

**ENVIRONMENT, PLANNING & AGRICULTURE COMMITTEE**

**OF THE**

**SUFFOLK COUNTY LEGISLATURE**

**MINUTES**

A meeting of the Environment, Planning & 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 November 25, 2013.

**MEMBERS PRESENT:**

Leg. Kara Hahn, Chairwoman  
Leg. DuWayne Gregory, Vice Chair  
Leg. Sarah S. Anker  
Leg. Thomas F. Barraga  
Leg. Al Krupski

**ALSO IN ATTENDANCE:**

Presiding Officer Wayne R. Horsley, 14th Legislative District  
Leg. John M. Kennedy, Jr., 12th Legislative District  
George M. Nolan, Counsel to the Legislature  
Sarah Simpson, Assistant Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk of the Legislature  
Thomas Vaughn, County Executive's Office  
Robert Lipp, Director/Budget Review Office  
Laura Halloran, Budget Review Office  
Sarah Lansdale, Director/Department of Planning  
Lauretta Fischer, Principal Environmental Analyst/Department of Planning  
Janet Longo, Real Property Acquisition & Management  
Frank P. Castelli, Environment Projects Coordinator/Economic Development and Planning  
Deborah Tinnirello, Aide to Leg. Hahn  
Marge Acevedo, Aide to Presiding Officer  
Amy Ellis, Aide to Leg. Anker  
Michael Pitcher, Aide to Presiding Officer  
Marie Berkoski, Aide to County Executive  
Melanie Cirillo, Peconic Land Trust  
John Turner, Town of Brookhaven  
Mayor Ralph Scordino, Babylon Village  
George Proios, Reappointee/Soil and Water Conservation District  
And all other interested parties

**MINUTES TAKEN BY:**

Diana Flesher, Court Stenographer

**THE MEETING WAS CALLED TO ORDER AT 2:05 PM**

**CHAIRWOMAN HAHN:**

Okay, welcome everyone to the meeting of the Legislature's Environment, Planning and Agriculture Committee. If we could all rise for the salute to the flag led by Legislator Gregory.

**SALUTATION**

**PUBLIC PORTION**

Okay. We have two cards. The first is Melanie Cirillo followed by John Turner.

**MS. CIRILLO:**

Good afternoon. I'm Melanie Cirillo from Peconic Land Trust. I've spoken to you in the last couple of weeks about your farmland and open space protection plan. And, as you know, Peconic Land Trust works with many landowners to help protect their farmland and open space. There's many ways of doing that. And we really do rely on the purchase of development rights as one of the tools available to them.

We're here today just concerned that the resolution 2053, you'll be appropriating funds. And there's \$1.3 million that will be transferred over for this year's acquisitions and what is being worked on presently. It's a very long list of landowners that is interested in selling development rights in Suffolk County. And we just don't know why it's only 1.3 million. We really had thought and been told it would be a larger number, maybe as much as 3.6 million. So our question today is what's happened to two-thirds of the money when there are many people that need to know that purchase of development rights is an option for them?

**CHAIRWOMAN HAHN:**

Thank you. John Turner.

**MR. TURNER:**

Good afternoon, Chairwoman Hahn, and members of the Committee. My name is John Turner and I serve as a consultant to the Town of Brookhaven's Open Space Acquisition Program. And I'm here specifically on behalf of Supervisor Ed Romaine and the Town of Brookhaven Town Board to lend our support for Introductory Resolution 1941, which would authorize the acquisition, an 80/20 partnership with the County for the purchase of a property that's listed here as the Toppings Farm property or the Toppings Path property. We've supported that resolution strongly because that property is situated within one of two farm protection areas in the entire Town, the Manorville Farm Protection area and Eastport Farm Protection area, they're the two remaining areas in the Town that have large contiguous blocks of farmland open space that we're trying to maintain the rural bucolic character of the Town with acquisitions in those two areas.

The parcel's also situated on County Route 51. And in the County Route 51 Land Use Plan that the Town of Brookhaven Town Board adopted, it calls for the acquisition of this property; primarily because if you actually acquire this piece, virtually the entire western side of County Route 51, all the way from Montauk Highway north to the County Center in Riverhead will be preserved. There will be no development along it, which is something that's pretty unusual given the amount of development that's occurred in the Town of Brookhaven. On the east side there's only one development of parcel. So almost the entire County Route 51 corridor has been preserved as open space or farmland, really beautiful, rural corridor that we want to see maintained that way.

Now I do understand that there's some -- there was some understanding on your part that the Town of Brookhaven has funds for open space acquisition. And that indeed is true. But at the time this resolution was being crafted, the Town really couldn't commit to anymore than the 80/20

partnership. And I will say that the Town does have approximately \$12 million for the 2014 Capital Budget for land acquisition. But please keep in mind that 8 million of that 12 million is earmarked for parcels within the 17,000 acre Carmans River Watershed. So we've got our work cut out for us. The Town Board, as you know, just recently adopted that plan. And, Legislator Hahn, you been the meetings. You've heard that one of the high priorities of land acquisition is fulfilling the goals of that plan.

So we need 8 of that 12 million easily. We may be coming to you to actually help partner on some of the acquisitions there. That really leaves 4 million. And of that 4 million, I'm actually going into Executive Session with the Town Board tomorrow to eat up another 2.9 million. So that other 4 million is really all spoken for already for either acquisitions that are well into the pipeline or just beginning to go into the pipeline. It's includes key acquisitions like the Gentlemen's Driving Park up in Terryville, the Terryville Green Belt. And we were excited, got another parcel that there's interest in Mt. Sinai Highlands area, Legislator Anker would be interested in. So while we do have the four million available, that four million is basically spoken for as well.

So we're hoping that you'll support the resolution as was crafted with the 80/20 partnership because that's really the amount of money that the Town of Brookhaven was able to commit to that project at that time and really today still is.

**CHAIRWOMAN HAHN:**

So, Mr. Turner, the reason this came up was we heard last week that we have \$300,000 left in cash in our program. We're going to transfer over the money from 2012, which will be in the neighborhood of four million for the entire County.

**MR. TURNER:**

U-huh.

**CHAIRWOMAN HAHN:**

So, you know, we were -- when we remembered the nice splash that Brookhaven got for adding 10 or so million dollars to its open space fund, we wanted to check in and see just how much this parcel means to you in terms of whether or not you could kick in an extra ten percent or something to help us out. I think that's kind of how the discussion went because we're really in desperate straits with our open space dollars.

**MR. TURNER:**

Okay.

**CHAIRWOMAN HAHN:**

Legislator Anker.

**LEG. ANKER:**

So as far as your priority with the Town of Brookhaven, this would be like the top 10%, top 5%?

**MR. TURNER:**

The Toppings Farm acquisition? Yeah, it's one of our highest priorities. Because, again, as I mentioned, if we can successfully conclude this acquisition, we will ensure that the entire County Route 51 corridor is maintained as rural and open -- as open space with some -- you know, some limited farmland along it. So it was -- it is a priority to the Town. Again, at the time that this was identified as a potential partnership with the County, we were really low on funds so we couldn't commit more than a 20% at the time. And really now we're still in the same situation simply case of the other acquisitions that are coming before us again as soon as tomorrow in the Executive Session that -- for the remaining 4 million setting aside the 8 million, again, that we're going to be working to try to acquire parcels in the Carmans Watershed.

**CHAIRWOMAN HAHN:**  
Legislator Krupski.

**LEG. KRUPSKI:**  
John, thank you for coming in and explaining the importance of these parcels.

**MR. TURNER:**  
Thank you.

**LEG. KRUPSKI:**  
It is -- we do rather -- we would rather see a partner 50/50, but, you know, given the current nature and obviously the history of this, it's understandable -- your position is understandable. And, again, you know, you have the knowledge of the area and how much is preserved there and how these little in fill parcels are so important.

**MR. TURNER:**  
Right.

**LEG. KRUPSKI:**  
So thank you for that.

**MR. TURNER:**  
Thank you.

**CHAIRWOMAN HAHN:**  
Yes, Legislator Anker.

**LEG. ANKER:**  
So, again, I mean as far as -- you know, our County investment of \$224,000 for the total -- of being 280,000 it'll come out to roughly about \$44,000 for the County to invest per acre. And I think that's a pretty good investment.

**CHAIRWOMAN HAHN:**  
Okay. Thank you.

**MR. TURNER:**  
Thank you.

**CHAIRWOMAN HAHN:**  
Okay, that's the last of my cards. Is there anyone else who would like to address the Committee? Seeing none, we will close Public Portion and I'll look to Legislator Gregory to make a motion.

#### **INTRODUCTORY RESOLUTIONS**

**LEG. GREGORY:**  
Yes. Excuse me. Yes, thank you, Madam Chair. We have Mayor Ralph Scordino with us from Babylon Village and I would like to dispose of his resolution that comes before us so he can get back to work for the good people of Babylon Village. So I'm going to ask that we make a motion to take IR 2065 out of order.

**LEG. KRUPSKI:**  
Second.

**CHAIRWOMAN HAHN:**

We have a motion and a second to take Introductory Resolution 2065 out of order. All those in favor of taking it out of order? Opposed? Abstentions? **Introductory Resolution 2065** is before us. **Introductory Resolution 2065, Appointing Ralph Scordino as a member of the Long Island Regional Planning Council. (Co. Exec.)** If you'd like to come forward and have a seat in front of one of the microphones. Renee, which microphone would be preferable for him to use? There's probably one that he doesn't have to hold the button down the whole time. Welcome, Mr. Mayor.

**MR. SCORDINO:**

Good afternoon everyone. Thank you very much for inviting me here.

**CHAIRWOMAN HAHN:**

If you can just kind of tell us a little bit about yourself and why you would like to serve in this capacity for Suffolk County.

**MR. SCORDINO:**

Sure. Presently I'm the Mayor of Babylon Village. I've been there for -- I believe this is my third term, 11 years. Sixteen years before that I was Deputy Mayor under Don Conroy. I lived in Babylon Village almost all my life. Three third generation Babylon -- Babylon High School graduate. My mother went to Babylon. I went to Babylon. My children went to Babylon High School.

It's very, very important for me to be on this Committee because I feel that being newly elected to the Suffolk County Village Officials as the President representing 33 Mayors in Suffolk County, I get a diversity of problems that many, many villages have in Suffolk County. Suffolk County's in the transition of changing. There are a lot of changes occurring in Suffolk County and I would like to be part of it in the planning event.

**CHAIRWOMAN HAHN:**

Okay, any questions?

**LEG. GREGORY:**

I don't have a question.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

I just have a statement. My Legislative District doesn't cover Babylon Village, but I've had the pleasure of working with the Mayor on several issues. And, you know, he is the epitome to me of what a Mayor is. He's hands-on, he's hard working, he's intelligent. And I think he's the right -- has the right abilities and the right mindset to be a representative on the Long Island Planning Regional -- Long Island Planning Council -- Regional Planning Council. I think he's a great asset not only to his Village but I think for Suffolk County. And I fully support his appointment.

**CHAIRWOMAN HAHN:**

Okay. Any other questions? Seeing none, I will take a motion from our Presiding Officer Wayne Horsley.

**P.O. HORSLEY:**

Thank you very much, Madam Chair. And I'm using my prerogative as Presiding Officer to vote to this one. I would like to -- just first of all, echo the comments that Legislator Gregory just made about Ralph. Ralph and I go back to -- we were kids together. And point of fact that I constantly mention excepting the fact that he's a year older than I am, but he is certainly, as Legislator Gregory

says, the ideal of what a mayor's like, and what he should be and who he should be. And the effects and activities that are in the community all go to him and work through him. And I just wanted to not only as a friend but also somebody I have a great deal respect for place the -- to recommend this for approval.

**CHAIRWOMAN HAHN:**

Okay. We have motion and a second by Legislator Gregory. All those in favor? Opposed? Abstentions? **2065 is approved. (VOTE: 6-0-0-0. PO HORSLEY INCLUDED IN VOTE)** And you do not need to come before us at the General Meeting. So thank you very much.

**MR. SCORDINO:**

Thank you very much everyone. Thank you.

**CHAIRWOMAN HAHN:**

Thank you.

**LEG. KRUPSKI:**

Can I make a motion to take --

**CHAIRWOMAN HAHN:**

Yes, I look to Legislator Krupski.

**LEG. KRUPSKI:**

Make a motion to take 2017 out of order.

**CHAIRWOMAN HAHN:**

I'll second that. There's a motion and a second to take Introductory Resolution 2017 out of order. All those in favor of taking it out of order? Opposed? Abstentions? **2017** is before us.

**Introductory Resolution 2017, Reappointing George Proios as a member of the Suffolk County Soil and Water Conservation District. (Krupski)** Mr. Proios, just for your own edification and that of everyone else in the audience, when you sit right behind the podium, the person that's chairing the meeting can't see you (Laughter). So thank you, Legislator Krupski, for pointing out that he was there so that he didn't have to wait through the whole agenda in order to come before us.

**MR. PROIOS:**

That's all right.

**CHAIRWOMAN HAHN:**

Actually reappointments don't really need to be here. So thank you very much for, you know, being here and your willingness to speak to us. And, Legislator Krupski, did you have any --

**LEG. KRUPSKI:**

Yeah, I'm very happy that George is willing to serve in this capacity again. Legislator -- thank you. Legislator Anker and I serve on the board with George and with other members. And he is -- he's a great leader on that board. He's very knowledgeable. And the County's fortunate to have someone like George in that position. So thank you for -- and I hope everyone supports his reappointment.

**MR. PROIOS:**

Thank you very much. And I come cheap, too.

**CHAIRWOMAN HAHN:**

George, give us 60 seconds on why you'd like to be reappointed.

**MR. PROIOS:**

## 11/25/13 EPA Committee

I just want to get quickly -- that's why -- one of the reasons -- ulterior motives for showing up is to just quickly tell you what we've done in the last couple of years. As some of you know, the reason why districts were formed was because of the dust bowl of the '30s where we lost hundreds of millions of acres of productive farmland. It was the worst natural disaster. And if you don't -- ever have time and you're in front of the computer, Google Dust Bowl. And if you don't want to read the stories, just hit images and look at all the pictures of the destruction, the farmlands, tractors that are buried in sand. And you'll see some of what happened.

And click on Black Friday -- I'm sorry -- Black Sunday, which was the day that a dust bowl storm in the midwest traveled across the country. And on Christmas Eve in New York City and Washington red snow fell. And that was finally the last straw that broke the camel's back. And Congress passed a law creating the the Soil and Conservation Service now called the Natural Resource Conservation Committee. And they also put pressure on all the States. And back then all 48 states created soil and water districts. New York State created theirs in 1940. It's the smallest McKinney's book. It's about 40 pages long. You can read it during lunchtime. It's broken into two parts; one of it's enabling legislation that allows every County to establish a soil and water district. And Suffolk County, along with every other County of the State of New York, has created a district. The only reason we don't have 62 of them is because New York City banned together in the 5 boroughs to form one district so we have 57 separate county ones and New York City.

The other half of this book creates the State's own Water Conservation Committee that administers programs to all the districts. And I just happen to sit on that and I'm Chair of that. And we administer money through the Environmental Protection Fund. This year Governor Cuomo put in \$14 million that we share with other counties for projects. Our project that we submitted this year was a continuation of one we've done the last two years. And we have 13 farmers that are now signed up to have replaced their old aging fuel tanks that are their property. And if you look on the back page of the -- last year's annual report, we have brought in up to -- last year almost \$700,000 for that. And these 13 new farmers will easily top the one million mark and we'll have quite a few tanks that are finally replaced to either double wall tanks or the fiberglass tanks.

I just want to quickly go into just the fact that we only have five staff members. And for every dollar you give us, which is around \$370,000 of the budget, we probably give you a minimum of five times back. At one point I think it was almost close to ten times the amount of money. For every dollar that you gave us, we gave you \$10 back. A lot of it in terms of the programs that go out directly to the farms. I was going to mention some of those projects.

I also needed your support, and our two Legislators on the board are helping that, that out of those three positions, one is the manager who will be retiring soon. And we have a clerk. And then just really three district technicians. One of them has to be elevated to position of soil district -- senior soil technician, which has been vacant for the last several years in order to give that person some experience to replace the district manager when he retires within one or two years. So we'd hope we'd get your support in doing that.

But I just wanted to mention five specific projects very quickly. We're the only County in the State that has a Memorandum of Agreement with DEC to access money that's levied against pesticide violators. That goes into a special fund they have. And they gave us originally \$400,000. We went through that very quickly. They gave us another two; then they gave us another two. And then they said it was ridiculous just having money go to them and then transferring to us. So we opened up an agency in a trust account with the County Treasurer's Office. And they told the violators that come into DEC that our fined to send the money directly to the County trust and agency account. And we access that money to build pesticide mixing pads so that when farmers are mixing concentrated pesticides and spills, it doesn't go onto the ground; instead it goes into a collection point that gets fed back in the sprayer.

Last year we bought a plastic bailer with State monies, \$60,00, and we're helping the Towns that

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have plastic hoop houses that they take off every spring, instead of taking it to the landfills, which they're on the landfills, they have to take it to the town dumps and then it's shipped off the island; instead of wasting money and time we recycle that in our bailer. And when we have enough for trailer -- tractor trailer load, we call in a friend that comes in and they pay us for each bundle of plastic we have on the truck. So we're saving landfill space. We're saving the farmers on expenses. And we're bringing a few dollars in doing that.

You probably read that we did a rain garden last year. We've helped Nassau just do a rain garden. And we're doing another one now with Legislator Krupski out in Southold. So we're hoping that DPW will start picking up on this and doing more and more rain gardens within the County.

And the last two projects Senator LaValle gave us about a million dollars to do deer fencing. A lot of money passes through our hands. And I've said if we could just get 5% of a finder's fee, we wouldn't need any money from you at all. So out of that million dollars basically, I know it doesn't help close your budget shortfalls, but all that wood that was purchased by the farmers is money going back into your tax revenues from the Quarter Percent Sales Tax. And all the labor that was used to install that deer fencing, again, wages paid to Suffolk County; so it helps the Suffolk County economy even though I can't give you the actual dollar amount, you know, into the County budget.

And as I mentioned, the fuel tank is an unusual one because, again, we're the only County in the State of New York that has used the State's Environmental Protection Fund for this type of program. And you've heard a lot of people tell you all the time we're a sole source aquifer and they're complaining about what's happening on the agricultural area. Well, here's a very positive program where we've practically gone out to the farmers and told them that they're out of compliance with Article 12. We've had to help with the Health Departments sending letters out to the farmers telling them they're out of compliance in one hand; and on the other hand they're saying if you go to the Soil and Water District, you can get 75% of the cost for replacing your tanks through the State EPF Program. And so that's how we're getting a lot of the farmers now to comply.

**CHAIRWOMAN HAHN:**

Thank you.

**MR. PROIOS:**

So that's just a quick synopsis of some of the projects we're doing for you.

**CHAIRWOMAN HAHN:**

Thank you. Madam Clerk, do we have a motion? No. Okay. Let's get a motion going here. Motion by Legislator Krupski; seconded by Legislator Anker. Legislator Anker?

**LEG. ANKER:**

I just wanted to echo comments made by Legislator Krupski. I just think -- you know, it's been wonderful working with George on the Soil and Water Conservation Committee. Again, you're talking about the erosion, the farms, the water; there's so much that you have worked on and are so knowledgeable about that I think you're a wonderful asset to the County. And we really appreciate your dedication to your work.

**MR. PROIOS:**

Thank you. I appreciate that.

**LEG. ANKER:**

So thank you.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

Thank you, Mr. Proios. You mentioned a lot of things. I just was curious if you've done any projects in the 15th Legislative District or in the Town of Babylon?

**MR. PROIOS:**

Years ago, I think, we had some problems in one of the canals with the seaweed that was coming up into there. Usually in the western towns that doesn't have many farms we concentrate on stormwater issues. And if the Legislators have a problem with flooding, we have programs for that. We work with the townships directly, too. We're starting something with Brookhaven Town. And we constantly tell Huntington Township, Islip, Babylon, Smithtown that if you have flooding issues that you need our support on, we have somebody who actually does training for contractors that are doing work in the townships, which are now required under the State law for dealing with stormwater. And we have a course coming up actually in December, early December, which will include contracts from your Town as well as the other western towns.

So we're always -- that's one of the reasons I give you our folder here with our name and address. If you have issues that come under our jurisdiction, let us know because -- most of the work we do, even with farmers, is voluntary. We wait for them to come to us, you know, we can't force them to come into the program. So we need to put ourselves out there, but then hopefully somebody will knock on our door and say we got a problem. So if you do have a problem, we're always willing to offer our assistance.

**CHAIRWOMAN HAHN:**

And you would help a farm where -- we own the farmland development rights and there's a stormwater runoff problem?

**MR. PROIOS:**

U-huh. In fact we did a Comprehensive Nutrient Management Plan for the County Farm out in Yaphank.

**CHAIRWOMAN HAHN:**

I can think of one that I need help with so I will be calling you later. Thank you. Okay, so we have a -- we have a motion and a second All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 5-0-0-0)**. And you do not have to attend the General Meeting.

**MR. PROIOS:**

Okay. Thank you very much.

**CHAIRWOMAN HAHN:**

Thank you very much for all that you do.

**MR. PROIOS:**

Thank you. You're welcome.

**TABLED RESOLUTIONS**

**CHAIRWOMAN HAHN:**

Okay. We are back to Tabled Resolutions. **Introductory Resolution 1563, Authorizing execution of an order on consent with the United States Environmental Protection Agency concerning County underground storage tanks and universal waste. (Co. Exec.)** Mr. Vaughn.

**MR. VAUGHN:**

Would you please table this again?

**CHAIRWOMAN HAHN:**

Okay. I make a motion to table.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Gregory. All those in favor? Opposed? Abstentions? **1563 is tabled.**  
**(VOTE: 5-0-0-0)**

**Introductory Resolution 1568, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Mowdy property - Town of Brookhaven (SCTM No. 0209-021.00-05.00-032.000) (Browning)**  
Director Lansdale, welcome.

**DIRECTOR LANSDALE:**

Good afternoon.

**CHAIRWOMAN HAHN:**

Okay. So 1568, we have been tabling; however, the sponsor has said that there was language added that, you know -- yeah, dealt with something about pending the approval of the federal funds. Are you familiar with the language that was added? And how does that jive with what you were asking us to do on this resolution?

**DIRECTOR LANSDALE:**

So it's -- the language that was added is in the Fourth Whereas Clause and probably in the Resolve Clause as well, which indicates an -- in anticipation of receiving Federal and/or State funding for the acquisition. We're still requesting that this be tabled at this time so that -- we had a -- we did have a meeting with Federal and State agencies regarding funding availability. And we followed it up with a request to our delegation. It was a joint letter sent out from Legislator Browning and the Administration requesting clarity specifically on the NRCS funding status, which would be the most applicable for these series of properties in Mastic Beach.

**LEG. KRUPSKI:**

Question.

**CHAIRWOMAN HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

So if we got Federal funding, mechanically how would that money come through to us and how would we go through and acquire the parcel?

**DIRECTOR LANSDALE:**

Those are precisely the questions that we need to hammer out with our Federal agencies before I would recommend moving this forward.

**LEG. KRUPSKI:**

Thank you.

**CHAIRWOMAN HAHN:**

Legislator Gregory.

**LEG. GREGORY:**

Yes. So, Director, what the sponsor was looking -- hoping that we would do is to move forward with these resolutions so that whatever application or if there are any dialogue that's going on with -- for funding could proceed; and so that these parcels aren't held up any longer. But you're saying you don't see necessarily a benefit for doing that?

**DIRECTOR LANSDALE:**

Well, certainly there's a benefit of acquiring these environmentally; however, there's -- there are Federal and State funding sources available at this point to move forward. The guidelines, though, are not clear with NRCS specifically at the Federal level. There was a funding round that we specifically asked -- we investigated whether or not these properties would be eligible. And there was just not clarity given to us in time for us to apply and make the application on behalf of these properties.

So my concern is that if we do move forward with the appraisal step, we may have to -- depending on the guidelines and the application process, that we may have to do a second appraisal. You know, we have very scarce resources right now. But that was the case with the previous acquisition that we undertook in partnership with this very Federal agency where our appraisal became stale so the County had to do a second appraisal at our expense to move forward with Federal funds.

**LEG. GREGORY:**

And I think also the concern was -- by the sponsor is, yes, there may be Federal funds available, but these properties may be of something that we may look to purchase with our own funding. I guess what I'm -- what the real question is, what's the likelihood that we get Federal funding potentially to acquire these properties?

**DIRECTOR LANSDALE:**

We've had positive conversations with -- with our members from the Federal level on these properties. The sponsor was in those meetings as well.

**CHAIRWOMAN HAHN:**

Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. That's why I asked the question before, I was wondering about the timeline. And if we -- is there some -- is there some imminent fear of development on these parcels that we would -- we should act sooner rather than later? Or is it more of a -- and I understand that's why I ask the question about the appraisal being stale. If we pass the appraisal, would -- what is the timeline of us having to actually conduct an appraisal? Do you have six-months, do you have a year, do you have two years? As opposed to, you know, tabling it and waiting 'til the Federal government has a program set up to purchase these, rather than to help the County purchase these?

**DIRECTOR LANSDALE:**

So your question is how soon do we have to act and do the appraisal process if these -- if this resolution is passed? I don't have a copy of the new Triple A procedure in front of me. I would look to that provision for my guidance to answer that question.

**CHAIRWOMAN HAHN:**

Is there any reason to believe the timeline would be a really quick one whereby we might need to act on these early in the new year?

**DIRECTOR LANSDALE:**

Specifically the Mastic area is undergoing the Community Rising process, which is that -- the post-Sandy recovery process sponsored by the State. And I think that that process will conclude in a few months but is not concluding before the end of this year, if that helps to inform --

**CHAIRWOMAN HAHN:**

Well, I was just asking Counsel because all of our pieces of legislation expire at the end of the year with the exception -- because I remembered one particular time where we had tabled something to a date certain on a General Meeting the following year. So if there was reason to believe that we may need to act quickly on this come early January, we could take an action like that. But at this point I would imagine that -- as all things Federal, they take slightly longer than a month or two. So any other questions? Okay. Do we have any motions at this point?

**MS. ORTIZ:**

(Shaking head no)

**LEG. KRUPSKI:**

Based on the Planning Director's recommendations, I'll motion to table.

**LEG. GREGORY:**

I'll second that.

**CHAIRWOMAN HAHN:**

Seconded by -- motion to table by Legislator Krupski; seconded by Legislator Gregory. All those in favor? Opposed?

**LEG. BARRAGA:**

Opposed.

**CHAIRWOMAN HAHN:**

One opposition. Abstentions? **1568 is tabled. (VOTE: 4-1-0-0)**

**Introductory Resolution 1699, Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Knoll Farms of Long Island, Inc. - Town of Islip (SCTM Nos. 0500-117.01-01.00-078.001 and 0500-117.01-01.00-078.002) (Montano)** I'll make a motion to table.

**LEG. ANKER:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Anker. All those in favor? Opposed? Abstentions? **1699 is tabled. (VOTE: 5-0-0-0)**

**Introductory Resolution 1797, Directing the Division of Real Property Acquisition and Management to canvass the owners of Master List Properties. (Hahn)** I'm going to make a motion to approve for purposes of discussion.

**LEG. ANKER:**

I'll second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Anker. Director Lansdale, I think I had submitted a new -- we have a new

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amended version here, which creates a rating threshold of 50 and gives the Department six months with which to canvas. I was wondering -- I didn't get a chance to talk to you offline about this because we had spoke about me making these revisions at one point, but I don't know if that had -- in anyway has changed the Department's outlook on this resolution.

### **DIRECTOR LANSDALE:**

If it's possible, could we -- we would recommend -- I haven't had a chance to take a close look at this to see how many properties specifically that would entail. If we could suggest tabling that so that I could provide that information to you.

### **CHAIRWOMAN HAHN:**

Sure.

### **DIRECTOR LANSDALE:**

At the next Committee meeting.

### **CHAIRWOMAN HAHN:**

I think properties with 45 points or higher or 78% of the list --

### **DIRECTOR LANSDALE:**

That's right.

### **CHAIRWOMAN HAHN:**

Okay. Any question? Legislator Anker.

### **LEG. ANKER:**

Okay, so there's language in here that talks about 30 days to send a canvas letter. Again, is that something that your department would be able to do in a 30-day period?

### **DIRECTOR LANSDALE:**

I would have to confer with the Division of Real Estate. They would be the ones that would send the canvas letter out.

### **CHAIRWOMAN HAHN:**

I think that language was changed as well. So take a look at the new version. I can -- we can table for one more cycle and then decide what to do from there. I don't mind. So I'll make -- I'll change my motion -- oh, I'm sorry, Presiding Officer Horsley.

### **P.O. HORSLEY:**

Yeah, just quickly, Madam Chair, by sending out these letters, are we going to be -- I just -- I don't think it's a big deal but I mean do you think it's something that will drive up expectations on the part of the owners that we're about ready to buy the properties when we don't have any money?

### **CHAIRWOMAN HAHN:**

The legislation does not direct the Department how to word these letters. So I imagine that there could be proper phraseology used that could make it pretty clear that we have limited funds, we want to buy the most environmentally sensitive properties; and, therefore, we are asking them because they are -- their properties rate very high on our scale. We're asking them if they have changed their mind about interest. And that's the whole intent of this legislation is to get at properties that are on our Master List with a very high rating. And they've all been canvassed before but several years -- a decade ago. And so there may be some new owners of those properties and/or someone in a new circumstance that says "oh, they're running out of money, my property's very highly rated, you know, maybe now is the time and --" yes, may it cause us to have more properties than we want -- that we can buy? Of course. We're at that situation already. We want

to be buying the most highly rated properties. And this is the way to get at that. Legislator Anker.

**LEG. ANKER:**

And also, too, I mean we want to make sure employees are spending their time prudently because we really just don't have the money right now to look at properties that aren't even -- that the owners aren't even willing to sell us. So I think this will, you know, help facilitate that process and really find out what properties are out there that the County can invest in.

**CHAIRWOMAN HAHN:**

But I'm willing to wait one more cycle. And if you come to -- if you think the rating needs to go up, we can talk about that. I'm open.

So we have -- I'm going to -- did I withdraw my motion to approve? And I'll make it a motion to table. Seconded by Legislator Anker. All those in favor of tabling? Opposed? Abstentions? **1797 is tabled. (VOTE: 5-0-0-0)**

**Introductory Resolution 1890, Amending the 2013 Capital Budget and Program and appropriating funds in connection with stormwater system discharge remediation and stream water silt removal and remediation at the Nissequogue Tributary Headwaters North from CR 76, Townline Road, To Miller's Pond, Smithtown, Capital Project 8710. (Kennedy)**

**LEG. KENNEDY:**

Madam Chair, although I'm not a member of the Committee, this is my resolution.

**CHAIRWOMAN HAHN:**

Yes, Legislator Kennedy. For purposes -- I will make a motion to approve for purposes of discussion.

**LEG. KENNEDY:**

Okay. Well, actually -- thank you, Madam Chair. I appreciate that, but my request to the Committee is going to be for all three of these items that I have that are the stormwater-related items, I'll simply ask the Committee to table. It appears that there is some additional dialogue that's going on. Director Lansdale and I have spoken and I do know that we're working with the State, I think, as far as FEMA reimbursement and how we can actually calculate those offsets. So for the time being with the Committee's indulgence, I'll ask all three be tabled.

**CHAIRWOMAN HAHN:**

Okay. I'll make a -- I'll withdraw my motion to approve and make it a motion to table.

**LEG. GREGORY:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Gregory. All those in favor? Opposed? Abstentions? **1890 is tabled. (VOTE: 5-0-0-0)**

**Introductory Resolution 1911, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Bello property, Town of Brookhaven (SCTM No. 0209-036.00-03.00-042.000) (Browning) I imagine this is the same as the previous and I'll make a motion to table; seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? 1911 is tabled. (VOTE: 5-0-0-0)**

**Introductory Resolution 1912, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Bayview Drive, Mennuti property, Town of Brookhaven (SCTM No. 0209-037.00-01.00-021.000)**

**(Browning)** I'll make a motion to table; seconded by Legislator Krupski. On the motion? Is this the same? Legislator Gregory is asking.

**DIRECTOR LANSDALE:**

Yes, it is.

**LEG. GREGORY:**

Okay.

**CHAIRWOMAN HAHN:**

Okay, so we have a motion to table. We have a second. All those in favor? Opposed? Abstentions? **1912 is tabled. (VOTE: 5-0-0-0)**

**Introductory Resolution 1913, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Riviera Drive, Mennuti property, Town of Brookhaven (SCTM No. 0209-025.00-07.00-004.000) (Browning)** Same motion, same second, same vote. **(VOTE: 5-0-0-0)**

**Introductory Resolution 1914, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Pletenik property - Town of Brookhaven (SCTM Nos. 0209-033.00-07.00-025.000 and 0209-033.00-07.00-026.000) (Browning)** Same motion, same second, same vote. **(VOTE: 4-0-0-1. LEG. BARRAGA NOT PRESENT)**

**Introductory Resolution 1941, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Eastport Senior Living, LLC property - Toppings Farm - Town of Brookhaven - (SCTM Nos. 0200-593.00-02.00-006.001, 0200-593.00-02.00-006.003 and 0200-593.00-02.00-006.005). (Co. Exec.)** I'll make a motion to approve; seconded by Legislator Anker. Any questions? Nope. All those in favor? Opposed? Abstentions? **1941 is approved. (VOTE: 4-0-0-1. LEG. BARRAGA NOT PRESENT)**

**Introductory Resolution 1942, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Westhampton II Old Country Senior Housing, LLC property - Toppings Farm, Town of Brookhaven - (SCTM Nos. 0200-593.00-02.00-006.002 and 0200-593.00-02.00-006.004) (Co. Exec.)**

**LEG. KRUPSKI:**

Motion.

**CHAIRWOMAN HAHN:**

Motion by Legislator Krupski. I'll make a second. I'll second the motion. All those in favor? Opposed? Abstentions? **1942 is approved. (VOTE: 4-0-0-1. LEG. BARRAGA NOT PRESENT)**

#### **INTRODUCTORY RESOLUTIONS**

Onto new Introductory Resolutions. **Introductory Resolution 1990, Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Chicanowicz Farm Manor Lane 1 Town of Riverhead (SCTM No. 0600-022.00-01.00-005.001). (Krupski)**

**LEG. KRUPSKI:**

Motion to approve.

**CHAIRWOMAN HAHN:**

Motion by Legislator Krupski; seconded by Legislator Anker. On the motion Director Lansdale.

**DIRECTOR LANSDALE:**

Thank you. This is a -- authorizes the appraisal of -- for the purchase of development rights for farmland for approximately 17.3 acres out of a total of 21.6 acres. It's located in the Town of Riverhead in the Hamlet of Northville. The rating is 16.5 out of 25 points. Row crops are grown on the parcel. And the Suffolk County Farmland Committee did recommend this be advanced to this Committee for your consideration. There is a proposed two-acre exclusion or cutout on the parcel as well, which is indicated on the map with the white dotted line.

**LEG. KRUPSKI:**

On the motion?

**CHAIRWOMAN HAHN:**

Legislator Krupski, on the motion.

**LEG. KRUPSKI:**

These are -- you know, this is part of -- there's three farms here owned by one family: Two are contiguous, one's across the street. They do provide with a reserve area so regardless of any changes in the Chapter 8 Law as -- you know, as may be amended for uses on the parcel, these reserve areas would provide the owners with, you know, options that would be regulated by Town zoning.

**CHAIRWOMAN HAHN:**

I have a question. On the north corner, it's fairly wooded. And there's a piece of it that will be within the -- the property that we purchase the development rights for. So is there any restriction on cutting wooded areas on PDR properties?

**LEG. KRUPSKI:**

This would be called -- in a farm it would be called -- the wooded area would be support land. It's where you would conduct activities related to farming but not actual crop production. So it would store equipment and whatnot. This being part of the reserve area, it would be possibly unrelated to farming depending if it was used for farm use in the future or not. So the fact that it's wooded, it's not in field production currently.

**CHAIRWOMAN HAHN:**

Chapter 8 doesn't have any limitations on cutting down forested areas that we bought the development rights on; correct?

**DIRECTOR LANSDALE:**

Not to my recollection, no.

**CHAIRWOMAN HAHN:**

Any questions? Nope. Okay. We have a motion? Yes, we have a motion and a second? All those in favor? Opposed? Abstentions? **1990 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 1991, Authorizing an appraisal for the purchase of Development Rights of Farmland under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Chicanowicz Farm - Manor Lane 2 - Town of Riverhead (SCTM No. 0600-022.00-02.00-012.000). (Krupski)**

**LEG. KRUPSKI:**

So moved.

**CHAIRWOMAN HAHN:**

We have a motion by Legislator Krupski. I will second. And on the motion Director Lansdale.

**DIRECTOR LANSDALE:**

Sure. So this authorizes an appraisal for the purchase of farmland development rights for approximately 36 acres out of a total of 41 acres located on Sound Avenue in the hamlet of the Northville, Town of Riverhead. The product grown on the property is sod. And, again, the Farmland Committee met and recommended that it be advanced to this Committee for your consideration. It received a score of 17 out of 25 points.

**CHAIRWOMAN HAHN:**

On the motion, Legislator Krupski.

**LEG. KRUPSKI:**

You can see this is the -- this is the third of the parcels of this family; you can see that they're rated very highly. It's good productive farmland. And it adds to a block -- if you look at the whole picture, it adds to a block of land that's been preserved either by Riverhead Town or Suffolk County in the past.

**CHAIRWOMAN HAHN:**

Any other questions? Okay. All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 5-0-0-0)**

**Introductory Resolution 2006, Authorizing a new Intermunicipal Agreement in connection with Phase II Stormwater Abatement to Lake Agawam within the Village of Southamton (CP 8240.118 and CP 8240.327). (Co. Exec.)** I will make a motion to approve for the purposes of discussion.

**LEG. KRUPSKI:**

Second.

**CHAIRWOMAN HAHN:**

Seconded by Legislator Krupski. On the motion, Director Lansdale.

**DIRECTOR LANSDALE:**

Frank, can you come up and explain this?

**MR. CASTELLI:**

Yeah, hi, I'm Frank Castelli from the County Department of Economic Development and Planning. Resolution 2006 is to extend the intermunicipal agreement between the County and the Village of Southamton for a stormwater project. This is a Quarter Percent funded fully matched stormwater project. The intermunicipal agreement expired at the end of last year. And because by the time the Village requested that we extend the intermunicipal agreement, more than six months had gone by.

So the County Attorney's Office has requested that we actually enter into a new intermunicipal agreement for this project. And, therefore, it was also determined then by the Budget Office that we would need a new resolution just to retain the funding that had already been appropriated -- just to retain the funding in the Capital Project's account to be paid -- to pay on this project.

This -- there is no new Quarter Percent money being spent here. This was approved back in 2011. Because of Super Storm Sandy, the Village did not complete the project by December 31st, 2012.

So we are merely bringing this resolution forward to retain the funding in the Capital Project's account; and then to enter into -- it's really an extension of the IMA but the County Attorney's Office is actually writing it as a new IMA.

**CHAIRWOMAN HAHN:**

We have a motion and a second -- we have a motion to approve and a second. All those in favor? Opposed? Abstentions? **2006 is approved. (VOTE: 5-0-0-0)**

**Introductory Resolution 2007, Authorizing a new Intermunicipal Agreement in connection with installation of stormwater runoff filters within the Village of Babylon (CP 8240.116 and CP 8240.320). (Co. Exec.)** Is this the same idea?

**MR. CASTELLI:**

This is just about exactly the same.

**CHAIRWOMAN HAHN:**

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

We did 2017.

**Introductory Resolution 2053, Amending the 2013 Capital Budget and appropriating PAYGO funds in connection with the New Suffolk County ¼% Drinking Water Protection Program for Environmental Protection for land acquisitions (CP 8714.211) (Co. Exec.)** I am going to make a motion to approve for the purposes of discussion, but I do -- I did have the same questions of the speaker. Seconded by Legislator Krupski. On the motion, Director Lansdale. We're supposed to be transferring over the PayGo money from 2012. And we were under the impression that it was 3.6-ish million. Maybe I'm off give or take a couple hundred thousand, but not 1.3. So we're kind of wondering why this is only for 1.3.

**DIRECTOR LANSDALE:**

Laura from BRO would like to answer that.

**MS. HALLORAN:**

Yes, because I was in contact with the Budget Office so I have an explanation for you. The Executive's Recommended Budget puts out the 2012 actual fund balance. And it was just under 3.7 million that was in the Recommended Budget. Since then the Budget Office said they had a legal opinion that 2.33 million or so of that fund balance should be -- it's still there, the money, but it should be reserved for open space under the older Drinking Water Protection Program. And the reason being that there was apparently in 2011 a Capital Project closeout from the old Open Space portion of the older Drinking Water Protection Program that was incorrectly applied to the New Drinking Water Protection Program. So that made -- so the fund balance was 3.7, but now they're saying -- or 3.8, just under 3.7, but -- so the money is still there, but they have to reserve that 2.33 million dollar -- because of that incorrectly applied Capital Project closeout, they have to really reserve that to be used under the parameters of the previous Drinking Water Protection Program specifically for open space; not for farmland in that case. So they're going have to make -- I guess, amend --

**CHAIRWOMAN HAHN:**

Does Budget Review concur?

**MS. HALLORAN:**

With that explanation, it still comes to the same amount of money but it's divided up differently.

**CHAIRWOMAN HAHN:**

But did you find the same issue with the 2011 closeout or whatever it was that you just said?

**MS. HALLORAN:**

The 2011 closeout was for that amount. And I guess there was an incorrect opinion at that time that that should have been applied to the new program.

**CHAIRWOMAN HAHN:**

The new program started in 2008?

**MS. HALLORAN:**

Yes.

**CHAIRWOMAN HAHN:**

So -- because the vote was in 2007. And then the new program started in 2008 but we're still closing out in 2011?

**MS. HALLORAN:**

So we're still closing out an older -- right, I guess -- I don't know why it didn't go through or whatever happened but they were closing out Capital Project in 2011 that was from the older program. And I mean sometimes these land acquisitions, you know, they take for years so something didn't happen.

**CHAIRWOMAN HAHN:**

We're only getting '12 money now, so.

**MS. HALLORAN:**

So that's the explanation that I got from the Budget Office. So the money is there but that piece of it is --

**CHAIRWOMAN HAHN:**

So do we need to bring over the PayGo money into the old Drinking Water Program?

**MS. HALLORAN:**

There is some -- still fund balances in the old Drinking Water Protection Program, which is, I believe, available to be used also so -- the Budget Office is responsible for saying exactly, you know, how much could be used.

**CHAIRWOMAN HAHN:**

How much do we have available right now in the old Drinking Water Program?

**MS. HALLORAN:**

I'll just refer to my report first because I did write that in there. There was a fund balance in old Open Space -- this is prior to including that 2.3 million now. There was 1.7 million old Open Space balance. And, again, built up due to Capital Project closeouts, the old Farmland Acquisition balance was up to 10.5 million.

**CHAIRWOMAN HAHN:**

So we have a balance in the Farmland Fund right now?

**MS. HALLORAN:**

Yes. Yes, and the Budget Office has to confirm that it's all available to be used, but it does appear that there is a fund balance.

**CHAIRWOMAN HAHN:**

Okay. So this'll be interesting when we go do the Triple A meeting (laughter). We'll have to work this all out when we do that, which will be -- when do we expect to do the first grouping? I imagine --

**DIRECTOR LANSDALE:**

I believe that we -- we just scheduled or about to schedule our last ETRB meeting in December. So we're hoping to bring forward a batch in the early next year.

**CHAIRWOMAN HAHN:**

Okay. So that'll make that interesting. Legislator Krupski.

**LEG. KRUPSKI:**

Thank you. So the 2.3 would be put in the old Open Space money. Is that available for open space in Farmland Preservation or only Open Space?

**MS. HALLORAN:**

That particular 2.3 million, because it was an open space closeout, it's -- it has to go back to open space, that piece of it, because the old program has specific amounts; a specific percentage that went to farmland and a specific percentage that went to open space. So that's -- that was the parameters of the old program. They still have to apply to the same -- to that Capital Project closeout.

**LEG. KRUPSKI:**

What was the percentage?

**MS. HALLORAN:**

I'll tell you in one second. Because that's -- the new program doesn't -- you know, does not have that percentage but give me a minute, I'll tell you. Under the older program 7.35% was allocated to farmland; and 13.5% was allocated to open space. And now we have the 31.1% in the new program just to general land acquisition, not divvied up like that.

**LEG. KRUPSKI:**

Okay. So it started out with all farmland preservation; then it went to the Greenways where open space and farmland got an equal percentage.

**MS. HALLORAN:**

Well, I'm just talking about only the Drinking Water Protection Program.

**LEG. KRUPSKI:**

Right.

**MS. HALLORAN:**

Because there were farmland programs under various programs, like you were saying back, I believe, in 1974. But the first drinking water protection program did not include farmland. The one -- oops -- the one local law 35-1999, I believe, was the first time they broke it out like that with a piece for farmland and a piece for open space. That Drinking Water Protection Program.

**LEG. KRUPSKI:**

So when we start with the Triple A process, there's going to be two separate -- three separate pots of money: One is going to be designated for farmland preservation; one's dedicated towards open space preservation; and one is going to be divided -- split the baby between the two?

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**MS. HALLORAN:**

Legislator Krupski, because -- in other words, those pots of money are old pots; because now the new -- the new pot of money such as it is, is not divvied up that way. So I don't know what's going to happen with the new Triple A program but, you know, there's no required percentage with that new Drinking Water Protection Program local law 24-2007 just to say which one I'm really talking about.

**LEG. KRUPSKI:**

Thank you.

**MS. HALLORAN:**

You're welcome.

**CHAIRWOMAN HAHN:**

Okay. So this bill brings forward the 1.3 million for the New Drinking Water. And but do you need a resolution to put the 2.3 million into the old Drinking Water or is that done automatically?

**MS. HALLORAN:**

I believe that -- I was told that they would like to change it in the Adopted Budget, but I believe -- because in the Omnibus amendment we didn't change it. And so I think they would need some kind of, perhaps, some resolution or something to make a change -- to change it actually in the budget.

**MR. VAUGHN:**

I'd like to go with *I'll find out and bring it back to you.*

**CHAIRWOMAN HAHN:**

Okay. I'd really like all the money where we need it to be when we go through the Triple A process at the first EPA Committee meeting next year.

**MR. VAUGHN:**

Absolutely.

**CHAIRWOMAN HAHN:**

Thank you. Okay, so we have a motion and a second. Any other questions? All those in favor? Opposed? Abstentions? **2053 is approved. (VOTE: 5-0-0-0)**

Seeing no further business before the Committee, we are adjourned.

**THE MEETING CONCLUDED AT 3:05 PM  
{ } DENOTES SPELLED PHONETICALLY**