

**ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**VERBATIM 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 February 28, 2011.

**MEMBERS PRESENT:**

Leg. Vivian Vilorio-Fisher, Chairperson  
Leg. Jon Cooper, Vice Chair (not present)  
Leg. Lou D'Amaro  
Leg. Thomas Muratore  
Leg. Edward P. Romaine

**ALSO IN ATTENDANCE:**

Legislator Kate Browning, Third Legislative District  
George Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel  
Eric Kopp, County Executive's Office  
Robert Lipp, Deputy Director, Budget Review Office  
Laura Halloran, Budget Review Office  
Renee Ortiz, Chief Deputy Clerk  
Thomas Isles, Director of Department of Planning  
Michael Mule, Department of Planning  
Lauretta Fischer, Principal Environmental Analyst, Department of Planning  
Janet Longo, Real Property Acquisition & Management  
John Corral, SC Planning Department  
Frank P. Castelli, Environmental Projects Coordinator, DEE  
Tom Ryan, Aide to Leg. Vilorio-Fisher  
Justin Littell, Aide to Leg. D'Amaro  
Paul Perillie, Aide to Majority Leader  
Dennis Brown, County Attorney's Office  
Marge Acevedo, Aide to Presiding Officer  
Kenneth C. Kleese, Jr.  
MaryAnn Johnston  
John L. Turner  
Kevin McAllister, Peconic Bay Keeper  
Mark Baisch, Heritage Square  
Kent Katter, Heritage Square  
Travis Turner  
And all other interested parties

**VERBATIM MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 1:02 PM**

**CHAIRPERSON VILORIA-FISHER:**

Good afternoon everyone and welcome to today's meeting of the Environment, Planning and Agriculture Committee. Please join us in the Pledge of Allegiance.

**SALUTATION**

Thank you. I know that we have some members of the public who would like to address the Committee. So I'm going to give them a minute to come back in because they went out to get a card. You know what? While they're -- they should be coming back in. I don't see them.

Michael Mule, can you come up and do the CEQ resolutions? Because that won't take long. They're pretty straight forward this month.

**MR. MULE:**

Good afternoon.

**CHAIRPERSON VILORIA-FISHER:**

Good afternoon, Michael.

**MR. MULE:**

Just start right away?

**CHAIRPERSON VILORIA-FISHER:**

Jump right in.

**MR. MULE:**

All right. **CEQ resolution number 08-2011, Proposed Acquisition for Open Space Preservation Purposes Known as the McLaughlin Property, Town of Brookhaven (Unlisted Action, Negative Declaration)** CEQ recommends classification as an unlisted action with a negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

**CEQ resolution number 09-2011, Proposed Acquisition for Open Space Preservation Purposes Known as the Fasce Property, Town of Brookhaven (Unlisted Action, Negative Declaration)** CEQ recommends classification as an unlisted action with a negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

**CEQ resolution number 10-2011, Proposed Tidal Wetland Restoration Project at Indian Island County Park, Town of Riverhead (Type I Action, Negative Declaration)** CEQ recommends classification as a Type One Action with a negative declaration.

**CHAIRPERSON VILORIA-FISHER:**

Did you want to make that a motion?

**LEG. ROMAINE:**

No. I have a question.

**CHAIRPERSON VILORIA-FISHER:**

Okay. You got the floor.

**LEG. ROMAINE:**

Okay. We usually have a motion; and then we take questions.

**CHAIRPERSON VILORIA-FISHER:**

On CEQ we don't have to do that.

**LEG. ROMAINE:**

Okay.

In a Type One Action, just explain exactly what a Type One Action is and what that would merit for this particular project.

**MR. MULE:**

A Type One Action is a classification within SEQRA that carries with it a presumption that there is a higher potential for an adverse impact on the environment. The threshold that this project met was that it was greater than two-and-a-half acres of physical alteration within a parkland. But CEQ felt that a negative declaration was appropriate in this matter because it's a restoration project. We're restoring the project back to tidal wetland.

**LEG. ROMAINE:**

This is a former dredge spoil site.

**MR. MULE:**

Correct.

**LEG. ROMAINE:**

And they're looking to create what? This is about seven acres overall?

**MR. MULE:**

Approximately seven acres.

**LEG. ROMAINE:**

And how much of it is going to be created into a pond? And that pond's going to have -- going to be connected to Terry Creek.

**MR. MULE:**

Correct. Let's see. There's -- about point seven acres of the pond's to be created within the site. What the tidal creek --

**LEG. ROMAINE:**

And these parts are all going to be inter-connected.

**MR. MULE:**

Correct.

**LEG. ROMAINE:**

And they're going to flow -- eventually it will flow into Terry Creek?

**MR. MULE:**

Correct.

**LEG. ROMAINE:**

So we're taking something that was in its natural state that became altered when it became a dredge spoil site back in the '70's was it?

**MR. MULE:**

Around then, yes.

**LEG. ROMAINE:**

Right. And we're going to now reclaim it. What are we going to do with the dredge spoils that we remove from the area?

**MR. MULE:**

As far as I know DEE and the State are looking into disposal options. But they have to go through testing to see what kind of materials -- the dredge materials.

**LEG. ROMAINE:**

So all we're voting on is a classification of the action. We're not voting on the action itself?

**MR. MULE:**

Right. This is just a SEQRA classification and determination of significance.

**LEG. ROMAINE:**

Then let me ask you this: Would we have another opportunity to vote on the merits of this action?

**MR. MULE:**

The project itself, yes, when -- when -- the next resolution, I believe, the funded comes through.

**LEG. ROMAINE:**

The funding resolution?

**MR. MULE:**

I believe so.

**LEG. ROMAINE:**

Okay. I'm going to raise a number of significant questions about this at that time just to do my due diligence for my district. I do have some concerns, which I'm sure your Department, or whoever is providing the answers, will be able to hopefully put at rest. Thank you.

**MR. MULE:**

You're welcome.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

**CEQ resolution 11-2011, Ratification of Recommendations for Legislative Resolutions Laid on the Table February 1, 2011.** CEQ's recommendations are in the left-hand margin of the packet material.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

**CEQ Resolution 12-2011, Proposed Addition to South Brookhaven Health Center, Town of Brookhaven (Type II Action)** CEQ recommends classification as a Type Two Action.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

**CEQ resolution 13-2011, Proposed Sewer District #3 Southwest Infiltration/Inflow Study and Sewer Rehabilitation, Capital Project 8181, Towns of Babylon and Islip (Type II Action)** CEQ recommends classification as a Type Two Action.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

**CEQ resolution 14-2011, Proposed Sewer District #3, Southwest Infrastructure Improvements, Capital Project 8170, Town of Babylon (Type II Action)** CEQ recommends classification as a Type II Action.

**CHAIRPERSON VILORIA-FISHER:**

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

**MR. MULE:**

And finally CEQ resolution **15-2011, Proposed Sewer District #3 Southwest Final Effluent Pump Station, Capital Project 8108, Town of Babylon (Type II Action)** CEQ recommends classification as a Type Two Action.

**CHAIRPERSON VILORIA-FISHER:**

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

And if I may, Mr. Mule, and, Legislator Romaine, the presentation on the Indian Island project that we saw at CEQ had a lot of really good information. And if you haven't seen the packet that was received by members of CEQ, may I request on your behalf to Mr. Mule that he forward that to you.

**LEG. ROMAINE:**

I think that would be helpful.

**MR. MULE:**

Absolutely.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Some of the photographs I found astounding. You know, how lush the park is. I've camped there many times. And I just wanted to say that that portion looks like a moonscape. It's been really abused. It needs restoration, but, you know, as I said my suggestion is that you see the packet.

**LEG. ROMAINE:**

I've been out there. And I just want to make sure that I hear a full explanation of the project. I have a number of questions.

**CHAIRPERSON VILORIA-FISHER:**

I think this will be helpful.

**LEG. ROMAINE:**

Good.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. Mule.

### **PUBLIC PORTION**

We have a number of speakers. The first is Mr. Ken -- I'm sorry, you're speaking on the Shaw Nursery acquisition and I can't make out your last name, I'm sorry. Can you say it again?

**MR. KLEESE:**

Kleese.

**CHAIRPERSON VILORIA-FISHER:**

Kleese. I'm sorry. Some of the letters were close together. I didn't want to mispronounce it. Come on up. And please make sure that you press the base of that microphone where it says "push". And you have to keep your finger on that.

**MR. KLEESE:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Thank you.

**MR. KLEESE:**

Hello. My name is Kenneth C. Kleese, Jr. I'm a lifetime -- lifelong resident of Suffolk County. And I'm here to speak in support of the acquisition of the Shaw property located in the Forge River Watershed. The Watershed has been extremely overdeveloped and cannot support any further development. As most of us know, the Forge River has been declared an impaired waterway by the federal government. One of the reasons the river has become impaired is a large number of cesspools, the septic tanks in an area that has over the years been extremely overdeveloped.

This over-30-acre parcel is located well within the boundaries of the Forge River Watershed and also has the approval from the Town of Brookhaven to build between 25 and 30 houses, which will all come with cesspools or septic tanks that will flow into the Watershed. This land is in immediate danger of being developed. In addition to being in the Watershed, this land is less than 50 feet from being in the Central Pine Barrens area. In this area the boundary of the Central Pine Barrens is Moriches Middle Island Road. And this property borders Moriches Middle Island Road.

Also, this property at 30 acres is most likely one of the largest parcels left in the Watershed area that is owned by one party that is interested in selling. This piece of land may be one of the largest, if not the largest pieces of property remaining in the Watershed that the County will have the opportunity to acquire. Add to that a willing seller who has agreed to terms and we have a scenario that should result in preservation of this property.

Please approve this acquisition since the property is a large parcel in danger of immediate development. It is located in the Forge River Watershed and along the boundary of the Central Pine Barrens. And there is willing seller who has agreed to terms. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. Are there any questions for the speaker? Okay, thank you, Mr. Kleese.

Our next speaker is MaryAnn Johnston.

**MS. JOHNSTON:**

Good afternoon members of the Committee.

**CHAIRPERSON VILORIA-FISHER:**

Press the button on the microphone.

**MS. JOHNSTON:**

Okay. I'm usually loud enough without a mic. Thank you. Members of the Committee, I'm here to speak and encourage you to acquire the Shaw Nursery property. Number one, I read Director Isles' comments. And his position is there are 2600 acres and you should be targeting those that are most sensitive. I'm going to respectfully disagree with him. You need to target the ones that are for sale. And every single parcel of size, and certainly Shaw qualifies in the Watershed of 32, 34 acres, that is a willing seller. That has an immediate impact right now right here; not 28 homes. If you don't buy it, we get 28 more cesspools emptying in. And whether or not they meet County Health Department standards, they certainly don't meet groundwater standards for the health of the river. And that's what we're talking about. We're talking about the Forge River.

This parcel is so close to its headwaters, 1800 feet. And that's only 1800 feet when they measured it. Last spring it was closer to a thousand feet. Because the Forge River in that heavy rain diverted its course and flooded the house directly at the corner of Barnes Road and Sunrise Highway. And that stayed three feet deep for four-and-a-half months. This is a watershed. This is what you need to be doing.

I'm going to encourage all of you that it's not about targeting the most sensitive parcels. Certainly we can do that. But our program requires a willing seller. And we have one in this case. And we have 32 acres and we'll have 28 less cesspools. And that's the deal. And that's what you're here to do. So I encourage you to do it. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Any questions. Thank you Miss Johnston. John Turner.

**MR. TURNER:**

Can you hear me?

**CHAIRPERSON VILORIA-FISHER:**

You have to keep your finger on it.

**MR. TURNER:**

Oh, I'm sorry, I didn't realize you did. Okay. Okay, hold while talking. Now you're expecting me to do two things at one time. That's going to be a little bit of a challenge.

Good afternoon, Chairwoman and members of the Committee. My name is John Turner. And I happen to serve as the Open Space Program Coordinator for the Town of Brookhaven. In the past, for several years, I also served on the Town of Huntington's Open Space Advisory Committee and the New York State DEC's Regional Open Space Advisory Committee that comes together every couple of years to try to provide regional input into the New York State Open Space Plan.

I want to make it absolutely clear I am not speaking in a formal capacity on behalf of any of those three entities. I'm here strictly as a private citizen to provide my own assessment and thoughts about the Shaw Nursery. And to that end on Saturday February 26th I visited the Shaw Nursery property, which as you know, is situated in Moriches, for the purpose of assessing the ecological condition and overall environmental quality of the property.

The following narrative which I want to just briefly provide to you provides an assessment of the property and its natural attributes and I'll obviously give you this letter when I'm done.

Nursery stock on site currently consists predominantly of various evergreen tree and shrub species such as Arborvitae, Canadian Hemlock and Yew with scattered plantings of Forsythia and ornamental Holly. Based on the visit it appears the nursery operations are being phased out. One evidence of this, and this is something that I was impressed to see, is the extensive and expanding presence of native plant species in the openings between the rows of nursery plants. These plant species

include young Red Cedar, Little Bluestem Grass and numerous wildflowers including Asters, Goldenrods, Bush Clovers, Tick Trefoils, common Evening Primrose and common Mullein, among others. I would expect this successional trend to continue in the absence of some intervening event.

A number of species of wildlife were observed during the visit. Bird species encountered included Mockingbird, common Grackle, a perched Red-tail Hawk, which is not surprising given the apparent abundance of Cottontail rabbits on the site, one of its preferred prey. It was interesting to watch that Red-tail Hawk for a couple of minutes. Northern Flicker, Black-capped Chickadees, Red-winged Blackbirds, Blue Jays and American Crows. While I did not see any other birds of prey, I would expect the property to provide suitable habitat to Cooper's Hawks, Sharp-shinned Hawks, Merlin and perhaps several species of owls for feeding and roosting given the abundance of the dense conifer cover that exists there, which is their preferred habitat. That conifer cover is in the form of the Evergreen ornamentals there are planted there.

Roosting species might include Long-eared Owls and Saw-whet owls. I did observe two fairly old owl pellets but could not identify them to species. Several dozen bird species likely utilize the property during the nesting and migratory seasons.

A number of mammal species occur on the subject property. I saw two Cottontail rabbits as well as an abundance of their scat. Two dens were discovered, one appearing to be a woodchuck den; the other a Red Fox den based on the musty odor of fox permeating the environment around the den entrance led me to that conclusion. While I didn't see any Whitetail Deer themselves, I did observe their scat throughout the place. Numerous gnawings by the animals and hoof prints were encountered throughout the property. Numerous tunnels made by small mammals, most likely Meadow Voles, were common throughout the site. The common presence of these species suggest predators: Hawks, Owls and mammalian predators occur here, too. And as I mentioned you had the Red-tail Hawk. I have no doubt American crows, other birds of prey would frequent the property given the abundance of the small microtine mammals that occur there.

Due to the time of year no insects, amphibians or reptiles were observed. Given the growing abundance of wildflower species to provide nectaring sources, I would expect the property in the warmer months has a diverse butterfly population. I would also expect several reptile species to be present. Based on these observations, I was pleasantly surprised by the site's actual and potential use by a diversity of wildlife species.

There's other benefits to the property in its potential acquisition. I will note that they include -- that they help maintain the rural character of eastern Brookhaven and prevent further degradation of the Forge River, which you've heard the two previous speakers about. To these ends the County and Town have acquired numerous properties in this general area and within the groundwater contributing area to the river. These purchases include joint projects such as the development rights on the 50-acre Jurgiewicz Duck Farm, the 95-acre Woodlea Nursery, the fee purchase of the 45-acre Godzieba parcel and the current purchase which is underway, a very important purchase, the 100-acre Beechwood property in the headwaters of the Forge.

Furthermore the Town itself has made numerous acquisitions in the Mastic Swale area and the recent purchase of a 9.75-acre Viacam property adjacent to the Woodlea Nursery. All of this significant acquisition effort will help achieve these two important goals.

In conclusion, given the property's ecological character and value as well as wildlife habitat for a variety of species that utilize successional habitats, and the benefits mentioned above, again the Watershed value as well as the maintaining the rural bucolic character of this growing assemblage of preserved open space in that section of the Town, I believe the property is preservation-worthy and appropriate for acquisition under the County's Open space Program.

Thank you forgiving me the opportunity to provide these comments. I'd be happy to answer any

questions that any member may have.

**CHAIRPERSON VILORIA-FISHER:**

John, I have questions. I happened to have walked the property Friday. And maybe because of the rain, I didn't see any of those animals. Frankly, it looked like a mess. It looked like an abandoned nursery. There is a trailer on the property, an abandoned home, some vehicles. I didn't see any kind of mature native species; probably it's beginning to go back to nature. But as you and I both know, reverting back to nature isn't something that can be done without some kind of help and management because invasives can easily come into that area. And then we would be faced with another problem.

Although it's in the broader Watershed area, there's no wetland on it. And I think that that's part of what Mr. Isles said in the reference that Miss Johnston made to his comments, that we have -- we need to prioritize. We are running close to the end of the extension that we have of the Quarter Percent Program. We have to look very carefully at every single acquisition. And I'm not convinced that this is the best use of our money.

Hawks need a broad area, habitat area. There is a development that's growing right next door. There's a model house right by the driveway to this property. And I don't know how close -- well, yeah, it's under development and it's very close. It's right, as I said, adjacent. And I don't know how much that will impact on the hawks and other predators' range there and how those developments will impact the wildlife. But I concur with the assessment of our Planning Department.

**MR. TURNER:**

Would you like me to respond?

**CHAIRPERSON VILORIA-FISHER:**

Yes, please.

**MR. TURNER:**

Thank you. You raised a number of important issues. I guess that I would say that the first one you talk about, the property, you know, having buildings on it, a trailer -- I saw a boat. Actually it looked like it was a pretty decent boat, that was on the property.

**CHAIRPERSON VILORIA-FISHER:**

Most decent thing on the property.

**MR. TURNER:**

I would surely defer to Tom and Laurretta. I know on behalf of the Town of Brookhaven in any acquisition we make, we require that that property come clean. And so they would be responsible for the demolition of that infrastructure that's in place and the removal of litter before we would ever close on that property. Unless, and we have worked it out a few times in the past, where we actually reduced the overall amount of the acquisition by the cleanup costs. And then in a couple cases the Town of Brookhaven has footed the bill. Again, I'm not speaking for the Town today. I just want to provide that just --

**CHAIRPERSON VILORIA-FISHER:**

We have the same process in the County.

**MR. TURNER:**

So I guess I would say that that issue to me is not really something to be overly concerned about because the property would have to be cleaned up before title would be given to the County.

I guess I would just respectfully disagree about the ecological condition of the property. I didn't see -- I was surprised, but I did not see invasives at all. I was actually expecting to start seeing

Bittersweet and some of the other species that you typically get in a property that is in an open condition through time, through this successional process. But I haven't. What I've seen is native grasses and native wildflowers.

I wish I had joined you Friday because I would have been able to point out a lot of the species that I saw. My son accompanied me that last Saturday out to the site. We had a good time walking around. We were looking at all the different birds and, again, making notes about all the different things we did see. I can tell you that those species are there. I do think that through time as the successional process continues to take hold on the property, the property should be monitored for the possible advent and spread of invasives. But my preliminary thought is that I don't think that that is a primary concern right now.

And I will say that why it may look like a mess, those ornamentals can provide and do provide habitat, wildlife habitat value, as I mentioned, with roosting birds, certainly roosting owls and other forms of wildlife that -- I saw some of the rabbit evidence, we saw, were underneath in those -- in those ornamental growths. And we saw a couple of deer bedding areas. Those deer don't like to be exposed to the elements. They actually like to sleep in -- being a little more protective. So we found deer bedding areas that were in the more densely vegetated parts of the property.

I do think that it's worth mentioning about, the Forge. I don't have the quantification about, you know, the water quality impacts with me. I certainly could provide that. I assume that Tom, I know they do their due diligence in providing reports, probably did cover that; but my sense about it is that this property, I believe, is the second largest undeveloped parcel still remaining within the Forge River Watershed. There's one other property that's a little bit larger that's just north and west of the Beechwood property.

So in terms of trying to project those properties that, again, have an impact low term down the road on the Forge River and its water quality, this property is one of them. And, again, this acquisition would be able to prevent the construction of, I think, 26, 28 additional contaminating sources ultimately to the river. So I hope I answered all of the issues that you raised. But if not, I'm happy to --

**CHAIRPERSON VILORIA-FISHER:**

We don't necessarily have to agree on all of them but you did answer them.

**MR. TURNER:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, John.

**MR. TURNER:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Kevin McAllister. Kevin, put your finger on the word "push" and keep it there.

**MR. McALLISTER:**

Good afternoon. Can you hear me okay? Am I on? Okay. Thank you. My name is Kevin McAllister. I'm the Peconic Baykeeper. I'm also here to speak in support of the Shaw property acquisition. By way of history, I'm pretty intimately familiar with the Forge River Watershed. It was actually my petition back in 2005 that led to its listing on the Impaired Waters List. And looking at the transcript last time, you know, I want to clarify for you just so you have a better understanding what "impaired waters" means.

The State under -- as a compliant to the Clean Water Act must assess best usages. And what that

means is fish survival and propagation, primary and secondary contact, that means swimming or canoeing, kayaking, that type of thing, water uses. Could be drinking water for Upstate areas. What am I missing? Shellfish harvesting. So if it fails to meet those uses, ultimately it is placed on the Impaired Waters List.

Regretfully we have -- about 20 percent of the south shore is, in fact, on that list. The Peconic Bays, the entire western portion of the estuary is on that list for excessive nutrients. And there's another 25 tributaries that are on that list for bacterial loadings. In 2006 the Forge River was placed on that list for excessive nitrogen levels, or -- thus low dissolved oxygen levels, so fish survival and propagation and secondarily for excessive bacterial levels.

In 2010 this past summer the entire south shore of Suffolk County Great South Bay, Moriches, Quantuck Shinnicock Bay was placed on the Impaired Waters List for re-occurring brown tide events attributed to excessive nitrogen levels. So this is serious; again, you know, we're seeing a re-occurring trend, unfortunately disturbing trend.

I want to share this with you. And now I'm starting to segue into certainly this parcel. There was a recent study by researchers out of Woods Hole Biological Laboratory. And they determined that the loadings to Great South Bay, the nitrogen loadings, atmospheric, fertilizer as well as waste water, approximately 70 percent is from waste water. So it's quite significant, particularly when we start dealing with obviously our world of septics, which Suffolk County is about 75 percent septic.

Again, the nutrient loads is significant, as I understand it. And we actually commented to the Brookhaven Town several years ago requesting a full Environmental Impact Statement be performed on this parcel because -- principally because of the nitrogen contribution from, I believe, 28 residential properties.

And I want to clarify, you know, in the last meeting it's, I guess, suggested that Suffolk County's Article Six, you know, dealing with septic systems may be is satisfactory for surface water protection -- well, that wasn't said. That it will address the nitrogen load. And I'm here to tell you today that is grossly deficient for surface water protection. And this is for another day, but, you know, I really ask the Legislature to start to take a hard look at this code and really bring it up to snuff with other jurisdictions throughout the country; and for that matter throughout the world,

But, again, with -- last couple of things with, you know, this particular parcel, 32 acres, about 28 parcels or homes, this is significant and, you know, relative to the last remaining parcels and, you know, would benefit the Forge River Watershed. You know, ultimately there will be a total maximum daily load required for this Watershed. And that's really a nutrient budget. And if we let the horse out of the barn, that's most unfortunate. We know the Mastic side has significant septic contributions, nitrogen contributions, that need to be dealt with. But, again, to the extent we can occupy and acquire these parcels, that's a positive step.

And the last thing I will say, and this goes to inquiry on ecological values, I haven't, you know other than driving by the parcel, I haven't assessed it, you know, closely. But I will tell you relative to the County's scoring process, and I know, you know, it might be suggested either wetlands or forested lands are valuable, don't diminish the value of fallow lands such as, you know, again an old nursery with the diversity that Mr. Turner was sharing. I mean these are highly productive areas and they certainly are worthy for ecological purposes alone; not to mention, again, eliminating the contribution that will surely be forthcoming from this parcel should it be built out. And in looking at the County's own comprehensive water resources plan, the travel time, I believe, is in the three to five year zone, you know, whereabouts on a gross assessment. I will tell you this: Once the nitrogen, you know, waste water is in the groundwater, there's no removal. So it's really -- they'll enter the system and just add additional burden to the river. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

There is a question for you. Legislator D'Amaro.

**LEG. D'AMARO:**

Okay, thank you. And I wanted to ask you, I mean you're very forcefully advocating for the County to purchase this property as a means of preserving. The impact especially you're noting on the Forge River, and you had mentioned that it was on the Impaired Waters List, the Forge River; is that correct?

**MR. McALLISTER:**

It is, correct.

**LEG. D'AMARO:**

It is. All right. So your rationale for the County taking a hard look at this and perhaps purchasing goes beyond the analysis that the County has made or beyond the four corners of our rating form. Would you agree with that? Have you seen a copy of the rating form?

**MR. McALLISTER:**

Absolutely. I would say my proponent, my advocacy or support for this is really separate and distinct from probably the County's assessment of this parcel.

**LEG. D'AMARO:**

All right. But the County assessment does not encompass the impact that the parcel, if developed, could have on the Forge River; do you agree with that?

**MR. McALLISTER:**

Correct, yes.

**LEG. D'AMARO:**

All right. You know, that's where I could see it disconnecting there. Certainly if the Forge River is a concern, and it's on the Impaired Waters List, and you talked about how the nitrogen is -- 70 percent of the nitrogen load comes from waste water? Is that, I think, what you said?

**MR. McALLISTER:**

That was an assessment from -- for Great South Bay based on analysis from Woods Hole Researchers.

**LEG. D'AMARO:**

So if the County went ahead and purchased this acreage at a substantial cost, how is that helping the Forge River? Tell me how -- explain to me -- I mean we're not meeting any real criteria that we normally look at, but certainly there can be criteria beyond, again, the four corners of this document. So tell me the positive impact that that acquisition would have?

**MR. McALLISTER:**

Let me try to --

**LEG. D'AMARO:**

What could we expect to see? What's the result?

**MR. McALLISTER:**

Well, let me suggest this: And I mention the word "TMDL", total maximum daily load. And, again, that would be a nitrogen budget for impaired waters. This is a mandate from the feds under the Clean Water Act. And eventually the State is going to have to advance this. If a TMDL was in place, there would actually be likely required rollback on nutrient loading to this Watershed. And, therefore, for that matter could be mandated sewerage. Certainly acquisition would be high on the list just to forego any additional nutrient loading to the system, which is clearly overburdened.

**LEG. D'AMARO:**

So that TMDL would create a standard, which could not be exceeded if that were ever imposed in this area?

**MR. McALLISTER:**

Correct. It would require actions to reverse the nutrient loading, reduce the loading based on the various sources. And clearly waste water is significant in this area.

**LEG. D'AMARO:**

I mean, there is no standard now. Do we know what that standard would be? Is it exceeded presently, I mean, in your opinion?

**MR. McALLISTER:**

Well, the standard for surface waters, again, fish survival and propagation --

**LEG. D'AMARO:**

Right.

**MR. McALLISTER:**

-- is exceeded because there, again -- too much nitrogen creates a scenario where there's suppressed or lowered dissolved oxygen levels.

**LEG. D'AMARO:**

All right. So that standard is exceeded right now.

**MR. McALLISTER:**

Yes.

**LEG. D'AMARO:**

And so what you're saying is that the preservation of this property by the County would prevent this parcel from further contributing to exceeding that standard?

**MR. McALLISTER:**

Yes, because the opposite scenario is obviously full build-out potential of this parcel.

**LEG. D'AMARO:**

Would you see it as a negligible impact, I mean given the size of the parcel? You know, it doesn't seem -- this is within that Forge River Watershed area; is that correct?

**MR. McALLISTER:**

Right.

**LEG. D'AMARO:**

It is. I mean how do we know -- how do we know that preserving this property would have any impact on nitrogen levels or at least further exceeding that standard? I mean obviously it would have an impact, but how do we measure that?

**MR. McALLISTER:**

Well, it's difficult to measure. And, you know, if you -- I guess consider the waste water contribution into this watershed, it's significant as I described certainly from the Mastic side, you know, historic residential area. But relative to this parcel, again, I guess I would answer your question by saying we have already overburdened this system with excessive nitrogen levels from waste water. And we have to curtail that loading or -- and certainly, you know, adding additional housing units in this Watershed is just going to exacerbate the problem.

**LEG. D'AMARO:**

Yeah, and looking at the aerial map you can see that there's substantial development all around the property. So I can guess you can look at that two ways. If this property were developed, let's say, 20 to 25 more units, you know, how much more damage is that going to do? Or is it going to have any impact at all, really? Or I guess the other way to look at it is that this gives us an opportunity to stop the damage that's being done from excessive development in the area. And I guess you would take the latter, I would assume?

**MR. McALLISTER:**

Yes. I think this a good opportunity for Suffolk County. You've done great work with land acquisition. I know relative to a pure scoring matrix, you know, maybe there's questions there. But, again, keep in mind the impaired status of this Watershed. And, again, the fact that wastewater's a significant problem in this watershed. And here's an opportunity. I strongly encourage the County to advance this.

**LEG. D'AMARO:**

Okay. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Kevin, just before you go -- did I hear somebody say "question"? Okay, Counsel?

**MR. NOLAN:**

Not me; Ed Romaine.

**CHAIRPERSON VILORIA-FISHER:**

Oh, I thought you said "me." Okay, Legislator Romaine.

**LEG. ROMAINE:**

Kevin, yes just to go over this again, this property is clearly within the boundaries of the Forge River Watershed?

**MR. McALLISTER:**

Correct.

**LEG. ROMAINE:**

And the Health Department claim that they can deal with this because of the zoning, that it would be suitable to put in cesspools and septics, that's something that you believe will have a deleterious effect on the Forge River and the Watershed?

**MR. McALLISTER:**

Wastewater in general has deleterious effects on the watershed.

**LEG. ROMAINE:**

And this is, of course, a parcel that's being advanced. It's a County Executive resolution to acquire because we have a willing seller. In fact, my understanding is the seller has signed a contract. They're just waiting for us to authorize the County to do likewise. So this is a willing seller. And I believe, and I'll have our Planning Director testify to that, this is the only parcel in the Forge River Watershed that we're seeking to acquire that is within the First Legislative District. Thank you for your testimony.

**MR. McALLISTER:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Before you leave, I actually agree with everything you said; that this is an important parcel; that in order to protect the nitrogen load, and you know, we've seen areas that are actually anaerobic in the

Forge River, that belly up fish so we're all very concerned. But I noted you pay attention. And you're probably aware of all of the acquisitions that the County has done much closer to the Forge River. Acquisitions within the Master List One and Master List Two. Are you aware, Kevin, that we still have a number of parcels that are actually not just in the Watershed, but actually in the wetlands area that are on our Master List that we have not yet acquired?

**MR. McALLISTER:**

I am not aware of that.

**CHAIRPERSON VILORIA-FISHER:**

Yes. I'll show you the aerial that I have showing where the actual wetlands are and the Master List parcels that are there. And what I said earlier to John Turner and what was quoted by Miss Johnston regarding what Planning said, we have -- we don't have an infinite amount of money. Our returns on our Quarter Percent Drinking Water money are lower because sales tax is lower. And we're returning up against the termination of the program, you know, the end limit of the program. And so we have all made a concerted effort to look at every piece very carefully. And if we had a limitless amount of money, we could just say go ahead. But when I see the crosshatched areas of this aerial map that are very close to the Forge River, that are actually on wetlands, then my inclination is to say we need to prioritize. And I think that's what our Planning Department's doing here.

**MR. McALLISTER:**

If I may just -- if I may just respond?

**CHAIRPERSON VILORIA-FISHER:**

Sorry for the interruption, Mr. McAllister. Go ahead.

**MR. McALLISTER:**

With respect to proximity, obviously, you know, there is some benefit to having riparian or lands immediately adjacent to surface waters, wetlands and other buffers. But, you know, please understand that, you know, relative to distance within a watershed, it will -- you know, the pollution relative to groundwater flow will inevitably get there. So -- and I know you're not suggesting this, but please don't look at this parcel that by virtue of the fact that it's not immediately adjacent to surface waters or wetlands as you described that, it wouldn't have a negative impact or for that matter has a positive impact on the environment within this Watershed.

**CHAIRPERSON VILORIA-FISHER:**

That's why I said I agree with you, Kevin.

**MR. McALLISTER:**

I realize that.

**CHAIRPERSON VILORIA-FISHER:**

We just need to prioritize because we're really running up against a wall financially at this point. Thank you.

**MR. McALLISTER:**

Understood. Thank you for the time.

**CHAIRPERSON VILORIA-FISHER:**

Mark Baisch. Mr. Baisch is here to speak about -- Mr, Baisch, can you excuse me for one moment because there was -- I'll wait 'til you're done.

**MR. BAISCH:**

It's okay.

**CHAIRPERSON VILORIA-FISHER:**

Never mind. Go ahead. Mr. Baisch is speaking about the Heritage resolution; the planning steps on Heritage. So if anybody wants to look at the resolution as he is speaking. Go ahead, Mr. Baisch.

**MR. BAISCH:**

My name is Mark Baisch.

**CHAIRPERSON VILORIA-FISHER:**

I said it wrong. I'm sorry.

**MR. BAISCH:**

That's okay. My name is Mark Baisch. I'm one of the owners of Heritage Square which is on your agenda for today. I apologize because I did not know I was going to be speaking today. I'm not familiar with the steps that go on here, but I wanted to bring this parcel to your attention in an odd way. I don't think developers often get up here and talk to you about preserving land. But I think I bring a little different perspective to preservation with regard to this piece. I have worked diligently with the Town now for four years to preserve an adjacent piece, which the Town and I are now going into contract on. It was approved for 62 homes -- single-family homes. And it is just to the west. It's contiguous to the west of this piece.

The piece you are looking at, which is called Heritage Square, I also control. And that piece is approved in perpetuity for 408 senior condominiums, which was approved under a federal settlement with the Town of Brookhaven with regard to that development.

There's a lot of experts in the audience. John Turner is here, MaryAnn Johnston is here. There's several people that are familiar with this property. But I think it's easiest to say, if you look at this property and you tell me that there's not habitat and there's not natural resources and there's not stuff going on on this property, it would be pretty hard to believe; because it truly is a pristine, untouched piece of property.

It's about 120 acres. If you look at it from the north looking towards the Bay, it's just breathtaking. As a developer I look at it and say to myself, *boy, what I could with this*. And if push comes to shove, I guess, that's what I'll be required to do.

But after I preserved the piece with the Town, I really felt an obligation that maybe this should be one large piece. The piece that's preserved by the Town has no real vista impact with respect to its preservation; where this piece has 3500 feet of vista on County Road 51. The piece -- the Town piece doesn't -- it has the same natural resources that this piece has. This piece also displays incredible infinity for basically catchment of water for all the surrounding areas. There is enormous tree farms, hundreds of acres to the west of this. And this area really serves as a habitat for the tree farms kind of as a water catchment for the tree farms. There's a very nice swale that runs through the property. It also has a piece of the old rail bed that runs through the property that, believe it or not, we all thought was part of a scenic vista until we researched -- actually Tom Isles did the research and found out that the scenic vista, the actual scenic vista was only to a point and it did not include this property. And I think everybody's incredulous about it.

I know that John Turner and I worked on this thing five years ago. And we both just assumed that it was a scenic or a green way. And we proceeded under that premise as I designed the build-out of this property. In reality it isn't, but I would hope that Mr. Romaine would be putting forward sometime in the near future that it would become one.

I also believe, and I don't want to speak for the Town, but I have had conversations with the Town, I also believe that the Town is very interested in becoming -- entering into a stewardship with the County with regard to this property; because without the County's purchase of this property, the

Town's preservation piece is virtually landlocked.

It's also interesting to note that originally the County was going to be a participant in the Town portion of the preservation. What happened there is a long piece of history that I really wasn't party to, but the County subsequently did not participate in that part. So I made the deal directly with the Town. And now I would really like for the County to entertain looking at this piece because I just think it's a gorgeous piece of property.

The last thing I want to point out is that Mr. -- we just found out what what Mr. Isles had rated the property. There was a prior rating a year ago on this property. And apparently today's rating is very similar to that. But I think we have some other light that we want to shed on it. And my partner Kent Katter is here. And I think he's going to be a little more technical. He's going to bring to light maybe a few more things that should be considered within the four corners of the document. And, you know, maybe if we can see our way clear, we can get this thing preserved. If not, so be it. And I'll build my condominium complex and that'll be that. But I really appreciate your time. And thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

Before you go away, Mr. Baisch, thank you for coming down and thank you for your comments. You said something that piqued my interest, something about a rail bed. Would this be part of the Rails to Trails?

**MR. BAISCH:**

We all thought it was. We had been assuming that it was part of the Rails to Trails. I think John Turner and I assumed it.

**CHAIRPERSON VILORIA-FISHER:**

It's in Rocky Point, isn't it?

**MR. BAISCH:**

No. It's the Rails to Trails. It's the -- it's called County Road 91.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. BAISCH:**

But it's the old Manorville rail line.

**CHAIRPERSON VILORIA-FISHER:**

Oh, the Manorville rail line.

**MR. BAISCH:**

It's the old Manorville rail line, which Mr. Romaine made part of a greenway years ago, but unfortunately it stopped at Sunrise Highway and never went to the south of Sunrise Highway. And we just believed it's always been a greenway. We always thought it was intended to be a greenway. And the reality is that it just actually was never -- never consummated to become a green way or never proposed; whether it was oversight or what, we thought it was.

**LEG. ROMAINE:**

Real quick?

**CHAIRPERSON VILORIA-FISHER:**

Sure, Legislator Romaine.

**LEG. ROMAINE:**

This railway, the old Manorville railway bisects your property.

**MR. BAISCH:**

Right through the middle.

**LEG. ROMAINE:**

And it is owned by the County of Suffolk.

**MR. BAISCH:**

Yes.

**LEG. ROMAINE:**

The historic trail that was designated was designated by myself in 1988, when I was first in this Legislature. I fully intend to introduce a resolution to designate the remainder of this property as a trail for the County. Since it is County-owned property, you can't build on it. It bisects your property, but -- it runs right through the middle of it and yet no points interestingly enough appeared on the rating sheet. I understand that because I raised that question myself with Planning. But I will try to remedy that by introducing a resolution to extend what I did in '88 south of Sunrise Highway. Thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. Baisch.

**MR. BAISCH:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Kent Katter. You're going to throw some technical stuff at us, huh, Kent?

**MR. KATTER:**

Good afternoon, Committee.

**CHAIRPERSON VILORIA-FISHER:**

Do have your finger on the button that says "push"?

**MR. KATTER:**

I do. The microphone's not tall enough. Myself and Mark Baisch are the principals of Heritage Square Builders. We are the owners of Heritage Square. We are here today not as developers but as willing sellers of 50 acres of pristine, heavily-wooded property that has 3500 feet of frontage on County Road 51 and is just south of Sunrise Highway.

After five years and numerous lawsuits that Mr. Baisch touched on, the property has now been approved for 408 condominium units and 105,000 gallon per day sewage treatment plant. When Mr. Baisch was approached by the Town of Brookhaven to preserve the Oaks, the adjacent 50 acres, and I believe it's 80 homes there as well, he approached the principals of Heritage Square, myself and Mark decided this would be something -- the right thing for us to do would be to preserve Heritage Square as well so that there'd be a 120 contiguous acres adjacent to County Road 51 and south of Sunrise Highway.

As developers were seeing a change from urban sprawl to downtown redevelopment -- and both Mark and I owned several pieces of property in the Villages of Port Jefferson and the Village of Farmingdale in which we intend to revitalize those downtown areas, our thought was, as Mark pointed out, that this is a pristine piece of property. And I would like to introduce or give to the Committee some aerial photos of the property, some beautiful vistas. It's within a stone's throw of the water. And that's some of the technical aspects that Mark said that I was going to speak about.

After doing some quick research over the last few days, I came across a website. It was the DEC website. And it seems that although I don't know the actual rating for the acquisition or the rating total, I was told that it is low. And I just wanted to make sure that some of the items are included in your determination to purchase the property. Adjacent to our property across County Road 51 is a wetlands. And it's clearly marked on the DEC map, which I've given to you. It's Spadaro Airport. There is a tidal wetlands. And that is within 300 feet of this property.

Also on that same DEC website it shows that there is rare or endangered species, protected native plant species on the property. That DEC website again shows that this entire piece of property, including the Oaks -- so it'd be 120 acres in a zone that has rare plants and rare animals. Again, I don't believe that the Planning Department gave us the points for that. I also don't believe that when Planning Department put together their rating, that they were aware that Mr. Baisch had gone to contract with the Town of Brookhaven to purchase his property The Oaks. So that the properties really shouldn't be looked as two separate 50-acre properties as it can be one contiguous hundred acre property. Unfortunately you missed the technical aspect of my speech, so.

**CHAIRPERSON VILORIA-FISHER:**

No, I was multitasking.

**MR. KATTER:**

You can do that? I'm having trouble pressing the button and speaking. So, again, we're here as willing sellers of the property, not as developers but willing sellers of this piece of property. And thank you for your time.

**CHAIRPERSON VILORIA-FISHER:**

Actually as you were speaking, I was looking at the map about what you were saying about the rare species. Yeah, I was looking at the DEC map.

**MR. KATTER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

That's a nice presentation. And we'll talk about it when our Planning Department comes up.

**MR. KATTER:**

Thank you very much for your time.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. Okay, thank you to all our speakers.

**CORRESPONDENCE**

We do have a piece of correspondence from Councilman Panico that I will read into the record.

"Dear Chairwoman Viloría-Fisher, thank you for allowing me the opportunity to address your Committee today. I currently serve as the Brookhaven Town Councilman who covers the area being discussed in IR 2200-2010, also known as the Shaw Nursery property.

I write you and your Committee today to offer my support and reasoning behind the preservation of this parcel. This area is of paramount importance to the people of this area because it is squarely within the Forge River Watershed. As you know the Forge River is currently listed as an impaired body of water. The Town of Brookhaven, County of Suffolk, State of New York and United States Army Corps of Engineers have spent tens of millions of dollars to restore and preserve this river.

As the chairman of the Forge River Task Force Committee, I can tell you definitively that according to the studies compiled by Cameron Engineering, the consultant hired by Brookhaven Town, has indicated that cesspool and septic system discharge is amongst the largest if not the largest contributing factor to the diminution of water quality in the river. To combat this problem, preservation efforts by the Town of Brookhaven in this watershed continue aggressively. We recently closed on hundreds of acres of land south of Shaw Nursery property. Additionally we have dedicated over \$8 million toward the purchase of the property known as Beechwood just west of the Shaw Nursery.

Therefore, I respectfully ask that you and your committee please keep the momentum going towards the restoration of this river by casting this resolution so that preservation can be achieved. The governmental bodies I have listed above along with hundreds of residents have worked cooperatively to make this restoration a priority. The Town of Brookhaven and County of Suffolk have always maintained a longstanding positive and mutually beneficial partnership dealing with land preservation that I sincerely hope" -- and "I sincerely hope this will continue today with the passage of this resolution." Okay, signed Daniel Panico, Brookhaven Town Councilman.

Okay, that ends our public portion. Is there anyone else who would like to address the Committee? Okay, if not we'll go to the agenda. I apologize, we do have three people who are here for appointments and I would take them out of order before we go onto our -- the rest of agenda. Thank you, Tom.

I'm going to make a motion to take **IR 1083, To appoint member of County Planning Commission (David L. Calone). (Co. Exec.)** out of order.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? IR 1083 is before us. Mr. Calone, if you could just come up and join us. You could take a seat right here. There are microphones available.

**LEG. ROMAINE:**

Madam Chair, this is a reappointment.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MR. CALONE:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**MR. CALONE:**

Thank you, Madam Chairwoman. I appreciate it.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Mr. Calone. And you have been serving for about five months?

**MR. CALONE:**

I've been on the Commission for about four years.

**CHAIRPERSON VILORIA-FISHER:**

Oh, wait a minute. But weren't you a reappointment? I'm sorry, I apologize, go ahead.

**MR. CALONE:**

No, no. Yeah, I've had the pleasure of serving on the Commission for four years. And for approximately the last three I've served as the Chairman. And I wanted to thank the Committee for --

**CHAIRPERSON VILORIA-FISHER:**

I thought you were the Chair for only the past five months. Sorry about that.

**MR. CALONE:**

Time certainly does fly, but it's -- I want to, first of all, thank the County Executive for the renomination and appreciate the consideration of the Legislature. I enjoy being on the Commission. I think in the last couple of years we've taken the Commission, the focussing on kind of bigger-picture issues with regard to planning and where our County is going. We've done that in a couple of different ways and particularly by focussing on things like doing a comprehensive plan, which Suffolk County hasn't had and updated in 30 years. And creating of -- updating the county development guidelines which hadn't been done in about a decade. And doing a variety of things like reducing the number of referrals that actually have to come to the County. And our estimation is that we'll save probably tens of millions of dollars of development money -- developer money as well as -- as well as administrative time both for the County as well as municipalities around our County over the course of several years.

But our biggest thing we've been doing, Madam Chairwoman, is really reaching out to the Towns and figuring out how we as the Planning Commission in conjunction with the Planning Department can be of assistance to them and work with them to bring the Towns together to work on land use policies that have countywide impact. But at the end of the day we all know that land use is a local phenomenon and they have local control. But there are issues that transcend municipal lines. And so we've brought them together to work together on a variety of topics.

And I know I did not present to this Committee last year but I look forward to -- if I am reapproved coming here next month to update you all on the progress of the Comprehensive Plan as well as the annual report of the Planning Commission for the last year.

**CHAIRPERSON VILORIA-FISHER:**

Well, thank you so much for your service. Thank you for being here today. And I look forward to hearing your report at our next meeting. Are there any questions? I'll make a motion to approve.

**LEG. ROMAINE:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Well, it looks like we have all the votes. Mr. Isles.

**DIRECTOR ISLES:**

If I could just put on the record, two requirements for reappointment to the Commission relate to attendance and training. Mr. Colone has attended every meeting of the Commission during his term, number one, so he complies with that requirement. Secondly, he has fulfilled the training requirements under State law and County law.

**CHAIRPERSON VILORIA-FISHER:**

Well, thank you very much. Not asked but answered.

**MR. CALONE:**

Madam Chairwoman, if I could --

**CHAIRPERSON VILORIA-FISHER:**

You have to know the right questions.

**MR. CALONE:**

-- let me just also state one thing. I very much enjoyed particularly as my time as Chair working very closely with Director Isles. And as you all know he's going to be leaving the County later this month. But I just want to state for the record what a pleasure it has been and what an asset he has been to Suffolk County. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. We agree with that. And, by the way, there was something you mentioned that I think is so on point, which is that you have tried to not waste the time of the people who are trying to do business here in Suffolk County and to be part of our economic development and keep our economy robust and moving forward. It seems that everyone from the White House to the Governor's mansion to here in the Legislature is on board with facilitating economic growth rather than drowning in red tape. So thank you for that leadership.

**MR. CALONE:**

Thank you. Again, appreciate your time.

**CHAIRPERSON VILORIA-FISHER:**

We had a motion and a second. All in favor? Opposed? Approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** Thank you, again.

**LEG. ROMAINE:**

Madam Chairman, I'd like to make a motion to take 1082 out of order.

**CHAIRPERSON VILORIA-FISHER:**

I didn't think Mr. Kelly was here yet. Oh, I didn't see you, Mr. Kelly. Okay, I'll second that motion. All in favor? Opposed? 1082 is before us. **(1082.To appoint member of County Planning Commission (Michael F. Kelly). (Co. Exec.)** I didn't know you were here yet. Thank you for coming.

**MR. KELLY:**

I apologize for being late, but we had some issues down in the Village of Patchogue that I had to address.

**CHAIRPERSON VILORIA-FISHER:**

It's okay. We've had a lot of public speakers.

**MR. KELLY:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

So you're really not late at all. So let me just read the resolution.

**To appoint member of County Planning Commission Michael F. Kelly (Co. Exec.)** And, Mr. Kelly, if you can just talk to us about the position and how you feel about --

**MR. KELLY:**

Sure. Again, as a reappointment I would like to say thank you very much for, one, the initial appointment and then this reappointment. Again, I believe that we are adding a lot of value to the entitlement process in the County. As a representative out of the Town of Brookhaven, I believe, we're adding value in the Town of Brookhaven as well. I try to interact as much as possible with the Town Planning Department so that we can help shape and reshape some of these applications.

So I believe our goal and our mission from the Planning Commission is sound. And I believe that I'm adding some practical experience coming from the developers' side of this business. I've built

quite a number of workforce housing units throughout the County. And that type of expertise is something that I look forward to continuing with the Commission.

**CHAIRPERSON VILORIA-FISHER:**

Thank you. So that I am not negligent, I will ask our Director to tell us about your attendance at the meetings; and training.

**DIRECTOR ISLES:**

All right. For the attendance, the requirement is at least 75 percent attendance at the meetings. Mr. Kelly has attended at least 92 percent of those meetings so he does meet and exceed that requirement. Secondly, in terms of the training, we have confirmed that required New York State and County training has been achieved by Mr. Kelly as well. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Mr. D'Amaro has a question for you.

**LEG. D'AMARO:**

Thank you. You're welcome. You caught my attention with the comment about workforce housing. I just -- do you feel at this time that we have sufficient workforce housing in Suffolk County?

**MR. KELLY:**

I think the dynamic of the market right now has created a different solution. I think the fact that the market has caused the drop in value of a lot of real estate, I think, the natural dynamic has created some abundance of what could be considered affordable housing. I think if you look at that housing stock right now, that housing stock, if you were to buy it, you still need to invest a considerable amount of money.

So in answering your question, I do believe that there is still a very large need for affordable housing. And I think from a developer's seat, I think the housing stock that has to be provided to fill that is something that needs to change. And that's why, you know, we talk about some greater density. And to achieve that density is not to build that single-family detached home, but to create more of a condominium type of a housing stock which we really don't have; a smaller unit that's more easily achievable from a financial standpoint.

**LEG. D'AMARO:**

So the current stock of housing, although it's more plentiful these days, some of the property -- many of the properties are distressed properties or require significant rehabilitation which would, of course, drive up the price. So you would not consider the market conditions itself creating an excess of what we call workforce housing?

**MR. KELLY:**

Correct.

**LEG. D'AMARO:**

Right.

**MR. KELLY:**

Yeah.

**LEG. D'AMARO:**

Okay, thank you.

**CHAIRPERSON VILORIA-FISHER:**

Okay, thank you, Mr. Kelly. I'd like to make a motion to approve, seconded by Legislator Muratore. All in favor? Opposed? **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** Thank you for your work. Thank you for your service.

**LEG. ROMAINE:**

I make a motion to take 1084 out of order.

**CHAIRPERSON VILORIA-FISHER:**

Okay, that's seconded by Legislator D'Amaro. Okay. **IR 1084, To appoint member of County Planning Commission William E. Schoolman (Co. Exec.) is before us.** All in favor? Opposed? Okay, it is now before us. Okay, Mr. Schoolman, if you could join us, please. Thank you. And you and I chatted a little earlier and maybe you can tell us a little bit about yourself and why you would like to serve on this Commission.

**MR. SCHOOLMAN:**

Good afternoon everyone. My name is Bill Schoolman. And my prime background is that I am in the transportation business. I've been operating high occupancy vehicle transportation systems since 1976. I consider myself a leader in that field, in particular the use of software and managing the systems, and the little bit of opportunity that I had to study your website and see what your transportation issues were. The use of high occupancy vehicles nearly jumped right off the page. And I have extensive experience with that.

Also, I've been pretty active in terms of trying to be in the transportation business in the most environmentally friendly way possible. We actually went through a period of time where we have 45-foot Motor Coaches. We have 45 of them. And one of the challenges that we try to do was about two years ago, we tried to figure out a way to use used cooking oil to run the diesel engines, which would have made us much greener. And we were unsuccessful with that because, not because the diesel engines wouldn't do it, but we couldn't solve the storage of that material problem and the transportation and collection of the used cooking oil. And by the way, that's a trend that I've seen going around in the country. I actually heard of a bus that was used at a couple of very visible shows where they were running the bus on used cooking oil. So I was fascinated with that.

So my background is transportation. I'm an engineer by trade. And I've been in the transportation business, I think, I've said since '76. And I think I would be very excited to participate on the Planning Committee.

**CHAIRPERSON VILORIA-FISHER:**

Well, thank you for being here and your willingness to serve. You and I spoke about how we had met earlier, which is, you know, my interest in transportation and looking for alternative fuel for our vehicles. I have a question about something you just said. When you looked at the website, you said that -- regarding high occupancy vehicles in Suffolk County, it jumped off the page. Can you tell me why?

**MR. SCHOOLMAN:**

Yeah, you were discussing reducing dependency on foreign fuel. And there's no better way to reduce dependency on foreign fuel than the use of high occupancy vehicles. And for a long time I had a company that perhaps you were familiar with, was called Classic Airport Share Ride, blue and white vans. So, you know, we were very proactive in developing software systems for running shared ride services in the most efficient way possible. And I've been doing that since '76.

Now we're using much larger vehicles. Motor coaches, which the largest one has 55 passengers. It's also -- I brought a report with me. I didn't -- I really didn't know what to expect when I came here. But this is a report by the Union of Concerned Scientists. And for those -- I mean maybe you already know this, but motor coaches compared to train transportation, it's a very interesting comparison from an environmental standpoint. Trains give off two-and-a-half times more carbon than a motor coach does per thousand passenger miles. So, you know, anytime that you can solve transportation problems using anything from a fifteen passenger van up to a large motor coach, you're doing some really strong good for the environment.

**CHAIRPERSON VILORIA-FISHER:**

But where I was leading with my question was you said that it jumped off the page. Was it because of our use or our lack of use of high occupancy vehicles Suffolk County?

**MR. SCHOOLMAN:**

Yeah. What I read was that you were interested in it. It says central goal of the transportation policy should involve reduction in vehicle miles traveled in order to improve air quality. You do that with high occupancy vehicles.

**CHAIRPERSON VILORIA-FISHER:**

Oh, absolutely, that's a goal. But I was -- but we're not close to that goal.

**MR. SCHOOLMAN:**

Oh, I would certainly agree with you on that.

**CHAIRPERSON VILORIA-FISHER:**

We are not close. And, in fact, it jumped off the page because maybe we're so far from our goal. But this model --

**MR. SCHOOLMAN:**

I thought I'd refer to it as a goal.

**CHAIRPERSON VILORIA-FISHER:**

The suburban model is very hard to address; very hard to address public transportation, but I think that we need to keep going. And it would be good to have you add that perspective to the Council.

**MR. SCHOOLMAN:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Are there any other questions? No. This is an appointment. Sure, Legislator D'Amaro has a question.

**LEG. D'AMARO:**

All right, good afternoon and welcome. The Planning Commission has a more limited role when we talk about nuts and bolts planning. And really as was pointed out earlier, the jurisdiction lies more at the the town and the village level. But there are some big picture items that the County can have an impact on, and which we should have an impact on, especially when coming up with a Master Plan, perhaps a vision for how we move forward, especially given all the damage that's been done in the past with Planning throughout the County. And I just wanted to ask you as someone new coming onto this board, what do you see as some of the major problems Suffolk County is facing right now from a planning perspective, some of those big picture items? And how do you hope to have an impact on them?

**MR. SCHOOLMAN:**

I think that the one that I have the most familiarity with is the Suffolk County transit system. I think your ridership is much lower than it ought to be. And I don't know how well you -- how those routes are really determined in terms of what the demand patterns ought to be and how good a job they do moving people from A to B. So I think that's a huge opportunity.

**LEG. D'AMARO:**

Well, you know, suburbs it's very difficult to change --

**MR. SCHOOLMAN:**

Yes, right.

**LEG. D'AMARO:**

-- years and years of suburban-style transportation. Very difficult thing to do. But I appreciate that answer because that is a direction that we do need to go. Change might be slow in coming. And I know it's very difficult to make changes like that, but I think that's something we could focus on especially at a county level. So, okay, thank you.

**CHAIRPERSON VILORIA-FISHER:**

Are there any other questions for Mr. Schoolman? No questions. Okay, I'll make a motion.

**LEG. ROMAINE:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Second by Legislator Romaine. All in favor? Opposed? Okay, approved. **(VOTE: 4-0-0-1.**

**LEG. COOPER NOT PRESENT)**

**LEG. ROMAINE:**

I make a motion --

**CHAIRPERSON VILORIA-FISHER:**

May I just congratulate the candidate before we go on?

Thank you for being here. Congratulations.

**MR. SCHOOLMAN:**

Thank you very much for the opportunity.

**CHAIRPERSON VILORIA-FISHER:**

And you know it will be before the full Legislature on Tuesday, but you don't have to reappear.

**MR. SCHOOLMAN:**

Okay.

**CHAIRPERSON VILORIA-FISHER:**

Okay, thank you for being here.

**LEG. ROMAINE:**

Good luck, Bill.

**MR. SCHOOLMAN:**

Thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

Mr. Romaine, did you have a motion?

**LEG. ROMAINE:**

To take 1097 out of order. We have an appointment and the distinguished gentleman is here.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Can't miss him. Okay, there's a motion and a second to take **1097, Reappointing member to the Suffolk County Water Authority Patrick G. Halpin (Pres. Off.)** All in favor? Opposed? 1097 is before us. Thank you for being with us here today.

**MR. HALPIN:**

You're welcome. And thank you very much. I'm not sure what Legislator Romaine meant by "distinguished." He's like the Dick Clark of the Suffolk County Legislature. He has never aged. I'm old and gray, but there are a couple of others -- it has to do with our gray hair, is that right?

**LAUGHTER**

First of all, I want to -- I come here for two reasons. The first is to thank you for the opportunity to serve on the Suffolk County Legislature but -- to serve on the Suffolk County Water Authority. As you know, it is the responsibility of the Suffolk County Legislature to make those appointments. And I have really enjoyed my service there. And also to come here to ask your support to be reappointed to another five-year term.

I think we've done some good over the last five years. But first let me preface that by saying that the Suffolk County Water Authority is a very well-run organization and you should be very proud of that. I know over the years the Legislature has felt you've had to provide oversight to some of the things that have gone on there. But I can tell you that it is one of the shining examples in the state of a very well-run public authority that shows that when something is well managed and done on a regional scale, not only can provide an essential service, and there's nothing more essential than safe drinking water, it can also be done in a very efficient way.

The Water Authority's water quality is of the highest. We have nearly 700 wells from one end of Suffolk County to another. During the peak season about 600 or so are in service. This past summer our service was stressed like no other because of the extraordinarily warm and dry weather that we had in the summer. But you should know that at no time did any resident of Suffolk County ever not have access to very high quality drinking water.

In Southampton there were a couple of challenges there. But because of the great engineers that we have and improvements that were made in pumpage, we were able to meet those water quality challenges and those water quantity challenges in South Hampton during the summer drought. And we're going to be investing over a million dollars in improving pumpage and adding a well in Southampton to ensure that that part of our County has adequate safe drinking water no matter what the circumstances are.

The other thing that the Water Authority Board is very proud of, and I'm proud of, is that our bond rating is the highest of any public benefit corporation in the nation. The highest. And that's critically important because aside from our personnel costs, the most important thing we do is to continue to invest in our infrastructure. And we've made significant investments in water mains, water main repairs, water main extensions, water main replacements. We have continued to improve on water treatment, adding iron removal systems as well as other treatments as necessary to ensure that our water quality exceeds federal and state standards. And by having a low credit rating, we're able to go to the market and make those investments at a very affordable rate.

We've worked hard to reduce costs, starting with the Board. When I was first there, they said "look, as a board member, you're entitled to a car and a credit card." I said "no thank you." And as a matter of policy the Water Authority Board does not offer those things any more and that's a reform that we've made. No member of the Water Authority Board uses a Water Authority card. We've also made reductions in fleet for the entire Water Authority operation reducing our fleet by nearly 15 percent and setting up on-call and reducing the number of vehicles that are traveling home and just are used frankly strictly for commutation.

Overtime costs have been reduced over the last year by 300,000. We hope to reduce it by another 100,000 so it'll be a total of 400,000 over the course of the last two years on a year to year basis. And we are not working and analyzing the kinds of development that are anticipated in areas where we have our 700 wells or so, so that the investments that are -- that residents have made through their water rates, so those investments are protected and we're going to take a more active role in

the SEQRA process to analysis potential future uses so that those uses do not affect the quality of drinking water from wells that people rely on.

That said, I want to add one thing. I will provide the documentation, but I've never missed a meeting over the last five years. And I've also gone through all of the trainings that are required by the Public Authority's Accountability Act.

And one last thing in terms of governance, the Suffolk County Water Authority has taken the charge under the Public Authority's Accountability Act, which was approved by the State Legislature a couple years ago, very seriously and we are meeting and exceeding those requirements.

**CHAIRPERSON VILORIA-FISHER:**

Well, thank you very much. And we know that you really have made a difference. Your voice has been an important voice at the Water Authority. In addition to the investments, hasn't the Water Authority also been divesting itself of properties that it no longer needed and so it has been becoming leaner and meaner in that way?

**MR. HALPIN:**

Well, we're not meaner, but we are looking at all of our costs very carefully.

**CHAIRPERSON VILORIA-FISHER:**

Attacking problems.

**MR. HALPIN:**

Yeah. No, over the years the Water Authority has acquired properties in anticipation of future needs. For example, there is a large tract of property not far from here in the vicinity of Motor Parkway and the Long Island Expressway. At that time board members had, I guess, envisioned that they would consolidate operations there from Oakdale. Since that time we realized there isn't the need. So what the board has done is to ask staff for a report of all of the properties that we own, identify those that might be necessary for the future for well sites and then figure out the most appropriate way to address the others. We haven't yet, but that's part of our long-range plan.

**CHAIRPERSON VILORIA-FISHER:**

It's smart planning.

**MR. HALPIN:**

Yeah. The other thing I want to mention, which I really want to give this Legislature credit for, you know, this Legislature through your leadership and the leadership of others on the Legislature, had the wisdom to take on the oil companies when we found traces of MTBE in our water supply. Because the Suffolk County Water Authority has a terrific lab, and, again, that goes back to people who predate me who had that vision, we were able to provide very detailed documentation as part of that lawsuit and to the court. And Suffolk County along with other water suppliers throughout the nation received a huge settlement from the major oil companies as -- because we're able to document how that migrated into our water.

And as a result of those funds, we are using a significant portion of that to reduce our long-term debt, over \$80 million over the next couple of years, to reduce our long-term debt and help provide, you know, rate stability going into the future. So that was something that started right here in this Legislature. And you should know that that money is being invested wisely so that we're not only able to hold down our future rates, but also maintain our credit rating.

**CHAIRPERSON VILORIA-FISHER:**

Well, you know, there's kind of a circle in that because I introduced that legislation. And what made me introduce the legislation to ban MTBE was information I had read in a Water Authority news letter about MTBE. So that's where I had gotten the information to do my legislation. So back at you. Legislator D'Amaro has a question.

**LEG. D'AMARO:**

Thank you, County Executive Halpin and welcome. I just wanted to ask you, you touched on rates. How are the rates trending and what's impacting them and where is it going?

**MR. HALPIN:**

Thank you, Legislator D'Amaro. For the last four years the rates have been frozen, but the board did approve a small increase. The increase amounts to about \$12 per homeowner. The average homeowner in Suffolk County, believe it or not, uses about 160,000 of gallons of water each year. Prior to the rate increase it costs about \$304 for 160,000 gallons. Based on that consumption, the rates for the year will go up to about \$316 per year; still a great bargain. To put that in some context, if the Great Neck Water Authority, which serves the Great Neck peninsula, their rates are more than double the Suffolk County Water Authority's are as most of the rates in Nassau County. Of course there they have about 36 water companies.

In terms of impact, as I mentioned, we've reduced our costs, we've reduced our indebtedness, we've reduced the number of personnel from about 606. We anticipate holding thanks to early retirement our number down to about 550 employees. We're looking at other ways to economize through technology, for example. Over the course of seven years, we're going to eliminate all of our old meters and replace them with wireless meters. We've done about 95,000 of those. There are about 370,000 total so we're about one third of the way or so there.

And folks who read meters are being transferred to other positions as they come up, but that will reduce, you know, that portion of our workforce by taking advantage of technology. The drivers frankly have been, you know, LILCO increases or LIPA increases, retirement costs and health care costs. I'm sure it sounds very familiar to everybody in this Legislature.

**LEG. D'AMARO:**

Yeah. And keeping the rates that stable given those increases, we experience that, as you know, on a County level and at every level, is most impressive. I have to say I'm happy to support you today. Your stewardship of the Water Authority along with the other board members has been nothing short of stellar. And I appreciate the job that you're doing. Thank you.

**MR. HALPIN:**

Thank you very much.

**CHAIRPERSON VILORIA-FISHER:**

Thank you very much for being here. And we appreciate everything you do. Thank you. I'll make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** Thank you again. I can't believe it's five years.

**MR. HALPIN:**

Thank you very much.

**TABLED RESOLUTIONS**

**CHAIRPERSON VILORIA-FISHER:**

Now to the agenda.

**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 there were still outstanding questions on this?

**DIRECTOR ISLES:**

There are.

**CHAIRPERSON VILORIA-FISHER:**

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

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1942 stands tabled. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**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:**

I believe the Planning Department hasn't finished their rating work on this parcel; am I correct?

**DIRECTOR ISLES:**

That is correct.

**LEG. ROMAINE:**

Right. And we've been working with them as a Hamlet Park. So I'll make a motion to table it to the next session.

**CHAIRPERSON VILORIA-FISHER:**

Second. All in favor? Opposed? **IR 1991 stands tabled. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**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.)** And, of course, we all know we've had quite a bit of discussion on this. Mr. Isles, if you could address some of the comments that were made; if you could?

**LEG. ROMAINE:**

Before he does, I'd like to make a motion for approval.

**CHAIRPERSON VILORIA-FISHER:**

Okay, there's a motion to approve by Legislator Romaine, seconded by Legislator Muratore. On the motion, Mr. Isles.

**DIRECTOR ISLES:**

Thank you, Madam Chair. We did hear the comments that were made earlier. We certainly are interested in the comments and take every comment under consideration. Let me just begin with actually a comment made by Legislator D'Amaro, which was looking outside of the four corners of this form. And what you have before you and what was presented in the testimony at the last meeting is a result of the rating form completed by the Planning Department for this property. I think the rating form still stands in terms of the information, the review. I did hear additional testimony today, but I don't hear of anything that actually changes the rating form.

But I think there is a valid point to be made about the rating form as a guide. We do prepare it. We do so in a manner that is as subjective as possible, that is as consistent as possible across the board. I think most of the criteria is criteria that is, here again, objective criteria; it's not too subjective in terms of does it qualify, does it not qualify. So in terms of the form before you, here again, I think it stands as it is. But I do agree that there are times when you have to look beyond the form. And this board -- this Committee has done that.

On some cases in the past, an example I was thinking of when I was hearing the testimony today, is I believe it was last year we had a couple of properties that fell right in the middle of the County park. There was one in West Hills, for example, and had a low rating but -- there was one also in Mt. Sinai, I remember. But the Committee moved forward, and I think the County Executive did endorse that. And we agree with you on that one, that there are cases where the form doesn't measure the exact circumstances. And I think the question here is, outside of the four corners of this form are other circumstances, is there a larger picture perhaps that should warrant a support or an approval of an acquisition.

In this case, here again, in terms of the actual numbers on the rating form, I believe they stand. The Department always stands ready to review additional information that may come forward. And we, you know, maintain that stance going forward. I will point out that the form does factor in points for proximity to a water body wetlands and so forth. So any property that's within 300 feet does get points for that.

In terms of the -- another point that was made by a member of this Committee in terms of the Quarter Percent Program, somewhat maturing in a sense that this is the final year that the Legislature and the County can move forward with bonding for that program. So there is maybe a heightened awareness of the scarcity of funds in terms of acquisitions and the need for prioritizing.

And just to recap, and here again not rehashing prior testimony, the Department's form did rate this property as eight as presented to you. We noted at the prior meeting that this is a case of a site that is disturbed. It's a farm or former farm. Generally speaking the County favors sites that have natural habitat value, ecological diversity. Here again, the testimony of Mr. Turner, whom I respect very much, was certainly informative. I'm not sure if there are species that warrant extra points on the rating form, but we'll certainly be happy to follow up with him further on that one. So to begin, we look at the fact that it is a disturbed site, not a pristine site.

Secondly, we also look at proximity to other County parcels. So in the case of the West Hills parcel that I mentioned, that was completely surrounded by County parkland, that one little piece in the middle. Certainly there was an overriding consideration for consolidation of that property.

And then, thirdly, is the property is not directly in the Forge River Watershed. I'm not going to debate the fact that it's 1200 feet away is what we measure in terms of that importance. Certainly we do give priority where it's directly in the Watershed. Beginning in 2004 when the County Executive directed the Department to prepare the Master List, the first one, we had identified 160 acres at that time within the Forge River Watershed. And then the year later, Master List Two, we identified another 35 acres. So there are over 200 acres that are directly in the Watershed. Many are on small lots. You see these lots that come into you for 50 feet, 75 feet and so forth. They predate the 1981 Article Six standards. They certainly would have a detrimental effect on the Forge River within the two year groundwater contributing area of the Forge River.

I think it's a matter of degrees, the further away you go. Certainly Mr. McAllister is certainly in my mind a recognized expert in terms of water quality. And I'm certainly not here to debate him in terms of the importance of this parcel to -- whether the County should buy it or not. Our main purpose is that you proceed, number one, with objective reviews, which we believe we have furnished to you and continue to furnish to you and that you see the big picture; that you do your decisions eyes open. And I believe that has occurred, even with the other points of view, which I think is healthy to this process. But standing back in terms of the County Planning Department,

we report the information as we see it. In this case we present the information, that we would ask you to consider these points and go forward as you see fit. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Thank you, Tom. Thank you for that. I would like to go back to the grid that we use, to our -- how the points are put together. And I'd like to draw your attention to "E, lands identified." And it names a couple of different -- well, a few different programs, the South Shore Estuary Reserve, Peconic, you know -- do you see -- you see what I'm referring to?

**DIRECTOR ISLES:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

And I was thinking about this as Mr. McAllister was speaking. Because I think when we developed this rating system, I don't know if the Forge River had yet been identified as an impaired body of water. And if it had not -- if it is now identified as an impaired body of water, and we're looking at it with a new eye, at the TMDL's -- at the TMDL there, should we be including the Forge River Watershed as another element of "E" because it is now impaired, because we've seen some belly-up fish there and other problems? I'm throwing that out almost as an academic question and maybe including it in, you know, as another estuary here or an estuary program?

**DIRECTOR ISLES:**

Right. What we typically look at, is it specifically identified in an estuary plan, which to our knowledge this one is not specifically identified in the South Shore Estuary Plan or -- we talked at the last meeting about the recent study completed by the Town of Brookhaven for the Forge River.

**CHAIRPERSON VILORIA-FISHER:**

That's what I'm thinking of.

**DIRECTOR ISLES:**

We went through that. And, here again, we know that's a work in progress. There are meetings continuing on and the Town Board will be reviewing that. We did see recommendations, obviously many recommendations for improving water quality in the Forge River, which certainly makes sense. We did see a recommendation that talked about identifying lands for acquisition, identifying priorities for that.

At this point we haven't seen it saying specifically this should be purchased. We remain open. If somebody comes to us and says, yes, it is on this list, we'll be happy to review it. But my staff headed up by Laurretta Fischer does try to deal with as much outreach as possible to gather all the information.

Just one final comment, Legislator Fisher, in terms of --

**CHAIRPERSON VILORIA-FISHER:**

I'm sorry. I'm seeing a picture --

**DIRECTOR ISLES:**

Yeah, we have that.

**CHAIRPERSON VILORIA-FISHER:**

Can you tell me where that -- the Shaw property is? Just so that I can orient myself to it? To other members of the Committee, what I'm holding is the Watershed delineation. And I'm trying to -- again, going back to Mr. McAllister's comment about the two to five years, five to ten years or the two years.

**MS. FISCHER:**

Which map?

**DIRECTOR ISLES:**

Could you just repeat the title of the map so we can --

**CHAIRPERSON VILORIA-FISHER:**

It says "Watershed Delineation Forge River Restoration Groundwater Contributing Boundary." You know what, Legislator Browning has a colored copy. Yeah, that looks like it.

**DIRECTOR ISLES:**

I have it here.

**CHAIRPERSON VILORIA-FISHER:**

Yes.

**DIRECTOR ISLES:**

I have it here. Here again, we are not disputing the fact that it's in the Watershed. We reported on that at the last meeting.

**CHAIRPERSON VILORIA-FISHER:**

I just want you to tell me where the property is on this map.

**DIRECTOR ISLES:**

Oh, okay.

**LEG. ROMAINE:**

If you see East Mill Pond, it's immediately east of there. The words "East Mill Pond", it's immediately east of there. Immediately.

**CHAIRPERSON VILORIA-FISHER:**

So can we assume that -- this is the Cameron Engineering study that was done for the Town of Brookhaven?

**DIRECTOR ISLES:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

So this will become part of the Town of Brookhaven document on this?

**DIRECTOR ISLES:**

Yes, it's part of their draft document presently that we accessed off the website, right.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Okay, I just want to, again, have all of the testimony from today in a context.

**DIRECTOR ISLES:**

And as you can see, it's a very large Watershed. I think it's close to 10,000 acres.

**CHAIRPERSON VILORIA-FISHER:**

We can't buy all of it.

**DIRECTOR ISLES:**

We can't buy all of it. There's over 2000 acres that are vacant. The areas, and here again your map looks like it's black and white, but the color mapping indicates the travel time within the groundwater contributing areas. Here again, this is recent work done by Suffolk County Health

Services Department, the Comprehensive Water Resources Management Plan. The red areas do indicate areas that are deemed to be the most critical because they're within the zero to two year travel time into the surface water body.

So this is, here again, an important planning tool. And, here again, for your prioritization, the County's prioritization of acquisitions, it is helpful information. But, here again, we're still 1200 feet away. Obviously it's your judgement and the County Executive's judgement as to is this something that warrants county taxpayer money towards. And I respect your decision. But we also make the point that the 200 acres that are directly in the Watershed, that have many substandard lots, that are naturally vegetated, that are within the two-year contributing zone, we do believe those are the most important parcels for protection.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And those are on Master List One and Two.

**DIRECTOR ISLES:**

Correct.

**CHAIRPERSON VILORIA-FISHER:**

But, Tom, I'm going to go back to the question that I asked about the form, because I think it's an important piece of information that we need to have going forward. And you and I will not be here next year. And so I think it's something that the Planning Department -- once this is named and identified by the Town of Brookhaven, and it might become another program for our estuary protection, and let's say we call it the Forge River Restoration Project, would that become part of that "E" portion of the ranking system and thus give it a higher ranking?

**DIRECTOR ISLES:**

Right. "E" refers to the legislation that created and then extended the Quarter Percent Drinking Program. So that's where that comes from. So if a parcel is identified as being within a watershed, that then deems it to be eligible for program spending, for funds spent under that program.

**CHAIRPERSON VILORIA-FISHER:**

In the referendum we don't name those programs.

**DIRECTOR ISLES:**

Yeah, this is directly from the Quarter Percent Program, that language there.

**CHAIRPERSON VILORIA-FISHER:**

That subset of programs?

**DIRECTOR ISLES:**

Yep.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So then it would be included?

**DIRECTOR ISLES:**

Well --

**CHAIRPERSON VILORIA-FISHER:**

But then it makes our ranking system not have flexibility.

**DIRECTOR ISLES:**

Well, I think the --

**CHAIRPERSON VILORIA-FISHER:**

I mean, because it's in the language doesn't mean that it has to be part of the rating, does it? I'm just asking Laretta --

**MS. FISCHER:**

It just has to meet one of those criteria. So it can be Open Space, which is a more generic term and would be able -- those properties would be able to be identified as such. And that's what was identified -- this property was identified as. So it wouldn't exclude it from the program because it has -- there is a more generic category that could be considered. The way the legislation for the new New Drinking Water Protection Program stipulated was within those three programs specifically for that -- for "E." But it doesn't preclude you from looking at them as to other categories and their respective --

**CHAIRPERSON VILORIA-FISHER:**

Laretta, you know when I walked the property with you, I thought it looked pretty ugly.

**MS. FISCHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

I wouldn't want to live next to it. I'd like to walk it again with John in better weather because --

**MS. FISCHER:**

That would be helpful.

**CHAIRPERSON VILORIA-FISHER:**

Because it was really not the best way to walk a property on Friday in all that rain with -- and see what's there. My feeling about it was that I was concerned about invasives because it's fallow. The vegetation that I saw there wasn't natural vegetation. John is testifying that there is natural vegetation that's beginning there.

**MS. FISCHER:**

There is some secondary growth. The successional growth is starting but it's --

**CHAIRPERSON VILORIA-FISHER:**

It was hard to see in the rain.

**MS. FISCHER:**

Yeah.

**CHAIRPERSON VILORIA-FISHER:**

I'm concerned about it being a dumping ground because it's kind of not attractive on its periphery without that. So these are all things I think we also have to consider that aren't mentioned in the -- you know, they're not part of the ranking system, but that's part of the impression. So these are all considerations that we have.

I think there are other questions? Anybody have -- no other questions? Oh, excuse me, okay, Legislator Romaine.

**LEG. ROMAINE:**

I'm going to defer to my colleague who's not a member of the Committee, but would like to make a few comments regarding this property. And so with your permission, I'll turn this over to Legislator Browning. And then I'll comment at the end.

**CHAIRPERSON VILORIA-FISHER:**

I would have been happy to recognize her, Legislator Romaine.

**LEG. BROWNING:**

No, I don't actually have any questions for Tom. But the reason I'm here today is because I strongly support this; because it's on the east side of the Forge River Watershed, I still think it's a very important piece. You know, there's potential of having 28 homes and cesspools. And if you look to the west of the river and you look at the overdevelopment and what has occurred over many, many years, I can't reverse what happened there. So now I have to deal it.

And we're trying to look at creating the sewer district, you know, and prevent the overdevelopment. And if you look at where this is, and I give you a piece of paper with -- it's got three pictures. And it's a very flooded area. That is directly across the street. So when it rains and the water rises, that's directly across the street from the Shaw property. And so let's think about putting 28 homes with cesspools. Where are those cesspools going to flow out to? The nitrogens in those cesspools is going to flow out into that. And that's one of my major concerns.

And I know you said, you know, it's not an attractive looking property but, you know, that can be fixed. It can be cleaned up. Maybe it has been a bit of a dumping ground. But when you talk about it being a dumping ground, building 28 homes with cesspools is now a dumping ground into the Forge River. And so I'm seriously concerned about allowing anymore development.

I've been working with Tom to start looking around the Forge River and saying, okay, where there's any proposed development, we need to stop it. It has to stop. And I think that's what's important about this. It is not overdeveloped over there. And we need to prevent overdevelopment. And until we can create a sewer district and have a sewage treatment plant, we have to be careful; because once you put in these homes, and put in these cesspools, you can't go back. And this Forge River, like you said, for the past six years I've been working on this. And I think this is an extremely important piece of property for the Forge River Watershed.

And I do think that we have an environmental crisis going on with the Forge River. And anything within that Watershed, and if you look at that, I believe it says the groundwater contributing boundaries, it's in the 10 to 25 year boundary. And like I said, let's not -- you know, I understand money is an issue. But if we were to continue to allow development, it's going to cost us even more in the future because of the development that we're going to create around the Forge River.

**CHAIRPERSON VILORIA-FISHER:**

Kate, you realize that in your district, there are some zero to two year properties that are on the Master List that we're trying to acquire.

**LEG. BROWNING:**

And I think they should have been on the Master List to be honest with you.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Legislator Romaine.

**LEG. ROMAINE:**

Thank you. Since we're discussing debating the issue, I do want to say a couple of words. Again, my words fail in comparison to the speakers that spoke today. And I want to go specifically to each of their comments because they were, I think, cogent and tangent on this issue. I'll start with the President of the affiliated Brookhaven Civic organizations, Maryanne Johnston. Yeah, there's a lot of properties in the Forge River. Most of them are developed. There's a large part -- there's 20 percent that isn't developed and very few property owners who are willing sellers.

You have a willing seller on a piece of property that is in the Forge River Watershed that is going to add to the total nitrogen load. And I definitely want to go to my good friend Kevin McAllister, the Bay Keeper. When is it that we add injury to insult? When is it? How many more could we have prevented? This river is almost beyond repair because of the damage that has been done year after

year after year. And yet we sit here with a willing seller. We sit here with the planning steps that was adopted unanimously out of this Committee last year. And we stand here with signed contracts. And someone says *well, where's the County Executive?* This is a County Exec resolution, which I'm supporting; which Kate Browning's supporting; which people in this area are supporting. Because they know the damage of more cesspools in this area.

We have an opportunity. You can talk theoretically about potential future purchases, but this is before us now. And our judgement is to weigh this. And then my good friend John Turner, who has done so much for Open Space in Brookhaven, has spoke eloquently, with keen and careful eye to see what others could not see about habitat, about vegetation, about the importance to the natural world of this property that looks so neglected and abandoned by others; a keener eye sees potential. You take these three testimonies together. What you have is a clarion call for preservation.

This is before us now. This is going to affect the Forge River Watershed. I have great respect for our Planning Director. I think he understands some of the limitations of the current form. And if he were to stay longer, and I wish he would, he would probably redraft that form. But we're given the wisdom, the wisdom that we've made decisions in Mt. Sinai about, wisdoms that we made in West Hills about. And we have the wisdom now to say that people in my district have as bumper stickers on the back of their car "Save What's Left." Save what's left of this Watershed. Let's not vote for development of this Watershed when all those who care about it testify against it, save what's left. Save it today, save it now, preserve it now. Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Legislator D'Amaro.

**LEG. D'AMARO:**

First, Director Isles, thank you for addressing my comments. I always appreciate that. And I just want to let you know that I agree with you about the form being objective and it's very useful. I think it's guided us in 99 percent of the cases we've considered. And you're right. There were some cases where we got beyond the form. And there was some compelling rationales for moving forward with the purchases. The form is very useful.

And the other thing I want to comment about is especially that your tenure here now is limited, you've always given that full disclosure, which is extremely helpful to me having sat on this Committee now since the beginning of my tenure here. And I do weigh your comments very heavily. And, you know, it's extremely interesting to listen to what you have to say given that full disclosure and your expertise in planning and in these environmental areas.

What happens on this particular application, which we've seen sometimes in the past is we get beyond the objective and we get into the subjective. And that's where we have to weigh out the arguments on both sides. And there are good arguments on both sides. The Chair spoke very convincingly about the fact that, you know, it's a finite pot of funding available. And we need to, you know, in a perfect world we'd like to, you know, acquire everything and preserve everything. But we have to set those priorities. We have to look very closely. But I guess at the end of the day, which I have done in the past, I come down in favoring trying to address so much that has gone wrong in the past. And we don't often get that opportunity.

If an acquisition like this can perhaps stop the trend that we see, I mean there's no denying that this is a problem area, the whole Forge River area, and we've heard a great deal of testimony about that today; if we have an opportunity to try and reverse that trend, I for one usually come down on the side of taking that opportunity. Now, I don't say that lightly in this case; because as I said, there are good arguments on both sides. I do believe that there is sufficient funding available to make the acquisition. And I do believe that the trend should be that in problem areas such as the Forge River, perhaps we should just look a little beyond those objective criteria. So that's where I would come down on this.

But the point I really want to make is that I do appreciate and have always appreciated your comments, just, you know, it's really always on point, always very professionally given. And that expertise is invaluable to me and I know to this Committee. And we're going to miss that.

**CHAIRPERSON VILORIA-FISHER:**

A couple of years ago after having sat on the Environmental Trust Review Board and looked at appraisals of property, looked at where those properties sat with regard to wetlands, I wrote a letter to all of our Town Supervisors and asked my colleagues to sign on with that letter. I think, Legislator Browning, you might remember when we sat at ETRB and said *don't the towns have a responsibility to protect our wetlands? And shouldn't we put them on notice that they have to protect our wetland?*

We are coming very close to the end of our ability to purchase without concern that we're running out of money. We are really getting close to that point. We've expended millions -- hundreds of millions of dollars on land acquisition. And so if we are going to take very, very seriously the protection of our watersheds, then we must have active partners on our town boards. Because we might have pieces of property that are much closer to the Forge River, that will have a much greater and much more immediate impact on the health of that River and rely -- we are going to have to rely on the actions of the Town to protect those properties because we may not have the money to buy ourselves out of the problem. And so I throw down the gauntlet again to the towns to be proactive in the protection of our wetlands. Kate, you know that we went through this at ETRB.

**LEG. BROWNING:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

When we asked the question -- well, I'm not speaking about this particular property, but just in general terms we would ask the question. But this is on DEC wetland. How would they ever be able to get the approvals? And the answer was always, *well, we can't have guarantees.* We don't know what the towns will do.

Well, I put it out there to the Town of Brookhaven. If we are going to have a river that's not going to die, that will remain a vital part of our ecosystem, our economy, our quality of life, and we're expending just about \$3 million on this, then, we need to have the full force of the Town to help us protect those areas that are even more sensitive.

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

**IR 2256, Adopting Local Law No. -2010, A Charter Law to eliminate requirement for verbatim minutes. (Viloria-Fisher)** There had been a note from the Department of Law from Gail Lolis -- I don't know, Gail, if you're still here -- regarding verbatim minutes. And she had not been aware that the CEQ meetings are recorded so we do have a recorded record, a taped record of the proceedings. And so whenever there has been a question as to the verbatim conversations, we have always been able to refer to those. And once I told Ms. Lolis about the taped nature of our records, she said that that satisfied the requirement, that we could go back and look at the verbatim conversations. That being said, I will make a motion to approve.

**LEG. D'AMARO:**

I'm going to second the motion. Also, I just wanted to point out for the record that addresses my question that I had. From time to time if there's litigation and you need the verbatim, is there a way to get to it and you've answered that. So I appreciate that.

**CHAIRPERSON VILORIA-FISHER:**

Okay, there's a motion and a second to approve 2256. All in favor? Opposed? **2256 stands**

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

**IR 1028, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Heritage Square Property Town Of Brookhaven). (Romaine)** And this is the resolution regarding -- which we had several speakers.

**LEG. ROMAINE:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Okay, there's a motion to approve and a second.

**LEG. MURATORE:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

We will be getting the information from our Department.

**DIRECTOR ISLES:**

There is being circulated at this time the package for the Committee including an aerial photograph with the subject parcels indicated in red as well as some other information pertaining to an adjacent planning steps resolution Pine Barrens CGA, Compatible Growth Area, and various ownership information.

Also included is a rating form used in the, here again, the standard County rating form. Let me add, however, that what we have here is a case of two parcels. And you can note that one is a triangular shaped parcel that is extending to the south, and we have a parcel extending to the north, that are divided by a County right-of-way that was spoken of today. That was the former plan County Road 91. That was actually a former rail line that extended from Manorville down to Eastport.

So in this case we have provided to you three rating forms. The first rating form is for the overall parcel. The rating point value is 25 points for the overall parcel. We've also provided to you ratings for each of the individual parcels, here again, because they are divided by the right-of-way. So the parcel to the north taken by itself rated 23 points. And the parcel to the south rated 17 points.

As indicated in the -- some of the comments made during the public portion of today's meeting, the subject property is approved through zoning approval through the Town of Brookhaven for 408 units. In reviewing the site plan for the development, the 408 units are located on the south side of the right-of-way. So they would be on the long triangular parcel. The site plan indicated that the parcel to the north within the Pine Barrens Compatible Growth Area would be set aside as open space. So in conclusion there are --

**CHAIRPERSON VILORIA-FISHER:**

Tom, can you just repeat that? I'm sorry, I was looking at the map. The triangular parcel, say that again.

**DIRECTOR ISLES:**

The triangular parcel is the parcel that would contain the development if the site were developed based on the current approval from the Town of 408 units. So they would be clustered, so to speak, on that triangular parcel. The parcel to the north in the site plan that we viewed would remain as open space. So it is interesting that the County right-of-way is a dividing line, not just in terms of the separation of the parcels, but it's also the dividing line between the properties that are within the Pine Barrens and the parcel that is not within the Pine Barrens.

So similar to the presentation we made to you last year, we have provided the rating forms in this form. So it's 25 overall. It's 23 for the north parcel, which is proposed to be preserved through the Town's approval process and 17 for the south parcel that is proposed to contain the development units. Any questions, we'll try to address those questions.

**CHAIRPERSON VILORIA-FISHER:**

Yes. One of the speakers earlier mentioned that there had been interest on the part of the Town of Brookhaven in the management of the property. Legislator Romaine, you're the sponsor. Is there a resolution coming up before the Town Board regarding that?

**LEG. ROMAINE:**

This is a planning steps, but the Town has expressed interest in managing this. Just immediately south of this parcel is a 64-acre parcel that the Town and County were going to buy together called The Oaks. And the County pulled out so the Town was left purchasing it. Otherwise the Town would be partnering with us on this. But they are definitely interested in managing not only The Oaks property, but the Heritage Square property. And there certainly can be a resolution coming forward from the Town. They would like to manage both properties.

**DIRECTOR ISLES:**

For your information for the board The Oaks property is outlined in yellow on the map before you. It's not labeled as such. It refers to the prior planning steps resolution. But just for your orientation.

**LEG. ROMAINE:**

Right. So I can assume -- if you look at the Planning Department map, what's outlined in yellow is The Oaks. The Town just purchased that alone. And they're interested in not only managing that property but the Heritage Square property as well. So we definitely have an active management partner that would be managing these properties for -- well, for them and then for us.

**CHAIRPERSON VILORIA-FISHER:**

Are there any other questions for the Department? There was a motion and a second. Okay. There's a motion and a second. All in favor? Opposed? Motion carries. **(VOTE: 4-0-0-1.**

**LEG. COOPER NOT PRESENT)**

**IR 1043, Making a SEQRA determination in connection with the proposed stormwater improvements to Meschutt Beach County Park, Town of Southampton. (Pres. Off.)** Okay, it's a Type Two Action. We're going to make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **1043 stands approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**IR 1051, Authorizing acquisition of land under the Suffolk County Open Space Preservation Program for the K. Dunne, M. Dunne and Bartilucci property Robert Cushman Murphy County Park addition Pine Barrens Core, Town of Riverhead (SCTM No. 0600-134.00-01.00-010.000). (Co. Exec.)**

**LEG. ROMAINE:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

In your district again; look at that. This is strange. We have that County property right on the

side of -- just to the west of Wading River Manor Road.

**DIRECTOR ISLES:**

Right, which is Robert Cushman Murphy County Park.

**CHAIRPERSON VILORIA-FISHER:**

So the road runs right through the park?

**DIRECTOR ISLES:**

Yes. No.

**CHAIRPERSON VILORIA-FISHER:**

No?

**DIRECTOR ISLES:**

It runs on a parallel, adjoining it.

**MS. FISCHER:**

No, that's Calverton; the Calverton property.

**CHAIRPERSON VILORIA-FISHER:**

So that line just to the west of the road --

**MS. FISCHER:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

-- the eastern most boundary --

**MS. FISCHER:**

-- goes up to Wading River Road. And that's County-owned land.

**CHAIRPERSON VILORIA-FISHER:**

Okay. So then how is this property -- I'll let you explain.

**LEG. ROMAINE:**

It's an out parcel.

**CHAIRPERSON VILORIA-FISHER:**

It's just an out parcel?

**LEG. ROMAINE:**

Everything west of that road, west of that green line is in the Suffolk County Robert Cushman Murphy Park.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**LEG. ROMAINE:**

A park that I voted for when I was originally in this Legislature. And your predecessor was the one that pushed that and named the park, Legislator now Assemblyman Englebright.

**CHAIRPERSON VILORIA-FISHER:**

Okay, so that was just an out parcel. We're finishing the -- okay.

**DIRECTOR ISLES:**

It's surrounded on three sides by County parkland.

**CHAIRPERSON VILORIA-FISHER:**

I'll make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

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

**LEG. ROMAINE:**

Would the Clerk please list me as a co-sponsor.

**CHAIRPERSON VILORIA-FISHER:**

**IR 1052, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Kalamaras, U. Altop and H. Altop property Triangle Farm, Town of Riverhead (SCTM No. 0600-079.00-01.00-005.001 p/o). (Co. Exec) Town of Riverhead again. Wow, you're really batting a thousand here.**

**LEG. ROMAINE:**

That's where the vacant land is. Motion.

**CHAIRPERSON VILORIA-FISHER:**

Well, can we talk about it a little bit?

**LEG. ROMAINE:**

You usually make a motion before you enter into discussions. So motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Well, usually on these we don't have to do that. We can just listen to the explanation first from the Planning Department. Seconded by Legislator Muratore. Legislator Romaine's very eager. Go ahead.

**DIRECTOR ISLES:**

Okay. Subject property is 34.5 acres. This is a purchase of development rights for property located along the east side of Edwards Avenue in Calverton. The subject parcel is currently farmed. Recent crops have included corn and pumpkins. The acquisition is a negotiated purchase of \$58,000 an acre which would be \$2,001,000 based on the estimated acreage. If you have any questions, we'll try to address those questions.

**CHAIRPERSON VILORIA-FISHER:**

Crop farming. And they're going to continue the same activity. I'll make a motion to approve.

**LEG. ROMAINE:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

There was already a motion and a second, yeah. See, you through my routine off here, Legislator Romaine. Okay. All in favor? Opposed? Motions stands as approved. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**LEG. ROMAINE:**

Will the Clerk list me as a co-sponsor.

**CHAIRPERSON VILORIA-FISHER:**

**IR 1053, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Roselle Building Company, Inc., property Town of Riverhead (SCTM No. 0600-061.00-02.00-009.000). (Co. Exec.)**

**DIRECTOR ISLES:**

Subject parcel is outlined in red on the maps being handed out to you. It's 58.3 acres. It was rated by the Suffolk County Farmland Committee and subsequently accepted by the Legislature. Has a rating of 16 out of 25. Typical passing grade for that guideline is 10 so it's significantly above that.

This is an area with significant County-owned development rights as you can see on the map before you. The proposed acquisition is at \$72,000 an acre which at the estimated acreage would be \$4,197,600 in total cost. This is a, here again, PDR acquisition. The current farming on the property by the {Rocamp} family is vegetables. If you have any questions, we'll try to address those.

**CHAIRPERSON VILORIA-FISHER:**

I'm trying to remember but -- but that seems high for Riverhead. Is it because of Calverton?

**DIRECTOR ISLES:**

I didn't hear the last part of your question.

**CHAIRPERSON VILORIA-FISHER:**

The cost per acre seems high for Riverhead. Just working from memory here. Isn't that a little high? Is that higher than usual?

**DIRECTOR ISLES:**

It does seem, you know, based on the review of the Environmental Trust Review Board agenda to be a little bit on the higher side in Riverhead. Other towns are higher than that even. As we see, the prior one, Kalamaras was 58,000. The appraised value -- the offered value is based upon two appraisals reviewed by the County's internal licensed appraisers as well as reviewed by the Internal Review Board and the Environmental Trust Review Board. So, if you would like, we can furnish you with the appraisals, but at this point it does appear to be the fair market value of the property based on that process.

**CHAIRPERSON VILORIA-FISHER:**

I was asking, I guess, an academic question because it's Calverton, are the comps higher there?

**DIRECTOR ISLES:**

I can't comment on that specifically. I'd have to defer to Real Estate.

**CHAIRPERSON VILORIA-FISHER:**

I don't remember from ETRB why. But clearly we approved it.

**DIRECTOR ISLES:**

Right. And it's based on highest and best use and a lot of information that goes into that. And, here again, comparables and so forth, so. The appraisals do have to be filed with the Clerk of the Legislature in this process, so you would have access. And certainly we could help you on that.

**CHAIRPERSON VILORIA-FISHER:**

Well, I'll take a look at that and I can answer my own question. I don't remember you (referring).

**DIRECTOR ISLES:**

This is John Corral. John Corral is a Planner with the Suffolk County Planning Department as of three years this Friday. We're happy to have hired him. We did a recent staff change where John is rotating with Andrew Amakawa, who has now moved into the Zoning and Subdivision section. John is coming on board in the Farmland section. I believe in cross training and so John's part of that.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Welcome, John. Nice to meet you. Okay, Legislator Romaine, would you like to make a motion?

**LEG. ROMAINE:**

Yes, I'll make a motion for approval.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll second that. All in favor? Opposed? Motion carries. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**LEG. ROMAINE:**

Will the Clerk please list me as a co-sponsor.

**CHAIRPERSON VILORIA-FISHER:**

**IR 1054, Authorizing the acquisition of Farmland Development Rights under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) for the Wickham property - Wickham Fruit Farm, Town of Southold (SCTM No. 1000-103.00-11.00-022.000). (Co. Exec.)** And, you know, Tom, I remember this one from ETRB.

**DIRECTOR ISLES:**

Okay. The subject parcel as indicated is outlined in red on the aerial before you. We've also attached, as is requested of the board, the rating form that was reviewed by the Suffolk County Farmland Committee and subsequently by this Committee and the Legislature. The acquisition is a purchase of development rights for six acres of land at a cost of \$81,000 per acre for a total based on the estimated acreage at \$486,000.

As you will note on the map, the County owns a significant portion of the development rights to the Wickham Fruit Farm. This family has chosen to sell in pieces. And as interest continues, the County has been able to expand the holdings. The current crops are vegetables and fruit. If you have any questions, we'll try to address those questions.

**CHAIRPERSON VILORIA-FISHER:**

Tom, I just have a question about the rating. The parcel that surrounds it, some of them we -- Suffolk County already has PDR, but they are till -- but they're part of the Wickham property. Are they part of the Wickham?

**DIRECTOR ISLES:**

Yes.

**CHAIRPERSON VILORIA-FISHER:**

So then if we look at the parcel as a whole, would that raise the vista, you know, that particular part of the rating system? Because it seems like such a low rating, the 11 and-a-half. But if we looked at it holistically, parcels that we've acquired previously and added this one on --

**DIRECTOR ISLES:**

We do not add that on because it doesn't have direct road frontage. And even though the other

parcels do have direct road frontage, those are already protected. So based on, here again, the method used just strictly on this parcel, what are the facts of this parcel. The adjacent parcels, here again, do have vistas but they're already protected. And let me just point too --

**CHAIRPERSON VILORIA-FISHER:**

Although they're part of the same farm, we treat them separately because it's a new acquisition.

**DIRECTOR ISLES:**

Right. And for you to make a decision. You know, the 11.5 sounds low but it's --

**CHAIRPERSON VILORIA-FISHER:**

It's acceptable.

**DIRECTOR ISLES:**

It's not bad. It's 46 percent above the minimum; or 46 percent of the maximum score. So the Farmland Committee has certainly had 10 and 10.5 and so forth. So given that it's only 7 acres but it's part of a larger parcel, I consider it to be a respectable score under these circumstances.

**CHAIRPERSON VILORIA-FISHER:**

Okay. With the new Article Eight, what was the minimum acreage?

**DIRECTOR ISLES:**

The minimum acres to define a farm is 7 acres. And a farm operation is defined as the collective farm.

**CHAIRPERSON VILORIA-FISHER:**

Okay. And this is 7 and-a-half acres.

**DIRECTOR ISLES:**

This piece is 6 acres.

**CHAIRPERSON VILORIA-FISHER:**

Six acres. Okay. But --

**DIRECTOR ISLES:**

This particular piece. But it's part of and directly adjacent to --

**CHAIRPERSON VILORIA-FISHER:**

-- we used our judgement because it's part of the --

**DIRECTOR ISLES:**

Commonly owned --

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**DIRECTOR ISLES:**

Similarly owned property.

**CHAIRPERSON VILORIA-FISHER:**

Okay. Good. All right. 1054.

**LEG. ROMAINE:**

Motion to approve.

**CHAIRPERSON VILORIA-FISHER:**

Motion to approve by Legislator Romaine, second by Legislator Muratore. All in favor? Opposed?  
**IR 1054 stands approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**LEG. ROMAINE:**

Will the Clerk please list me as a co-sponsor.

**CHAIRPERSON VILORIA-FISHER:**

Okay, the next one is a little different. It is not in Legislator Romaine's district. **IR 1055, Authorizing acquisition of land under the Old Suffolk County Drinking Water Protection Program [C12-5(E)(1)(b)] for the Bergmann property - Pine Barrens Core - Town of Southampton - (SCTM No. 0900-333.00-03.00-007.000).(Co. Exec.)**

**DIRECTOR ISLES:**

This is a parcel also located in the core. This is just north of Gabresky Airport and a little bit to the west of that. Parcels that the County currently owns are outlined in green. So you can see we own quite a few parcels. This is in the vicinity of the Dwarf Pine Plains; so as a core parcel it is one that the County working with the other agencies, the state and the towns, are seeking to preserve the maximum amount possible. In this case we have a parcel of 1.47 acres with a purchase price of \$25,680. If you have any questions, we'll try to address those questions.

**LEG. ROMAINE:**

Is the purple Town of Brookhaven or Town of Southampton?

**DIRECTOR ISLES:**

Town of Southampton, correct.

**LEG. ROMAINE:**

So I guess you'll correct that.

**DIRECTOR ISLES:**

Yes.

**LEG. ROMAINE:**

Thank you.

**CHAIRPERSON VILORIA-FISHER:**

Good. Motion by Legislator Romaine, seconded by myself. All in favor? Opposed? Motion carries. **(VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**IR 1056, Amending Resolution No. 1129-2007 in connection with the Suffolk County Multifaceted Land Preservation Program and authorizing acquisition under the Suffolk County Multifaceted Land Preservation Program Parkland purposes for the Boys & Girls Harbor, Inc. Property, Town of East Hampton (SCTM Nos. 0300-092.00-01.00-011.001 and 0300-074.00-05.00-030.002). (Co. Exec.)** And that's just changing the program because the other one expired; right? Or changed? Why are we changing the program? Okay. All right. Okay, I'm sorry that wasn't on the record. It was -- the use of the property was reduced. Okay? Mr. Isles?

**DIRECTOR ISLES:**

Thank you. Subject property is known as The Three Mile Harbor County Park Addition, also known as the Boys and Girls Harbor, Inc. This is property located in the Town of East Hampton, obviously in the vicinity of Three Mile Harbor. It is a parcel outlined in red on the aerial photograph before you of about 27.8 acres of land. Noting some other features on the map directly adjacent to the property to the west is Suffolk County property of about 57 acres which is known as the Duke property, which was an acquisition a number of years ago by Suffolk County. And then in addition there are other parcels that are owned by the Town of East Hampton outlined in blue, here again,

leading into Three Mile Harbor.

The subject parcel was approved for acquisition by this body, the Legislature, in November of 2007. There were subsequent matters of debate including some litigation and a result in change to the acquisition working with our partner, which is the Town of East Hampton. This is a 50/50 acquisition. The Town is contributing half the funds for the acquisition. It was originally a parcel identified in Master List Three. And in terms of the program, maybe the question before, the acquisition was approved in 2007 for Multifaceted. It remains under that program, under the Land Preservation Partnership Program.

The use of the property did go through some changes and it's somewhat further defining the use zone, for example, looking at the resolution, the introductory resolution before you, where it talked about trails, it now says "hiking trails." And when it talks about non-motorized biking trails and just further defines the uses.

The second thing that happened is the site does have some buildings on it when it was reflecting its prior use as a camp. Further review with the Town, those buildings would be removed with the exception of one building. So the site would have limited use. It would be mainly Open Space. The purchase is under a parkland category. It has gone through the SEQRA process with CEQ and this body for the SEQRA resolution. So today we are asking you for a resolution then that would enable us to complete the acquisition at this time with the Town of East Hampton. If you have any questions, we'll try to address them. I'm sorry?

**CHAIRPERSON VILORIA-FISHER:**

So, it'll be passive rather than active use with the exception of the one building?

**MS. FISCHER:**

Well, actually it's called parkland use. And it's been further defined as the one area with the building is in active use for educational purposes. And the remaining portion of the property would be primarily passive recreation. But it's under the parkland category under Multifaceted so we can accommodate those uses.

**CHAIRPERSON VILORIA-FISHER:**

Okay. I'll make a motion to approve, seconded by Legislator Muratore. All in favor? Opposed?  
**1056 stands approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**IR 1059, Accepting and appropriating 50% Federal grant funds from the United States Environmental Protection Agency to the Department of Health Services, Division of Environmental Quality for the National Estuary Program. (Co. Exec.)** And this is accepting \$472,000 from the EPA.

**LEG. ROMAINE:**

Motion.

**CHAIRPERSON VILORIA-FISHER:**

There's a motion by Legislator Romaine. I'll second that. All in favor? Opposed? **1059 stands approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**LEG. ROMAINE:**

Could the Clerk please list me as a co-sponsor.

**CHAIRPERSON VILORIA-FISHER:**

Please list me as a co-sponsor, as well, Renee. Thank you.

**IR 1063, Amending the Composition of the Environmental Trust Review Board. (Browning)**  
And for those of you who may not remember this, this would be amending the nine-member ETRB to

allow a representative from the Department of Health Services, Department of Environmental Quality to appear for the Health Commissioner and allow the Parks Commissioner to send a designee. So, in fact, that has been done in practice and so this codifies it. I make a motion to approve.

**LEG. D'AMARO:**

Second.

**CHAIRPERSON VILORIA-FISHER:**

Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1063 stands approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)**

**IR 1067, Amending Resolution No. 622-2006 in connection with stormwater system --** and now I know what Mr. Anderson is here. No, that's not it? Not that one. Okay. **Discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters North from CR 76, Townline Road, to Miller's Pond, Smithtown (CP 8710). (Kennedy)** I feel like I've seen this before, Frank. Can you come up and talk about this for a minute?

**MR. CASTELLI:**

Frank Castelli from Environment and Energy.

**CHAIRPERSON VILORIA-FISHER:**

Frank, this is the one we approved in the Water Quality Review?

**MR. CASTELLI:**

No, this is an older project. This is the Nissequogue River, Phase One. This is merely a technical correction to the original funding resolution. The original funding resolution placed all \$250,000 in a capital project code that's designated for design and planning.

**CHAIRPERSON VILORIA-FISHER:**

We didn't need all that for the planning.

**MR. CASTELLI:**

No, no. The proper code -- it should have contained \$25,000 in planning. And the remaining 225,000 should have been placed into a capital code that accommodates construction.

**CHAIRPERSON VILORIA-FISHER:**

Okay.

**MR. CASTELLI:**

So this is a contract that was -- we were in the process of executing and the Budget Office picked up this -- the difficulty in the coding. And this is merely a technical correction to correct that.

**CHAIRPERSON VILORIA-FISHER:**

Okay, thank you very much for the clarification. I'll make a motion to approve, seconded by Legislator Muratore. All in favor? Opposed? **IR 1067 is approved. (VOTE: 4-0-0-1. LEG. COOPER NOT PRESENT)** You know, we've seen so much over in that Nissequogue tributary and all of that, that it boggles the mind.

We have already approved 1082, 1083, 1084 and 1097. So that concludes our agenda. Are there any other comments, questions or business? There being none, I'll make a motion to adjourn, seconded by Legislator D'Amaro. We stand adjourned.

**THE MEETING CONCLUDED AT 3:28 PM**  
**{ } DENOTES SPELLED PHONETICALLY**