ENVIRONMENT, PLANNING and AGRICULTURE COMMITTEE

OF THE

SUFFOLK COUNTY LEGISLATURE

MINUTES

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on July 25, 2011.

MEMBERS PRESENT:
Presiding Officer William Lindsay, Ex-officio member
Leg. Vivian Viloria-Fisher, Chairperson
Leg. Lou D'Amaro, Vice Chair
Leg. Thomas Muratore
Leg. Edward P. Romaine
Leg. Sarah Anker

ALSO IN ATTENDANCE:
George Nolan, Counsel to the Legislature
Eric A. Kopp, County Executive's Office
Gail Vizzini, Director Budget Review Office
Robert Lipp, Deputy Director, Budget Review Office
Laura Halloran, Budget Review Office
Renee Ortiz, Chief Deputy Clerk
Sarah Lansdale, Director, Department of Planning
Pamela Greene, Director, Real Property Acquisition & Management
Michael Mule, Department of Planning
Lauretta Fischer, Principal Environmental Analyst, Department of Planning
Jessica Kalmbacher, Planning Department
Janet Longo, Real Property Acquisition & Management
Brian Culhane, Commissioner, Department of Environment & Energy
Tom Ryan, Aide to Leg. Viloria-Fisher
Justin Littell, Aide to Leg. D'Amaro
Paul Perillie, Aide to Majority Leader
Marge Acevedo, Aide to Presiding Officer
Joe Gergela, LI Farm Bureau
Rick Brand, Newsday
Kara Hahn, Communications Director, PO Office
William Shilling, Aide to Leg. Anker
Ed Hennessy, Aide to County Executive
Michael Kaufman, CEQ
And all other interested parties

VERBATIM MINUTES TAKEN BY:
Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 1:09 PM

CHAIRWOMAN VILORIA-FISHER:
Welcome to today's meeting of the Committee on Environment, Planning and Agriculture. Please join us in the pledge of allegiance led by Legislator Romaine.

SALUTATION

I don't see any cards from members of the public who would like to speak. But I do have correspondence from the Middle Country School District in support of -- what is that IR number, Tom? I'm sorry, I don't have my agenda open in front of me.

LEG. MURATORE:
1340.

CHAIRWOMAN VILORIA-FISHER:
-- regarding IR 1340. And the School District is, of course, in support of the sale to the County. Okay, thank you for providing that to us, Legislator Muratore.

We don't have, as I said, any members of the public who would like to speak, but we do want to invite our Budget Review Office to talk us to about money matters.

MS. VIZZINI:
Thank you, Madam Chair. I'm here -- tabled on your agenda are two bills concerning diverting revenue from the Assessment Stabilization Reserve Fund. The Budget Review Office issued a memo for your consideration on July 22nd comparing IR 1547 and IR 1549. In this memo we talk about how much is in the Assessment Stabilization Reserve Fund, its original purpose. We compare the two bills in terms of -- they're generally similar in concept in what they intend to do. And we have a chart there that shows their differences.

In order to come to the numbers that I'm going to talk about, we had to make some assumptions. So these numbers are based on assumptions that revenue, as far as the sewer districts, will continue to increase at 3%, the same as -- the same percentage for growth as far as sales tax is concerned. Assessment Stabilization Reserve, as you know, is the Sewer Reserve Fund. The source of the revenue stream is the Quarter Cent Water Protection Program Sales Tax. We currently receive 37.5% of that $66 million or approximately --

MR. LIPP:
I'm sorry?

MS. VIZZINI:
How much do we get each year? Approximately 21 million in sales tax goes into the Assessment Stabilization Reserve Fund for sewers. Actually it's 17. It's 25%. 17 million goes into the Assessment Stabilization Reserve. As you recall, in 2007 resolution -- we passed a resolution that changed the allocation. So, the Sewers used to get more; they get less. They used to get about 23 million. Now they get 17 million.

The other source of revenue to the Assessment Stabilization Reserve is policy that was adopted several years ago through the budget in that districts that receive monies for capital and operating expenses, there's an expectation that these monies be paid back. Now, Southwest Sewer District is the biggest customer on both sides of the equation as far as the Reserve Fund. It has borrowed the most, but in turn it has paid back the most.

As a result of our projections, we believe that -- well, both bills have a cap on Assessment Stabilization Reserve. There's a cap at 140. The other bill would cap it at 150. For the purposes of discussion let's just talk about the $140 million cap.

The Operating Budget expects the reserve fund to have $154 million in it by the end of 2011. So already in 2011 you have $14 million over the 140. 154 minus the $140 million cap gives you the 14 million. Both bills would take that surplus over the cap and divide it. Roughly a little bit less than two thirds would go for future sewering. And the other third -- actually 37.5% and 62.5% would go to -- you would be authorizing that surplus, a little bit more than a third, to be deposited in either a debt, retirement or the Tax Stabilization Reserve.

Based on our projections in our model, we came up with some assumptions in terms of the history of the capital needs of the 22 Sewer Districts, how much they've taken, how much they've paid back. We don't think that the money in the Reserve Fund will last any more than through 2013 as far as being at 140 million.

So your window of opportunity to have monies over the 140 million is only over the next several years. The reason it has so much money in it now is because the Southwest Sewer District is in a cycle of paying back. In 2009 they -- Southwest loan paid back $26 million. In 2010 it was another $34 million. And in 2011 another $36 million. They have one -- they still owe us a little over $41 million which is likely to be another big chunk payment in 2012. Once they're finished with these large paybacks, the amount of revenue going into the Sewer Reserve will be considerably less.

We further project as we discuss in the memo that the Capital and Operating demands of the smaller districts will be consumers of the money that's in the Reserve Fund. And that will bring the Reserve Fund down below the 140 million after 2013. By 2014 it will not be above 140 million.

And then eventually -- our projections go out to twenty years. The legislation before you is simply for the ten years. There is the potential for this fund to be depleted mostly because of the demand for the Sewer Districts and the inability of the smaller districts to really pay back.

I just wanted to make myself available to give you the thumbnail sketch and to answer any questions if you had them. And to point out that all of these numbers are based on the assumptions that we made as far as the 3% revenue and the expenditures are projected to increase by 5%. As we discussed in the memo, if we were ultraconservative in terms of increases in expenditures or even in -- you know, more optimistic as far as revenue growth, if we were to raise the levies in the Sewer Districts by more than 3%, some of the calculations would change.

CHAIRWOMAN VILORIA-FISHER:
Gail, one of the differences between the two pieces of legislation is the time where this -- for the program, right? I think the County Executive's goes to 2021 and Legislator Horsley's goes to --

MS. VIZZINI:
Well, both --

CHAIRPERSON VILORIA-FISHER:
-- a shorter amount of time, right? But it's self-limiting by your definition because that excess money won't be there, you think, after the next couple of years?

MS. VIZZINI:
Well, Horsley's bill minimizes the -- what's called General Fund relief, which would be the monies that would go into the reserves for 2011 and 2012. Then after that, the surplus over in Horsley's bill, it's 150 million, would simply be for sewering.

CHAIRWOMAN VILORIA-FISHER:
Right.

MS. VIZZINI:
So they both go to 2021.

CHAIRWOMAN VILORIA-FISHER:
Right. But it's --

MS. VIZZINI:
But one is more restrictive.

CHAIRPERSON VILORIA-FISHER:
-- that money going to other than Sewer District? And Horsley's bill is only for the next couple of years.

MS. VIZZINI:
Yes.

CHAIRWOMAN VILORIA-FISHER:
And then the County Executive's, it goes to 2021. But as I was saying based on your projections, it would be self-limiting because that money over 150 million probably won't be there after 2013 maybe.

MS. VIZZINI:
Based on our -- based on assumptions, you're correct.

CHAIRWOMAN VILORIA-FISHER:
Okay. Now it's my understanding, and maybe somebody from the County Executive's Office can speak to this, that the County Executive's Office and Legislator Horsley are negotiating a compromise bill. But I haven't seen any iteration of that and perhaps you can tell us.

MR. KOPP:
The iteration doesn't exist just yet, but we have been meeting.

CHAIRPERSON VILORIA-FISHER:
What a surprise.

MR. KOPP:
I think we work a little better under the pressure of time constraints. We've been meeting with Legislator Horsley and speaking with him. We believe we have the framework of an agreement that we're going to work out. It will take the $140 million base out of the County Executive's bill and will use the two year -- two years for the funding stream into the General Fund. That will be renewable every two years. And we anticipate having this bill to bring before you via a Certificate of Necessity at the next Legislature meeting. And it is our hope that our bill will be tabled today. I'm not going to speak for Legislator Horsley, but I believe that is also his intent.

CHAIRWOMAN VILORIA-FISHER:
Yes, that's what he said. Yes. Are there any other questions for Ms. Vizzini? Okay. So I suggest to my colleagues that you look at that -- I didn't see you a minute ago. But I suggest to my colleagues that you look at that memo so that -- it's very clear and it's very helpful. And thank you, Gail, for that. And before we get the CN on Tuesday -- in fact, I'll probably remind all of the Legislature to look at that, Gail, so that when the CN comes, we'll have some clearer background as far as this is

concerned. Legislator Romaine.

LEG. ROMAINE:
Yeah. Let me just go through this very briefly. We have a Sewer Stabilization Reserve Fund to ensure that sewer rates won't spike in any particular Sewer District. And if they go up too high, they can draw on the Reserve Fund to balance the rates; is that correct? Is that essentially the intention of that?

MS. VIZZINI:
Correct.

LEG. ROMAINE:
Okay. This fund is funded, or was funded and still is, by sales tax. But in 2007 or 2008 we reduced the amount of sales tax that went into this fund; is that correct?

MS. VIZZINI:
That's correct.

LEG. ROMAINE:
People that borrow against this fund, Districts, have to pay that back; again, correct?

MS. VIZZINI:
That has been the policy, yes.

LEG. ROMAINE:
Right. Now, I don't know what the outstanding loans to the various Sewer Districts are. Do you have that information? And roughly what is that?

MS. VIZZINI:
We'll get that for you in a minute.

LEG. ROMAINE:
All right. You don't have to get it now. I mean if you send it to my District Office, that will be fine. You can e-mail me something on that. All right. So then an idea is put forward by our Executive that -- *whoa, whoa, let's take a look at this Stabilization Fund. It's doing pretty good. Do we really need all that money? Well, maybe in the long run we might, but not in the short run. So let's grab the money because we have all types of shortfalls.*

Now I assume that's the basis of both of these pieces of legislation. One caps it at 140 and one caps it at 150. I think Legislator Horsley's at 150. However, what you said, if we did the surplus, let's say at 140, the lower number which is proposed by the County Executive, we might be able to get $14 million in 2012 that we could take away. And maybe something 2013. But by 2014 we would -- the surplus would have expired and we would not have a surplus to tap by 2015; is that correct?

MS. VIZZINI:
Yes.

LEG. ROMAINE:
What does that do long-term to the Assessment Stabilization Reserve Fund for the Sewer Districts? Because obviously if there's a surplus that was put in there, essentially to ensure that sewer rates would not spike, and I assume there's a confidence by either the County Executive and/or Legislator Horsley that by taking the surplus away, we're not going to affect the long-term stability of this fund's ability to stabilize sewer rates; is that correct?

MS. VIZZINI:
Well, if nothing else changes, if we don't increase the sewer revenue, only continue to require their rates to go up 3%, if nothing else changes, our projections show -- and they are projections --

LEG. ROMAINE:
Right, they're projections based on the current assumptions that we're operating under.

MS. VIZZINI:
Right.

LEG. ROMAINE:
Which can change. I understand that.

MS. VIZZINI:
The fund would be exhausted by 2024.

LEG. ROMAINE:
2024?

MS. VIZZINI:
Correct.

LEG. ROMAINE:
So we could have ten, twelve years of having a little extra money that we could get from this fund that we could use to one, 62% of which could fund sewer lines elsewhere in the County; and, two, 38% of this could go to either the Debt Stabilization Fund, the Tax Stabilization Fund or the Retirement Stabilization Fund.

MS. VIZZINI:
No.

LEG. ROMAINE:
Okay.

MS. VIZZINI:
You said ten or twelve years of this.

LEG. ROMAINE:
Yeah.

MS. VIZZINI:
The memo -- one of the reasons I wanted to be here was --

LEG. ROMAINE:
Yeah, because although it goes to 2024, we'll actually expend all that money in three years?

MS. VIZZINI:
Again, based on our projections, you will not have a surplus over 140 million. You will have a few years of opportunity for diverting the revenue for sewering --

LEG. ROMAINE:
Right.

MS. VIZZINI:
-- and General Fund relief. The Fund would be at 140 million and it will be below the cap so --

LEG. ROMAINE:
So, that's it. And if we adopt Legislator Horsley's bill, it's a higher cap, we'll expend it even sooner. So you have two or four years in which we can tap this fund and then that's it, because it's unlikely that we will have any surplus, say, after 2014/2015; is that correct?

MS. VIZZINI:
In our opinion, yes.

LEG. ROMAINE:
Yes, based on your projections, your calculations, the current assumptions, I understand, all the conditions.

And then what happens after that in terms of the Sewer Assessment Stabilization Reserve Fund? Is it funded enough to ensure the Sewer Districts in this County? And I believe 22 of them are County-run, are municipal sewer districts. And then there's other municipal districts such as the Riverhead Town Sewer District, which is a municipal one and the Calverton Sewer District, EPCAL, but they'll have stable rates; is there enough funding that there'll be stable rates after that?

MS. VIZZINI:
Yeah, stable rates through 2024. Then there's --

LEG. ROMAINE:
And what happens in 2024?

MS. VIZZINI:
Hopefully before that similar to what we've done in the past, we'll see that the fund is being depleted --

LEG. ROMAINE:
Right.

MS. VIZZINI:
And we will have to review the whole policy regarding revenue to this Reserve Fund.

LEG. ROMAINE:
So it's a short-term fix and a possible long-term problem; is that a fair way to assess this issue?

MS. VIZZINI:
Yes.

LEG. ROMAINE:
So by doing this, while we may solve our problems in the short run, and we all live in the short run, not the long run, as someone pointed out, but in the long run we could force an increase in sewer rates or an increase? Or will we have to readjust that portion of the sales tax that goes to this Assessment Reserve Fund? Something would have to be done because the Reserve Fund would fall to levels that would not be able to fulfill all of its primary mission? Is that a fair statement?

MS. VIZZINI:
Based on these assumptions.

LEG. ROMAINE:
Yeah. Right, I understand. Every caveat you want to throw up there, I'm just trying to figure out, you know, what the short-term effect is and the long-term effect. Because when you vote for something, and that's why we all do live in the short run, we have to think about the long run, too, and there's a counterbalance there, because if we know that in ten to twelve years we're going to dis-stabilize the Stabilization Fund and we're going to have to put more money into it because we took the balance over 140 or 150, whichever plan you adopt, we took that surplus off. And as a result in future years we're going to have problems. I think everyone needs to know that. It may not change our votes. It may not change my vote because I understand the short-term problems that we face. But we should understand the parameters of what we're about to do with either one of these resolutions. Thank you.

CHAIRPERSON VILORIA-FISHER:
Today we are going to table them both.

LEG. ROMAINE:
I know. But we can get a CN coming over. That's my problem.

CHAIRPERSON VILORIA-FISHER:
Yeah, they're preparing a CN. Right.

LEG. ROMAINE:
And at a night meeting.

CHAIRPERSON VILORIA-FISHER:
Right. Okay. Presiding Officer Lindsay.

P.O. LINDSAY:
Just to make Legislator Romaine aware of some discussions with Legislator Horsley, I think -- I feel some of the same trepidations. And I believe that there is a compromise bill coming over where the Legislature would have to renew this policy in two years rather than go out to '21. And we would have -- we'd cap it 140 million so we would have somehow next year and the year after that in both sewerization and tax relief, but not signing onto a policy for the next nine years. All right. Or ten years.

LEG. ROMAINE:
Thank you.

CHAIRWOMAN VILORIA-FISHER:
Ms. Vizzini.

MS. VIZZINI:
Just to respond to Legislator Romaine's earlier questions, the Reserve has lent the Sewers $201 million that has not yet been paid back, of which 47 million is the last payment that Southwest would make probably over the period of 2012, 2013. So the smaller districts owe the fund 154 million and do not have the capability to pay it back without increasing their rates more than 3%.

LEG. ROMAINE:
That's exactly my point. You have 200 million loaned out to the various sewer districts, you know, three quarters of which generally are the smaller --

MS. VIZZINI:
Correct.

LEG. ROMAINE:
-- ones that the County is taking over; not the big ones, Southwest.

MS. VIZZINI:
Right.

LEG. ROMAINE:
And many of them rely simply on the rates to raise the revenue that would be needed to pay back the fund. And the rates right now are capped at about 3% growth each year. And those rates would have to rise astronomically to make these repayments. I assume there's, you know, we're not pursuing a policy of forgiveness regarding repayments, are we? Is that a policy? Or is that -- are people paying on time? If they're not paying on time, what is the legal response and the legal responsibility of the County in terms of seeking repayment regarding the Sewer Stabilization Fund?

CHAIRWOMAN VILORIA-FISHER:
You know, we're spending a lot of time on two pieces of legislation that, I think, we'll be re-debating when it comes before the eighteen Legislators. We do have the memo that everybody should be reviewing. I understand your concerns and -- you know, by referendum people voted for money to be spent in a certain way. And so I certainly understand your concerns and the Presiding Officer also reiterated them. But we do have an agenda that we want to get to and we already know that we'll be tabling these two resolutions.

LEG. ROMAINE:
Okay.

CHAIRWOMAN VILORIA-FISHER:
Okay. Thank you. And I was handed a card after I had begun. Thank you very much, Gail Vizzini, for being here.

MS. VIZZINI:
Welcome.

CHAIRWOMAN VILORIA-FISHER:
And, Mr. Kopp, with coming forward with your information.

PUBLIC PORTION

We have a card from Joe Gergela from the Long Island Farm Bureau. And I think he's speaking on the resolution, Mr. Romaine, that you introduced.

MR. GERGELA:
Hello, Madam Chairwoman, members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. Thank you for taking me a little out of order. I got here a little bit late. I was in between meetings. I'm a diabetic. I had to go eat. I apologize.

I just want to quickly remark on Legislator Romaine's resolution regarding financial disclosure for the farmland community. I did read the transcripts from the last meeting. Legislator D'Amaro did appropriately ask some hard questions, why should the farmers be treated any different, yadda, yadda. I've been working with the Administration, as well as Legislator Romaine's office, to come up with something as a compromise where we'll have a conflict of interest policy that also -- it does ask some very personal, pertinent financial information, which the farmers felt was a little bit too onerous.

You said, "well, why are they different?" Well, farmers are on the endangered species list. They're

doing this as volunteers to be of service to the County. They get it regarding transparency and all those issues. But they compete with each other.

One of the questions, as an example, that was on the -- is on the County -- the existing form, they ask your liabilities. Well, I can tell you from experience as a farmer that every farmer I know has mortgages and they do business with supply companies, yadda, yadda. But that -- they feel that that's very intrusive into, you know, their business model and how they conduct business. They're very competitive between each other.

We're trying to work out something that would meet muster with the Administration and the County Attorney's Office. And we thank Legislator Romaine for listening to us that we're -- we're trying to work it out. So we did hear. And I did read the transcripts of Legislator D'Amaro. They were relevant. They were appropriate questions. And we're trying to address them in a fair, reasonable manner that we can work this out.

So thank you for the opportunity to comment.

LEG. ROMAINE:
Quick question.

CHAIRWOMAN VILORIA-FISHER:
Legislator Romaine.

LEG. ROMAINE:
Joe, you're aware that I amended my resolution. And the disclosure form will equate to the disclosure form currently used by the Town of Riverhead for their Farmland Committee.

MR. GERGELA:
And I think that the farmers were pretty -- you know, we had some questions about Riverhead in a couple of spots. But that was a good model for us. I know that the Administration has looked at all the different Towns' policies and trying to come up with something that we can all live with, with the County Attorney's Office that it would fulfill, you know, the information that you really need.

CHAIRWOMAN VILORIA-FISHER:
Okay. Did you want to -- all right. Yes, there's been a lot of work between Legislator Romaine and the Administration. I know Planning Department has been working with you a lot on this just to try to be more fair because they are volunteers.

MR. GERGELA:
We're on a timeline so I would ask you guys if you think that this is a reasonable way we'd like to move it because we're running out of time regarding ethics issues for the Committee.

CHAIRWOMAN VILORIA-FISHER:
Thank you for being here, Joe. And I'll take it out of order so that we can vote on it. I know that you've been here since our Food Policy meeting and you want to get on your way. So we'll try to get to it soon. Thank you.

MR. GERGELA:
Thank you.

CHAIRWOMAN VILORIA-FISHER:
Thank you. I do have a card Mike Kaufman, but I don't know if you were going to speak or not, Mike?

MR. KAUFMAN:
I'm not sure at this point in time.

CHAIRWOMAN VILORIA-FISHER:
Well, this is it.

MR. KAUFMAN:
Then never mind.

CHAIRWOMAN VILORIA-FISHER:
Okay. All right. Thank you. Joe, where did you go? Joe, we're not going to be able to move that bill today. It's not ready to be moved so it doesn't make sense for me to take it out of order because we're going to have to table it for the next session. Okay, Counsel just informed me of that.

MR. GERGELA:
Thank you.

CEQ RESOLUTIONS

CHAIRWOMAN VILORIA-FISHER:
Okay. To the agenda. Actually CEQ resolutions. Mr. Mule, I don't see him. Ah, you were hiding behind Robert Lipp. You didn't know that, Robert.

MR. MULE:
Good afternoon.

CHAIRWOMAN VILORIA-FISHER:
Good afternoon.

MR. MULE:
CEQ resolution number 30-2011, Proposed SUNY Empire State College, Selden, Land Acquisition, Town of Brookhaven (Unlisted Action, Negative Declaration) CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:
Okay. Motion to approve.

LEG. D'AMARO:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? Approved. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution 31-2011, Acquisition of Land for Open Space Preservation Purposes Known as the Nature Conservancy, Inc. Lack Property, Village of North Haven, Town of Southampton (Unlisted Action, Negative Declaration) CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution number 32-2011, Proposed Gabreski Airport License Agreement Escape to New York, Town of Southampton (Type II Action). CEQ recommends classification as a Type II Action.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution number 33-2011, Proposed Sewer District #21 SUNY Stony Brook Wastewater Treatment Plant Upgrade, Capital Project 8121, Town of Brookhaven (Unlisted Action, Negative Declaration). CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution number 34-2011, Proposed Suffolk County Sewer Capacity Study for Bellport, Sayville, Ronkonkoma Hub, Middle Island Corridor, Mastic/Shirley, Yaphank, and Southampton, Capital Project 8189, (Type I Action, Positive Declaration). CEQ recommends classification as a Type I Action with a positive declaration. And just for point of information, there's a public hearing on the draft scoping document for this project tomorrow night at 6:30 PM at the Town of Brookhaven Town Hall.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution number 35-2011, Proposed Suffolk County Sewer Capacity Study Port Jefferson, Riverhead/Calverton, Patchogue and Sag Harbor, Capital Project number 8185, (Type I Action). CEQ recommends classification as a Type I Action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ number resolution 36-2011, Ratification of Recommendations for Legislative Resolutions Laid on the Table June 7, 2011 with CEQ's recommendations in the attached list of resos.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution 37-2011, Proposed Improvements to the Lindenhurst Village Square County Park, Town of Babylon (Type II Action). CEQ recommends classification as a Type II Action.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ number resolution number 39-2011, National Grid Easement Across County of Suffolk Parkland for Gas Service to the VA Hospital, Town of Huntington (Unlisted Action, Negative Declaration). CEQ recommends unlisted action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution number 40-2011, Acquisition of Land for Open Space Preservation Purposes Known as Beaverdam Creek County Wetlands Addition Affenita Property, Town of Brookhaven (Unlisted Action, Negative Declaration). CEQ recommends classification as an unlisted action with a negative declaration.

CHAIRWOMAN VILORIA-FISHER:
Same motion, same second, same vote. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

MR. MULE:
CEQ resolution number 41-2011, Final Generic Environmental Impact Statement and Statement of Findings for the Declaration as Surplus and Subsequent Sale of 250± Acres of County Owned Land in Yaphank for Mixed Use Development Purposes, Town of Brookhaven. CEQ accepted the Final Generic Environmental Impact Statement pursuant to Chapter 279 of the County Code and recommends approval of the Statement of Findings.

CHAIRWOMAN VILORIA-FISHER:
And there had been some suggestions for the consultant for some minor changes, I believe, and those were made.

MR. MULE:
Those minor changes were made and subsequently sent out to everybody.

CHAIRWOMAN VILORIA-FISHER:
Thank you. Same motion, same second.

LEG. ROMAINE:
I'm voting no.

CHAIRWOMAN VILORIA-FISHER:
Okay. Please note Legislator Romaine has voted no on that. Motion passes. **(VOTE: 5-1-0-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ROMAINE OPPOSED)**

MR. MULE:
CEQ resolution number 42-2011, a ratification of Recommendations for Legislative Resolutions laid on the table June 21, 2011. Again, CEQ's recommendation, they're in the left-hand margin.

CHAIRWOMAN VILORIA-FISHER:
Thank you, Mr. Mule. Same motion, same second, same vote. **(VOTE: 5-1-0-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ROMAINE OPPOSED)**

MR. MULE:
Thank you very much.

CHAIRWOMAN VILORIA-FISHER:
Thank you.

TABLED RESOLUTIONS

And now to the tabled resolutions. **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).** And I understand that the questionnaire that we need from the Town has not yet -- or the questionnaire from the Legislator and the information from the Town has not been submitted yet. That's my understanding; is that correct, Miss Lansdale?

DIRECTOR LANSDALE:
Yes, that's correct.

CHAIRWOMAN VILORIA-FISHER:
So then I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **1207 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1295, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 Saw Mill Creek addition, Town of Riverhead (SCTM No. 0600-131.00-01.00-002.001) (Romaine). Mr. Romaine?

LEG. ROMAINE:
Make a motion to table this.

CHAIRWOMAN VILORIA-FISHER:
Motion to table by Legislator Romaine, seconded by myself. All in favor? Opposed? **IR 1295 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1340, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - School Board of Education property - Town of Brookhaven (SCTM No. 0200-392.00-04.00-016.000) (Muratore). Legislator Muratore?

LEG. MURATORE:
Motion to approve.

LEG. ROMAINE:
Second.

CHAIRWOMAN VILORIA-FISHER:
There's a motion to approve and a second. Is there any other motion? Okay, then I'll call the vote. Motion by Legislator Muratore to approve, seconded by Legislator Romaine. All in favor? Opposed?

LEG. ANKER:
I'm opposed.

CHAIRWOMAN VILORIA-FISHER:
Okay. Please note the opposition by Legislator Anker. Okay, motion carries. **(VOTE: 5-1-0-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ANKER OPPOSED)**

IR 1342, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Global Home Properties) Town of Brookhaven (SCTM Nos. 0200-159.00-02.00-008.002 and 0200-159.00-02.00-008.003). (Viloria-Fisher) And I understand we'll be getting our rating form today. All of the reasons why I had tabled it earlier, those concerns have been met. There were liens -- mechanic liens on the property and they have been paid so it is now clear. Thank you. I'd like to make a motion to approve.

LEG. MURATORE:
Second.

CHAIRPERSON VILORIA-FISHER:
Seconded by Legislator Muratore.

LEG. ROMAINE:
Quick question.

CHAIRPERSON VILORIA-FISHER:
Yes.

LEG. ROMAINE:
I see there's an out parcel in the middle of the property. Do they have ingress and egress to that property?

CHAIRWOMAN VILORIA-FISHER:
When I went in there, there seemed to be a way to get in by that other house.

MS. FISCHER:
I think the access is from Oak Street. To the north there's a dirt road that goes over this property. So we would have to investigate what, if any, easement exists on that.

LEG. ROMAINE:
This is just a planning steps.

CHAIRPERSON VILORIA-FISHER:
Yes.

LEG. ROMAINE:
So obviously I'm going to support it. But when we approach acquisition, that's a question that -- if Planning could get me -- I see there may be a dirt road where the red line is from Oak Street going south to the property, but it's hard to see that there. I just want to -- before I acquire property, I don't want to landlock someone's else property.

MS. FISCHER:
No, that would be part of what Real Estate will investigate.

LEG. ROMAINE:
Okay.

CHAIRWOMAN VILORIA-FISHER:
And when I drove onto the property, that's how I came in. So I think that that's certainly a way to get in and out. So we have a motion to approve and a second. All in favor? Opposed? Motion carries. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1375, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (De Lea Sod Farms Property) Town of Huntington (SCTM No. 0400-168.00-03.00-041.003). (Stern) I was asked by the sponsor to table this. So I'll make that motion, seconded by Legislator Muratore. All in favor? Opposed? **IR 1375 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1403, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Aero World Corp. Property) Town of Islip (SCTM No. 0500-355.00-01.00-005.001) (Lindsay). Legislator Lindsay, what is your --

P.O. LINDSAY:
Motion to table.

CHAIRWOMAN VILORIA-FISHER:
Motion to table by Presiding Officer.

LEG. D'AMARO:
Second.

CHAIRWOMAN VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1403 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1424, Authorizing planning steps for the acquisition of Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 (Reeve-Bayview Farm Property) Town of Riverhead (SCTM Nos. 0600-067.00-02.00-029.005 and 0600-067.00-02.00-033.000) (Romaine). I understand this is still pending Farmland Committee review. Legislator Romaine?

LEG. ROMAINE:
Although we got a review, there isn't a rating. It's unfortunate because it was presented at the Farmland Committee about an hour before they began. There was not enough time at their last meeting to address this. And their next meeting is tomorrow. So the timing is bad so I'll be forced to table this for another session.

CHAIRWOMAN VILORIA-FISHER:
I'll second that motion. All in favor? Opposed? **IR 1424 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1425, Adopting Local Law No. -2011, A Local Law amending Chapter 278A of the Suffolk County Code addressing invasive non-native plant species (Viloria-Fisher). This has been through public hearing. I will make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1425 stands approved. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1437, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the McLaughlin property - Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-931.00-03.00-003.000, 0200-931.00-04.00-018.000, 0200-931.00-04.00-025.000, and 0200-931.00-05.00-039.000) (Co. Exec.). Subsequent to our last meeting when I had expressed concern that these small parcels would not ever be buildable, I did meet with the Planning Department. And it was made clear to me that they could form a -- they could aggregate these so

that they could be buildable. So I will make a motion to approve. Is there another motion or is there a second? Seconded by Legislator Muratore. All in favor?

LEG. ROMAINE:
Could we have a discussion?

CHAIRWOMAN VILORIA-FISHER:
Sure.

LEG. ROMAINE:
Thank you. I assume one of the major purposes of purchasing is to protect the groundwater; is that correct?

MS. FISCHER:
Yes. The surface and groundwater in this Watershed.

LEG. ROMAINE:
Surface and groundwater.

MS. FISCHER:
Correct.

LEG. ROMAINE:
Tell me the about the quality of the groundwater in this location. For those who don't know, these parcels are immediately south of Sunrise Highway. And if you stand, if you could look, if you had a clear view to the north side, you see what some people have affectionately called Mount Trashmore or Mount Brookhaven. And there stands the Brookhaven Landfill. And for anyone that has done any research all of the land to the south, southeast have been contaminated by leachate, which has infiltrated that entire area from the early eighties on. In fact, the in the early eighties the Town began a program to put water mains, not only there, but all the way as far south as the Bay because of the contamination coming out of the landfill. So I -- you know, my question, and I'm a huge advocate of acquisition. My question, is why are we purchasing land that has from every examination contaminated groundwater under it?

CHAIRWOMAN VILORIA-FISHER:
I see that Commissioner Culhane has come forward. And I assume he would like to address this issue.

COMMISSIONER CULHANE:
Sure. Thank you. Well, this is -- this is one of, I think, three parcels that are on the agenda for today in that area. It's called Beaver Dam Creek assemblage. And they are south of the lands fill. In that area the lands fill plume moves to the southeast towards Beaver Dam Creek. And some of the plume moves towards Carmans River.

I did look at some of the plume maps from that area. And it doesn't appear that the plume moves under these properties because it does move to the east as well as moving south. And the -- and this was something that was evaluated as part of the appraisal on the properties.

The other thing that I would say is, this is part of an assemblage of open space there. These properties are now contributing a plume in themselves. These properties are contributing clean recharge. And we're ensuring that by preserving the property. And I kind of look at this as an offset to an environmental insult that's occurring to the north. So this overall assemblage will be contributing clean recharge towards Beaver Dam Creek, which already does receive some of the

lands fill plume and that impacts the creek.

LEG. ROMAINE:
Commissioner, if I may, do you have any well tests, water tests from the Suffolk County Health Department for this area? Have you assembled any of those? Have you inquired from the data base from the Suffolk County Health Department whether they have any well tests or water tests from that area at all?

COMMISSIONER CULHANE:
No, I don't --

LEG. ROMAINE:
This is an area between Montauk Highway and Sunrise Highway directly across the street from the landfill that is -- you know, known plume. I have to think that some of these properties have been impacted. But if you're telling me they're not, I would simply say to you have you searched the Health Department data base on this?

COMMISSIONER CULHANE:
I didn't search the Health Department data base, but I looked at a -- I requested from the Town of Brookhaven --

LEG. ROMAINE:
Yes.

COMMISSIONER CULHANE:
-- which has done several studies over the years of the plume; the most recent one was from 2010. And they had a consultant do a map of the grounds water plume. And I looked at the map. I don't have that material with me today.

LEG. ROMAINE:
That's fine.

COMMISSIONER CULHANE:
I didn't know the question was going to come up.

LEG. ROMAINE:
Because I'll be in Hauppauge tomorrow. What I'd like to do is come by to your office maybe about 11:30. And if you have that material that I could borrow and I'd return the next day so I can review that. Because I have, you know, just on a practical basis having represented that area in the Legislature many, many years ago when these problems were occurring, I have my concerns. And if you have material that says otherwise, I'm very interested in reading that. For the moment, Madam Chairman, I'm probably going to abstain on this one until I get that information. I'll be prepared to vote for it at the General Meeting if you have information that shows the contrary.

COMMISSIONER CULHANE:
Okay, sure.

LEG. ROMAINE:
Okay. Thank you.

CHAIRWOMAN VILORIA-FISHER:
Commissioner, if you could forward that data to the rest of the Committee because we'll all be voting on this on Tuesday. And it would be good to see the direction of the plume visa vie these parcels.

COMMISSIONER CULHANE:
Okay. Thank you.

CHAIRWOMAN VILORIA-FISHER:
Thank you. And I'm certain that when we acquire parcels, a Phase I, how much would a Phase I show regarding contamination from the plume?

MS. FISCHER:
We don't usually get into that detail with a Phase I. But if necessary and appropriate, if we identified in the Phase I as an issue, it would be then dealt with as a Phase II. But it was not identified in the Phase I as an imminent issue.

CHAIRWOMAN VILORIA-FISHER:
If we were to look at the study that's already been done by Brookhaven Town and saw that there might be some kind of intrusion into the parcels that we're looking to buy, would that trigger a Phase II?

MS. FISCHER:
Possibly. We'd have to look at the information. But at this point our interest actually goes just beyond just the issue with the groundwater. Our interest is to protect the Watershed both surface water and groundwater. And obviously to acquire these would indeed protect any further development of these sites and obviously protect the groundwater and surface waters in this area as well as add to our significant holdings in this immediate area. We own properties directly around this property as well so there's a few key issues that we want to make --

CHAIRPERSON VILORIA-FISHER:
It's large assemblage in that area. But we've gotten the whole team up out of their seats. I see that our Director of Real Estate has approached the podium.

DIRECTOR GREENE:
Madam Chairwoman, if I could, I know it was several months ago but you may recall at the ETRB meeting when these Beaver Dam Creek Assemblage parcels were presented in the overhead, each of them did have the plume depicted on the presentation that Appraisal Review presented at the time. So it was addressed in the appraisal. It was addressed by the appraisers. It was discussed, I believe, at ETRB. And those items were noted for the ETRB's consideration before they approved for this Committee in the Legislature their recommendations.

CHAIRWOMAN VILORIA-FISHER:
Can you repeat again what you said about the plume? How did the plume affect these particular parcels?

DIRECTOR GREENE:
It was shown that they were not immediately under these particular parcels.

CHAIRWOMAN VILORIA-FISHER:
Okay. I just wanted to make sure that that was very clear. And, as you know -- and thank you for that information. But as you know in ETRB, what we're looking at is just approval of the appraisal amount. And the policy issues have to be addressed here. But I appreciate your triggering the memory recall. I think there was a question about the plume. I remember a Legislator asking. Thank you.

LEG. ROMAINE:
Two quick questions, if I may, for Planning.

CHAIRWOMAN VILORIA-FISHER:
Yes.

LEG. ROMAINE:
These properties, they're all small parcels; correct?

MS. FISCHER:
Yes. This includes four parcels.

LEG. ROMAINE:
And what are their sizes?

MS. FISCHER:
Altogether it encompasses about half an acre all together. Point six three acres.

LEG. ROMAINE:
So they're really small parcels. What is the zoning in that area? How is that area zoned?

MS. FISCHER:
I'd have to look that up. I don't have it immediately with me. I believe it's one-acre zoning, but I don't know.

LEG. ROMAINE:
So even if they assembled the four parcels, they couldn't build on it.

MS. FISCHER:
Well, they might be able to get a variance.

LEG. ROMAINE:
Okay. Now, let me ask you that. Since we've acquired other properties in this area, are these four parcels landlocked?

MS. FISCHER:
No, they're not. They're on paper streets that can be accessed and utilized for access.

LEG. ROMAINE:
Paper roads that would need a permit to develop them?

MS. FISCHER:
I believe so, but they're available for access. And they're very close actually to Montauk Highway so --

LEG. ROMAINE:
Right.

MS. FISCHER:
So the intent would be to provide that. And I don't think that the Town would be able to dissuade that.

LEG. ROMAINE:
Have you acquired any paper roads in this area?

MS. FISCHER:
We don't acquire paper roads in the sense that they don't have a tax map number. We look at them when we own properties completely around it and we don't discourage any other future access to any other parcels. We may abandon the paper road, but we don't acquire it per says unless it's a separate tax lot.

LEG. ROMAINE:
Thank you.

CHAIRWOMAN VILORIA-FISHER:
Okay. We have a motion to approve and a second. All in favor? Opposed?

LEG. ROMAINE:
Abstain.

CHAIRPERSON VILORIA-FISHER:
Please note the abstention. Motion is approved. **(VOTE: 5-0-1-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSTAINED)**

IR 1438 (Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Fasce property - Beaverdam Creek - Town of Brookhaven)(SCTM No. 0200-901.00-03.00-020.001) (Co. Exec.) Same motion, same second. All in favor? Opposed?

LEG. ROMAINE:
Abstained:

CHAIRPERSON VILORIA-FISHER:
Same vote. Approved. **(VOTE: 5-0-1-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSTAINED)**

IR 1440 (Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection program (effective December 1, 2007) - open space component - for the Brookhaven Vacant Land, LLC property - Beaverdam Creek - Town of Brookhaven (SCTM Nos. 0200-961.00-03.00-012.000, 0200-961.00-03.00-014.000, 0200-961.00-03.00-015.001, 0200-961.00-03.00-015.002 and 0200-961.00-03.00-016.000). (Co. Exec.) Same motion, same second, same voted. **(VOTE: 5-0-1-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ROMAINE ABSTAINED)**

IR 1481, Authorizing planning steps for the acquisition of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Lang Property - Town of Shelter Island (SCTM No. 0700-018.00-03.00-004.000) (Romaine). I believe there was some problems with this having been a gun club and contamination because of that?

DIRECTOR LANSDALE:
Yes. We raised at the last EPA Committee meeting concerns about this being a former gun club.

CHAIRWOMAN VILORIA-FISHER:
Okay.

LEG. ROMAINE:
If I may, Madam Chair, that means that you're concerned about potential led contamination?

DIRECTOR LANSDALE:
Yes, that's true.

LEG. ROMAINE:
I'm sure that the County is also concerned about its lead contamination at its Skeet and Trap Range. I would assume that that's the case as well.

MS. FISCHER:
Yes.

LEG. ROMAINE:
Okay. I mean, if you're concerned about lead contamination -- have you tested the property at all? Have you made any inquiries with the Town of Shelter Island about that?

MS. FISCHER:
We did speak with the Supervisor.

LEG. ROMAINE:
Jim Dougherty.

MS. FISCHER:
Yes. About the property. And he was familiar with the property and was not willing at this time to move forward as a partner on it. There are other priorities --

LEG. ROMAINE:
Right.

MS. FISCHER:
-- that the Town of Shelter Island would rather move forward on.

LEG. ROMAINE:
Right.

MS. FISCHER:
And he was the one, in fact, who told me about the prior use of the property. And that was a concern of theirs as well.

LEG. ROMAINE:
Okay. Based on that, I'll table it for the time being. I make a motion to table, Madam Chair.

CHAIRWOMAN VILORIA-FISHER:
Seconded by Legislator Muratore. All in favor? Opposed? **1481 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1515, Authorizing the inclusion of new parcels into existing certified agricultural districts in the County of Suffolk. (Co. Exec.) And if you could just, Miss Lansdale, just go through an explanation of this legislation because someone had a side-bar asking questions about that.

DIRECTOR LANSDALE:
Sure. Thank you. I'm going to introduce Jessica Kalmbacher from the Planning Department to talk a little bit more about this. The -- just for some background, the public hearing took place and was closed on June 21st regarding this legislation.

MS. KALMBACHER:
Good afternoon. Each year the County opens up a time period within which landowners of parcels used for commercial agricultural production can petition to have their properties included in existing certified agricultural districts. This legislature has determined that that time time frame would be the month of January.

The applications received during that month are then reviewed by Suffolk County Agricultural Environmental Protection Board. And recommendations from that Board are then provided to you in our report that you should have. It was included in the IR packet.

CHAIRWOMAN VILORIA-FISHER:
Okay. I'll make a motion to approve.

LEG. ROMAINE:
Second.

CHAIRWOMAN VILORIA-FISHER:
Seconded by Legislator Romaine. Okay. Were there some parcels that were not recommended in this legislation, I think, that was the question. Okay, right. And so what we're doing with accepting this is accepting your recommendations.

MS. KALMBACHER:
That is correct, yes.

CHAIRWOMAN VILORIA-FISHER:
I just wanted to make sure that was clear on the record; that it doesn't mean that we're going over you and saying that they should all be accepted, but rather that we're accepting the recommendations. So there's a motion to approve and a second. All in favor? Opposed? **IR 1515 stands approved. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

Okay. **IR 1540, Authorizing planning steps for the acquisition of development rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Szuster Farm Property - Town of Brookhaven (SCTM Nos. 0200-500.00-01.00-001.003 p/o). (Browning)** And, again, that has to await review by the Farm Committee. So I will make a motion to table.

LEG. D'AMARO:
Second.

CHAIRWOMAN VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1540 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1541, Authorizing planning steps for the acquisition of development rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Longmeadow Farm Property - Town of Brookhaven (SCTM No. 0200-974.20-02.00-021.100) (Browning). I'll be making the same motion for the same reason. Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1541 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1544, Adopting Local Law No. -2011, A Local Law eliminating financial disclosure requirements for Farmland Committee members. (Romaine) And as advised by Counsel, we need to make a motion to table. Legislator Romaine?

LEG. ROMAINE:
Motion to table.

CHAIRWOMAN VILORIA-FISHER:
Motion to table by Legislator Romaine. And I'll second that. All in favor? Opposed? **IR 1544 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1547, Adopting Local Law No. -2011, A Charter Law utilizing Assessment Stabilization Reserve Fund surpluses for enhancing sewer capacity and County-wide taxpayer protection (Co. Exec.) As discussed earlier, I'm making a motion to table, seconded by --

LEG. D'AMARO:
Second.

CHAIRWOMAN VILORIA-FISHER:
-- Legislator D'Amaro. All in favor? Opposed? **IR 1547 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1549, Adopting Local Law No. -2011, A Charter Law to expand permissible uses of Assessment Stabilization Reserve Monies to fund sewers and nitrogen removal septic systems (Horsley). I will make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1549 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1569, Authorizing planning steps for the acquisition of Farmland Development Rights under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007 - Riverhead Central School District property Town of Riverhead (SCTM No. 0600-046.00-03.00-005.000) (Romaine). We need a motion to table for it to go before the Farmland Committee. Motion to table by Legislator Romaine, seconded by myself. All in favor? Opposed? Okay, motion stands tabled. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1596, Appointing Terri Alessi-Miceli as a member of the Long Island Regional Planning Council. (Co. Exec.)

MR. KOPP:
Ms. Alessi-Miceli was not able to attend.

CHAIRWOMAN VILORIA-FISHER:
Right. We tried to reach out to her. Also, while you're here, Eric, we had asked that a resume be attached.

MR. KOPP:
We learned that this morning. We'll get that over.

CHAIRWOMAN VILORIA-FISHER:
Okay, thank you very much, Mr. Kopp. Okay. So I'll make a motion to table, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1596 stands tabled. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1597, Amending Resolution No. 311-2005, in connection with stormwater remediation improvements for CR 94A Center Drive South at Little Peconic River (CP 8240.312). (Co. Exec.) This is just a technical correction, if I understand. Okay. So I'll make a motion to approve.

LEG. D'AMARO:
Second.

CHAIRWOMAN VILORIA-FISHER:
Seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1597 stands approved. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1598, Amending Resolution No. 747-2005, in connection with stormwater remediation improvements for CR 50 Union Boulevard at Champlins Creek (CP 8240) (Co. Exec.). And again this is a technical correction. I will make a motion to approve, seconded by Legislator D'Amaro. All in favor? Opposed? **IR 1598 stands approved. (VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

IR 1599, Adopting the State Environmental Quality Review Act Statement of Findings for the final Generic Environmental Impact Statement on the declaration as surplus and subsequent sale of 255± acres of County-owned land in Yaphank for Mixed-Use Development Purposes. (Lindsay) And I remind everyone that this is not accepting the sale, but rather just accepting the Final GEIS. So I will make a motion to approve.

LEG. D'AMARO:
Second.

CHAIRWOMAN VILORIA-FISHER:
Seconded by Legislator Lindsay. All in favor? Opposed?

LEG. ROMAINE:
Opposed.

CHAIRWOMAN VILORIA-FISHER:
Please note the opposition. Motion passes. **(VOTE: 5-1-0-0. P.O. LINDSAY INCLUDED IN VOTE. LEG. ROMAINE OPPOSED)**

IR 1622, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Nature Conservancy, Inc. As contract vendee of the Lack property - Town of Southampton - SCTM Nos. 0901-005.00-01.00-017.004, 0901-005.00-01.00-017.005, 0901-005.00-01.00-017.006, 0901-005.00-01.00-017.007, 0901-005.00-01.00-017.008 and 0901-005.00-01.00-017.009 p/o). (Co. Exec.) I understand that the conservation easement that's adjacent to this had not been considered in the rating?

MS. FISCHER:
Yes. We were going to get into that for you.

CHAIRWOMAN VILORIA-FISHER:
Okay. Sorry, Lauretta for preempting you. Go ahead with your presentation.

MS. FISCHER:
We have given you a copy of the aerial indicating those properties that are before you for proposed acquisition in red. And we also have the original rating that was completed that did not include the dedicated open space, the 15-acre parcel that is identified on the west side of the holdings. That parcel was not included at the time. And our thought was at that point was that it was already dedicated open space and would not be considered as part the acquisition.

Moving forward now, it is obviously part of the acquisition. And just for your information, if we did include it as part of the rating, it would get an extra 8 points for wetlands between 25 and 50% of the property and two more points for the size of the property greater than 25 acres as well as an additional five points for an agreement with the Village of Northaven, a municipal agreement for them to manage the property. That would give you then a total of 36 points for its review and rating at this point.

CHAIRWOMAN VILORIA-FISHER:
Okay. Is there a motion?

LEG. ROMAINE:
Motion.

CHAIRWOMAN VILORIA-FISHER:
Motion to approve by Legislator Romaine.

LEG. MURATORE:
Second.

CHAIRWOMAN VILORIA-FISHER:
Second by Legislator Muratore. All in favor? Opposed? Motion stands approved. **(VOTE: 6-0-0-0. P.O. LINDSAY INCLUDED IN VOTE)**

LEG. ROMAINE:
Motion to adjourn.

CHAIRWOMAN VILORIA-FISHER:
Motion to adjourn by Legislator Romaine, seconded by Legislator D'Amaro. We stand adjourned.

THE MEETING CONCLUDED AT 2:13 PM
{ } DENOTES SPELLED PHONETICALLY