

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 June 8, 2015.

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
Sarah Simpson, Assistant Counsel to the Legislature
Jason Richberg, Chief Deputy Clerk of the Legislature
Katie Horst, County Executive's Office
Lisa Santaramo, County Executive's Office
Lynne Bizzarro, County Attorney's Office
Craig Freas, Budget Review Office
Sarah Lansdale, Director/Department of Planning
Lauretta Fischer, Department of Planning
Alyssa Turano, Aide to Leg. Hahn
Gwynn Schroeder, Aide to Leg. Krupski
Amy Ellis, Aide to Leg. Anker
Brendan Chamberlain, Aide to Leg. Muratore
William Shilling, Aide to Leg. Calarco
Rick Brand, Newsday
Jim Meyers, Health Department
And all other interested parties

MINUTES TAKEN BY:

Diana Flesher, Court Stenographer

THE MEETING WAS CALLED TO ORDER AT 10:08 AM

CHAIRPERSON HAHN:

Okay, if we could all rise for the Pledge led by Legislator Anker.

SALUTATION

Okay, we have no cards. Is there anyone in the audience who would like to be heard? Anyone? Okay, seeing none we'll close the Public Portion. There are no presentations today so we will move right along to the Tabled Resolutions.

TABLED RESOLUTIONS

Everyone okay with the speediness this morning? You love it, okay. All right.

IR 1403, Authorizing the acquisition of land under the New Suffolk County Drinking Water Protection Program (effective December 1, 2007) - open space component - for the Tuccio property - Peconic River Greenbelt addition - Town of Riverhead - (SCTM No. 0600-128.00-03.00-049.000). (Co. Exec.)

LEG. KRUPSKI:

Motion to table.

CHAIRPERSON HAHN:

Motion to table by Legislator Krupski; seconded by Legislator Anker.

LEG. KRUPSKI:

On the motion.

CHAIRPERSON HAHN:

On the motion, Legislator Krupski.

LEG. KRUPSKI:

This is -- and I'd welcome any kind of update from -- from Director Lansdale certainly on this, but this is a small parcel on Peconic River. It's cleared. It just a -- it's a mowed parcel? There's a small vegetated fringe along the river. It's low elevation. And Riverhead's interested in a management agreement that would allow the land to be used as access to the river. It's a nice place to put a kayak or a canoe in or something. It allows for safe off-the-street parking. So we're working with Riverhead. Tomorrow night I've got an open space meeting I'm going to in Riverhead to try to see what the Town can do as far as a management agreement, but I would welcome Director Lansdale's comments.

DIRECTOR LANSDALE:

We look forward to working with Legislator Krupski as well as members of the Legislature to advance this in the most efficient way possible. We understand that there is a need for a management agreement as well as a Phase II Environmental Site Assessment on the property. So we're looking forward to move that along as quickly as possible.

LEG. KRUPSKI:

Thank you. I appreciate that.

CHAIRPERSON HAHN:

And the delay -- when is our next EPA meeting? July. That's not a problem if --

LEG. KRUPSKI:

Well, I mean it's not a problem with me. I mean, I'm not sure time-wise how it's a problem. I think if Riverhead can agree on some sort of management plan, I think we could -- it is -- it's a nice portion of the river to have access -- public access to because it is so accessible, you know, physically and it does have, you know, safe off-the-street parking. So it would be nice to have this done. It's -- like any parcel, waterfront access is important.

CHAIRPERSON HAHN:

Oh, absolutely. I know. I completely agree with your intent. I was just wondering if there was some sort of time crunch, you know, we could discharge without recommendation or something or --

LEG. KRUPSKI:

No.

CHAIRPERSON HAHN:

No, okay, we don't need to do that.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Okay. Okay, we have a motion to table and a second. All those in favor? Opposed? Abstentions? **IR 1403 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1442, Accepting the Suffolk County Climate Action Plan. (Krupski)

LEG. KRUPSKI:

So moved.

CHAIRPERSON HAHN:

Motion by Legislator Krupski; seconded by Legislator Barraga. Anyone on the motion?

LEG. KRUPSKI:

We will be having a presentation at Public Works later this afternoon, if everyone's interested. It's something that a lot of people have worked hard on for quite a while and we'd like to have that discussion and eventually accepted.

CHAIRPERSON HAHN:

Excellent. Okay. All those in favor? Opposed? Abstentions? **1442 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1473 --

LEG. KRUPSKI:

Excuse me. Madam Chair?

CHAIRPERSON HAHN:

Yes.

LEG. KRUPSKI:

Just for the record I'd like to recuse myself on 1473 and as per my recusal form filed with the Presiding Officer and Suffolk County Board of Ethics.

CHAIRPERSON HAHN:

Sure thing.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Introductory Resolution 1473, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2015 Albert J. And Mary F. Krupski, Jr. (SCTM Nos. 1000-074.00-04.00-004.001, 1000-074.00-04.00-004.002, 1000-074.00-04.00-004.003, 1000-074.00-04.00-004.004, 1000-074.00-04.00-004.005, 1000-074.00-04.00-004.006, 1000-074.00-04.00-004.009). (Co. Exec.) This needs to be tabled?

DIRECTOR LANSDALE:

Yeah. Actually the next following resolutions from 1473 all the way to 1480 need to be tabled for Public Hearings at the next Tuesday's meeting of the full Legislature.

CHAIRPERSON HAHN:

Okay. I will make a motion to table; seconded by Legislator Barraga. All those in favor of tabling? Opposed? We have one recusal. **1473 is tabled. (VOTE: 4-0-0-0-1. LEG. KRUPSKI RECUSED)**

So, 1474, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2015 JR Landscaping Inc. (SCTM No. 0900-083.00-01.00-009.002) and Long Lane Farm Corp. (SCTM No. 0300-157.00-03.00-002.000). (Co. Exec.) Same motion, same second, same vote.

Introductory Resolution 1475, authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2015 John Verderber --

MR. RICHBERG:

Madam Chair?

CHAIRPERSON HAHN:

Yes?

MR. RICHBERG:

It's not the same vote because Legislator Krupski is not here; he's not recusing on --

CHAIRPERSON HAHN:

Well, he wasn't in the room anyways on the first vote, right, so -- yeah, it was a motion by me; seconded by him. And he wasn't here for the first vote. He walked out of the room after he said he was recused.

LEG. ANKER:

That means he is a recusal.

CHAIRPERSON HAHN:

Oh, now he's back so we can't do that. Yeah, just the first one, a recusal vote.

So we want us to re-vote 1474?

MR. RICHBERG:

No, he walked in right as we were having the conversation.

CHAIRPERSON HAHN:

Okay. So all those in favor? Opposed? Abstentions? **1474 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1475, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2015 John Verderber (SCTM No. 0600-085.00-03.00-012.003), 359 Main Road LLC (SCTM No. 0600-085.00-03.00-067.000), 1486 Sound Avenue LLC (SCTM No. 0600-085.00-03.00-072.104), 406 Main Road LLC (SCTM No. 0600-085.00-03.00-073.002), and 1546 Sound Avenue LLC (SCTM No. 0600-021.00-02.00-008.000) I'll make a motion to table; seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? **1475 is tabled. (VOTE: 5-0-0-0)**

1476, Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk 2015 JCNSL LLC (SCTM No. 0200-722.00-01.00-017.000). (Co. Exec.) I'll make a motion to table; seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? **1476 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1477, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2015 Pal-O-Mine Equestrian, Inc. (SCTM No. 0504-004.00-01.00-016.000). (Co. Exec.) I'll make a motion to table; seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? **1477 is tabled. (VOTE: 5-0-0-0)**

1478, Authorizing the inclusion of new parcel(s) into an existing certified Agricultural District(s) in the County of Suffolk 2015 29 Norwood Road LLC (SCTM No. 0400-011.00-01.00-025.000) and Norwood Property Search & Management LLC (SCTM No. 0400-011.00-01.00-026.000). (Co. Exec.) I'll make a motion to table; seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? **1478 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1479, Authorizing the disapproval of a new parcel for inclusion into an existing certified Agricultural District(s) in the County of Suffolk 2015 Sagaponack Realty, LLC (SCTM No. 0908-010.00-03.00-001.000) (Co. Exec.) I'll make a motion to table; seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? **1479 is tabled (VOTE: 5-0-0-0)**

Introductory Resolution 1480, Authorizing the inclusion of three new parcels Sylvester Manor Educational Farm, Inc. (SCTM Nos. 0700-008.00-01.00-005.005, 0700-008.00-01.00-005.007, 0700-008.00-01.00-005.008) and the disapproval of one parcel Sylvester Manor Educational Farm, Inc. (SCTM No. 0700-008.00-01.00-005.010) into an existing certified Agricultural District(s) in the County of Suffolk 2015. (Co. Exec.) I'll make a motion to table; seconded by Legislator Barraga. All those in favor? Opposed? Abstentions? **1480 is tabled. (VOTE: 5-0-0-0)**

1488, Appropriating funds for the Brownfields Program, former Canine Kennel site at Gabreski Airport (CP 8223). (Co. Exec.) I'll make a motion.

LEG. KRUPSKI:

So moved.

CHAIRPERSON HAHN:

Motion by Legislator Krupski; seconded by myself. Okay. On the motion, do we have anyone here who can speak to this bill for us? Hi, there.

MR. MEYERS:

Jim Meyers from Health Services.

CHAIRPERSON HAHN:

Good morning, Jim. Thank you for being here. Thank you.

MR. MEYERS:

This bill appropriates some additional funding for the cleanup of the canine kennel site which is a County site at Gabreski Airport. And basically it's for some additional sampling and some work plan.

CHAIRPERSON HAHN:

Excellent. And the cost?

MR. MEYERS:

The cost of this one is \$25,000. We have some money already appropriated so this is going to be for additional sampling. And we expect the remediation to take place this year. We need some additional sampling work and some work plan work associated with that.

CHAIRPERSON HAHN:

Okay, Legislator Krupski.

LEG. KRUPSKI:

What's the nature of the contamination?

MR. MEYERS:

It's PCBs from all the airport and army use.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Okay, any other questions. Legislator Anker.

LEG. ANKER:

Were you able to get Superfunds for the cleanup?

MR. MEYERS:

It's Superfund and Brownfields also. It's dual tracked. It's both.

LEG. ANKER:

So -- and the contamination was done by the -- what company, the government, what --

MR. MEYERS:

As far as we can tell, it's the Federal government.

LEG. ANKER:

So we have some funding from the Federal government to assist in cleaning --

MR. MEYERS:

Not for this site. Because it's a Superfund site with PCBs. It's not eligible for funding.

LEG. ANKER:

Thank you.

CHAIRPERSON HAHN:

Okay. Any other questions? Okay, we have a motion and a second. All those in favor? Opposed? Abstentions? **1488 is approved. (VOTE: 5-0-0-0)**

Introductory Resolution 1489, Appropriating funds for the Brownfields Program, former Blue Point Laundry site (CP 8223). (Co. Exec.) I'll make a motion.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. Legislator Krupski, did you have a question?

LEG. KRUPSKI:

So what's the -- what's the plan here? What's the nature of the contamination? It kind of speaks for itself, I guess.

MR. MEYERS:

Yeah, this is also a County site down in Blue Point. We did the on-site remediation several years ago. Now it's off-site remediation that needs to be done for a separate plume. It's stoddard solvent, which is a petroleum product. And it's on the -- basically on the railroad property behind the site.

LEG. KRUPSKI:

So when you say it's a County site, I mean the County didn't run the laundry.

MR. MEYERS:

Right.

LEG. KRUPSKI:

So is there anyone who's being held responsible for the cleanup?

MR. MEYERS:

This is a site we took for back taxes where we couldn't get into the Brownfields Program because they closed out the Brownfields Program. They ran out of money so we're stuck paying for it ourselves essentially.

LEG. KRUPSKI:

So who oversees the -- I mean you gotta do some remediation.

MR. MEYERS:

Right.

LEG. KRUPSKI:

Who oversees the level of remediation? At what point do they sign off on it and say that you've done your due diligence and we can move on?

MR. MEYERS:

It's basically being cleaned up under the State Oil Spill Program. So the State tells us, you know, what we have to do essentially as far as remediation, investigation, etcetera.

LEG. KRUPSKI:

Thank you.

CHAIRPERSON HAHN:

Legislator Anker.

LEG. ANKER:

You know, these laundromats are really a problem with Perc. And I'm assuming -- now, this is a different chemical than Perc?

MR. MEYERS:

This is stoddard solvent; was before Perc came into use. It's basically a petroleum product. And what happens with stoddard solvents, it sits around a lot longer. Petroleum products kind of adheres to the soil so it's still there. Perc would have been long gone. Right now this stoddard solvent is still basically hanging around the site moving slowly off of it.

LEG. ANKER:

So do we still have a problem with Perc? Because there's so many laundromats and cleaning places that, you know, I finally found one in Farmingville that's known as a green cleaner. And, you know, I'm gravitating towards that. But what's the status right now of all these contaminated laundromats that contaminate our soil?

MR. MEYERS:

They are a problem. We inspect them annually in my office so we resample them. We try to look for any sources of discharge. We have -- we've seen a lot of remediations at dry cleaner sites but with the Perc it travels very quickly through the groundwater, through the soil. So once you have a spill there, it's a problem because it -- it doesn't adhere to the soil like petroleum products do.

LEG. ANKER:

And as far as priority, what is the County's priority in addressing these laundromats and the groundwater contamination?

MR. MEYERS:

As far as the dry cleaners, those are our number one priority along with gas stations.

LEG. ANKER:

Again, I'm assuming a lot of the work is done off-site so do you monitor those places that are off-site or you just go to that one store?

MR. MEYERS:

Once we have significant off-site work -- we work for the DEC and they sometimes take it over as a Superfund site. But we deal with the on-site work, a little bit off-site. We talk to the State twice a year on all these sites. Once it gets too big for us, or it's a significant off-site contamination, the State has to step in.

LEG. ANKER:

Is there any legislation, though, that's out to reduce this situation through someone in the state or in other states that could either create incentives or some type of, you know, a negative effect if they were to continue with these chemicals that are contaminating our water?

MR. MEYERS:

It's expensive to clean up. That's -- you know, that's one disincentive, you know, they're stuck with tremendous cleanup costs.

LEG. ANKER:

Right. But, again, you just said it. This is what's happening.

MR. MEYERS:

Yes.

LEG. ANKER:

That company went bankrupt; now we're stuck with a half a million dollars to clean it if not more.

MR. MEYERS:

Yes.

LEG. ANKER:

I mean what's the total amount on this one site?

MR. MEYERS:

This one site we spent \$500,000. That was with a large oil spill from the tanks, the heating oil tanks. So this will be -- maybe another million dollars if we have to clean up the off-site.

LEG. ANKER:

Okay, so if you can get back to me, I'd like to know what the other municipalities or, you know, jurisdictions are doing in addressing this to see -- maybe if you can think of a creative way where we can incentivize the dry cleaning businesses to go green.

MR. MEYERS:

I will tell you that about a half of the sites have switched to a hydro kit carbon-based solvent. So, you know, it's not a panacea but I think it's better than Perc.

LEG. ANKER:

Some good news. Thank you.

MR. MEYERS:

Sure.

CHAIRPERSON HAHN:

Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? It is approved. **(VOTE: 5-0-0-0)** That was 1489; is approved.

Introductory Resolution 1493, Approving and adopting the Suffolk County Comprehensive Master Plan 2035. (Co. Exec.) I've been told we have to table that for Public Hearing.

DIRECTOR LANSDALE:

That's right.

CHAIRPERSON HAHN:

Okay. I'll make a motion to table.

LEG. KRUPSKI:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Krupski. All those in favor? Opposed? Abstentions? **1493 is tabled. (VOTE: 5-0-0-0)**

Introductory Resolution 1510, Amending the Adopted 2015 Operating Budget to transfer funds from Fund 477 Water Quality Protection, amending the 2015 Capital Budget and Program, and appropriating funds in connection with the Village of Babylon Street Sweeping Program (CP 8710.516). (McCaffrey)

LEG. MURATORE:

Motion.

CHAIRPERSON HAHN:

Motion by Legislator Muratore.

LEG. BARRAGA:

Second.

CHAIRPERSON HAHN:

Seconded by Legislator Barraga. On the motion, Legislator Krupski.

LEG. KRUPSKI:

Yes, what exactly is the -- and I guess I'll ask Director Lansdale, this is -- is this something that went through the Water Quality Review Committee?

DIRECTOR LANSDALE:

It is. And the Water Quality Committee actually reviewed 26 proposals and recommended that 16 should be funded for a total funding of \$1.3 million. \$1.8 million was requested in total funding of the 26 applications. This was one application that the Water Quality Committee felt was not ready at this time to advance; specifically the reason cited by members of the Water Quality Committee was that this fund moving forward should not be used for significant capital expenditures, i.e., street sweepers.

LEG. ANKER:

I'll make a motion to table.

CHAIRPERSON HAHN:

I'll second the motion to table. Legislator Krupski, did you have another question?

LEG. KRUPSKI:

Well, yeah. I mean if we're going to table this, otherwise there's a lot of the villages that I think -- which would be very interested in having, you know, this fund buy street sweepers for their municipalities.

CHAIRPERSON HAHN:

All right. It was very expensive. And I am on the committee, the Water Quality Review Committee and this is certainly -- you know, the village is ordinarily responsible for this. This is an ongoing village responsibility that's just always been and it should remain in that purview, so.

DIRECTOR LANSDALE:

That's right. That was the nature of the discussion at the Water Quality Committee.

CHAIRPERSON HAHN:

Yes. Okay. Any other discussion? Anyone have any -- okay, so we have a motion to approve and a second. And we have a motion to table and a second. The tabling motion comes first. So on the tabling motion, we have a motion and a second. All those in favor of tabling? Aye. Opposed to tabling? Abstentions?

LEG. MURATORE:

I'm opposed to the table.

CHAIRPERSON HAHN:

Yeah, okay. Legislator Muratore is opposed to tabling. Okay. So it's tabled. **(VOTE: 4-1-0-0)**

Introductory Resolution 1521, Amending Resolution No. 704-2014 in connection with the innovative alternative onsite Wastewater Treatment Program (CP 8710.140). (Co. Exec.)

LEG. KRUPSKI:

Motion.

CHAIRPERSON HAHN:

Motion by Legislator Krupski; second by Legislator Anker. On the motion, is there someone here to explain this one?

DIRECTOR LANSDALE:

Yes. So this was funding that was previously approved. This is 477 funding that was approved last year through committee and through the Legislature. And we thought that it would be prudent to come back to the Legislature to add a little bit more clarity on how the funds -- how we're proposing that the funds be spent.

Specifically if you look at the FOURTH WHEREAS CLAUSE, it specifically talks about spending some funds, \$35,000, in construction expenses in association with the septic lottery system for the innovative alternative Septic System Program. There are some sites that were selected that were a little bit more difficult to retrofit than others that contained block cesspool systems. These are the ones that are -- certainly the ones that are most notorious for surface water collapse, etcetera. So these are the ones that we want to target.

The retrofit of these systems are -- the septic manufacturers are donating the septic systems, the installation as well as the maintenance for five years. So we're requesting that funds -- \$35,000 be used towards several properties for on-site retrofits.

In addition we're looking to launch a wetlands demonstration program to expand the alternative treatments that may be available to homeowners and municipalities in the future to address our nitrogen problem.

CHAIRPERSON HAHN:

Okay. Any other questions?

LEG. KRUPSKI:

I have a question.

CHAIRPERSON HAHN:

Legislator Krupski.

LEG. KRUPSKI:

Thank you for clarifying that. I have a question that came up at a community meeting. And it's -- one of the systems is a contained system that goes in a building. But then there was some anecdotal conversation going on that the Health Department is reluctant to permit the system inside of a building. I think they're designed to go in a cellar or garage or something. Is there -- that correct or is that just conjecture?

DIRECTOR LANSDALE:

I believe that that's conjecture at this point. The Health Department has been nothing but cooperative in rolling out this program.

LEG. KRUPSKI:

Very good. Thank you.

6/8/2015 EPA Committee

CHAIRPERSON HAHN:

Any other questions? Okay. We have a motion and a second. All those in favor? Opposed? Abstentions? **IR 1521 is approved. (VOTE: 5-0-0-0)**

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

**THE MEETING CONCLUDED AT 10:30 AM
{ } DENOTES SPELLED PHONETICALLY**