properties to the Forge River. And they are what they are. And, here again, I'm just

explaining it for the board in terms of proximity. And then also in terms of current ownership of properties based on the records we have.

As we look around the surrounding areas, the first review is the subject parcel itself. What I'd like to do is talk a little bit more broadly about the area. Surrounding the immediate area the subject parcel we can see it's generally a single family residential neighborhood generally speaking surrounding the subject parcel. To the immediate east of the subject parcel you can see some land disturbance and a cul-de-sac road that's cut in. That was a farm lot showing on the original map that I presented first. You can see it subsequently is under development. There is a farm lot extending to the east and to the north. So we have an area that's single family residential consistent with the A 1 zoning. We have an area with some patches of existing farmland.

What we also have just noting is we don't have any direct County ownership adjacent to this property. Obviously it's further to the south. We have nothing within 300 feet. So we go back to the rating form and we look at well, what did it get points for, what it did not get points for, there are points that are awarded if it's within 300 feet of existing county holdings. So just to explain that in the rating form.

More broadly now looking at the property, the property is within the Forge River Watershed, which is an area that is measured anywhere from 9,000 to 10,000 acres of land. And clearly the Shaw property is within the Watershed. The Forge River Watershed, as this Committee knows, is a stressed watershed. It was declared by New York State DEC to be an impaired waterway. We only have three impaired waterways in Suffolk County. Most of it is the Long Island Sound, which is close to 90,000 acres. We also have some in Flanders Bay in Riverhead. And then this is the third location in Suffolk County. So there's no question that the Forge River is a river that is stressed. And there have been various studies underway to identify solutions to that.

As indicated earlier, the Forge River was identified in the environmental planning process that occurred in 2004 when the Master List -- the first Master List was developed. And at that time 97 properties were identified totalling 162 acres for protection of the Forge River.

There was a second addition that occurred with Master List Two in 2005 where 21 additional lots were added, adding another 34 acres. So in total there are about 200 acres that were targeted through that process alone, not to mention the additional introductory resolutions put in by Legislators including, here again, the Mastic Woods parcel that I referenced earlier. And as we look at the Master List or re-exam the Master List parcels, well, why were those properties recommended and then ultimately approved by the Legislature and the County Executive, is those lots were in the immediate watershed, meaning they were parcels that were either direct wetlands parcels within the mapped wetlands area. We have some parcels that even have portions of it that are surface water, the actual water body of the Forge River that then moves to wetlands and to upland parcels; almost all of the parcels were wooded, pristine parcels undisturbed.

An exception is the Shultz parcel which we heard about earlier where it's a disturbed site and the County did have an accepted offer to purchase that property from the Master List; here again, they're not letting us on to complete the environmental review. But otherwise most of the properties here again are pristine, wooded parcels directly in the watershed. And in many cases they're old file map lines. And, here again, if you go to the more broad based map, you look at the little green squares that are the County holdings along Sunrise Highway, a lot of these are substandard lots based on the current town zoning of A 1 zoning. So had these lots been developed, they could have been developed in many cases if they had single and separate status for a density greater than one house per acre.

And I think that's one of the circumstances and one of the reasons behind the impacts of the Forge River development is, as you can get into the Mastic peninsula, a significant number of lots that are developed at a higher density than one acre. And you have lots that are quarter acre lots, third quarter lots, fifth acre lots. It was developed, as you know, as a seasonal community that's now

generated or evolved into a year-round community, and, here again, reliance upon either septic systems or more old fashioned cesspool systems and so forth. So in the case of the Master List and looking at those 200 acres, the intent was to try to target as much as possible, to identify sites that were most vulnerable to development where the impact would be more immediate and significant to the Forge River itself.

Stepping back, the Shaw parcel, here again, is within the Watershed. It's about 1200 feet from the Forge River. There are some houses separating it. In terms of the policy question before you, and I respect that question of should the Shaw parcel be included is, here again, ultimately your decision obviously. We provide information in terms of giving you that perspective. And one point I did want to make is that the Town of Brookhaven has commenced study work and they've retained a consultant to look at the Forge River and planning options and so forth. One of the things they report that came out in December noted is that within the Watershed, there are about 2200 acres of vacant land. And there are about somewhere around 400 acres of farmland within the Watershed. So you've got about 2600 acres of vacant or unprotected farmland within the Forge River Watershed out of the 9400 acres of the total.

We just did a quick estimate that one option you have is to target County funds to buy the most important properties that will result in the greatest environmental protection to the Forge River. In the case of the Shaw property, I don't like to stand here and stand before you and say *don't buy this property*. We do understand the interest in protecting the Forge River, and this is not an anti Forge River position, it's giving you the facts based on the rating form that we consistently apply. And, here again, the site itself environmentally, the fact that it's cleared, the fact that it's being farmed, that it has no wetlands, it's not a buffer wetlands, would give it limited rating in terms of environmental value. We are not disputing the fact that this has a groundwater impact. If this site were developed, certainly there would be flow, effluent flow. Of the 27 or 28 houses, they would have to meet County standards. And where as the other parcels are directly on the Forge River or much closer proximity, there's a little bit more of a movement.

I think it then raises a question from your perspective, from the policy perspective is that, is it important to buy this property and other vacant properties in Watershed which could be upwards of 2600 acres. If you were to do so, just figuring out -- take the price per acre for the Shaw parcel at \$93,000 per acre, it would be about \$249 million to buy the vacant land in the Watershed. We don't have that money in the County, at least not at the present time. And I'm not trying to be -- exaggerate to the point of being facetious on this, but I do think there is a choice there. And the policy position that we've been recommending thus far has been to target those parcels that would have the greatest impact to the Forge River and obviously applying development standards that would encourage clustering, that would not be at variance with County Health Department or town zoning standards.

So, that's just an overview in terms of trying to paint the picture that at the end of the day you may decide you know what, the Shaw property should be included in the County's Open Space Program, that the impact of the Forge River you feel justifies that. And, here again, I would respect that position. We would just ask you to take into consideration the perspective that if we come down to how should the County spend its money, we're going to recommend to you that you target that as much as possible to where it can have the greatest impact; and that you are cognizant of the fact that we're probably not going to be able to buy all the vacant land in this Watershed or other watersheds in Suffolk County. And we lay this out to you, give you the information and the facts to make the best decision for this County. Thank you.

CHAIRPERSON VILORIA-FISHER:

Tom, I'd just like to go back to the rating form for a moment because you did say that this piece of property is in the Forge River Watershed, but the Forge River has been named as an imperiled waterway? I'm not sure if that's the term of art. Am I using that correctly? What is the term that you -- is it an imperiled waterway?

DIRECTOR ISLES:

Impaired.

CHAIRPERSON VILORIA-FISHER:

An impaired.

DIRECTOR ISLES:

Impaired.

CHAIRPERSON VILORIA-FISHER:

An impaired waterway. But there doesn't seem to be a -- I've been looking at the rating system to see if there's a place that would designate that particular situation where you have something that's been called impaired, and there is -- I'm looking at the location piece of it.

DIRECTOR ISLES:

There is not --

CHAIRPERSON VILORIA-FISHER:

Would number three under location possibly cover that because the site has been identified for environmental protection? The overall site has been identified as an impaired waterway. And I'm not arguing for the passage of this or the non passage of this. That's something we'll discuss later, but I'm referring to a specific comment that you made and the identification of an environmentally sensitive and impaired situation with the Forge River. And if this is in the Watershed, it would seem to me that that would garner it some points there.

DIRECTOR ISLES:

The various estuary studies including, for example, the Peconic Estuary, has specific recommendations for open space acquisitions and land preservation. There is not a specific open space recommendation for this property that we have found. And, in fact, we did review, here again, the work in the Town of Brookhaven that was produced in December, which is an ongoing effort. And I specifically asked Laretta Fischer in my Department to review did that make any recommendations specifically to open space acquisitions to this site. And it did not; at least not the information that we've seen thus far.

CHAIRPERSON VILORIA-FISHER:

But it did so in broad terms, Tom, as to perhaps not this specific parcel but the Watershed area? The Forge River study, did it make recommendations regarding the Forge River Watershed?

DIRECTOR ISLES:

The Brookhaven Plan?

CHAIRPERSON VILORIA-FISHER:

Yes.

DIRECTOR ISLES:

Yes, definitely. The whole study is based around the Forge River. And it does have recommendations. Here again, this is a new study. And so -- I have them right here. But in terms of, *gee, were there recommendations for open space acquisitions, were there recommendations for this particular property*, the answer is there were not. And, here again, that may change over time. I guess let me just make one clarification in terms of two points on the rating form. One is to your point, Madam Chair, in terms of the estuary programs and so forth. The way we've identified that and applied that in the past, we've done ratings, is that, here again, we'll look and see if there's a specific recommendation for a land conservation. And that's when the points will get awarded.

So, number one, we're being consistent in how we interpret that. Number two, in terms of -- I just wanted to point out that the -- if we look at physical characteristics A) geological and then go to number one, site includes or is adjacent to approximately 300 feet to a water body such as an ocean bay, sound, pond; so if this had been within 300 feet of the Forge River, it would have gotten points for that and, here again, being within the direct Watershed. So, here again, it's not to say that it's not in the Watershed. It certainly is. Every parcel in Suffolk County is in a Watershed of one sort or another. But obviously we do recognize the Forge River is stressed. There are impacts. The primary, you know, there are primary impacts, which, here again, this information's being collected not only through the Town study but also through the Health Department's Comprehensive Water Resources Plan on nitrogen inputs, dissolved oxygen and so forth, a lot of this is due to waste water treatment plants, a lot of this is due to existing development and so forth. It's not to say that new development isn't going to further exacerbate it. But it think it does raise an important question, if we have problems in the Forge River, what's the best thing for the public agencies to be doing; and how should we -- you know, what's the best spending of money for that, what's going to result in the biggest bang for our buck in terms of improving the Forge River over time.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Mr. Isles. Are there any questions before we consider a motion? Any questions for Mr. Isles? I'm going to make a motion to table.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

All in favor? Opposed?

LEG. ROMAINE:

Could we have a discussion?

CHAIRPERSON VILORIA-FISHER:

Go ahead.

LEG. ROMAINE:

Thank you. First of a all, everyone around this horseshoe has voted for properties that have far less a value. I looked at all your voting records and I know you voted for eighth of an acre, tenth of an acre parcels that you've acquired on the Forge River. But because they were wrapped in the Forge River, they weren't rated per se, or it was rated collectively. This property is no different than those properties except instead of being an eighth of an acre or tenth of an acre, which we have voted on multiple times, over 200 times, for these individual and separate parcels -- and by the way at no point did the Planning Department do an investigation to determine if any of these parcels were single and separate. Because if they weren't, why are we acquiring them since they can't be built on under Brookhaven zoning? Did you do an investigation, Planning Commissioner -- Planning Director, excuse me, of any of these parcels to determine if they were single and separate of the small tiny little parcels that we purchased all around the Forge River?

DIRECTOR ISLES:

That would be done as part of the Real Estate appraisal process in determining highest and best use. And let me add to that in terms of I would not as a Planning Director of this County simply reply upon the fact that it's not single and separate, that it's never going to be developed. There can be land consolidation, there can be expansion of somebody buying that lot and expanding their backyard and putting a swimming pool in. I do not consider that to be if it's not single and separate, therefore, it's permanently protected.

LEG. ROMAINE:

Okay. I voted for all of these. I agree. I think we should preserve the Forge River. The interesting thing is that all of these parcels were in another Legislative District. This is the first

parcel that has come up in my Legislative District that is within the Forge River Watershed. This is the first parcel that has come up and should have been included since it's clearly within the Watershed. And since we are buying a whole host of properties around this, and when I look at the map I just want to hold it up, I'm looking at the bottom portion of the map or the southern portion of the map just south of Sunrise Highway, didn't the County buy, with the Town of Brookhaven interestingly enough, the Jurgeliewicz Duck Farm? Isn't that immediately south of Sunrise Highway? I see there's a couple duck farm buildings, but that's probably the old Titmus Duck Farm; it's probably the duck farm immediately south of there which isn't reflected on this map for some reason. And that was a major acquisition. And I assume we bought it because we were concerned. We bought the farmland development rights. We were concerned about the nitrogen load into that duck farm -- of that duck farm into one of the twin ponds that feeds the Forge River.

DIRECTOR ISLES:

I believe that the County did buy with the Town of Brookhaven the development rights to the Jurgeliewicz Duck Farm. The criteria for the Farmland Committee and subsequently for the Suffolk County Legislature and the rating farm looks at the farm or agricultural value of the acquisition. The nitrogen loading itself is not a direct criteria in the Farm Program based on the rating form.

LEG. ROMAINE:

I'm glad to hear that because as you know they're in violation and continue to be in violation --

DIRECTOR ISLES:

I do know.

LEG. ROMAINE:

-- of a DEC consent order. Okay. Because they are continuing to pollute for a variety of reasons. And it's something of a concern.

My concern is, this is clearly within the Forge River Watershed. Now are we going to buy all the lands in the Forge River Watershed that's vacant? Absolutely not. Why aren't we? Because most of these people don't want to sell to the County. First of all we have a contract -- when we do a contract of sale, we actually hold the people and tell them, *well, we could or we could not close for two years*. So most people don't have -- most people have a problem with the County Acquisition Program to begin with because it's so open. And as a buyer, we demand at least two years to close on the property. And then we don't even guarantee that we'll close on that property. So that becomes a problem. So, we're not going to be offered many of these properties for sale.

I've worked with Legislator Browning to acquire all the small parcels because I believe that cumulatively there could be a problem. You talked about clustering and you say, well, you favor that. I absolutely oppose clustering; because I think on one acre if we didn't cluster, the cesspool and the septic waste would be more diffuse. If we cluster particularly towards the southern end of the property where the clustering would take place, that nitrogen waste is going to be concentrated and more likely to reach the river. So I have a whole different point of view on that.

But this is something and I have to thank both Legislator Cooper and Legislator Vilorio-Fisher because they supported this resolution in its planning steps and they supported the veto override. They came forward. So I want to thank them for their support in the past for this because I think it's important that we preserve this. And I dare say if we looked at all the small parcels, the small tiny quarter acre, eighth of an acre, tenth of an acre parcels that we acquired, none of them would rate any better than 8 because the only reason they're getting a higher rating is that they are included in an overall comprehensive effort to save the Forge River.

I'm working with Legislator Browning, and I see that she just came in, and I think she'll tell you all the time to save this. There are a whole host of people that are working to save the Forge River that want to see this property acquired. We can table this. But all I would tell my colleagues is they'll be here at our next meeting talking about their desire to save this property.

I looked at this and I said how is this different than those small little tiny parcels that we acquired to save the Forge River? Because it's bigger. And it's no further away than some of the parcels that we acquired. And clearly within the Watershed you can see how the Forge River comes right -- and the wetlands that feed it north of Sunrise Highway, which is very close to this parcel -- I mean it's the same justification for Mastic Woods when we acquired that. And I know that Legislator Browning has worked very hard on that. I have always supported every land acquisition in every other legislative district. This is part of the Forge River. I mean if I'm a resident of the Forge River area, I'm concerned about the health of the River, I say to myself, we've done great acquisitions, small as they may be in the Third Legislative District. And now we have an opportunity to do a larger acquisition in the First Legislative District; not a small parcel, not something that, you know, is tiny. Something that will have a major impact on 27, 28 homes. This is more than a cluster. And we're looking at a rating that we didn't look at for the small parcels? And we're ignoring the fact that this is in the Forge River Watershed. I have to say to myself, this is something that I want to do. I also want to correct you that the property hasn't been farmed and used as an active nursery in several years. I don't know if you're aware of that.

DIRECTOR ISLES:

Yes, we witnessed somebody harvesting landscape product this past fall.

LEG. ROMAINE:

Okay, but it hasn't been active -- I mean the owner has said he hasn't run the business, he hasn't run -- that's why he has no interest in development. He wanted just to sell it --

DIRECTOR ISLES:

I can only tell you what we saw.

LEG. ROMAINE:

Right. I'm telling you what the owner had told me.

DIRECTOR ISLES:

Okay.

LEG. ROMAINE:

I'm familiar with the property because I walked the property when I put it in for planning steps. But I think I've made my point that this is part of a Watershed. We're not going to buy all the land, no doubt about it. Because most of the land probably won't be offered to us for sale. Most of the land will not be offered for sale. So this is a parcel where there was an effort made, a guy wanted to file a subdivision plan that's pending with the Town and many of the neighbors came to me and said, *Mr. Romaine, this is the Forge River Watershed. We're watching the other side of the street.* And as you can see on the other side of the street there's a lot of acquisitions that were done. *Is there anything you can do to preserve this property and protect the Forge River because we're concerned. We know what the problem is.*

Now, I mean I could have Kevin McAllister at the next meeting. I got a whole host of experts at the next meeting. I'm happy to do that if the Chair Lady would like to table this. I'd like to move this because I think this is an important acquisition.

CHAIRPERSON VILORIA-FISHER:

Actually I have made a motion to table, Legislator Romaine. I do want to take a closer look at the Brookhaven Town recommendations visa vie the Forge River. I would like to hear from Kevin McAllister as well. I do have to in defense of the acquisition of the smaller parcels, as you know I do sit on ETRB. And when those came before us, the logic there --

LEG. ROMAINE:

Legislator Browning was responding that Cameron Engineering finished their study of the Forge River Watershed. They were under contract to the Town.

CHAIRPERSON VILORIA-FISHER:

And so the tabling motion is certainly appropriate --

LEG. ROMAINE:

Okay.

CHAIRPERSON VILORIA-FISHER:

-- if there's more information coming forward. Because although it's important to hear from constituents, I would also like to see the data that's out there and the, you know, the scientific data, the planning entities that have looked at this and would like to have their input as well as my respect for our own Planning Department and what they're saying. But I want to have all of the information before us before we make a final policy decision.

LEG. ROMAINE:

Just to make sure that the record is correct, I have great respect for our Planning Department. And I'm willing to accept the tabling for one cycle.

CHAIRPERSON VILORIA-FISHER:

And I was in the middle of --

LEG. ROMAINE:

But I will do, and the burden is on me, is to educate my colleagues and send them all the data and information that I have gathered. And at the next meeting to bring forward the experts as well as the residents of the area who are concerned about the health of the Forge River.

CHAIRPERSON VILORIA-FISHER:

And knowing how thorough you are, I look forward to getting a lot of paper.

LEG. ROMAINE:

They'll be here.

CHAIRPERSON VILORIA-FISHER:

But I did want to complete my statement regarding the small parcels. As I was saying before we mentioned Legislator Browning's comments, when those small parcels came before us, we did not look at them as individual parcels.

LEG. ROMAINE:

Right.

CHAIRPERSON VILORIA-FISHER:

But rather their impact when taken as a whole, as a larger view.

LEG. ROMAINE:

No, I understand that. And that's why I'm wondering why this parcel, maybe it wasn't available at the time, wasn't included. And I have supported all of those acquisitions as I have supported the acquisitions of my colleagues in their districts.

CHAIRPERSON VILORIA-FISHER:

Okay. So with the difficult economic times, we do have to give each acquisition a very hard look. And so I look forward to the information that will be forthcoming. And we'll make a decision based on all of the information that we get. And Mr. Isles --

DIRECTOR ISLES:

Well, we're certainly happy in the Planning Department to address any questions you have during that process, any further information you want. We try to convey to you the factual information to give you the full picture. We're not advocating whether you approve or disapprove it. We're giving you the facts in this case.

Let me just make one point, though, a fact that I think does need to be corrected, that this is equal to the Mastic Woods. Just on the facts, Mastic Woods does have regulated New York State freshwater wetlands on the property. It's actually flowing water on the property from the Forge River --

CHAIRPERSON VILORIA-FISHER:

Okay. Legislator Browning? Legislator Browning?

DIRECTOR ISLES:

So there are differences.

CHAIRPERSON VILORIA-FISHER:

This is an important piece of information --

DIRECTOR ISLES:

Right.

CHAIRPERSON VILORIA-FISHER:

-- regarding Mastic Woods.

DIRECTOR ISLES:

So, here again, what we look at it, Mastic Woods --

CHAIRPERSON VILORIA-FISHER:

Can you just repeat that, please, because Legislator Browning and I were having a side bar conversation earlier.

DIRECTOR ISLES:

Well, there was just a comparison that this is equal to Mastic Woods in terms of the environmental value. We would respectfully disagree; and, here again, not to say that Shaw ultimately shouldn't be protected, but there are wetlands -- New York State DEC regulated wetlands on the Mastic Woods piece. There are portions of that property that were on the Master List. There are County parcels that are all owned by the County for open space purposes. So there are a number of facts that are different between Mastic Woods and Shaw.

Here again, you may ultimately decide *we want to do Shaw anyway*, but it's not across the street from Mastic Woods. There are houses 1200 feet that separate it just to mention that. The other point to make is the, there have been parcels on the east branch of the Forge River that we have acquired in the First Legislative District that is not a criteria of the rating form, but certainly we have purchased land that way as well.

LEG. ROMAINE:

Could you forward those parcels to me? Because I am unaware of those acquisitions in the First Legislative District.

DIRECTOR ISLES:

They're on Master List One. And I just confirmed with Principal Environmental Analyst Fischer that we have acquired some of those properties. So we have. And the fact remains, here again, that the basis of Master List was based on environmental considerations on the most important. It didn't say that these are the only properties Suffolk County should buy. But from an environmental planning standpoint, this is what we recommended and what the County Executive put forward in

2004. We look forward to working with you.

CHAIRPERSON VILORIA-FISHER:

Thank you for those comments. They were very critical to the discussion regarding comparisons of Mastic Woods and the Shaw property. Thank you, Mr. Isles.

So there is a motion and a second to table? All in favor? Opposed? **2200 stands tabled.**

(VOTE: 5-0-0-0)

There are no other pieces of legislation on the agenda. Is there anyone in the audience who wishes to address us with any questions? If not, meeting's adjourned.

THE MEETING CONCLUDED AT 2:14 PM

{ } DENOTES SPELLED PHONETICALLY