

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 September 29, 2014.

MEMBERS PRESENT:

Leg. Kara Hahn, Chairperson
Leg. Al Krupski, Vice-Chair
Leg. Sarah S. Anker
Leg. Thomas F. Barraga
Leg. Thomas Muratore

ALSO IN ATTENDANCE:

Presiding Officer DuWayne Gregory
George M. Nolan, Counsel to the Legislature
Sarah Simpson, Assistant Counsel to the Legislature
Lora Gellerstein, Chief Deputy Clerk of the Legislature
Jason Richberg, Aide to Leg. Gregory
Tom Vaughn, County Executive's Office
Laura Halloran, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Lauretta Fischer, Department of Planning
Frank P. Castelli, Economic Development & Planning
Walter Dawydiak, Environmental Quality/Health Department
James Meyers, Environmental Quality/Health Department
Marge Acevedo, Aide to Presiding Officer
Michael Pitcher, Aide to Presiding Officer
Catherine Stark, Aide to Leg. Krupski
Amy Ellis, Aide to Leg. Anker
Bob Martinez, Aide to Leg. Muratore
Alyssa Turano, Aide to Leg. Hahn
William Shilling, Aide to Leg. Calarco
Brendan Chamberlain, Aide to Leg. Muratore
John Stype, Aide to Leg. Krupski
Tom Stay, Commissioner, DPW/Town of Babylon
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

MINUTES TRANSCRIBED BY:

Denise Weaver, Legislative Aide

THE MEETING WAS CALLED TO ORDER AT 10:04 AM

CHAIRPERSON HAHN:

Okay, welcome everyone. Welcome to the meeting of the Legislature's Environment, Planning and Agriculture Committee. If we can all rise for a Salute to the Flag led by Legislator Muratore.

SALUTATION

At this time I have no cards. Is there anyone in the audience who would like to speak during Public Portion? Seeing none, we'll close the Public Portion and we will move onto Introductory Resolutions.

INTRODUCTORY RESOLUTIONS

IR 1762 - Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - active recreation/hamlet park/historic and/or cultural park component Bay Village Park parcel - Town of Babylon (SCTM No. 0101-007.00-08.00-007.000). (Gregory) And we have Department here. Okay. Motion to table.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? **1762 is tabled. (VOTE: 6-0-0-0. P.O. GREGORY INCLUDED IN VOTE)**

Introductory Resolution 1784 - Extending authorization for Brownfields Program, former Canine Kennel site at Gabreski Airport (CP 8223). (Co. Exec.)

LEG. ANKER:

Motion to approve.

CHAIRPERSON HAHN:

Motion by Legislator Anker.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. On the motion. We have representatives from the Health Department here to tell us a little bit about that. Sorry that we -- doing these musical chairs up at the front here.

MR. DAWYDIK:

Good morning, Legislator Hahn, Members of the Committee.

CHAIRPERSON HAHN:

Good morning.

MR. DAWYDIK:

I'm Walter Dawydiak, Director of Environmental Quality for the Health Department. I'm joined by Jim Meyers, who is our Chief of Pollution Control and who's a project manager for this program. This program essentially -- this resolution requests a one-year, no-cost time extension. The project is running a little bit behind schedule. This extends the time to complete the project to December 31st of 2017. It's expected that most of the remediation will be completed next year in 2015. Based on our experience with other projects, monitoring and follow-up could take up to two more

years. So this is basically a request to extend by one year at the Canine Kennel site. We're happy to answer any questions.

CHAIRPERSON HAHN:

Any questions? Legislator Krupski.

LEG. KRUPSKI:

Thank you. Could you describe the nature of the cleanup? And the nature of the site.

MR. DAWYDIAK:

I'll be happy to give you the mile high and Jim Meyers can fill in with details. This is an old site at the West Hampton Gabreski Airport with some residual PCB contamination. They have not reached groundwater so it's a matter of soil excavation. We're negotiating the terms of the final cleanup with DEC and expect to be completed next year. And Jim may fill in more details or answer any specific questions.

MR. MEYERS:

Jim Meyers, Suffolk County Health. That's the offshoot of it. It's basically PCBs that were put there many, many years ago from dumping basically from military use. So it's been there for decades. And, you know, was discovered probably 15, 20 years ago. And we do expect to have it cleaned up next year.

LEG. KRUPSKI:

What's the extent of the contamination and what happens to that soil?

MR. MEYERS:

The soil will be basically removed and disposed of offsite, probably out-of-state.

LEG. KRUPSKI:

What's the extent of the contamination?

MR. MEYERS:

Do you mean as far as the numerical values go?

LEG. KRUPSKI:

Well, no. I mean, is it a shovel full, is it a truckload, is it 800 million cubic yards? I mean --

MR. MEYERS:

It's a one-acre site. And I would say about half or so of that has to be remediated so it'll be -- it'll be probably, you know, thousands of tons.

LEG. KRUPSKI:

And what's the -- what's the future use of that property?

MR. MEYERS:

It's a core pine barrens area so it has to be remained undeveloped.

LEG. KRUPSKI:

Will the County have to remediate -- besides removing this contaminated soil, does the County have to do any replanting, revegetation? Or is it just going to be removed and let to naturalize?

MR. MEYERS:

Probably there will be some revegetation required because it's core Pine Barrens area, but that should be a small part of the job but probably yes.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Any other questions? Legislator Anker.

LEG. ANKER:

Is this part of the Superfund funding?

MR. MEYERS:

It's actually dual-track between Superfund and Brownfields. Because once a Superfund site, it remains one. So it's actually dual-track, so, yes.

LEG. ANKER:

And how much is it costing at this point?

MR. MEYERS:

We spent about \$175,000 doing a interim remedial measure to take some stuff that was going offsite and some really hotspots; about \$175,000 so far.

LEG. ANKER:

Okay. Thank you.

CHAIRPERSON HAHN:

Any other questions from the Committee members? Seeing none, we do have a motion and a second. All those in favor? Opposed? Abstentions? **It is approved. (VOTE: 6-0-0-0. P.O. GREGORY INCLUDED IN VOTE)**

MR. DAWYDIAK:

Legislator Hahn, thank you very much. Could I just have a moment to update you on one other related Brownfields issue?

CHAIRPERSON HAHN:

I don't think we have enough time today. (Laughter) Yes, please do.

MR. DAWYDIAK:

Thanks. The County Exec asked that we give you a quick update that you're going to be seeing a Certificate of Necessity at the next Legislative session. It would not be a C of N but for a very short timeframe on a grant application. An environmental restoration program called for grant applications. It was just recently issued. That program has been out of money for a while. This has a potential for funding up to 90% of the Ronkonkoma wallpaper cleanup. So instead of the County footing the \$1.7 million bill, it could be 170,000 plus or minus depending on the final cost.

So Jim Meyers is working with Economic Development, Planning and the Law Department to finalize a grant application. And associated with that is a requirement for a legislative authorization to submit the application. So we should have more backup information for you with the C of N that'll be before you. And we're happy to answer any questions about that.

CHAIRPERSON HAHN:

Thank you, Jim, for your diligence on these kinds of grant applications because it's so -- such a good thing when it could be paid by someone --

MR. MEYERS:

You're quite welcome. This is really the first time in many years that money became available so we really want to try to get on board with this.

CHAIRPERSON HAHN:

Yes, we do.

MR. MEYERS:

It's a competitive grant so it's not 100% that we'll get it but --

CHAIRPERSON HAHN:

Right.

MR. MEYERS:

If we put the application in, we're probably ahead of the game.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Excellent. Legislator Anker.

LEG. ANKER:

Would it help --- be helpful if maybe the Committee wrote a letter to whoever you need to write it to to let them know how important this particular project is?

MR. MEYERS:

I'll defer to Sarah Lansdale on that. She's really the expert on the grants but it's really a -- kind of a subjective grant. It's graded -- objective, I'm sorry. It's graded, you know, pretty strictly on certain things we do or don't meet. I don't know that would really be required in this case.

CHAIRPERSON HAHN:

I think I see Sarah shaking her head yes that it may be helpful to have a Committee letter of support signed by all the members of our Committee. So my office will draft that letter in conjunction with you, Jim, and Sarah and we'll get it to you asap.

MR. MEYERS:

Thank you.

CHAIRPERSON HAHN:

Yes, thank you.

LEG. ANKER:

Is this property -- is this property related to the Ronkonkoma hub? Is that where the wallpaper factory's located?

MR. MEYERS:

It isn't in that zone but we hope that we can kind of tie it into that project.

LEG. ANKER:

I was going to say maybe get more support letters from IDA and the business and really push the grant. Because these grants are so competitive. And this particular area is so important that it's great -- great work.

CHAIRPERSON HAHN:

Great idea. Thank you, Legislator Anker.

So Introductory Resolution 1826 - Amending the Adopted 2014 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2014 Capital Budget

and Program, and appropriating funds in connection with Town of Babylon highway yard MS4 upgrades and stormwater pollution prevention (CP 8240). (Co. Exec.) Hello, Frank.

MR. CASTELLI:

Hi, good morning.

CHAIRPERSON HAHN:

Good morning. Just state your name again for the record.

MR. CASTELLI:

Frank Castelli from Suffolk County Economic Development and Planning. This is a Water Quality Quarter Percent funded project that we recommended during our 2013 meeting. This is -- excuse me -- this is a \$100,000 in Water Quality money that is going to be fully -- fully matched by the Town of Babylon for some stormwater improvements, upgrades, at the Town of Babylon Highway Yard. That's the town yard that's adjacent to Town Hall off Sunrise Highway.

The -- this -- there are currently stormwater discharges from the 50-acre residential area to the northeast of the highway yard. And also the 12-plus acres of the highway yard itself. Currently much of the stormwater is being discharged directly into the, what they call the Town Hall Pond, is that small pond adjacent to Babylon Town Hall. And that pond is hydrologically connected to the Santapogue Creek. So that any pollutants that are discharged into that pond do make their way through the drainage system through -- through Santapogue Creek into the Great South Bay.

So this is a project that -- there's really three phases to it. The first one is to remediate the direct stormwater discharges in that 50-acre residential area north and east of the highway yard. The second part would be to remediate and prevent the direct, untreated discharges of stormwater into the pond from the -- from runoff at the yard itself. And there's a third component of this that has to do with the fueling station. There is a fueling station at the Town Highway Yard. And this is considered a hotspot by the New York State, the DEC people, regarding stormwater. And they want to make some improvements so that the stormwater around the fueling station does not get discharged untreated into the pond. So there's going to be some improvements there also.

The Quarter Percent funding from us is broken down in resolution as \$20,000 for final design -- engineering and design and \$80,000 for the actual construction of these improvements. This, like I said before, this would be fully matched by the Town of Babylon. And this was recommended as a prudent use of the Water Quality funding at the Water Quality Protection Restoration Program Committee last December. The current fund balance does take into account the \$100,000 that we are recommending subject to this -- the Legislature and the County Executive.

CHAIRPERSON HAHN:

Can you remind us what that fund balance is?

MR. CASTELLI:

Yes. The latest projection from the County Executive's Budget Office was that at the end of this year we will have just over \$3 million in the Water Quality portion of the Quarter Percent fund. And that is -- with taking -- taking into account projects -- all the projects that have been recommended, even those that have not been approved yet. That would be this project. And there's a couple of other ones that have been recommended by the Committee that haven't gone through the Legislature yet. And we would have projected to have 3 million.

At the start of 2015, the -- we would begin with that \$3 million leftover at the end of this year. And the -- just in a nutshell, the projected revenues from next year in 2015 is about 8.9 million in sales tax revenue. And the -- excuse me -- the operating expenses are estimated to be around 9.4 million. So that's in 2015 so we have that situation.

CHAIRPERSON HAHN:

Right. So we need all that surplus to cover what will be above the income from the fund --

MR. CASTELLI:

Right. Well, the projections are that if we were to not fund any additional projects, either at the end of this year or during next year, the fund would have a balance of about \$2.5 million at the end of 2015. So we would have eaten away at about a half-a-million of that -- of that 3 million. And that's with -- that's with no projects. And we all -- all of us want to fund new projects.

CHAIRPERSON HAHN:

Thank you. Any questions? Legislator Anker.

LEG. ANKER:

What was the cost of this one in particular?

MR. CASTELLI:

The total project is estimated to cost 200,000. And of that we are going to be -- if approved, we would be paying 100,000 out of the Water Quality fund.

LEG. ANKER:

And that work would be done by the Town of Babylon?

MR. CASTELLI:

Yes. Yes, all the -- the procurement would all be done through the Town of Babylon as was the -- the SEQRA analysis was all done by the Town. And we would be entering into a intermunicipal agreement with the Town after the -- if and when the money is appropriated, the next step would be to enter into the agreement with the Town. And the County would be paying no more than half the project. For instance, if the project came in total under 200,000, our share would be less than 100,000. The County share would be a maximum of 100,000.

LEG. ANKER:

And, again, I'm looking at the Stormwater Design Manual. And that's where the green infrastructure practice is. That's great to hear. You know, it seems, like, you know, basically, it's vegetation. I'm just -- you know, what will the money be focused on? I'm assuming vegetation and this type of filtration, natural filtration, for stormwater runoff. Is that what this is?

MR. CASTELLI:

Yeah, I don't have a lot of details on what the exact treatments will be. I know that they are -- they are committed to removing the direct discharge. Right now a lot of the stormwater is going directly into the pond untreated. They are going to be following the New York State procedures for stormwater treatment. And I think part of it'll -- will have to do with what they find out when they start doing the design engineering. But that will be up to the Town. And the Town will be following the standard stormwater treatment practices.

LEG. ANKER:

Thank you.

MR. STAY:

Madam Chair, if I may?

CHAIRPERSON HAHN:

It looks like we have someone here from the Town of Babylon.

MR. CASTELLI:

This is the Public Works Commissioner, Tom Stay --

CHAIRPERSON HAHN:

Welcome, Commissioner.

MR. CASTELLI:

-- from the Town of Babylon is here. I don't know.

CHAIRPERSON HAHN:

Please, come have a seat. Thank you for being here this morning.

MR. STAY:

Good morning.

CHAIRPERSON HAHN:

Good morning.

MR. STAY:

Just like Frank said --

CHAIRPERSON HAHN:

If you could just state your name for the record again.

MR. STAY:

Tom Stay, Commissioner of Public Works for the Town of Babylon. As Frank said, we haven't actually designed it yet, but it will be using natural methods: Bioswales, Fabco type of filtration systems in the catch basins, which obviously can be cleaned out a lot easier than any another kind of catch basin.

We've been using Dvirka & Bartilucci Engineering Firm to do some preliminary work so we probably will continue to use them -- assistance with the -- with the design plan. And we do anticipate doing this early next year if and when the funds are approved.

CHAIRPERSON HAHN:

Any other questions? Legislator Krupski.

LEG. KRUPSKI:

Thank you. Legislator Anker asked about the nature of the treatment and you answered that. Thank you. Is this program available to all towns under the MS -- you know, using the MS4 Program for -- at all highway yards for any kind of saltwater remediation?

MR. CASTELLI:

Every town has -- villages also -- are eligible to apply for funding for this. This falls under a non -- an eligible category called nonpoint source remediation and preservation. So any town -- we funded many stormwater projects for -- throughout the County from other towns. This is -- really, it's not taken as a town highway yard project; it's really a stormwater pollution prevention and remediation project.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Director Lansdale.

DIRECTOR LANSDALE:

Yes, I just wanted to provide some context for members of this Committee. This was, as Frank described earlier in his opening comments, this is a project that was approved for -- as

recommended by the Water Quality Committee last year as part of a number of projects that were approved, this one just happens to be the final one of that list of projects that were approved previously. I just wanted to provide some context that other projects include the Village of Northport's Sustainable Fisheries Incentive Program, the Harmful Algal Bloom Program Study, the Orient Decentralized Wastewater Treatment as well as the Fertilizer Nitrogen Reduction Effort.

CHAIRPERSON HAHN:

When is the -- I thought I saw an e-mail for another meeting of the -- the committee.

MR. CASTELLI:

We don't have any meetings planned at this time.

CHAIRPERSON HAHN:

When is the deadline for submission of an application? How do you reach out and let folks know about the cycle, grant cycle, and when the applications are due, etcetera?

DIRECTOR LANSDALE:

We are in process of formulating that right now. So we'll make sure that we fully brief members of this Committee and others when that information becomes available.

CHAIRPERSON HAHN:

Okay, thank you.

Okay, so we have a motion and a second. No. Oh, we don't have anything. Motion by Legislator Anker; seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? **1826 is approved. (VOTE: 6-0-0-0. P.O. GREGORY INCLUDED IN VOTE)**

LEG. KRUPSKI:

Can I, Madam Chair, before we move to the next thing?

CHAIRPERSON HAHN:

Sure. Legislator Krupski.

LEG. KRUPSKI:

Who would we -- who would we start to talk to -- and I know that the majority of this, the Water Quality money is being taken up with salaries right now. So who would -- who would start the process to try to remove some of those salaries to -- you know, one at a time to make some more money available for projects like this that would improve water quality?

CHAIRPERSON HAHN:

So the budget just was released by the County Executive. I don't recall if he has removed any of the salary lines from 477. Not that you're aware of. We'll have to -- during the Operating Budget committees and our Omnibus, that's our opportunity to make those changes.

LEG. KRUPSKI:

Thank you. I think we should focus on that. I mean, this is a good example of a project moving forward that benefits -- that's going to benefit everyone and so I think --

CHAIRPERSON HAHN:

It comes up every year.

LEG. KRUPSKI:

We need to look at this. Thank you.

CHAIRPERSON HAHN:

Yeah. Okay. Now, we have on the agenda an Executive Session. Counsel has said to me that he thinks that we can do this without going into Executive Session as long as we as Legislators and everyone participating in the discussion understands that we cannot discuss appraisal values. Values. And there's really no need to in this discussion. So we're going to just proceed with the discussion of a potential procedural motion on the record. Director Lansdale and Laretta Fischer.

DIRECTOR LANSDALE:

Thank you. I'm going to turn it over to Laretta to talk about it. And I believe that Legislator Krupski has a large map that might help illustrate the proposal.

MS. FISCHER:

We also sent it by e-mail. Okay.

LEG. KRUPSKI:

It's easier if they looked at it close up.

MS. FISCHER:

It's also on your e-mail that we sent this morning as well.

Okay. Just for background, this was proposed farmland PDR acquisition in the Town of Southold. This -- total acreage of this parcel is 39.9 acres. There is a five-acre cutout for the owner that will be retained by the owner in total. And now we're proposing -- and a ten-acre conservation easement cutout that will be acquired by the Town of Southold leaving us 24.9 acres to be acquired by the Town of Southold and the County in a 70/30 acquisition percentage.

We're requesting that a change be made in the Procedural Motion 21 to change the acreage to 24.9 acres and also remove the 50/50 requirement with the Town. Ultimately, the whole property -- the 34.9 acres will be actually come out to be a 50/50 acquisition, but it's a little bit different in its scenario at this point. Are there any other questions?

LEG. KRUPSKI:

You could see the -- if you take a look at the map the whole purpose of this, if you look at the Goldsmith's Inlet County Park, which is on the Sound in the green, and then if you look to the south of that, there's a big blue parcel that's preserved at -- no, higher, yeah -- it's preserved as subdivision open space. On east and west side of that, there's a nice open space that if that's acquired in the future, you could have a nice trail going around that whole parcel. However, if the parcel is preserved as farmland only, you won't be able to have a trail linking that together. And that's why this was -- this scenario is being promoted by the County and the Town, because if the Town holds an easement, they can allow for a trail for Town and County residents. If it were Farmland Development Right purchase, there would -- there would be no possibility of a trail. And even if the County or the Town or both acquired the open space parcels east and west, right on those sides, you'd never be able to link them together with a trail. They'd just kind of be isolated.

CHAIRPERSON HAHN:

One more time: The blue is what?

LEG. KRUPSKI:

That is preserved as subdivision open space, but it's privately owned, so there is no public access to it. So east and west of that, those two can be preserved as open space and you can have a nice trail linking the County park all the way around it. The green, right.

CHAIRPERSON HAHN:

You are hoping to preserve the other two?

LEG. KRUPSKI:

Yes. That landowner has expressed a willingness in the future at some point to preserve those two parcels. Well, not -- not, you know, not this year. It's, you know, in the future. But if this called -- I mean, this is really called planning. So someday when those other parcels are acquired, then that trail system could be -- could be created. The original motion was for a 50/50 split on development rights purchase only. This would still be the same monetary consideration for Town and County. It would just change it so that there's an easement held by the Town on the woodland and open space parcel so that it would be open to the public.

LEG. ANKER:

So my question was what is the difference? And you said basically there's an easement for the owner -- owner of the property and the Town --

LEG. KRUPSKI:

Uh-huh.

LEG. ANKER:

-- to accept that. And that would be part of the motion that's going to be changed.

LEG. KRUPSKI:

Yes.

CHAIRPERSON HAHN:

George had a comment.

MR. NOLAN:

Just wanted to direct this to Planning. You said it -- is this going to be a 70/30 split now as opposed to a 50/50? And should the procedural resolution reflect the 70/30 split? Or are we just removing the sharing language entirely?

MS. FISCHER:

I think we're just removing the 50/50 at this point. It did come out to 70/30, but there will be, you know, tweaking with regard to the surveys at the end. But it's -- it's up to you how you want to --

CHAIRPERSON HAHN:

I'd just be afraid of not having the full support if we don't have any kind of match involved. Is there -- you don't want to have a --

LEG. KRUPSKI:

Same, 50/50.

CHAIRPERSON HAHN:

Right.

LEG. KRUPSKI:

The whole project is 50/50 split. It's just that it has to be split up this way because the Town can hold that easement and allow for the -- the Town could write the easement any way they want.

CHAIRPERSON HAHN:

They're buying full out the ten acres.

LEG. KRUPSKI:

No, So it would just be an easement. It would still be privately owned but it would be an easement that would allow for public access. This was -- this was done around Laurel Lake --

CHAIRPERSON HAHN:

Right.

LEG. KRUPSKI:

Where the County -- the Town purchased also.

MS. FISCHER:

This is considered conservation.

CHAIRPERSON HAHN:

Any other questions?

LEG. KRUPSKI:

No.

CHAIRPERSON HAHN:

So this -- we already passed a procedural motion. And now we're just going to direct Counsel to amend the procedural motion to reduce the acreage from the 34.9 to the 24.9 and then -- and remove the requirement for the 50/50 match so -- so directed. Do we need to vote? Do we need to vote on that direction for you?

MS. FISCHER:

Shaking head yes.

MR. NOLAN:

I think, yes, it would be a good thing.

CHAIRPERSON HAHN:

Okay. So that will be the -- the direction to Counsel, to amend the Procedural Motion 21 and to reduce the acreage from 34.9 to 24.9 and to remove the requirement for the 50/50 match. All those in favor? Opposed? Abstentions? So directed. **(VOTE: 6-0-0-0. P.O. GREGORY INCLUDED IN VOTE)**

Seeing nothing else on the agenda, any other issues before us? Seeing none, we are adjourned.

**THE MEETING CONCLUDED AT 10:32 AM
{ } DENOTES SPELLED PHONETICALLY**