

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 December 8, 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:

George M. Nolan, Counsel to the Legislature
Jason Richberg, Chief Deputy Clerk of the Legislature
Tom Vaughn, County Executive's Office
Laura Halloran, Budget Review Office
Craig Freas, Budget Review Office
Lauretta Fischer, Department of Planning
Janet Longo, Real Property Acquisition & Management
Walter Dawydiak, Environmental Quality, Health Department
Mike Jensen, Supervisor/Marine Resources
Michael Pitcher, Aide to Presiding Officer
Alyssa Turano, Aide to Leg. Hahn
Catherine Stark, Aide to Leg. Krupski
Amy Ellis, Aide to Leg. Anker
William Shilling, Aide to Leg. Calarco
Randy Parsons, Nature Conservancy
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:11 AM

CHAIRPERSON HAHN:

Good morning everybody. Welcome to the Legislature's Environment, Planning and Agriculture Committee. Please all rise for the Pledge of allegiance led by Legislator Anker.

SALUTATION

We have no cards this morning. Is there anyone in the audience who would like to address the Committee? Is that somebody who wants to address the Committee? Okay, come forward. You can go over to the podium, fill out a card when you're done speaking. And then make sure that the microphone, the green light is on. And you will have --

MR. PARSONS:

We need closed -- I'm going to be talking some numbers here, about the -- regarding the Broad Cove property. I'm Randy Parsons with the Nature Conservancy.

CHAIRPERSON HAHN:

Numbers meaning prices? No, we can't -- talk about the attributes of the property. That would be useful.

MR. PARSONS:

Okay.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

It's not Executive Session. We should just keep it to the most general of descriptions and --

MR. PARSONS:

Okay.

LEG. KRUPSKI:

Why this is a good idea.

MR. PARSONS:

And I'll submit -- I have -- the Nature Conservancy considers this one of our -- the top ten properties in Nassau/Suffolk still in private hands to be protected. It's very highly ranked in the Peconic Estuary Program, Critical Lands Protection Strategy. And as you know, the County and Town have had great -- have done great work in this -- in this area with the River Club and Indian Island Park and the Hubbard Duck Farm all coming into preservation and acquisitions up on some of these creeks.

The flip side of that, of course, is that Flanders Bay is a stressed watershed in terms of its water quality. And protecting Broad Cove will help to avoid further deterioration in Flanders Bay and give us an opportunity to improve it. Right now the property is zoned for -- with a special permit for hotel use. So if -- it's hard to say whether development would be able to hook up to the Riverhead Sewer District or not. There's a lot of discussion about whether or not there's enough capacity to hook this property up. But in any case, having that property developed with lawns, landscaping, fertilizer, possibly on-site septic, it's not going to help the Bay. And it would add greatly to the protected land in that area.

So I'd like to submit the appraisal report that the Nature Conservancy Commissioned with John {Gess} who is, as you know, on your list in as -- can I submit that and not have it in the public record?

CHAIRPERSON HAHN:

No.

MR. PARSONS:

No. Okay, so I will not submit that. But we would -- we would like to share it with you. It's a recent appraisal by one of the appraisers on your list. We had it certified to the Town of Riverhead, the Nature Conservancy and Suffolk County so that -- if you were -- if you were able to use it, you could. And anything the Nature Conservancy can do to help the County with this acquisition, I have -- I have been speaking with Mr. Weiss, the owner. He is a willing seller. He has submitted a letter stating that. So we would like to support your -- any effort you make to protect this property. Thank you.

CHAIRPERSON HAHN:

Excellent. Thank you. We -- if this passes, an appraisal step authorizes the County to hire its own appraisers and go through a process that is very specific. We utilize the appraisers -- appraisals that we get and we go through our Environmental Trust Review Board process. So thank you.

MR. PARSONS:

Thank you.

CHAIRPERSON HAHN:

Okay. Any other speakers? Or, Legislator Krupski, would you like to make a comment?

LEG. KRUPSKI:

I'd just like to thank Mr. Parsons for his efforts here. In the end, the land preservation's all about the property owner. And I've worked with Mr. Parsons many times in the past. And this is always a process. And I appreciate your efforts.

MR. PARSONS:

Thank you.

CHAIRPERSON HAHN:

Any other speakers who like to address the Committee? Seeing none, we will move onto the agenda. We have no Tabled Resolutions.

INTRODUCTORY RESOLUTIONS

Under Introductory Resolutions, **IR 2088, Appropriating funds for the Study and Monitoring of Public Health Related Harmful Algal Blooms (CP 8224). (Co. Exec.)** I'll make a motion.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. All those in favor?

LEG. KRUPSKI:

Can we get -- on the motion could we get a description of what the monitoring is going to entail?

CHAIRPERSON HAHN:

Absolutely. I see that we have Walter Dawydiak here from the Health Department. Mr. Dawydiak, come forward with -- it'll be helpful for anyone to state your name and title for the record. Welcome.

MR. DAWYDIK:

Good morning, Legislator Hahn, members of the Committee. My name is Walter Dawydiak. I'm

the Director of Environmental Quality for the Health Department. I'm joined by Mike Jensen, who is our Supervisor of Marine Resources and a project manager for harmful algal bloom initiatives.

What we're requesting is \$25,000 this coming year to look at alexandrium or red tide, which is a harmful algal bloom with particular public health significance. Historically it was limited to the Huntington/Northport area several years in a row. DEC closed shellfish beds due to concentrations of the toxins in the May timeframe -- excuse me, I'm fighting a cold -- in the Springtime. This has spread more recently to other areas including Sag Harbor and Meetinghouse areas in the Peconic Estuary. What we're proposing to do is monitor water quality at approximately ten stations during the critical Spring period of the bloom to determine whether this algal bloom is present in the Peconics; and if so, whether it's at levels of public health concern.

We coordinated this proposal with the State Department of Environmental Conservation. They don't have the resources right now to do an intensive survey. They've indicated to us that this information would be useful to them. If we don't pick up this harmful algal bloom at levels of concern, it'll be helpful because we can rule out its spread. If we do pick it up, it's something the DEC is likely to pick up as part of their routine shellfish sanitation monitoring program. This is also helpful for the Harmful Algal Bloom Action Plan. It'll provide information for that group of people that will be looking at data, to look at causes and effects of HABs as well as ways to manage them, monitor and protect public health in terms of response strategies. It'll also be helpful for pollution control strategies. Because what we're finding is that in areas that are poorly flushed and sensitive with higher loadings of nutrients algal blooms like this particular red tide are coming up with increasing frequency, intensity and duration further highlighting the need for pollution control upgrades like septic upgrades in the County's water quality initiative.

So that's a proposal in a nutshell. It would be \$25,000 in planning funds. We would likely try and sole source it with Stony Brook University and Dr. Gobler, who has a lot of expertise in this area. And we'd be happy to answer any questions.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

Thank you. Is this a calendar-based sampling or is this rainfall-based?

MR. DAWYDIAK:

As of now we're structuring this as a calendar-base sampling. This would at a minimum coincide with our routine sampling which is typically a minimum of biweekly. The details of this proposal are going to be hammered out with Dr. Gobler as well as DEC. We're hoping that there's enough residual resources to potentially look at some mussel bags and tissue sampling at some of the higher risk areas. And we may target some of this to be rainfall response based if the budget allows. But as of now the minimum baseline is to look biweekly during the period of concern.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Legislator Anker.

LEG. ANKER:

Okay. We've studied this before. Correct? I mean it's been an ongoing study. And when was that started?

MR. DAWYDIAK:

We actually did a couple of surveys of the red tide in Suffolk County. The first one was back in mid

to late '80s when the brown tide interest first came up. And this, I believe, along with pfiesteria, was a very first algal bloom that we looked at with the public health related algal blooms circa 2000. And as a result of those to prior surveys, this was picked up but not at regional levels that exceeded health thresholds that were of enough concern for DEC to do it routinely. So it was an indicator of long-term concern but not enough to make it into the routine sanitation program where they looked at all places at all times.

Subsequently it has showed up in Long Island waters out west. And it's been showing up more frequently in waters in the Peconics. And the feeling is that it may be becoming a bigger public health concern as well as potentially an ecological issue. So something that both we and the DEC have an interest in.

LEG. ANKER:

And at this point what is creating this issue as far as the previous studies that you've done?

MR. DAWYDIAK:

Basically the awareness that the harmful algal blooms appear to be increasing again in intensity, the concentrations, their spatial extent and the duration. Again, up until the mid-1980s we had no HABs and it was only brown tide. Doctor Gobler does a great presentation. I think we did one to this Committee, he and I jointly, a couple years ago about how you have a half dozen now that are dotting our waters at different times. And back when I started in the 1980s, there was no linkage to nutrients. Now the general wisdom across the country is that nutrients as well as other factors are very significant in triggering these HABs. So it's part of a continuum of addressing the emerging issue, which again is not just ecological, like brown tide affecting scallops. This one is a human health issue as well.

LEG. ANKER:

Okay. And then as far as the -- the outcome, if you did find elevated levels that's affecting the health of our residents, and you mention an action plan and a strategy project, what does that involve briefly, if you could describe that?

MR. DAWYDIAK:

In terms of primary outcome, if we find this in enough places at levels of concern, this is something that the State DEC would be highly likely to take under their wing as part of their annual sanitation programs. So they'd start looking harder at the places and times that our information suggests. So first and foremost that's part of the public health response strategy.

In terms of management, it means that with the harmful algal bloom strategy, as we set pollution control priorities and set up overlay districts for septic upgrades or sewerage or other pollution control areas that are most effected and that can most benefit from this, will likely be the highest priorities. And this is something that the HAB Work Group is going to be working on. We actually have started the contract process with Sea Grant. We hope to have a workshop this Summer. There's going to be a preliminary action plan issued this Spring. Then they're going to take a one-year process, or at least all of 2015, look at all the data across the country as well as locally. And by the end of next year they'll have a set of long term recommendations grounded on all available science. And that would include the results of this evaluation as well.

LEG. ANKER:

Including the data that you will be receiving from the research, would you be able to look at the economic impact with this particular issue? The reason why I'm saying that, I would think it would contribute to additional grants, additional monies focused on this issue.

MR. DAWYDIAK:

Economic impacts are certainly within the scope of the harmful algal bloom action plan. We haven't gotten to that level of detail in terms of structuring the format in the report, but it's a point well

taken and I'll be sure it stays on the agenda for that group.

LEG. ANKER,

And again the number one priority, of course, is the health and safety of our constituents. But also I would consider the economic impact with the issue of our tourism, of our fishing -- our fishermen and women, the shellfish industry would be greatly impacted if this becomes a substantial issue, which it seems to be evolving to. Thank you.

CHAIRPERSON HAHN:

I just have a quick couple of questions for you. You mention DEC involvement. Is that what they do in Northport Harbor in Huntington now?

MR. DAWYDIAK:

Yes.

CHAIRPERSON HAHN:

So what you described for the potential involvement that they would have in the Peconic is what they are already doing in Northport and where we've found the harmful algal blooms already.

MR. DAWYDIAK:

Correct.

CHAIRPERSON HAHN:

So would we -- is this \$25,000 just to sort of replicate what we do on the western portion in Northport and Huntington but do it in the Peconics?

MR. DAWYDIAK:

It's a little different when DEC does their national sanitation protocol. They have very specific ways and places that they look at data for purposes of protecting the shellfish population in that area. This would be more of a scientific screen protocol to develop risk in given areas that might be subject to the overarching DEC protocols. So the frequency and ways that samples are taken and looked at may be different, but they're definitely closely related. Until you screen and find a risk, the secondary set of DEC protocols to routinely monitor are not going to kick in.

CHAIRPERSON HAHN:

Okay. Did you have more?

LEG. KRUPSKI:

Yes. And thank you for addressing this. I mean we do have a -- Suffolk County has a successful underwater leasing program for aquaculture that's -- that has been successful and they just passed their five-year review. And no change is recommended in the program. So as far as what Legislator Anker said about being economically important, certainly -- certainly is. And one of the steps we can take is the next resolution, if you look up on the screen, that's the support -- that's the kind of natural lands whose acquisition we want to support to maintain in its natural state -- to maintain the water quality of Peconic Bay. So this all ties in. Thank you for that -- for that work and this testing.

CHAIRPERSON HAHN:

Any other questions?

MR. DAWYDIAK:

Legislator Hahn, if I can just make one more comment for the record, in next year's Operating Budget, the Health Department has been appropriated, through the County Executive proposed and the Legislator approved budget, an additional \$25,000 for a routine contract, a cooperative agreement, so to speak, with Stony Brook University and Dr. Gobler. I know that there's been

some criticism and concern on the part of the Legislature in the past about using Capital programs and bonding to fund things that might otherwise be supported out of Capital. Economic times have been hard. And we've done what we can to keep up as needed. We were fortunate that there was enough money in this next year's budget for Dr. Gobler to be looking at cyanobacteria in particular. This past summer's work of cyanobacteria marks the termination of Dr. Gobler's contract with us. So we have nobody to look at cyanobacteria. For next year moving forward we'll have that Stony Brook resource available to us out of Operating to do some of these sorts of routine screenings for new and emerging issues that might not otherwise be done internally. This particular red tide contract, though, is bigger and different than what we budgeted for, which is why we're asking for the Capital funding in this year's budget for. So I just wanted to make that point that we've heard that observation and we're doing our best to respond to it.

CHAIRPERSON HAHN:

Thank you. Any other questions? Okay. We have a motion and a second.

MR. RICHBERG:

Yes, we do.

CHAIRPERSON HAHN:

All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 5-0-0-0)** I'm sure we'll be talking to you at the General Meeting as well.

MR. DAWYDIAK:

Thank you.

CHAIRPERSON HAHN:

Introductory Resolution 2113, Authorizing appraisal of land under the Suffolk County Drinking Water Protection Program, as amended by Local Law No. 24-2007, Broad Cove Property Town of Riverhead (SCTM No. 0600-086.00-01.00-034.000). (Krupski)

LEG. KRUPSKI:

Motion.

CHAIRPERSON HAHN:

Motion by Legislator Krupski; second by Legislator Muratore. Hi, Laretta.

MS. FISCHER:

Good morning.

CHAIRPERSON HAHN:

I guess Director Lansdale's not here. So we have maps -- this is the map that is up on the screen. It also was e-mailed to the Committee. Do we have rating sheets? Ah, Tom. Mr. Vaughn is passing around the rating sheets. Thank you. Whenever you're ready.

MS. FISCHER:

Good morning. Oh, okay, thank you. The property's located south of Hubbard Avenue, east of Indian Island County Park and south of the Long Island Railroad tracks in the hamlet of Aquabogue, Town of Riverhead. It is listed on our Comprehensive Master List for the 2012 report and approved for planning steps under the Master List II Resolution 877 2005.

The property's 99 acres in size. It's a site of a former duck farm operation that went out of business approximately 20 to 30 years ago. There are a number of old abandoned structures on the property associated with the former duck farm. And there is an access road to the property from Hubbard Avenue over the railroad tracks on the eastern side of the property.

It's triangular in shape situated between Terry Creek and Meetinghouse Creek, both of which flow into Flanders Bay and the Peconic Bay complex. The property contains tidal wetlands along Terry Creek and Flanders Bay. And there are manmade canals -- also exist throughout the property, which were created as part of the former duck farm operation.

The property's mostly wooded consisting mainly of secondary growth wood species with old fields entitled wetland vegetation. Indian Island County Park is located directly west of this property on the other side of Terry Creek. And it's located within the groundwater contributing area of the highest nitrogen stress water bodies of the Peconic Estuary system.

It received a rating of 50 points, which included its size, the tidal wetlands, hydric soils, adjacent C-2 County parkland and nearby water body within a hundred year flood plain, both FIRMS A and B zones and providing a special view from waterfront.

The property's zoned TRC, which is tourism/resort campus. It allows for a use -- uses such as bed and breakfast, country inns, country clubs and recreational or sporting clubs. Resorts can also be developed on the properties greater than 50 acres, which this is with health spas and hotels.

Any other questions?

CHAIRPERSON HAHN:
Committee?

LEG. KRUPSKI:

I'm not that familiar with the parcel except that its location to Terrys Creek and the Peconic Bay make it, you know, very susceptible to, you know, overdevelopment and what could happen -- the consequences of developing it. So it's a parcel that's naturalized since it's been a duck farm. I wasn't really that familiar with the operation, but it has been decades since it's been active so it is -- viewing it from across the creek, as I have from the County parkland, it's -- you can see the value of it and the value to the estuary overall. It probably, I think, under location, it probably could have scored a couple points because it is -- it is adjacent to, really, across the creek from the County park. And the County park is a large protected holding there, so.

MS. FISCHER:

It did get points for that for sure.

LEG. KRUPSKI:

Okay. Another four.

MS. FISCHER:

Yeah.

LEG. KRUPSKI:

All right. But I mean -- but thank you for the -- for the -- you know, that -- acknowledging that this is an important parcel to the whole estuary, you know, as a whole, and not just looking at it as an isolated thing.

MS. FISCHER:

Actually this has been one of our key priority properties for a number of years, at least 10 to 15 years, so.

CHAIRPERSON HAHN:

And does Riverhead have any -- how many funds left in Riverhead, do we have any --

LEG. KRUPSKI:

Riverhead's program's not active right now so they don't -- I don't think they would be available to partner as a municipality in the acquisition.

CHAIRPERSON HAHN:

Okay. Do we have any State dollars? Legislator Anker.

LEG. ANKER:

What about State funding, have we checked into that at all?

MS. FISCHER:

At this point there hasn't been any money falling from the State for a number of years. We're hoping that, you know, there will be some EPF funds coming through, but we haven't seen anything recently.

LEG. ANKER:

It's a large parcel. I'm sure there'll be substantial cost to the County, but it looks like it's a very important environmental acquisition. So, thank you.

CHAIRPERSON HAHN:

All right. Do we -- we have a motion and a second.

MR. RICHBERG:

Yes, we do.

CHAIRPERSON HAHN:

All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 5-0-0-0)**
Introductory Resolution 2155, Amending the 2014 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'll make a motion.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. On the motion. You want to just give us a little brief description. Identify yourself for the record and give us a brief description.

MS. LONGO:

Janet Longo, the Acquisition Supervisor. This is the Quarter Percent money we call Pay As You Go. So it's what's the revenue collected after debt service, this is what's left over. The actual number.

CHAIRPERSON HAHN:

For which time period?

MS. LONGO:

2013.

CHAIRPERSON HAHN:

This is the 2013 collections. Now we're moving it over.

MS. LONGO:

Yep.

CHAIRPERSON HAHN:

That we can use it.

MS. LONGO:

We're going to use it, yes.

CHAIRPERSON HAHN:

All right. Any questions? Okay. Legislator Krupski.

LEG. KRUPSKI:

I mean we're going to use it. So we're going to make this motion. We're going to have it available -- we can have it available as of Tuesday.

MS. LONGO:

Well, I don't know that it happens that fast, but, yes, it will happen before the next ETRB meeting.

MR. VAUGHN:

(Off mike)

LEG. KRUPSKI:

Within months.

MS. LONGO:

Right. Weeks.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Okay. We have a motion; we have a second. All those in favor? Opposed? Abstentions? **2055 is approved. (VOTE: 5-0-0-0)**

Introductory Resolutions 215 -- 2155 is approved, sorry. Introductory Resolution 2156, To reappoint member of the Suffolk County Planning Commission Matthew Chartrand. (Co. Exec.)

LEG. KRUPSKI:

Motion.

CHAIRPERSON HAHN:

Motion by Legislator Krupski; seconded by Legislator Anker. This is a reappointment so it was not necessary for him to attend today. All those in favor? Opposed? Abstentions? **2156 is approved. (VOTE: 5-0-0-0)**

Seeing that there is no more business before the Committee, we stand adjourned.

**THE MEETING CONCLUDED AT 11:37 AM
{ } DENOTES SPELLED PHONETICALLY**