

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 March 14, 2011.

MEMBERS PRESENT:

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

ALSO IN ATTENDANCE:

William J. Lindsay, Presiding Officer
George Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel
Eric A. Kopp, County Executive's Office
Laura Halloran, Budget Review Office
Barbara LoMoriello, Deputy Clerk
Thomas Isles, Director of Department of Planning
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Janet Longo, Real Property Acquisition & Management
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
Gail Lolis, County Attorney's Office
Marge Acevedo, Aide to Presiding Officer
Pamela Greene, Director of Real Estate
Ali Nazir, Aide to Leg. Kennedy
Rick Brand, Newsday
Kara Hahn, Communications Director, Presiding Officer
Edward M. Taylor, Esq.
Linda Donato
Annemarie Prudenti
Sean Walter
And all other interested parties

VERBATIM MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:01 PM

CHAIRPERSON VILORIA-FISHER:

I will call today's today meeting of the Environment, Planning and Agriculture Committee to order. Okay, please join us in the Pledge of Allegiance.

SALUTATION

And can we just have a moment of silence for the people who are suffering in Japan.

MOMENT OF SILENCE OBSERVED

Thank you. Okay, we do have one member of the public who would like to speak and that is Edward Taylor.

PUBLIC PORTION

MR. TAYLOR:

Okay. I'm here on behalf today of my client. First, my name's Edward Taylor and I'm with the law firm of Taylor, Eldridge, 811 West Jericho Turnpike in Smithtown. I'm here today on behalf of my client, which is the Stony Brook Medical Park Condominium located in Nesconset Highway in Stony Brook. I'm here with Linda Donato, who is the managing agent of the condominium.

We're here on the issue of land acquisition. The condominium is next to a piece of property, I believe, it's owned by DPW. About 8 years ago -- 8 or 9 years ago the condominium bought a strip of land from the County that was out of that DPW parcel to use for parking lot purposes. The condominium has had endemic parking issues over the years. And as the services have grown in the condominium, they needed this extra parking.

Once they then started to put in the paving of that parking lot, they realized that there was another 50 feet that they could have used originally and that they were interested in purchasing further 50 feet; that would greatly facilitate the use of that other parking lot just because the way the configuration of the buildings were.

The original piece of property they bought was 50 feet wide and 600 plus feet long. And they bought that for about \$20,000 in 2002. In 2008, the spring of 2008, we approached the County Department of Real Estate and inquired about that additional piece of property which was 100 feet -- 116 feet by 50.

Initially the County came back to us and said that that property would cost us \$18,500. We paid 20,000 -- a little bit less than 20,000 for a piece that was five times larger. So we inquired as to whether that would be the final price or whether we could somehow negotiate that price. They asked us to do an appraisal, which we did; submitted the appraisal for 12,000. They were at 18.5. We were at 12. We agreed on \$15,000 as the price for the property.

They were going to sell it at an auction -- at a public auction in October of '08. So we ran in with our \$15,000 check. They sent us a memorandum of purchase and agreement -- by the way I have documents here for the members of the Committee if they would want them. So then we agreed on the \$15,000. We signed the Memorandum of Agreement and submitted that to the County in a timely fashion. That in or about December -- November or December of 2008.

The agreement said that if they could -- the Department of Real Estate could renege on the agreement within 30 days and that it was indeed subject to approval by the Legislature and the County Executive. We never heard anything for the next year-and-a-half despite my many phone calls to the Department of Real Estate. Then they said it was being handled after a while by the

County Attorney's Office. I called there. In the spring of 2010 I was notified by the County Attorney that they decided to do another appraisal. This is a year-and-a-half after we had made the original agreement.

In about August of 2010 we received a copy of the appraisal for \$25,500. And then the County Attorney's Office then required us to pay an additional \$10,500, which we thought was unfair. We had an agreement signed from a year-and-a-half earlier. They did their appraisal a year-and-a-half earlier. We did ours a year-and-a-half earlier. They were fairly close. We agreed on an amount. We signed an agreement. It said that they could cancel it within 30 days if they wanted to. They didn't. We didn't hear anything for a year-and-a-half -- by now it's more than a year-and-a-half in the summer of 2010. And since then we've been going back and forth with them saying that we need to pay an extra \$10,500 for this piece of property when, we feel, we had an agreement with the County and paid the money on time and they kept -- they've had our money for the past -- now it's two plus years of \$15,000. And I've never gotten an explanation from the County as to why our original agreement wasn't good other than the fact that they came up with a new appraisal over a year-and-a-half later.

CHAIRPERSON VILORIA-FISHER:

Thank you. Are there any questions?

LEG. ROMAINE:

Yes.

CHAIRPERSON VILORIA-FISHER:

For Mr. Taylor. Legislator Romaine.

LEG. ROMAINE:

Actually, you know, as Legislators we don't usually get involved in the nitty gritty of county government. We usually make policy. But that does not prevent us from time to time raising questions about something of that nature. It's disturbing to me that you have made outreach both to the Department of Public Works and the County Attorney's Office and many of your telephone calls were not returned. That's not the way County government should run.

MR. TAYLOR:

I wouldn't say that they weren't returned.

LEG. ROMAINE:

Okay.

MR. TAYLOR:

I did speak to people and I have a list of all the people I spoke to.

LEG. ROMAINE:

Okay.

MR. TAYLOR:

They just told me they didn't know what was going on with it; that somebody else was handling it and they would get back to me, etcetera. It took --

CHAIRPERSON VILORIA-FISHER:

And, Legislator Romaine, I made calls on his behalf, too.

LEG. ROMAINE:

Okay.

CHAIRPERSON VILORIA-FISHER:

And that's why I finally asked him to just come here. And I asked Ms. Greene to come here -- to be here also so that we can finally get to the bottom of this because I haven't been able to get answers that make sense.

LEG. ROMAINE:

Well, Madam Chairman, if there's anyone that can get to the bottom of anything, I'm sure it's yourself as a skilled and capable Legislator. And I certainly would support whatever you wish to do. However, I just would say that you had a signed agreement with the County Attorney's office; is that correct?

MR. TAYLOR:

Correct. It's in the packet -- the check we sent -- a copy of the check is page nine. And the agreement is on page 13, 14, 15 and 16.

LEG. ROMAINE:

Well, something quite frankly is drastically wrong. If you had a signed agreement with the County of Suffolk, and that agreement was not honored -- I mean governments are no different than people. You should act honorably. If you have an agreement, you should abide by the agreement. If you want more money because you think the market place can command more money after you signed an agreement -- I used to call that when I was a little boy an Indian-giver. Okay? I don't want to say that that way, but I mean that's what you would say if someone offered you something and then took it back.

So I clearly have problems with this because as a member of county government, I want county government to act with honor. And if they make an agreement to abide by that agreement -- so I'm sure your Legislator, Legislator Vivian Vilorio-Fisher, is pursuing this. I'm glad you asked him to come this Committee. But clearly unless there's some compelling circumstances that I don't see here, something's wrong somehow.

CHAIRPERSON VILORIA-FISHER:

Legislator D'Amaro has a question for you.

LEG. D'AMARO:

Okay, thank you, Madam Chair. Good afternoon. Before I draw any conclusions, I know there's always two sides to a story. And I don't know whether or not the County is living up to its agreement or not. But I did want to ask a few questions to try and get at some answers. You have a contract with the County right now; is that correct? And is it your position that the County's in violation of that contract?

MR. TAYLOR:

Well, it's our position that we have an agreement with them, a contract with them. Are they in violation? I would say to some extent because they refuse to go ahead with this deal --

LEG. D'AMARO:

But do you have a legally, enforceable contract? And has the County breached that contract?

MR. TAYLOR:

In my opinion yes.

LEG. D'AMARO:

Okay. And what's the basis of the breach?

MR. TAYLOR:

We have agreed to pay money for this property and for them to put it to the County Legislature for approval. And I believe that they've not done that.

LEG. D'AMARO:

So you have a legally enforceable action or cause of action against the County?

MR. TAYLOR:

I believe we do. I'm one attorney. Attorneys can differ. And we haven't -- I've talked about this with my client about taking this to a legal forum of litigation.

LEG. D'AMARO:

Right.

MR. TAYLOR:

You know, we're talking about \$10,000 here. And in all fairness my client would wind up paying me that money instead of the County even if we won the case.

LEG. D'AMARO:

Can I get copy of the contract?

MR. TAYLOR:

It's in the materials.

LEG. D'AMARO:

It's in the materials.

MR. TAYLOR:

It's in the materials. I think it was page 15.

LEG. D'AMARO:

All right. I'll take a look at that.

MR. TAYLOR:

The agreement of sale is on page 14.

LEG. D'AMARO:

So after the contract was executed, the County had a 30-day right to rescind the contract; is that what you had mentioned?

MR. TAYLOR:

Yeah, this is their agreement.

LEG. D'AMARO:

Right.

MR. TAYLOR:

They put this together.

LEG. D'AMARO:

And the County never sent you any kind of notice rescinding the contract.

MR. TAYLOR:

No. They did send me in August of '08 -- I'm sorry, August of 2010, 18 months later, an appraisal saying \$25,500. And they have communicated with me by phone that they are asking me to pay that -- the condominium to pay that extra money.

LEG. D'AMARO:

Do you know the reason why the County did not submit a bill to the Legislature for approval? Did

the contract require approval of the sale; require approval of the Legislature? I believe it did.

MR. TAYLOR:

Legislature, yes. And --

LEG. D'AMARO:

Was a bill ever submitted to us?

MR. TAYLOR:

I don't believe so.

CHAIRPERSON VILORIA-FISHER:

I couldn't find it.

LEG. D'AMARO:

Do you know why the County waited 18 months?

MR. TAYLOR:

I don't. In those 18 months, I was trying to find someone to speak to and never really got any answer.

LEG. D'AMARO:

Does the contract obligate anyone to submit a bill to the Legislature for approval of the contract?

MR. TAYLOR:

I believe it's at least contemplated. I don't think there's a time limit, but it is contemplated -- it states in there that the agreement is subject to approval by the Legislature and the County Executive.

LEG. D'AMARO:

I see. Okay. All right. Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Mr. Turner. We'll be addressing questions to Miss Greene when she comes up when we begin the agenda. Thank you very much. Linda Donato?

MS. DONATO

Hi, everyone. For Mr. D'Amaro, just to answer his question, we had purchased property prior to this. And it did go before the Legislators for approval. So I would take it upon -- what Ed had told you, that we would have to follow the same practice.

The reason for the purchase of the property is so that the doctors and staff can park there and give accessibility to the patients of the Stony Brook Medical Park. And so the patients can actually park in front of the buildings and give them access with the wheelchairs and handicap equipment. So that was the initiative on purchasing the property.

CHAIRPERSON VILORIA-FISHER:

Thank you.

MS. DONATO

Thank you very much for listening today.

CHAIRPERSON VILORIA-FISHER:

Any questions for Miss Donato? Okay, thank you. And please stick around. Okay? Our next speaker is -- Supervisor, can we hold onto you until we get to the agenda? Because we'll be

deliberating on the appointment or did you want to --

SUPERVISOR WALTER:

I have to leave quarter to two.

CHAIRPERSON VILORIA-FISHER:

We only have AnneMarie Prudenti. And then we'll get right to you. Okay? And I know you're together so we'll encourage her to be brief. Go ahead, Ms. Prudenti.

MS. PRUDENTI:

Good afternoon. I'm here and I'd like to speak about two resolutions: Resolution 1229 and resolution 1991.

On behalf of resolution -- Introductory Resolution 1229 for the preservation of the Zoumas property, section block lot number 600-75-3-4, the Town of Riverhead would like to express its support for the preservation of this parcel. As the Committee is probably aware, this parcel is slated for commercial development. It lies on the south side of Route 25A approximately 1400 feet east of Wading River Road.

What is unique about this parcel is to the east and to the south it is surrounded by core preservation lands. While it's in the Compatible Growth Area, its immediate neighbors are within the core. And to the north you have active farmland.

What's even more significant is within the core preservation lands, which abut this piece of property, and it's known as the Schiff Scout Camp, is located Duck Pond. Duck Pond is a glacial pond approximately 30 feet deep. The area where this property is located is Wading River. It's very rural. It has some commercial development. And the commercial development that currently exists, actually it's argued by the residents meets the needs of the community.

On behalf of the Town, I would like to submit at this point a letter supporting the preservation and the creation of a hamlet park for the benefit of the residents of Suffolk County. May I do so at this point?

CHAIRPERSON VILORIA-FISHER:

Thank you very much.

MS. LOMORIELLO:

Is that for the record?

MS. PRUDENTI:

For the record. Thank you.

On behalf of resolution 1991, that's the proposed slated preservation of a parcel located on Sound Avenue. As this Committee, I'm sure, is aware, this area of Sound Avenue is within New York State scenic corridor and extends about 500 feet to the north of Sound Avenue. This parcel of property is split zoned. The portion of the property located on Sound Avenue approximately five acres is a commercial zoning. And the back portion of the property is residential. The residents in this area have actively advocated for its preservation due to the scenic corridor in the area and due to the compatible uses in the area.

Again, I have a letter to submit to the Committee. And while the letter states support for the preservation, at the request of the Supervisor, who I will do a simple disclosure, at one point in time before becoming Supervisor of the Town of Riverhead, he actually represented the owner of this subject property; hence, I have been requested to present this to the Committee. But he has, in fact, and the Town Board has authorized me to make a representation that this letter be supplemented and that it reflect not simply support of the preservation of this parcel, but also

support for the creation of a hamlet park and the management by the Town of Riverhead in the event that the County seems fit to do so. May I submit that at this time?

CHAIRPERSON VILORIA-FISHER:

Actually, Ms. Prudenti, thank you for your testimony. And it was actually the suggestion of this Committee that we look at this parcel from a different point of view as a hamlet park after we had heard from many of the residents who lived in the area. And they expressed how they would see the use of this property. And it seemed to fit better into our Hamlet Park Program. So it was indeed the suggestion of this Committee that it be seen as a hamlet park and so we're on the same page with that.

MS. PRUDENTI:

Terrific.

CHAIRPERSON VILORIA-FISHER:

And we'll see how the rating and the planning turns out as a hamlet park. Okay.

MS. PRUDENTI:

As I represented the Town of Riverhead, we'll be submitting an amendment to the letter that I just provided to reflect the support of the hamlet park and to reflect management by the Town if the County so requires.

CHAIRPERSON VILORIA-FISHER:

Okay. Thank you, Miss Prudent. I don't want to keep your boss waiting too much longer.

MS. PRUDENTI:

I appreciate that.

CHAIRPERSON VILORIA-FISHER:

As the Supervisor comes up, I would like to take -- let me find the number of the resolution, Mr. Supervisor --

LEG. ROMAINE:

1210.

CHAIRPERSON VILORIA-FISHER:

Thank you, Legislator Romaine. I'll make a motion to take IR 1210 out of order, seconded by Legislator Romaine. All in favor? Opposed? **IR 1210, Appointing Riverhead Town Supervisor Sean M. Walter as a member of the Long Island Regional Planning Council (Co. Exec.)** is before us. And thank you for being here, Supervisor.

SUPERVISOR WALTER:

That was quick. Thank you very much. Did you have any questions of me?

CHAIRPERSON VILORIA-FISHER:

Yes, probably.

SUPERVISOR WALTER:

Okay.

CHAIRPERSON VILORIA-FISHER:

I'd like you to share with us how you see your role as a member of the Council. I know that you've had your own challenges out in Riverhead regarding planning, visioning of revitalization areas. And do you see that as an important piece of what you'll be bringing to the Council?

SUPERVISOR WALTER:

Absolutely. I think the key for the Regional Planning Council is to balance -- we have to balance the needs of the community with the needs of the residents and the developers. We're in a tough situation. Being on an Island, there is not a whole lot of land left so everything that we are -- it's not that the Council's not approving these things, but everything that the Council gets behind, like the development of EPCAL, has to be sensitive to the needs of the community.

And I came out of -- as Ms. Prudenti said, I came out of representing developers in the past. Boom Development was one of my clients. And I've always found myself as being -- I've always tried to be prudent. In other words, if you're going in before a municipality and your client is asking for 100% development, you know, you can't always get that 100%. So when the Town or the Committee would come back and say *well, we'll give you 80, 85 percent*, that is the -- sort of balance that I've always tried to strike in my own private law practice. I think that's this balance that the Regional Planning Council tries to strike whether it be in development of downtowns -- they've been very helpful in development, hopefully, future of EPCAL. And, yeah, balance is what I'm looking for.

CHAIRPERSON VILORIA-FISHER:

Sorry. There was a side-bar question. It's a County Executive appointment, right? Yeah.

SUPERVISOR WALTER:

Yes.

CHAIRPERSON VILORIA-FISHER:

We just need to confirm, yeah, that it was. Sorry. Anything further?

SUPERVISOR WALTER:

No.

CHAIRPERSON VILORIA-FISHER:

Okay. Presiding Officer Lindsay has a question for you.

P.O. LINDSAY:

Supervisor, I just want to thank you for wanting to get involved in this because I think you're a very impassioned voice, especially for the East End of the Island. And I know your time is valuable. And I appreciate you getting involved in this.

SUPERVISOR WALTER:

Thank you very much, sir. And if I could say something on the Zoumas parcel, we moved that very quickly. We could have had this auditorium packed with probably many, many residents. So don't take the fact that there's not forty people here as an indication that -- the community's very much supportive of this. It'll be before the whole Legislature, I'm sure, when it moves forward.

CHAIRPERSON VILORIA-FISHER:

And, Supervisor, we don't usually expect appointees to come with a cheering squad so it's okay.

I have a question for you because I know you and I have spoken about sustainability in the past. And we spoke about this at a Visual Long Island breakfast. And on the telephone when you first became Supervisor I had called you. And you know how strongly I feel, and I think many of us in Suffolk County, feel about addressing energy issues here, about addressing sustainability. And I'm wondering how you see Riverhead joining with the other towns who are -- well, I think East Hampton has been part of the consortium looking at how homes can be built or can lead toward sustainability, you know, weatherization and energy, conservation. And how are you moving in that direction?

SUPERVISOR WALTER:

Well, I mean on several fronts, as some of you may know, and I want to preface my comments, I keep moving back and forth on this; but if you want to talk about sustainability, before the Town of Riverhead right now is the largest windmill that's ever been -- that is ever -- so far been proposed on Long Island to power our sewage treatment plant. Now, I'm not sure we're going to get this approved. So I preface those comments with that.

But, you know, we have stepped up in doing that. Our downtown Riverhead has every element of Smart Growth. The only thing it lacked is a cheerleader. And I think we have with this Town Board a cheerleader. So, you know, whether it's the walk-able communities, transit based communities, we've done it in Riverhead. And honestly Supervisor Cardinale before me was the one that adopted that zoning and we're moving it forward.

In terms of the other things, weatherization of homes and things like that, and we do do that type of stuff through our block grant program through the CBA. So there are things that we are doing currently. I know there is this consortium of towns -- and I haven't been in office 14 months. We have a lot to do. And that wasn't an issue that I've really had the opportunity to look at.

CHAIRPERSON VILORIA-FISHER:

Well, actually you couldn't have joined them at that time because it had to be certain -- there was certain criteria. And I don't think Riverhead had received many before that so you couldn't have. So that wasn't an attack that you weren't part of those. I was just curious about, you know, your feelings about it. So, go ahead.

SUPERVISOR WALTER:

No, I'm done.

CHAIRPERSON VILORIA-FISHER:

Okay. Are there any other questions for the Supervisor? Legislator Romaine.

LEG. ROMAINE:

I don't have any questions, but I've known Sean for many, many years and his father before him. Sean is a local attorney first and foremost. But he was an Assistant Town Attorney for many, many years. He's currently the Supervisor of the Town. He has a long-range vision for this Town and he has worked diligently. I think he would be a tremendous addition to the planning board so -- Planning Commission.

CHAIRPERSON VILORIA-FISHER:

Do I hear a motion, Legislator Romaine?

LEG. ROMAINE:

Yes, that was my preference, for a motion. Thank you.

CHAIRPERSON VILORIA-FISHER:

I'll be happy to second that motion. I remember your award from Visional Long Island and, you know, the discussion there.

SUPERVISOR WALTER:

I thank you very much and I thank the Committee.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion and a second to approve. All in favor? Opposed? Approved. **(VOTE: 5-0-0-0)**

SUPERVISOR WALTER:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you. Congratulations. And, Supervisor, you know you don't need to be present at the General Meeting unless you want to be.

SUPERVISOR WALTER:

When is it on for the General Meeting? I don't --

LEG. ROMAINE:

You don't want to be here.

CHAIRPERSON VILORIA-FISHER:

Next Tuesday.

LEG. ROMAINE:

It's a night meeting.

CHAIRPERSON VILORIA-FISHER:

Thank you, Supervisor. Okay.

Tom Ryan, my Aide, has informed me Mr. Culhane is here. And, again, as a courtesy -- thank you. As a courtesy, we will be taking that one out of order as well. There's a motion by Legislator Romaine to take IR 1194 out of order, **IR 1194, Confirming appointment of Commissioner of Environment and Energy (Brian T. Culhane) (Co. Exec)** seconded by Legislator D'Amaro. Okay. IR 1194 is before us. Welcome, Mr. Culhane.

P.O. LINDSAY:

Legislator Viloría-Fisher, maybe Mr. Culhane wants to sit down. He might feel more comfortable. Do you want to sit at the table and testify from there? It's just a little more comfortable for you being that you have paper work.

CHAIRPERSON VILORIA-FISHER:

Again, welcome, Mr. Culhane. Can you just give us a little bit of your background?

MR. CULHANE:

Sure.

CHAIRPERSON VILORIA-FISHER:

This is a very important Department. We want to know.

MR. CULHANE:

Thank you. Thank you, Madam Chairman and members of the Committee. A little bit of my background is, I have -- I feel as if I've been preparing for this for years. I went to school for agriculture. I graduate from Cornell. I worked at a water company. That was -- part of that was prompted by my interest in how pesticides get into groundwater. So I've always been interested in environmental issues, water resource issues.

I was hired in the New York State Senate in 1987 as a research analyst at the Commission on Water Resource needs of Long Island. We worked on groundwater protection issues and land issues on Long Island, especially in Suffolk County. That Commission had created the Special Groundwater Protection Area Plan. I participated in the meetings over at the Planning Commission while that plan was being developed. That Commission also was responsible for closing the landfills on Long Island, bottled water legislation, a number of significant things that we've done here in Suffolk County.

When I was finished with that Commission, I left as Executor and went to work for Senator Johnson.

I have been with Senator Johnson -- it would have been 16 years this spring, working on marine issues, particularly fisheries managements. I've worked with all of the states from Maine down to Florida on the Atlantic States Marine Fisheries Commission, negotiating fisheries management plans with the other states. I've also been very interested in and participated in water quality improvement projects. I even volunteered with the Nature Conservancy. I've been seen down on the Great South Bay on part of their clam restoration project. It was something that interested me. It was something that I wanted to do hands-on work. (Inaudible) I'm sorry. From reading over the minutes, I should be aware that you have to hold the button down all the time.

But that's my background leading up to this. And I'm very honored that the County Executive has selected me as his pick for this Commissioner's position. I called up Carrie Gallagher this morning. I thanked her for leaving this department in such great shape. I think it'll be a great challenge for me. And it's something that I'm really looking forward to.

CHAIRPERSON VILORIA-FISHER:

Generally when we have somebody who's coming into such an important role, it's good to have meetings in our offices; in our district offices with the candidate so that we can more in-depth conversations. Before my vote on Tuesday, I'd like to be able to sit down and speak with you and just -- I jotted down a couple of the things -- a few of the things that I think would be important to speak about at a little greater depth.

You know, we have an important agriculture leasing program. The Ag Steward Program, Becky Weissman, leads that up. I'm sure you know her from Cornell Cooperative. I sit on the Soil and Water Commission. And some of the issues that we face in Soil and Water, you know, we work with NRDC and the USDA on those. I'd like to speak with you about those. Fisheries Management, there are just so many complex issues around fisheries and fisheries management. So I would like to have the opportunity to sit down and talk with you about these many important issues.

And, of course, the Water Quality Review Committee and the decisions that are going to be before us, the monies that will be available to us. So if you could call my office and make yourself available for a meeting, I just think that there so many in depth issues as Chair of this Committee that I'd like to discuss with you, that it warrants a longer meeting.

MR. CULHANE:

I'd be happy to do that. Actually I called your office on Friday and I left them my cell phone number. And so they have my number. And I will make my time available this week. I'm still with Senator Johnson, but I've pretty much cleared my desk and willing to make myself available at any time to any of the members of the Committee. Thank you.

CHAIRPERSON VILORIA-FISHER:

Actually, Friday I was at a {LIDEE} conference out in Riverhead. And that's a really good project that's very, very important to our environmental vision. And, again, the woman who runs that is with the Soil and Water Conservation District. So we'll talk about that, too. Okay.

Are there any other questions for Mr. Culhane? Legislator Cooper.

LEG. COOPER:

No questions.

CHAIRPERSON VILORIA-FISHER:

Okay.

LEG. ROMAINE:

Motion to approve.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Romaine. Seconded by --

LEG. MURATORE:

Second.

CHAIRPERSON VILORIA-FISHER:

-- Legislator Muratore. Did you have a question, Legislator D'Amaro? I wasn't certain if you were making a motion or if you had a question.

LEG. D'AMARO:

Just a thought on my mind so maybe I'll express it. I just wanted to ask you, I mean I would assume in preparation for coming here today that you're start to take an in depth look at all of the County programs that the Chair has mentioned as well as -- you're familiar with our land acquisition programs and objectives?

MR. CULHANE:

Yes. Actually I've already met with the Division heads. They've given me quite a bit of homework over the last couple of weeks. I got a stack of past meeting minutes and all of the issues that are before the departments. And obviously land acquisition is a big part of this Department.

LEG. D'AMARO:

I was going to ask you, do you feel that the County approach over the last several years has been to preserve through land acquisition? Key areas, we have a rating system where -- especially on this Committee, we look at the ratings. Most of the time we follow what the rating says unless there are some extraneous circumstances warranting approval without having a higher rating. So that's a method that we're using to try and, the way I see it, especially as a Legislator representing a portion of western Suffolk County, of preserving what we have in the eastern portion of the County and not making some of the same mistakes out there that we made, as they say out there, down Island, I think, is the term that they use.

LEG. ROMAINE:

Up Island.

LEG. D'AMARO:

Up Island. Up Island, yeah, whatever. So, in any event, what I wanted to know from you was whether or not you felt that that was an effective method given the vast size, especially of the eastern portion; let's say the eastern five towns of Suffolk County? Because it does not -- it comes with a price tag in doing that. And just if you're going to be overseeing those programs, what's your general take on those programs? Do you think they're effective? Do you think we should continue them? Do you think we should be aggressive? Especially given the cost of acquiring land.

MR. CULHANE:

Yeah, I think that's a good question. I don't think we really have a perfect way of evaluating what we should buy and what we shouldn't buy, especially given, you know, the limited resources that we have. Obviously there's a lot more demand for open space purchases than we'll be able to afford.

I do remember the days before there was any kind of rating system put in place, and there were criticisms at that time that the, you know, the best way to get a piece of property bought was to get a big development proposal advanced on it. And then you would get a lot of excitement surrounding that piece of property. And then that would end up being the one that was bought.

I think the, you know, the rating system is a good attempt at trying to set up a more equitable way of comparing properties. Is it perfect? I don't know if I would say it's perfect, but I think it's better than not having a rating system in place. And I think -- I think part of your question also had to do

with the West End in these votes on the Quarter Cent sales tax. The West End very heavily voted for the acquisition programs that primarily benefit the Eastern End of Long Island.

LEG. D'AMARO:

Right.

MR. CULHANE:

But my view on it is that we all benefit from that. And, you know, as residents of the County, for the people that live in the west and have seen the overdevelopment and really a lot of lost opportunities, I think it's -- people look to the East End and they approve of it. They obviously approve of it at the ballot box when it comes to voting on these referendums.

LEG. D'AMARO:

So you're generally supportive of those efforts and you think that they are effective?

MR. CULHANE:

Yes, I do.

LEG. D'AMARO:

Yeah. All right. And then what do you see as some of the top environmental issues facing Suffolk County presently? You know, what should be the priorities when we talk about limited resources and yet we have environmental issues that need to be addressed. What do you see as the top priorities?

MR. CULHANE:

Well, one of the top priorities that I see for this year is the monies that we have left in the Open Space and Farmland Preservation Fund. I think in your last meeting you took up the issue of how much money was left in that fund. It was about \$46 million that has to -- if we are going to spend that money, needs to be spent by November 30th of this year. So that's obviously got to be a big priority for myself and for this Committee, making sure that we spend that money wisely.

And another area that I'm very excited about, when I tell people about this Department, one of the things I tell them about is the solar carports program. And I know there's been some bumps in the road in getting that program moving forward. And that's something that I would really like to see advance and advance quickly because I think it's going to be a real feather in the cap of this County if we can point to those projects and show people how we're developing clean power; and doing it in a way that the County is not really going out on a hook for a lot of money. We're not doing it as a capital project, but we're getting the benefits from it and bringing clean power to this County.

LEG. D'AMARO:

And how about the waterways in the County? You know, we have issues, of course, with nitrogen loads going into the waterways as well as our source of drinking water. We have some areas that are worse off than others. Do you see that as a priority for the County as well?

MR. CULHANE:

Yes. As a matter of fact, I've attended -- the Nature Conservancy has a couple of workshops in the past six months or so on nitrogen loadings to our waterways, especially the Great South Bay. And looking at the issues that contribute to that atmospheric deposition, fertilizer use, septic systems, and they have made some recommendations in areas that we should look at, I'm interested in that particularly since I have worked on the other side of that equation for the last fifteen years. I've been working on trying to bring back our fisheries, bring our fisheries to sustainable levels, where we can avoid some of the fisheries collapses that we've seen in the past.

But with some of our fisheries, no matter what we do, no matter how much we restrict our fishermen from their catch, we have fisheries that are just not making a comeback. And there could be many reasons for that that are beyond our control. But very often one of the things that

people talk to is habitat issues. And the, you know, the habitat is impacted by nutrient impairments in our waterways. And so this kind of gives me an opportunity to work on the other side of the equation. I've been working on the fish side for years. But we've always complained that, you know, we didn't have the jurisdiction to work on the habitat side of things. So that is something that I'm interested in.

LEG. D'AMARO:

Yeah. Because an awful lot of resources goes into those efforts as well. I know even the County funding, Cornell, in some of the work that Cornell is doing. And yet I feel as, you know, are we making real progress? Sometimes it's hard to gauge sitting here, you know, what type of progress are we making for the amount of funds that are actually being expended through a lot of the research and the programs. And yet you still see issues on a weekly basis with waterways or the Long Island Sound, especially the Great South Bay with the various -- like the Brown Tide and things like that. So, you know, as someone who would be overseeing a portion of that and working with other levels of government, I would assume also on any efforts with respect to waterways, you know, I think that has to continue to be a priority for us. And I think you would agree with that as well.

So, I thank you for answering my questions this morning. I appreciate that and I wish you the best of luck.

MR. CULHANE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

Thank you very much for being here and thank you for stepping up. It'll be an interesting job. We have a motion and a second. All in favor? Opposed?

LEG. COOPER:

Abstention.

CHAIRPERSON VILORIA-FISHER:

Okay. Please note the abstention. And my office will be talking to you. Thank you. **(VOTE: 4-0-1-0. LEG. COOPER ABSTAINED)**

Okay. Before we move to the agenda, I would like Pamela Greene to come up, please, and address the issue of the constituents who came before us during the public portion.

Thank you. And just so that the Committee knows, my office had let the Director know that we were going to be discussing this because I don't like to -- I don't like to surprise people. Go ahead.

DIRECTOR GREENE:

Good afternoon, Madam Chair and members of the Committee. I have been asked to describe the process the Division utilizes in making surplus property available to either adjacent owners or available for sale at an auction. You have heard a very detailed review by Mr. Taylor, the attorney for one of the adjacent owners of this parcel. And I will just back up and share with you and share with the Committee how this property came into the County inventory.

In February of 2007, the Division was notified by DPW that the property was declared surplus for the operation of the sewer district and, therefore, the property could now be part of this Division's inventory. The Division advised Suffolk County Real Property Tax Services to please place this on the tax map. A new tax lot number was prepared. In the interim adjacent letters or adjacent owner sales were sent to the adjacent owners. This is now back in August of 2007.

The appraisal was ordered for fair market value. I will not be going into all the various appraisal

numbers, but they are available should you wish me to do so in executive session. That appraisal did come in. There was also an abstract that was completed by the Division. This is now in October of 2007. The appraisal is received in December of 2007. It is reviewed internally by the Division's Appraisal Review.

In March 2008 the adjacent owner writes to then the Director of the Division expressing interest in purchasing. The amount of the reconciled appraisal was sent in the form of an offer letter to the adjacent owner. The adjacent owners decided to have their own appraisal done to rebut, if you will, the appraisal that was submitted. That value of the rebuttal appraisal from the adjacent owner was dated June 3rd, 2008.

The attorney for the adjacent owners submitted that appraisal to the Division in July of 2008. In that interim period the parcel was scheduled for the October auction, not having an agreed upon acceptance by the adjacent owner.

By October of 2008 a Memorandum of Sale, as you mentioned, was sent. There was no Memorandum of Sale sent back; so, again, now the auction takes place, the parcel is pulled by the then Director Chris Kent prior to the auction, I believe, based on outreach from the adjacent owner. The Memorandum of Sale is received in December 2008. Stony Brook submits their amount, which again must have been reconciled outside of the appraised value that had been tendered for the direct sale amount.

And in May of 2009, as you recall, there was a change of Directors in that spring period. The Division prepared a resolution for the direct sale. And as is the form with all of our resolutions, it was sent up to the Law Department for review prior to being submitted to the Legislature. And at that point the file was turned over to the Law Department. I don't mean to speak for them, but I can share with you as I have just to this point that is the Division's process with the sale of adjacent property. It is either sold by direct sale to adjacent owners or it is put up for auction. So those are really our two methods that we use in instances of property coming to the Division.

I will share that one of the concerns of the County Attorney's Office was that the referendum did not contain a permissive referendum clause. And because the property came into the Suffolk County inventory by being declared surplus, as opposed to the taking for non-payment of taxes, it was determined that was a deficiency in the resolution. So that had to be corrected.

There was also outreach to the adjacent owners who were using the property and have been using the property for many, many years, to obtain a hold harmless clause for the County since, of course, this is still County property. It was being used for the purpose of parking cars and patients were transferring across this property. So an indemnification clause was sought.

There was also a new surplus letter that was sought from the Division of Public Works -- Department of Public Works to confirm that this was, in fact, going to be surplus property and no longer needed by the sewer agency. And the Division was requested to obtain a new appraisal at this point. That new appraisal was requested. It was received. That amount -- you have heard in open session here today did come in at a higher amount. And that communication of the new appraisal was communicated to the adjacent owner in October of 2010. And, again, the Division was told to stand by and await whatever determination would be made from that discussion with the adjacent owner and with this new information.

CHAIRPERSON VILORIA-FISHER:

I think I'd like to break into executive session because I would like to talk about the numbers. Okay. I'm making a motion to go into executive session, seconded by Legislator Muratore. If we could just have a brief -- all in favor? Opposed? We will be going to another room for executive session.

EXECUTIVE SESSION 2:00 PM TO 2:28 PM

CHAIRPERSON VILORIA-FISHER:

We are back on the record. Thank you for your patience. We'll be going to tabled resolutions.

TABLED RESOLUTIONS

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) Mr. Isles, has there been any change in 1942?

DIRECTOR ISLES:

There has not.

CHAIRPERSON VILORIA-FISHER:

Okay, so I will make a motion to table.

LEG. COOPER:

Second.

CHAIRPERSON VILORIA-FISHER:

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

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

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA-FISHER:

We have a motion to table by the sponsor.

LEG. COOPER:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper.

LEG. ROMAINE:

I thought I was the sponsor.

CHAIRPERSON VILORIA-FISHER:

You are.

LEG. ROMAINE:

Thank you.

CHAIRPERSON VILORIA-FISHER:

I said we have a motion to table by the sponsor.

LEG. ROMAINE:

Why not a motion to approve?

CHAIRPERSON VILORIA-FISHER:

Oh, I thought you said table.

LEG. ROMAINE:

No.

LEG. D'AMARO:

I was going to say, didn't we hear testimony on this today?

CHAIRPERSON VILORIA-FISHER:

But aren't we still working on it being a hamlet -- has that been done? I may be mistaken.

LEG. ROMAINE:

Yes, that's correct. Our attorney has amended the resolution to reflect hamlet park. Okay. I'll forward you the e-mail I received from your office. We had put in a request to make this a hamlet park. I believe that request was sent in by my Aide on March 3rd. And earlier this morning I believe your office confirmed that it was amended. I'll check my e-mail. Hold on.

MR. NOLAN:

Double check only because there was one later in the agenda that we did amend this morning to make it hamlet park, the Zoumas property. I'm not sure about this particular resolution.

CHAIRPERSON VILORIA-FISHER:

I apologize. I don't have anything for the Boom property.

MR. NOLAN:

It's already hamlet park.

MS. FISCHER:

Amended as of --

CHAIRPERSON VILORIA-FISHER:

It already the Hamlet Park Program. But I thought under the Hamlet Park Program we needed more information as to how it was being planned as a hamlet park. Mr. Isles, can you --

DIRECTOR ISLES:

Yes.

LEG. ROMAINE:

We had a meeting in my office in which we went over all of this two or three weeks ago, if I'm not mistaken. Ms. Fischer -- Planning Department Ms. Fischer, was present. We had someone there from Parks as well. And we went through this with the local residents.

CHAIRPERSON VILORIA-FISHER:

Okay. Mr. Isles.

DIRECTOR ISLES:

Okay. We have circulated to you, once again, the aerial photograph as well as we did do a rating based on hamlet parks so that is before you today. We did, as Legislator Romaine reports, we were asked to attend a meeting, and we did so, wherein information was provided in the proposal, which is a hamlet park; property that is currently occupied as a farm field along the north side of Sound Avenue in the hamlet of Baiting Hollow.

LEG. ROMAINE:

Riverhead.

DIRECTOR ISLES:

Riverhead, yes.

CHAIRPERSON VILORIA-FISHER:

I thought I just heard you say table. And I didn't think that the review had been done yet as a hamlet park.

DIRECTOR ISLES:

The rating is based on a number of factors, which are outlined in the form itself. The rating score achieved was 43. The one thing we had been waiting for was an indication as to the partner in the acquisition and whether that be the Town of Riverhead or whether it be a community organization. Based upon the testimony that we heard today --

CHAIRPERSON VILORIA-FISHER:

That they'd be managing.

DIRECTOR ISLES:

-- by Annemarie Prudenti from the Town of Riverhead, it was indicated that the Town would support this acquisition and would come in as a partner to the County in the acquisition. She also made reference to a letter that was put into the record, which I don't have a copy of at this point. But that information, I believe, that would result in an additional ten points so it would be -- 53 points would be the total. If you have any questions, we'll try to address those.

CHAIRPERSON VILORIA-FISHER:

Actually my question is to the sponsor because I remember very clearly when we had the testimony from the residents in the adjoining neighborhood who spoke of a 9/11 memorial there, do you know if that's been moving forward, Ed?

LEG. ROMAINE:

Yes, they have a temporary memorial now. They'd like to make it a permanent memorial. One of their members died on 9/11, a New York City fireman from that area. And they are very interested in moving forward. Several of his family members still live in Reeves Park and are very interested in moving forward with that. That would be part of the usage of this property. There'd be other usages as well that was outlined in a pretty detailed meeting where we went over most of this.

And now with the rating jumping from 43 to 53 points, I certainly believe that this property has merit. I made the resolution for approval for planning steps based on the rating, based on the plan, based on the testimony and the letter from the Town of Riverhead as a willing partner to manage the property should at the end of the process this property be acquired.

CHAIRPERSON VILORIA-FISHER:

Okay. And to the clerk and the stenographer, I had misheard Legislator Romaine. I said he had a motion to table. He in deed has a motion to approve, seconded by Legislator Muratore. Is there any other motion?

LEG. COOPER:

I have a question.

CHAIRPERSON VILORIA-FISHER:

Okay, on the motion, Legislator Cooper.

LEG. COOPER:

Again, it's a question for the sponsor. Ed you had mentioned that in addition to the 9/11 memorial,

there are other possible uses that have been proposed. Can you just give us, briefly, a couple of examples?

LEG. ROMAINE:

Well, I'm going to turn that over to Miss Fischer to give her report from the Planning Department since she was present there.

CHAIRPERSON VILORIA-FISHER:

And before you begin, Laretta, may I just say when we added the Hamlet Parks designation under SOS, it doesn't have to indicate a specific recreational activity. It can be a hamlet park or a pocket park. So that's a different kind of definition that we have for the uses. Go ahead, Miss Fischer.

MS. FISCHER:

When we had the meeting the other week on the 28th, I believe, of February, we -- the sponsor had put together subsequent to that a questionnaire that we asked him to fill out. And some of the things that they were interested in having at the site was, again, the memorial park with trails, benches, 9/11 memorial as well as ball fields. So there's a mixture of both hamlet park use proposed as well as active park use on the property with a buffer, both on the Sound Avenue as well as the -- which is on the south side of the property, as well as on the north side between the ball fields area and the residential area to the north.

So at this point that's the preliminary considerations that are before you for this part. As time goes on and we move this process, if we move this process forward, we'll then clarify and come through with a plan to then effectuate a plan to be then presented to CEQ, Parks Trustees and then to you for final decision.

LEG. COOPER:

Thank you.

CHAIRPERSON VILORIA-FISHER:

There is a motion and a second to approve. All in favor? Opposed? **IR 1991 stands approved. (VOTE: 5-0-0-0)**

INTRODUCTORY RESOLUTIONS

Introductory resolutions. **IR 1164, Appointing Edward P. Romaine as a member of the Suffolk County Soil and Water Conservation District. (Pres. Off.)** I will make a motion to approve.

LEG. COOPER:

Second.

CHAIRPERSON VILORIA-FISHER:

Okay, seconded by Legislator Cooper. And, if I may just say a couple of words, I'm very much in favor of supporting this and having Ed as a member of the Soil and Water District. As we all know, Ed does do his homework. And when you're on the Soil and Water District, you have to pay attention. You have to have some idea of what's going on. His office is right down the hall so it's very convenient for him to get to the meetings.

LEG. ROMAINE:

They sold it to me that way.

LAUGHTER

CHAIRPERSON VILORIA-FISHER:

You know, I drive there from either Port Jeff or Setauket. Ed has to walk a few steps from his office. And so I really welcome him being there. He would be replacing the seat that was held by former Legislator Losquadro. Okay. There's a motion and a second to approve. All in favor? Opposed? **1164 stands approved.**

LEG. ROMAINE:

Please mark me as a recusal on that. **(VOTE: 4-0-0-0-1. LEG. ROMAINE - RECUSAL)**

CHAIRPERSON VILORIA-FISHER:

Oh, you can't vote for yourself on that? You're not making any money on it. I'm kidding.

IR 1194 -- we took care of 1194.

The next six are SEQRA determinations. We can approve and put on the consent calendar on these. **IR 1195, Making a SEQRA determination in connection with the proposed Tidal Wetlands Restoration Project at Indian Island County Park, Town of Riverhead. (Pres. Off.)**

LEG. ROMAINE:

Motion.

LEG. COOPER:

Second the motion.

CHAIRPERSON VILORIA-FISHER:

Motion to approve by Legislator Romaine, seconded by Legislator Cooper. And, Frank, did you want to say anything about this? Did I get a note from you? Did you want to say anything about this? You're just available for any questions.

MR. CASTELLI:

Yes.

CHAIRPERSON VILORIA-FISHER:

Okay. There's a motion to approve and place on the consent calendar. All in favor? Opposed? **1195 is approved and placed on the consent calendar (VOTE: 5-0-0-0)**

LEG. ROMAINE:

Please list me as a co-sponsor.

CHAIRPERSON VILORIA-FISHER:

1196, Making a SEQRA determination in connection with the proposed addition to South Brookhaven Health Center, Town of Brookhaven. (Pres. Off.) May I do same motion, same second?

LEG. D'AMARO:

Please.

CHAIRPERSON VILORIA-FISHER:

Okay, same motion, same second, same vote. **(1196 APPROVED AND PLACED ON CONSENT CALENDAR. VOTE: 5-0-0-0)**

IR 1197, Making a SEQRA determination in connection with the proposed Sewer District No. 3 Southwest Infiltration/Inflow Study and Sewer Rehabilitation (CP 8181), Towns of Babylon and Islip. (Pres. Off.) Lou, would you like to --

LEG. D'AMARO:

Motion.

CHAIRPERSON VILORIA-FISHER:

Motion by Legislator D'Amaro, seconded by Legislator Cooper. All in favor? And that's to approve and place on the consent calendar. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-0)**

IR 1198, Making a SEQRA determination in connection with the proposed Sewer District No. 3 Southwest Infrastructure Improvements (CP 8170), Town of Babylon. (Pres. Off.)
Same motion, same second, same vote. **(IR 1198 APPROVED AND PLACED ON CONSENT CALENDAR. VOTE: 5-0-0-0)**

IR 1199, Making a SEQRA determination in connection with the proposed Sewer District No. 3 Southwest Final Effluent Pump Station (CP 8108), Town of Babylon. (Pres. Off.)
Same motion, same second, same vote. **(IR 1199 APPROVED AND PLACED ON CONSENT CALENDAR. VOTE: 5-0-0-0)**

IR 1207, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Peconic Land Trust, Inc. Property Town of Southampton) (Schneiderman) I believe there was a motion -- a request to table by the sponsor. Did you have a comment about this? You didn't want to speak, okay. I'll make a motion to table.

LEG. COOPER:

Second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? 1207 stands tabled. **(VOTE: 5-0-0-0)**
I'm sorry.

LEG. ROMAINE:

Yes. The sponsor has requested this?

CHAIRPERSON VILORIA-FISHER:

I have a note that there was a request by the sponsor to table. Do you know anything about this? It's Tom's handwriting. Tom, just that he called?

LEG. ROMAINE:

Oh, he called. Okay. That's fine. Thank you.

CHAIRPERSON VILORIA-FISHER:

Did we call the vote on that, Barbara? Okay.

IR 1210, we took care of that.

IR 1211, Amending the Adopted 2011 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2011 Capital Budget and Program, and appropriating funds in connection with the Fertilizer Nitrogen Reduction Program (CP 8710.120). (Co. Exec.) Do you think you could give me some further explanation on this, please, Frank? I would like to know why -- you know, a little better description of the program, why it wasn't in 477 in the first place. Was it before the Water Quality Review Committee? And, you know, whatever information you could give us on this.

MR. CASTELLI:

Okay.

CHAIRPERSON VILORIA-FISHER:

It's not a lot of money.

MR. CASTELLI:

No, it's not. I'm Frank Castelli, Department of Environment and Energy. This is additional funding being requested in support of Local Law 41-2007. This is the fertilizer nitrogen reduction initiative that was approved a few years ago. As part of the -- as part of the program, our department is charged with the responsibility of supporting this local law. And part of that support concerns providing brochures and signage to all the retail establishments within the County that sell turf fertilizer. And --

CHAIRPERSON VILORIA-FISHER:

I know my task force had worked on most of those recommendations.

MR. CASTELLI:

Right, I remember that.

CHAIRPERSON VILORIA-FISHER:

The Homestead Assist Task Force. I was just wondering how the monies -- so it's being used for signage.

MR. CASTELLI:

Yeah, this did go in front of the -- this was approved last year in June at Water Quality Review Committee. We need a certain amount of money per year to help support the law. And by support I mean the brochures, the signs, the printing of the signs and also to provide the landscaper course as part of the -- another part of the law is that all landscapers that apply turf fertilizer, that when it comes time to renew their contractor's license with the Consumer Affairs Department, that they have to take a course in fertilizer management. And we have been offering this course. We offer at least -- we're shooting for at least three times, maybe four times per year. So there is some expense involved in offering that course. So this was just a minor amount of funding that's necessary this year to go on with the support of this local law.

CHAIRPERSON VILORIA-FISHER:

Frank, is there any charge to the landscapers when they take a course?

MR. CASTELLI:

Yes, there has been -- there has been a charge. And there wasn't initially. The first few courses were given free of charge. The last few courses, the Cornell Cooperative Extension has been providing the training and they have been charging \$10 per landscaper. So that -- anything that's collected by Cornell Cooperative Extension goes back into the budget so that, you know, it's not as if they're going to be making any money on it. It goes back into the -- it shows as income to the contract that Cornell Cooperative Extension has with the County. So most of the money that we need here is really for printing the signs, printing the brochures.

CHAIRPERSON VILORIA-FISHER:

And this is in addition to what we already have in place?

MR. CASTELLI:

Yeah, the funding that we already have in place has pretty much been expended by now. We have one contract with Cornell University, which is just finishing up. That money -- that project's pretty much done. And we had another contract with Cornell Cooperative Extension for this, which is also in the end stages.

CHAIRPERSON VILORIA-FISHER:

Frank, as you know, when I had my Homestead Task Force, we developed this criteria. And the one of the marketing methods that we used was in conjunction with the Water Authority putting a

one-page list of hints of watering your lawn and when to apply fertilizer, not applying it after frost, etcetera. Is there any continuing effort to do that kinds of insert in the people's water bills?

MR. CASTELLI:

We have not made any arrangements with the Suffolk County Water Authority to provide such information.

CHAIRPERSON VILORIA-FISHER:

It might be good to do that every few years; not necessarily every year.

MR. CASTELLI:

Yeah, that definitely would be a good idea. I mean we do have a website. We have the landscaper courses, we have the signage and the brochures that are distributed. And we encourage on the signs and brochures, there is an indication of where people can look for additional information. And there is all sorts of useful information on the most prudent way to fertilize to do the least amount of damage possible to the environment.

CHAIRPERSON VILORIA-FISHER:

Now, the -- there's the other group that does the storm water education, you know, Emerson's group. And they also have signs that they distribute. What budget do they work out of?

MR. CASTELLI:

The storm water budget, that's the phase II storm water project, that's a completely separate project. It's also funded --

CHAIRPERSON VILORIA-FISHER:

I know, but can't they be combined and have the same signs that aren't replicated?

MR. CASTELLI:

Well, there is -- one of the minimum design criteria for the SPDES permit, the permit that the County has to abide by, does call for public outreach and education. And they do that under contract; a separate contract also funded through Quarter Percent Water Quality funding. Your question whether that could be combined, where there is overlap, I guess, they could be combined. The storm water phase two is, you know, primarily for --

CHAIRPERSON VILORIA-FISHER:

I know for the storm drains, keeping them clear that kind of --

MR. CASTELLI:

Right, right. And what goes into the storm drains and trying to keep pet waste and hydrocarbons from the road and all that type of thing, it's more than just the fertilizer. The fertilizer initiative is really just for nitrogen. It's a nitrogen reduction initiative. But wherever there is overlap, we can certainly explore coordination between the two.

CHAIRPERSON VILORIA-FISHER:

Okay. And, Legislator Romaine, when you come to the Soil and Water District meetings you'll hear a lot regarding nitrogen load. Okay. I'll make a motion to approve, seconded by Legislator Cooper. All in favor? Opposed? Motion carries. **(VOTE: 5-0-0-0)**

IR 1229, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Zoumas property) Town of Riverhead (SCTM No. 0600-075.00-03.00-004.000). (Romaine)

LEG. ROMAINE:

Motion.

CHAIRPERSON VILORIA-FISHER:

There's a motion by Legislator Romaine, seconded by Legislator Muratore.

Mr. Culhane, you can see where our monies go.

And this is the property that was amended this morning to place it in the Hamlet Parks component. Mr. Isles.

DIRECTOR ISLES:

Right. Thank you. What you have before you is the customary aerial photograph, which I think is helpful in viewing the context of this parcel. What we've also done is included the rating form; however, the rating form is based upon an Open Space rating. Obviously it has been indicated that the resolution was modified to do it under Hamlet Parks. Obviously, as Open Space, the parcel is rated as 17 as the form indicated, which is below the 25, which is the standard threshold.

We are prepared to do an evaluation of the Hamlet Park proposal. There are two things we would need for that. One we heard from today. The testimony was provided by the Supervisor of Riverhead and that is where is the Town on this? And I did get the impression from his statements, and also those of Deputy Town Attorney Prudenti, that the Town was supportive of a participation with the County in the development and management of a park at this location. We would like to get a copy of the letter that was submitted today in that reference.

The second item we would need is information about the proposal, which we typically do for the questionnaire. And once we have that information, which might involve a meeting with the Parks Department, with the sponsor, with the Town, we'll be happy to provide a rating to you.

CHAIRPERSON VILORIA-FISHER:

Thank you, Mr. Isles. So I'll make a motion to table it so that they can do a rating.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

So that Planning can do a rating on this.

LEG. COOPER:

I'll second the tabling.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **IR 1229 is tabled. (VOTE: 5-0-0-0)**

Our last piece of legislation **1241, Reappointing member of the Council on Environmental Quality R. Lawrence Swanson (Viloria-Fisher)**. I'll make a motion to approve.

LEG. COOPER:

I'll second.

CHAIRPERSON VILORIA-FISHER:

Seconded by Legislator Cooper. All in favor? Opposed? **1241 stands approved. (VOTE: 5-0-0-0)**

And before we adjourn, this is Mr. Isles' last meeting. And --

DIRECTOR ISLES:

Last meeting at EPA.

CHAIRPERSON VILORIA-FISHER:

Last meeting at this Committee. I want to thank you for always being the consummate professional and being straight forward and available. You have just been a joy to work with and certainly have made my job easier as Chair of this Committee. Thank you very much and good luck to you.

DIRECTOR ISLES:

Thank you. And you're welcome. We appreciate it very much. Thank you.

APPLAUSE

LEG. COOPER:

Motion to adjourn.

CHAIRPERSON VILORIA-FISHER:

Adjourned.

**THE MEETING CONCLUDED AT 2:52 PM
{ }DENOTES SPELLED PHONETICALLY**