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7 **ENVIRONMENT, PARKS & AGRICULTURE COMMITTEE**
8
9 **OF THE**
10 **SUFFOLK COUNTY LEGISLATURE**
11
12 **MINUTES**
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16 A meeting of the Environment, Parks & Agriculture Committee of the
17 Suffolk County Legislature was held via video conference in the
18 Rose Y. Caracappa Legislative Auditorium of the William H. Rogers
19 Legislature Building, 725 Veterans Memorial Highway, Smithtown, on
20 April 20, 2020.
21

22
23 **MEMBERS PRESENT:**

24 Presiding Officer Robert Calarco, 7th Legislative District
25 Leg. Kara Hahn, Chairperson
26 Leg. Al Krupski, Vice Chair
27 Leg. Sarah S. Anker
28 Leg. Thomas Muratore
29 Leg. Bridget Fleming
30 Leg. Leslie Kennedy
31 Leg. Anthony Piccirillo
32

33 **ALSO IN ATTENDANCE:**

34 Leg. Robert Trotta, 13th Legislative District
35 Sarah E. Simpson, Counsel to the Legislature
36 Amy Ellis, Chief Deputy Clerk/Legislature
37 Lance Reinheimer, Director/Budget Review Office
38 Philip Berdolt, Commissioner/Parks Department
39 Stephanie Rosen, County Executive's Office
40 Sarah Lansdale, Director/Department of Planning
41 Melissa Kangas, Department of Planning
42 Frank P. Castelli, Economic Development & Planning
43 And all other interested parties
44

45 **MINUTES TAKEN BY:**

46 Diana Flesher, Court Stenographer
47

48 **MINUTES TRANSCRIBED BY:**

49 Kim Castiglione, Legislative Secretary
50
51
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1 THE MEETING WAS CALLED TO ORDER AT 10:11 AM

2
3 **P.O. CALARCO:**

4 Okay. I think we're ready, everyone. So here's our inaugural Zoom
5 committee meeting. Hopefully this works and we can get it refined
6 before next Tuesday.

7
8 So I guess let's start with welcome to today's EPA Committee.
9 If everyone can please rise for the Pledge of Allegiance led by
10 Legislator Krupski.

11
12 **SALUTATION**

13
14 **P.O. CALARCO:**

15 All right. Thank you, everyone, and welcome to this morning's EPA
16 Committee. As the Presiding Officer we have, due to the COVID
17 crisis, invoked the rule under the latest Procedural Motion we
18 adopted to allow the Presiding Officer to Chair the committee
19 meetings to effectuate running of these meetings as efficiently as
20 we can without having to have multiple Legislators come to the
21 Legislature building itself, so people don't have to come in. I
22 thank Legislator Hahn for her indulgence, and I will do my best to
23 run the committee as well as she can.

24
25 With that, we'll get started with the agenda. I do not have any
26 correspondence, and as per the Executive Order we are not having
27 any Public Portion, so we will be able to move right into our
28 resolutions. We have no appointment resolutions and no
29 presentations today, so we'll go to Tabled Resolutions.

30
31 **TABLED RESOLUTIONS**

32
33 **IR 1215, Authorizing Intermunicipal Agreement with the Town of**
34 **Brookhaven to access County-owned "Swan Lake" property to construct**
35 **and maintain a fish passage. (Co. Exec.) I'll make a motion to**
36 **approve.**

37
38 **LEG. ANKER:**

39 Second.

40
41 **P.O. CALARCO:**

42 Second by Legislator Anker. Does anybody want to discuss the
43 issue?

44
45 **LEG. ANKER:**

46 On the motion.

47
48 **P.O. CALARCO:**

49 On the motion, Legislator Anker.

50
51 **LEG. ANKER:**

52 Were they able to amend it to the agreement for 20 years?

53
54 **P.O. CALARCO:**

55 I believe so. Counsel, do you know? If not, I'll pull in
56 Commissioner Berdolt.

1 **MS. SIMPSON:**

2 Yes, it was amended on the 15th to include the 20 years.

3
4 **LEG. ANKER:**

5 Okay, thanks.

6
7 **P.O. CALARCO:**

8 Okay. Any other questions? This is a good project in my district.
9 It's actually not a fish ladder of structure, it's a -- they're
10 going to create a stream that bypasses the spillway that's there
11 right now. It will actually not only help the fish, but actually
12 increase water flow which will alleviate flooding in the area
13 believe it or not. So this is a good project.

14
15 We have a motion and a second. And roll call.

16
17 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

18
19 **P.O. CALARCO:**

20 Yes.

21
22 **LEG. ANKER:**

23 Yes.

24
25 **CHAIRPERSON HAHN:**

26 Yes

27
28 **LEG. KRUPSKI:**

29 Yes.

30
31 **LEG. FLEMING:**

32 Yes.

33
34 **LEG. MURATORE:**

35 Yes.

36
37 **LEG. PICCIRILLO:**

38 Yes.

39
40 **LEG. KENNEDY:**

41 Yes.

42
43 **MS. ELLIS:**

44 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

45
46 **P.O. CALARCO:**

47 Okay, 1215 is approved. We'll move on to Introductory Resolutions.

48
49 **INTRODUCTORY RESOLUTIONS**

50
51 I admitted Commissioner Berdolt in case we have any questions for
52 him on the next resolution. **IR 1270, Appropriating funds for Heavy**
53 **Duty and Other Equipment for County Parks (CP 7011). (Co. Exec.)**

54
55 **LEG. FLEMING:**

56 Motion.

1 **P.O. CALARCO:**

2 Motion by Legislator Fleming.

3
4 **CHAIRPERSON HAHN:**

5 Do we want to -- can we ask the Commissioner about these, this
6 equipment?

7
8 **P.O. CALARCO:**

9 Sure. Do we want a second first? I'll second the motion for the
10 discussion. Legislator Hahn, you have the floor.

11
12 **CHAIRPERSON HAHN:**

13 Commissioner Berdolt, are you here?

14
15 **COMMISSIONER BERDOLT:**

16 I am. Can you hear me?

17
18 **P.O. CALARCO:**

19 You're a little low, Commissioner. Can you turn your volume up a
20 little bit or speak a little closer to your microphone?

21
22 **CHAIRPERSON HAHN:**

23 I can't see him, so.

24
25 **COMMISSIONER BERDOLT:**

26 I am here.

27
28 **CHAIRPERSON HAHN:**

29 I'm sorry, Phil. I didn't have the gallery view open. Okay. So
30 can you just tell us a little bit about the heavy duty equipment
31 for County Parks that this would be appropriating?

32
33 **COMMISSIONER BERDOLT:**

34 Right. So as you know, it's kind of a moving target with Parks.
35 You know, the equipment comes and goes or it fails. So right now
36 we're looking at possibly a Massey Ferguson for Smith Point. Then
37 we could also possibly do other equipment. I've got a list of, you
38 know, things that we need. Possibly a van with a bucket for
39 electrical and all tree trimming; that's about 50. We always need
40 dump trucks with plows throughout -- you know, unfortunately,
41 because a lot of our equipment is on the beach it takes a pretty
42 good toll on it between the sand and the saltwater. Two years ago
43 we had three pickup trucks actually go on fire. We've never really
44 replaced them.

45
46 We did get a lot of equipment from FEMA where we weren't allowed to
47 use the FEMA money for accessory equipment to some of the equipment
48 that we got. So if we got a bucket truck, we weren't able to get
49 the attachments that go with it or a tractor. So we want to get
50 the three in one grappling for the buckets and other attachments,
51 whether it's an auger or forks, things like that, for our other
52 golf courses that we put the equipment in.

53
54 **CHAIRPERSON HAHN:**

55 So, Phil, I'm a firm believer that given what's going on government
56 will need to spend money to get people back to work, where in our

1 capital plan I hope that we can be doing increasing because people
2 are going to need to work and we're going to need to stimulate the
3 economy. I just really question, though, you know, can we stretch
4 another year out of some of the equipment that's listed here. Can
5 we go another year without them given the budgetary constraints
6 we're going to be looking at.

7
8 **COMMISSIONER BERDOLT:**

9 Well, you know, sure. We can go with nothing and see how long we
10 can last that way. It's, you know, it's a crapshoot. We don't
11 know.

12
13 **CHAIRPERSON HAHN:**

14 No, I mean, I get it. So I guess what I'm asking is, is this just
15 a line that you'll be using as things are necessary or are you
16 giving us what you think is absolutely necessary in this
17 resolution.

18
19 **COMMISSIONER BERDOLT:**

20 Well, like I said, it depends on how soon things break and
21 equipment fails. It's always, like I said, it's always a moving
22 target. Our best intentions are to get the tractors and the other
23 equipment I said, but all of a sudden something happens and a major
24 piece of equipment breaks and that changes everything. I go back
25 to my Public Works days where, you know, you look at roads and you
26 say well, we have all intentions of paving this road next year.
27 Then during the winter one road explodes and you have to alter how
28 you do things, so it is kind of a moving target. We do have our
29 list of things we'd like, but it does change. So I can't -- I
30 can't say specifically that this is the equipment we're going to
31 get and we need it. Compared to, you know, other departments that
32 purchase equipment, you know, 150 doesn't go far these days when
33 you're buying municipal equipment unfortunately.

34
35 **CHAIRPERSON HAHN:**

36 All right. And it will be your decision to pull the trigger to buy
37 or does this do that?

38
39 **COMMISSIONER BERDOLT:**

40 I'm sorry. Say that again?

41
42 **CHAIRPERSON HAHN:**

43 This just appropriates the money so it's available when you pull
44 the trigger, correct?

45
46 **COMMISSIONER BERDOLT:**

47 Correct.

48
49 **CHAIRPERSON HAHN:**

50 And you're telling us you're not going to pull the trigger on
51 anything that doesn't fail. Is that what you're saying?

52
53 **COMMISSIONER BERDOLT:**

54 Well, no. I mean, there are things that, you know, if were to buy
55 a brand new showmobile, which right now that was kind of our plan,
56 but the way things are going, all of our events have canceled, so

1 that doesn't seem a need. A showmobile would have been the entire
2 150 in one-shot, you know. So this year, no, it doesn't need it.
3 But no, if I get the money I'm not going to spend 150 in one
4 purchase order. There's a good chance that we'll go through the
5 entire year and then have money left over next year.

6
7 **CHAIRPERSON HAHN:**

8 Okay. I think we're asking for that, you know, that this is used
9 when something breaks down, as in the point of cannot be fixed.
10 Not just to have extra, you know, to feel comfortable that we have
11 enough equipment.

12
13 **COMMISSIONER BERDOLT:**

14 Right.

15
16 **CHAIRPERSON HAHN:**

17 We're in a really serious, you know, time and we can't be buying
18 the bells and whistles and attachments to, you know, equipment the
19 Federal government gave us just because we want it. I think we
20 need to replace things as they fail, not because they hit a certain
21 mile number and we think they might fail but, you know, I think we
22 really have to be careful in this line more than we've ever been
23 before.

24
25 **COMMISSIONER BERDOLT:**

26 No, I understand. Just so you know, also the way Public Works now
27 has it set up that we can't fleet anything until we have a turn it.
28 So whatever we do purchase we have to turn in a decommissioned --
29 say decommissioned piece of equipment or have something laying
30 around that's already beyond any kind of repair. There are
31 parameters already in place for that, so to speak.

32
33 Also, just keep in mind that if, in fact, a piece of equipment does
34 fail, by the time we -- if we need to go out to bid for something
35 and, you know, it could be a three-month period or more before we
36 actually get delivery of that piece of equipment. So sometimes it
37 does pay to have something as a backup just to keep your operation
38 going. Right now we're not in that position, but it could happen.

39
40 **CHAIRPERSON HAHN:**

41 I think you understand the point.

42
43 **COMMISSIONER BERDOLT:**

44 I do.

45
46 **CHAIRPERSON HAHN:**

47 So, thank you. Thank you, Presiding Officer.

48
49 **P.O. CALARCO:**

50 Thank you. Legislator Muratore.

51
52 **LEG. MURATORE:**

53 First of all, a little technical problem. When I hit raise my hand
54 it stays on, and then it goes off by itself.

1 **P.O. CALARCO:**

2 Yeah. So I'm lowering your hand, Tom.

3
4 **LEG. MURATORE:**

5 Oh, you are.

6
7 **P.O. CALARCO:**

8 So just so everybody knows, when I get you on my list of speakers
9 I'll lower your hand.

10
11 **LEG. MURATORE:**

12 Okay, good.

13
14 **P.O. CALARCO:**

15 That's how you know that I recognize that I saw you wanted to
16 speak.

17
18 **LEG. MURATORE:**

19 Okay. My question is kind of along the line of Legislator Hahn. I
20 think it's a -- you know, at this time, at this stage in the
21 County, we have to watch how we spend our monies. If the
22 Commissioner can find it in his people to take a piece of equipment
23 that breaks down and maybe do a MacGyver on it and get it back to
24 working for a while, but I think every \$150,000 is going to mean a
25 lot to this County. So I don't know if I can support this now. I
26 mean, I've always supported him with equipment. I know he needs
27 equipment to get his job done, but it's a question of should we be
28 spending money right now. So, thank you.

29
30 **P.O. CALARCO:**

31 Thank you, Tom. Legislator Anker.

32
33 **LEG. ANKER:**

34 Yes. I also have the same concerns. I know we discussed this as a
35 group, a handful of us, but I also want to mention, though, you
36 know, a lot of people are now going out into the parks. I have two
37 in particular, Chandler Estate and Cordwood Landing, and those
38 trees are falling. They're down, some are halfway down. I just
39 want to make sure, again, that we have the equipment to address
40 this because, again, if someone gets hurt it's going to be our
41 problem. So, again, Phil, maybe you can just check and see. If we
42 really, really need this equipment I will support it mainly because
43 our parks are being used. Town parks are closed, everything's
44 closed. There's a lot of people going to our parks. So did you
45 get the pictures I sent regarding the downed trees and the erosion,
46 Phil?

47
48 **COMMISSIONER BERDOLT:**

49 Yes, I did. The erosion, there's not much we can do for that, you
50 know, besides getting the Army Corps of Engineers in for either a
51 beach replenishment or, you know, some kind of stabilization.
52 That's way beyond our parks, even for Public Works that's a big
53 lift. That would be something -- stabilization would be Army Corps
54 of Engineers.

LEG. ANKER:

1 We really need it. We've probably lost about three feet just in
2 Cordwood Landing alone. And the pathways go right off the cliff.
3 I mean, people get right up to the edge, which is, that's pretty
4 dangerous. And I Al, and also Kara and I guess Rob Trotta, you
5 know, in areas along the shore, you know, those high cliffs, you
6 know, are dangerous. We actually lost -- the little boy in Wading
7 River, you know, died after falling off of the cliff.
8

9
10 So, again, we need to make sure that what we need is absolutely
11 essential, you know, especially since a lot of these folks are
12 going into our parks. And, again, with the pine beetle and, you
13 know, all this destruction with the trees, which I see as much more
14 prevalent than I've ever seen it in the past decade. So, again,
15 let us know if you can hold off, but if you need it for these types
16 of situations I will support this.
17

P.O. CALARCO:

18 Okay. Legislator Krupski.
19
20

LEG. KRUPSKI:

21 Thank you. I have got a question for Commissioner Berdolt. So,
22 Phil, you know, first of all, you mention the showmobile. And I
23 know it's something that a lot of people rely on, however, it might
24 be something that might be considered, in light of our fiscal
25 situation, that you want to phase-out over time, because it's an
26 expense I know to the County to buy it, store it, maintain it, move
27 it, man it, the whole thing. And it's something that we need to --
28 I don't know if it's a policy decision, you know, by the County
29 Executive or by the Legislature to look at how we operate those in
30 the future.
31

32
33 The other thing is if you get more equipment, and I understand
34 you're doing your job and I appreciate that you want to keep your
35 equipment upgraded and ready to go. How is the labor force -- how
36 is your labor force operating now under these conditions and how
37 will they be able to operate -- I mean, you come to the spring now
38 about six weeks. Now you're coming into the summer season. How is
39 your labor force operating? Are they operating at full strength or
40 do you have, you know, half-strength? What's their protocol there?
41

COMMISSIONER BERDOLT:

42 Right. Right now our admin staff, basically all our white collar,
43 are working from home and also some have been redeployed to 311,
44 the Health Department, and also -- two places in the Health
45 Department. One doing data entry which that, I think, they're
46 caught up on that end of today, and also making calls for the COVID
47 positive people. So in our blue collar we're out -- most of my
48 upper staff are in all the time as far as blue collar, but other
49 ones are working 50% on, 50% off. So it is a little challenging.
50

51
52 Our campgrounds are closed right now, except one area of Southaven
53 where we have a very small group of people and so that's helped us
54 a little bit. Golf we just closed, again, over a week ago which,
55 you know, also -- and just to get back to the equipment, you know,
56 the parks is a revenue generating, you know, part of the County

1 where, you know, we bring in close to 14 million. So far this year
2 between the golf, golf in this one time where it was open for that
3 brief period, brought in a tremendous amount than it's ever seen
4 before in that short period of time, even with the length in tee
5 time and following all the protocols that have been set in place.
6 But with that being said, we're trying to do what we can with our
7 staff out there and just maintaining as best as we can. We're not
8 getting any projects done, we're just maintaining.

9
10 **LEG. KRUPSKI:**

11 No, and I appreciate your efforts, believe me. And I agree with
12 Legislator Anker when she says how important those parks are and
13 open spaces are and how important it is to keep them open. But I
14 agree with Legislature Muratore when he says we need to be mindful
15 of our actual fiscal situation, and if some of these areas
16 naturalize then, you know, so be it. People can still go out and
17 enjoy them but they might not be as maintained as, you know, people
18 are used to. That's just the reality. Because we have so many
19 parks and so many acres of open space it is hard to get around to
20 it all, I understand that. But I think you and your crew are doing
21 a great job. Thank you.

22
23 **COMMISSIONER BERDOLT:**

24 Thank you.

25
26 **P.O. CALARCO:**

27 Okay. Anybody else have any questions for the Commissioner on this
28 issue? Yes, Legislator Anker. Go ahead.

29
30 **LEG. ANKER:**

31 I just wanted to comment. Al, as far as you had mentioned the
32 showmobile, those showmobiles are really important, and also I
33 think they're pretty good revenue generating sources. If we're
34 paying \$150,000 for a showmobile and they're charging, you know,
35 five, \$600 a pop for a show, I think it pays for itself and more.
36 Phil, do you want to comment on that?

37
38 **COMMISSIONER BERDOLT:**

39 It could. You know, I don't think -- there's probably not one
40 Legislator that doesn't use the showmobile at some point or
41 another. They use it for County use. It's usually not a charge.
42 When it's used for say a concert series somewhere or, you know, a
43 group uses it, you know, then there will be a charge. But it can,
44 yes. If we had two during the right conditions obviously, you
45 know, it could pay for itself in a short period of time. The
46 return on our investment would be relatively short.

47
48 **LEG. ANKER:**

49 Right. The Town of Brookhaven I don't think no longer uses -- has
50 those available for the folks, the civic associations, the fire
51 departments, whoever needs to use them. And, you know, again, I
52 think they're a good community vehicle, literally, to support, you
53 know, these activities that happen like the concerts and the fairs
54 and the cancer walks and all these things that we have. Okay, I
55 just wanted to comment. That's it.

1 **P.O. CALARCO:**
2 Okay. Anybody else? So I have a motion and a second to approve.
3 I don't have any other motions.

4
5 **LEG. KRUPSKI:**
6 Oh, I've got to raise my hand. Sorry.

7
8 **P.O. CALARCO:**
9 Legislator Krupski.

10
11 **LEG. KRUPSKI:**
12 Thank you. I'll make a motion to table.

13
14 **LEG. PICCIRILLO:**
15 Second.

16
17 **P.O. CALARCO:**
18 A motion to table by Legislator Krupski; second by Legislator
19 Piccirillo. Tabling motion goes first. Roll call.

20
21 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

22
23 **LEG. KRUPSKI:**
24 Yes.

25
26 **LEG. PICCIRILLO:**
27 Yes to table.

28
29 **CHAIRPERSON HAHN:**
30 No to table.

31
32 **LEG. FLEMING:**
33 No.

34
35 **LEG. MURATORE:**
36 Yes to table.

37
38 **LEG. ANKER:**
39 No to table.

40
41 **LEG. KENNEDY:**
42 Yes to table.

43
44 **P.O. CALARCO:**
45 Yes to table.

46
47 **MS. ELLIS:**
48 Five. (VOTE: 5-3-0-0. PO CALARCO IS INCLUDED IN VOTE)

49
50 **P.O. CALARCO:**
51 Motion is tabled.

52
53 Okay. Moving on. IR 1277, Authorizing use of Gardiner County Park
54 in West Bay Shore by Operation VEST for its Dog Tag Run Fundraiser.
55 (Co. Exec.) I'll take a motion from Legislator Piccirillo; I'll
56 second the motion. Anybody on the issue?

1 **CHAIRPERSON HAHN:**

2 Yes.

3

4 **P.O. CALARCO:**

5 Legislator Hahn. Go ahead.

6

7 **CHAIRPERSON HAHN:**

8 This is for June 6th, a run. I don't know that, you know, we're
9 going to be able to do events by June 6th.

10

11 **COMMISSIONER BERDOLT:**

12 Correct. Can I comment?

13

14 **P.O. CALARCO:**

15 Yes, go ahead, Commissioner.

16

17 **COMMISSIONER BERDOLT:**

18 So, I mean, we're not sure. The only reason that we're putting
19 this forward is in case there is a chance, and the people are aware
20 of it. That we don't have to come back, you know, for another
21 resolution to get them the ability to do it. Everybody right now
22 is aware that things could possibly change, but if things are
23 opened up where we're able to do this, then at least we'll be
24 prepared for it.

25

26 **CHAIRPERSON HAHN:**

27 So who will make the decision?

28

29 **COMMISSIONER BERDOLT:**

30 Well, I think the Governor for his guidelines and then obviously
31 through the County Executive on how we reestablish and open up our
32 park system or government in general.

33

34 **CHAIRPERSON HAHN:**

35 Yeah. I think I and Rob -- I want to make sure that the
36 Legislature is part of that decision making on any of these uses.
37 You know, this is a big state. There are plenty of places where
38 things may be okay to open up, and I'm actually incredibly
39 supportive of the job that the Governor has done thus far. I am
40 concerned there's going to be political pressure to open things too
41 quickly. I have a number of close contacts with people who work in
42 our hospital system and the stories are incredibly grim, and I
43 don't want to be part of opening up too soon.

44

45 So how do we ensure that, you know, you're telling us now, oh,
46 we're just doing this in case we're fully open. What if there's
47 disagreement between the County Executive and the Legislature about
48 whether or not we should be allowed to have gathering type of
49 events by June 6th.

50

51 **COMMISSIONER BERDOLT:**

52 Well, that's not my fight.

53

54 **CHAIRPERSON HAHN:**

55 Yes.

56

1 **COMMISSIONER BERDOLT:**

2 But the people who this fundraiser is for are fully aware of the
3 situation and if, in fact, we do not open up for that date they are
4 willing to postpone. They just wanted it on the books. So if it
5 goes two weeks, a month, whatever it is, that they'll still have
6 the ability to have their event.

7
8 **CHAIRPERSON HAHN:**

9 Stephanie, I'm just hoping that -- and maybe, Sarah, I'll put in
10 some legislation. You know, we should have an Executive/
11 Legislature Working Group on how, you know, we're going to reopen
12 and having all these kinds of decisions, how they'll get made. I
13 just want to feel comfortable that it -- you know, we'll all be in
14 agreement. If we're going to pass it now I want to know that later
15 on we're going to be safe. Stephanie, do you know how these
16 decisions -- like is there any discussion yet about that?

17
18 **MS. ROSEN:**

19 I can't speak to specific discussions about opening. You know,
20 based on what's happened so far as far as shutting down, you know,
21 the County Executive has been going off the Governor's Executive
22 Orders, which you've all seen, and really deferring to the
23 Governor. You know, we're trying to keep everybody safe and follow
24 those guidelines, and I can't speak to specifics about, you know,
25 when we're going to open this park. You know, obviously just
26 because there's a fundraiser scheduled doesn't mean we would open
27 parks so they could have their fundraiser if the County Executive
28 didn't believe it was safe. But he's just really been going off
29 the Governor's guidelines and based on, you know, conversations
30 he's having with hospitals and retailers, grocery stores,
31 everything what people are seeing out there, so.

32
33 **CHAIRPERSON HAHN:**

34 Yeah, I think it should be -- there should be a plan that involves
35 the Legislature when we talk about a reopening plan. So, Rob, I
36 hope, you know, we can reach out to them and make sure that we're
37 included in those decisions.

38
39 Can we do a discharge without recommendation and maybe have that
40 discussion before -- I mean, I'm pretty confident -- well, for
41 example. The Governor has been stricter about parks than the
42 County has been so, you know, I do -- I do want to make sure that
43 we are following those -- his leadership.

44
45 **COMMISSIONER BERDOLT:**

46 In what ways has he been stricter?

47
48 **CHAIRPERSON HAHN:**

49 On one of his slides that he did the other day it said beaches,
50 State beaches were closed, State parks were closed. You know, I
51 don't know if you saw that, his presentation.

52
53 **COMMISSIONER BERDOLT:**

54 I know Robert Moses, the beaches that weren't -- that charge
55 usually during the year, they were closed, but I think Field 5 was
56 open which takes you to the lighthouse and it's also parking for

1 people who are going over to Fire Island. So there are -- I was
2 almost positive that Jones Beach was open last week. Maybe they
3 did close it briefly. But a lot of their other parks are open,
4 Sunken Meadow was open over a week ago.

5
6 **CHAIRPERSON HAHN:**

7 It must have been beaches. And, listen, I was at -- I took a, look
8 I told you, Phil. I took a ride to Smith Point yesterday because
9 it was a fairly nice day, but it was cold and windy. We've been
10 very lucky with the weather, people not congregating because it was
11 cold and windy at Smith Point, so it wasn't one of those beach days
12 where people would congregate more than any others, essentially
13 other than a group of high school students, seemingly high school
14 students, who came and in four cars and gathered a little bit.
15 Everyone else appeared to be family units of three or smaller so I
16 thought -- I was really pleased with what I saw there. I think we
17 have to be very careful as we reopen.

18
19 **P.O. CALARCO:**

20 Legislator Hahn, if you want to reach out to the Administration and
21 work on it with them about --

22
23 **CHAIRPERSON HAHN:**

24 Yup.

25
26 **P.O. CALARCO:**

27 -- a reopening plan, and in the meantime, Legislature Muratore had
28 a question. He had his hand up.

29
30 **LEG. MURATORE:**

31 I'm sorry, I had to take myself off mute. I kind of understand
32 what the Commissioner is saying. You know, we should be ready just
33 in case, and hopefully God willing that we are out this, and people
34 can enjoy our parks. And at least these people will be ready.
35 They know they can have their event. And like the Commissioner
36 said, if they can't they'll know and they won't have a problem with
37 it. So to support it is a good idea. Be ready, and if they can't
38 use it, they can't use it. Thank you.

39
40 **P.O. CALARCO:**

41 Thank you, Legislator Muratore. Legislator Krupski.

42
43 **LEG. KRUPSKI:**

44 So I agree with Legislator Hahn when it comes to, you know, the
45 amount of work the Governor's done to try to give us clarity on
46 different guidance on keeping everyone safe. And I can't say
47 enough for what the County Executive and his staff has done along
48 those lines.

49
50 But having said that, who's going to have the -- who has the final
51 authority, and maybe that's a Sarah question if we're going to
52 discuss this next week on Tuesday in some fashion. Maybe, Sarah,
53 you could answer us, who has the authority to say we should open it
54 or not, because the more -- there's got to be somebody who has the
55 final say, that's the bottom line. And it's very important to open
56 these -- I think to open these public spaces. So I'd like to get

1 some legal guidance on that and not have too much confusion over
2 different people saying different things. Thank you.

3
4 **P.O. CALARCO:**

5 Counsel, can you?
6

7 **MS. SIMPSON:**

8 Well, right now the Executive Orders are all still in place, and as
9 the County Executive's staff has been saying, they've been
10 following those. It would really be up to the Governor to change
11 the Executive Orders and then for the County to implement. There's
12 nothing specific in any of the Executive Orders which state who has
13 the final say on who would authorize the openings. So if
14 Legislator Hahn wanted to put in a piece of legislation to make it
15 a joint kind of proposition I think that would be reasonable.
16

17 That's an area that's a little bit gray right now because the
18 Executive Orders just say shut down, this is what's essential, this
19 is what's not essential. It doesn't have the specifics on who's
20 going to be able to make that final determination on opening up at
21 the local level.
22

23 **LEG. KRUPSKI:**

24 Thank you. And I guess that's where we need clarity. Thank you.
25

26 **CHAIRPERSON HAHN:**

27 It does have number of people that can congregate, correct? Do we
28 have a number of people that are expected for this event, Phil?
29

30 **COMMISSIONER BERDOLT:**

31 Yes.
32

33 **P.O. CALARCO:**

34 While Phil is looking that up, Sarah, Counsel, my understanding is
35 the Executive Orders, especially on some of these issues, don't
36 address local government and they kind of leave it to us to make
37 some of these decisions, and the County Executive has been
38 following and abiding by the Governor's Executive Orders as they
39 apply to private enterprise.
40

41 **MS. SIMPSON:**

42 Correct.
43

44 **COMMISSIONER BERDOLT:**

45 They are scheduled maybe possibly 150. Now, that's just a number
46 they put down on paper. It all depends on how many people sign up
47 for the actual event. Given our current situation, I would think
48 attendance in anything that we do would be low, just for the fact
49 that people don't want to socialize just yet. That's -- it's
50 really an unforeseen number right now. We have no idea. They just
51 put it in the permit as a placeholder.
52

53 **CHAIRPERSON HAHN:**

54 I guess we can go on last years. People, you know, I guess -- so
55 correct me if I'm wrong, Sarah -- to our Counsel. There's no
56 gathering -- the Executive Order from the Governor says no

1 gathering of is it 50? I know there's a separate essential
2 business kind of shut down, but then separately there's a gathering
3 number.

4
5 **MS. SIMPSON:**

6 Executive Order 202.10 specifically says no gatherings of any size.

7
8 **CHAIRPERSON HAHN:**

9 Okay. And so at some point theoretically he'll loosen that.

10
11 **MS. SIMPSON:**

12 Right.

13
14 **CHAIRPERSON HAHN:**

15 Like he'll say no gatherings of ten or more, then maybe go up to 20
16 or more. So by June 6th if we're at 50, you know, are they going
17 to try to run this? And then what happens if more than 50, if you
18 count the people that are running the event, what happens if -- you
19 know, we'll have to have a plan, Phil. I just hope that, you know,
20 I can be part of that as Chair of this committee and we have a
21 plan. If we do decide to let them go forward, I just don't see how
22 by June 6th we're in a place where we can say you can have a run
23 and there are no restrictions. That's awful soon.

24
25 **COMMISSIONER BERDOLT:**

26 And I agree with you. I don't think we're there yet. I don't
27 think the Governor is going to lift that restriction.

28
29 **CHAIRPERSON HAHN:**

30 Yeah, I don't think so either. I'm just trying to be safe that we
31 talk through --

32
33 **COMMISSIONER BERDOLT:**

34 No, no, so are we. I don't see any of our events going off right
35 now and everybody gets cancelled. You know, who knows? Right now
36 we're scheduled to open camping on the 15th, but I don't see that
37 either.

38
39 **CHAIRPERSON HAHN:**

40 Right. I'm sorry. I don't mean to belabor the point.

41
42 **P.O. CALARCO:**

43 I think we're getting ourselves really into the weeds on a
44 resolution that's just letting an organization at some point this
45 year, because it doesn't need to be June 6th, have a fundraiser in
46 our park. And we certainly need to have that further discussion, I
47 think offline, in developing that strategy, how to reopen our parks
48 and use for the various uses of the park. Legislator Fleming, you
49 had your hand up.

50
51 **LEG. FLEMING:**

52 Right. I just wanted to note in the general discussion that the,
53 you know, having access to our open spaces and keeping physical
54 distance are not the same thing, and I just want to be very careful
55 for purposes of, you know, supportive mental health and physical
56 health, interacting with nature and accessing opening space,

1 especially in this time, is critically important.

2
3 So our gorgeous parks offer an opportunity for health and
4 recreation. That doesn't necessarily mean that, you know, the
5 six-foot physical distancing will be violated. I think we really
6 need to move to a place where we have both of those things
7 operational, because people need to get outside and in touch with
8 nature. It's not relative to this resolution, but I just worry
9 that I hear some conflict there, and I don't want to lose sight of
10 the fact that it's very important for people to be able to access
11 our parks.

12
13 **CHAIRPERSON HAHN:**

14 No, just to be clear, I mean, I was concerned about a gathering of
15 150 plus people.

16
17 **LEG. FLEMING:**

18 Right.

19
20 **CHAIRPERSON HAHN:**

21 June 6th, which is --

22
23 **LEG. FLEMING:**

24 I get that.

25
26 **CHAIRPERSON HAHN:**

27 And I know runners who run in races are going to be anxious to get
28 back out, and once an event is held I think it will get, you know,
29 numbers. But anyway, I think that we're all clear that our parks
30 are a respite during this time, especially the walking trails, but
31 an event is questionable. Let's use this discussion for if we have
32 another on the agenda we don't need to repeat what we said here,
33 but I think it's pretty clear that, you know, we should work
34 together, Phil, and have a plan in place so that we all feel
35 comfortable when the time is right we won't be going too far.

36
37 **COMMISSIONER BERDOLT:**

38 Correct. And as Sarah said, the County Executive is following the
39 Governor's directives right now, and just so everybody knows, you
40 know, all of our parks are open. The only thing that we have
41 closed right now are marinas, which we're now talking with the
42 County Executive on how to roll that out after the latest directive
43 on Friday, and then golfing closed. But other than that, all of
44 our parks are open and they're being very well attended.
45 Playgrounds are closed and dog parks are closed, just for the
46 reason for the playgrounds for obvious, and the dog parks because
47 we get large -- large quantities of people congregating in a small
48 fenced in area. So they'll stay that way until this social
49 distancing or the numbers do go up to larger than 50. Then maybe
50 I'll consider opening the dog parks. But all of our other open
51 spaces and beaches right now are open and they are being well
52 attended.

53
54 We have put up social distancing signs. Kara, I did send you a
55 picture of what we put up. We have Park Rangers out there because
56 we were getting a lot of complaints through our e-mail, through the

1 311 system. We also get complaints about people in Target, I don't
2 know why they come here but, you know, gathering together. So we
3 are doing our best with the Park Rangers out there. If they see
4 large groups they're dispersing them. Like you said, it's mostly
5 young kids who jump the fence to get in to play basketball. You
6 know, if it gets down to the point where we're going to have to
7 take the hoops out and then we're going to have to do that just to
8 deter it. But we're on top of it and doing the best we can.

9
10 It seems to -- the message has gotten out there and I'm seeing less
11 and less. I get a report every day that I send up to the County
12 Executive on where the Park Rangers are patrolling and how many
13 people they've come upon and whether they've given out summonses.
14 They've only given out very few and those just for the people who
15 really sort of deserve them, you know, that don't comply right
16 away.

17
18 **P.O. CALARCO:**

19 Okay. Thank you, Phil. I think we've got a good handle,
20 especially for this particular resolution. So we have a motion and
21 a second. Roll call.

22
23 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

24
25 **LEG. PICCIRILLO:**

26 Yes.

27
28 **P.O. CALARCO:**

29 Yes.

30
31 **CHAIRPERSON HAHN:**

32 Yes.

33
34 **LEG. KRUPSKI:**

35 Yes.

36
37 **LEG. FLEMING:**

38 I'm sorry. Is this a motion to discharge?

39
40 **P.O. CALARCO:**

41 This is a motion to approve.

42
43 **LEG. FLEMING:**

44 Okay. I'm a yes. Thank you.

45
46 **(*Roll Call continued by Ms. Ellis, Chief Deputy Clerk of the
47 Legislature*)**

48
49 **LEG. MURATORE:**

50 Yes.

51
52 **LEG. ANKER:**

53 Yes.

54
55 **P.O. CALARCO:**

56 Leslie, you've got to take yourself off mute.

1
2 **LEG. KENNEDY:**

3 Yes.

4
5 **MS. ELLIS:**

6 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

7
8 **P.O. CALARCO:**

9 Okay. It's approved. In the future, Madam Clerk, if you could
10 just say the motion you're calling the roll call on when you do it,
11 or I'll make sure it's clear so everybody knows what it's for.

12
13 Okay. The next Resolution is IR 1281, **Authorizing the acquisition**
14 **of land under the New Enhanced Suffolk County Drinking Water**
15 **Protection Program 2014 Referendum land purchases for Open Space**
16 **Preservation (CP 8732.210) - for the Ancar Realty, LLC property**
17 **Overton Preserve - Town of Brookhaven (SCTM No.**
18 **0200-544.00-01.00-010.001).** (Co. Exec.) For the purpose of this
19 resolution I am admitting Melissa Kangas and Director Lansdale,
20 and, Phil, I think we're going to put you back in the waiting room.

21
22 Okay. I have a resolution now. Do I have a motion or a second?
23 Do I have any motions on the resolution or do you usually take
24 questions first?

25
26 **LEG. FLEMING:**

27 I'll make a motion to approve for discussion.

28
29 **P.O. CALARCO:**

30 A motion to approve by Legislator Fleming; I will second the
31 motion. I guess Director Lansdale, do you usually give a brief
32 overview before we do anything else? Is that how we run EPA here?
33 She's connecting. Give her one moment.

34
35 **DIRECTOR LANSDALE:**

36 Hello.

37
38 **P.O. CALARCO:**

39 Hi, Director Lansdale. Thank you for joining us. We have before
40 us now IR 1281. It's the Open Space Preservation Program for the
41 Overton Preserve parcel. I believe you usually give us a brief
42 review of the parcel, so you can go ahead.

43
44 **DIRECTOR LANSDALE:**

45 Great, thank you. The property is located north of Granny Road,
46 west of Mill Road, in the Hamlet of Coram, Town of Brookhaven. The
47 property totals 7.8 acres in size and is located within the Overton
48 Preserve area where the County has and the Town of Brookhaven has
49 acquired over 450 acres of contiguous open space that stretches
50 from Route 112 to the Carmens Watershed. The property is located
51 within the Central Suffolk SGPA and within the Pine Barrens
52 Compatible Growth Area.

53
54 The Town of Brookhaven has approved a partnership, 50/50
55 partnership, with the Town of Brookhaven by Town Board Resolution
56 2018-0640. The rating for this is 44 points, and the property is

1 being considered under the Enhanced Suffolk County Drinking Water
2 Protection Program for passive recreational use. The total
3 purchase price is \$429,000, with the County's share totalling
4 214,500. That's my report.

5
6 **P.O. CALARCO:**

7 Thank you, Director Lansdale. Does anybody have any questions?
8 Legislator Krupski.

9
10 **LEG. KRUPSKI:**

11 So thank you. I'm looking at the rating sheet. It shows under
12 physical characteristics, size, it shows an eight, but it says it's
13 only 7.8 acres, so that's probably not correct.

14
15 **DIRECTOR LANSDALE:**

16 Melissa, do you want to speak to that?

17
18 **MS. KANGAS:**

19 Sure, one second. It was rated as an assemblage, the Overton
20 Preserve, so the assemblage had greater than 25 acres, so therefore
21 it was given the points for that acreage size.

22
23 **LEG. KRUPSKI:**

24 Thank you. I know it's an historic assemblage. Thank you.

25
26 **P.O. CALARCO:**

27 Okay, Legislator Kennedy.

28
29 **LEG. KENNEDY:**

30 Just a quick question. Do we have the \$214,000 in that account or
31 will we be bonding out for that?

32
33 **DIRECTOR LANSDALE:**

34 This is coming out of the Suffolk County Drinking Water Protection
35 Program, so it -- my understanding is it is not bonded. I'll defer
36 to Lance on that.

37
38 **P.O. CALARCO:**

39 Lance, can you answer the question? You have to take yourself off
40 mute.

41
42 **MR. REINHEIMER:**

43 My understanding is that it could either be if there's money left
44 in the \$20 million that's been previously bonded, that pot of
45 money, but that's running out. If not, it would come out of the
46 Quarter Center Drinking Water Protection is my understanding.

47
48 **DIRECTOR LANSDALE:**

49 That's right, so it's coming out of the Quarter Cent.

50
51 **LEG. KENNEDY:**

52 And we have funding in there at this point. We have not used up
53 all our funding and bonded out again.

54
55 **MR. REINHEIMER:**

56 Not in that, that's ongoing.

1
2 **LEG. KENNEDY:**

3 Correct.

4
5 **MR. REINHEIMER:**

6 Right.

7
8 **P.O. CALARCO:**

9 So for clarification, Lance, the Quarter Percent Program has always
10 been a cash program with the exception of the one time per
11 referendum per settlement, \$20 million, for land acquisition with
12 the additional four and change for water quality and sewer projects
13 that were required by referendum.

14
15 **MR. REINHEIMER:**

16 Right. So, yeah, I assume that, you know, I don't have a cash
17 balance today, but I would assume that there's still ample funds in
18 there. Going forward, you know, we know that we're going to have
19 very few or a lot less coming in in sales tax, therefore you're
20 going to see a really downturn in this program, too, in terms of
21 new cash coming in. You know, we've looked at sales tax and that's
22 a whole nother issue. But, you know, we sent out a memo the other
23 day, and I've also spoken to Eric Naughton, and we're in agreement
24 that sales tax is going to be 100 million plus short and that will
25 impact future funding.

26
27 **P.O. CALARCO:**

28 Lance, to interrupt you. As per the AAA Program, the way we do
29 land acquisitions for the Quarter Percent, it is my understanding
30 we don't extend offers for acquisitions that we do not have funding
31 already in place to acquire.

32
33 **MR. REINHEIMER:**

34 That's correct.

35
36 **LEG. KENNEDY:**

37 Okay, thank you.

38
39 **P.O. CALARCO:**

40 Okay. Any other questions? We have a motion and a second. Roll
41 call.

42
43 **MS. ELLIS:**

44 This is a motion to approve.

45
46 **P.O. CALARCO:**

47 This is a motion to approve. Thank you, Madam Clerk.

48
49 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

50
51 **LEG. FLEMING:**

52 Yes.

53
54 **P.O. CALARCO:**

55 Yes.

1
2 **CHAIRPERSON HAHN:**

3 Yes.

4
5 **LEG. KRUPSKI:**

6 Yes.

7
8 **LEG. MURATORE:**

9 Yes.

10
11 **LEG. ANKER:**

12 Yes.

13
14 **LEG. PICCIRILLO:**

15 Yes.

16
17 **LEG. KENNEDY:**

18 Yes.

19
20 **MS. ELLIS:**

21 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

22
23 **P.O. CALARCO:**

24 Okay, 1281 is approved. IR 1282, Authorizing the acquisition of
25 land under the New Enhanced Suffolk County Drinking Water
26 Protection Program 2014 Referendum land purchases for Open Space
27 Preservation (CP 8732.210) - for the Blachly Pride, LLC property
28 Seatuck Creek Watershed - Town of Southampton (SCTM No.
29 0900-300.00-02.00-002.000). (Co. Exec.)

30
31 **LEG. FLEMING:**

32 Motion.

33
34 **P.O. CALARCO:**

35 I'll take a motion from Legislator Fleming.

36
37 **CHAIRPERSON HAHN:**

38 Second.

39
40 **P.O. CALARCO:**

41 Second by Legislator Hahn. Go ahead, Director Lansdale.

42
43 **DIRECTOR LANSDALE:**

44 Thank you. This property is located south of Route 27, east of
45 County Road 111, in the Hamlet of Westhampton, Town of Southampton.
46 The property totals 20 acres in size and is identified -- was
47 identified on the 2012 Comprehensive Master List Update, part of an
48 assemblage known as Seatuck Creek Watershed. The County owns
49 approximately 197 acres in this area. The property is located
50 within the Central Suffolk SGPA and within the Pine Barrens
51 Compatible Growth Area.

52
53 The rating for this is 65 points. That rating is the same rating
54 that was given to the entire assemblage, the Seatuck Creek
55 Assemblage. The property is being considered under the Suffolk
56 County Drinking Water Protection Program for passive recreational

1 use, and the purchase price is \$220,000.

2 **P.O. CALARCO:**

3 Okay. Any questions on the motion?

4

5 **LEG. PICCIRILLO:**

6 Two-hundred and twenty thousand? Is that what you said?

7

8 **DIRECTOR LANSDALE:**

9 Yes.

10

11 **P.O. CALARCO:**

12 Anybody else? Okay. We have a motion to approve. Roll call.

13

14 (*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)

15

16 **LEG. FLEMING:**

17 Yes.

18

19 **CHAIRPERSON HAHN:**

20 Yes.

21

22 **LEG. KRUPSKI:**

23 Yes.

24

25 **LEG. MURATORE:**

26 Yes.

27

28 **LEG. ANKER:**

29 Yes.

30

31 **LEG. PICCIRILLO:**

32 Yes.

33

34 **LEG. KENNEDY:**

35 Yes.

36

37 **P.O. CALARCO:**

38 Yes.

39

40 **MS. ELLIS:**

41 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

42

43 **P.O. CALARCO:**

44 It is approved. We're going to move on to IR 1283, Approving a
45 License Agreement for Kyle Nigro to reside in Blydenburgh County
46 Park in Smithtown, New York 11787. (Co. Exec.) I readmitted
47 Commissioner Berdolt in case there are any questions for him. Do I
48 have a motion?

49

50 **LEG. KRUPSKI:**

51 Motion.

52

53 **P.O. CALARCO:**

54 Motion by Legislator Krupski.

55

56 **LEG. FLEMING:**

1 Second.

2 **P.O. CALARCO:**

3 Second by Legislator Fleming. Anybody on the issue? Okay, we have
4 a motion to approve. Roll call.

5

6 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

7

8 **LEG. KRUPSKI:**

9 Yes.

10

11 **LEG. FLEMING:**

12 Yes.

13

14 **CHAIRPERSON HAHN:**

15 Yes.

16

17 **LEG. MURATORE:**

18 Yes.

19

20 **LEG. ANKER:**

21 Yes.

22

23 **LEG. PICCIRILLO:**

24 Yes.

25

26 **LEG. KENNEDY:**

27 Yes.

28

29 **P.O. CALARCO:**

30 Yes.

31

32 **MS. ELLIS:**

33 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

34

35 **P.O. CALARCO:**

36 Okay, it is approved.

37

38 As we move on I'm going to now put Melissa Kangas back in the
39 waiting room and pull forward Frank Castelli, as we have the next
40 couple of projects are regarding watershed -- the Water Quality
41 Program.

42

43 So we have IR 1311, Amending the New Enhanced Suffolk County Water
44 Quality Protection Program - Water Quality Projects (CP 8733.310).
45 (Co. Exec.) Does anybody want to make a motion? I'll make the
46 motion for the purpose of discussion.

47

48 **LEG. KRUPSKI:**

49 Second.

50

51 **P.O. CALARCO:**

52 Second by Legislator Krupski. Frank, why don't you tell us briefly
53 what this is doing and then Legislator Hahn has a question.

54

55 **MR. CASTELLI:**

56 Okay. Can you hear me?

1
2 **P.O. CALARCO:**

3 Yeah. Go ahead, Frank.
4

5 **MR. CASTELLI:**

6 This resolution is allowing us the flexibility to move some funding
7 around within already approved projects. This is for the Enhanced
8 Water Quality Funding. This is the bonded money that has to be
9 spent by the end of this year. There were several -- some projects
10 came in under budget so there's money left over. Other projects
11 are in jeopardy of not being completed in time, and there are also
12 other projects that have changed substantially, and so we decided
13 to take them out of the Enhanced Water Quality Funding under
14 8733.311.
15

16 The whole purpose of this is to give us a chance to get this done
17 by the end of the year. We don't know if the deadline is going to
18 be extended. We have to presume that, you know, the deadline still
19 stands, and we've been going back and forth. It was a very
20 difficult thing to get this resolution put together. We worked
21 with the Budget Office, with the Bond Counsel, and we decided that
22 this was the way to do it, to give us flexibility to do what we
23 need to do to spend this money and get these projects done.
24

25 **P.O. CALARCO:**

26 And when you say the time line, Frank, just to make it clear to
27 everyone, this is regarding -- this is the bonding that's being
28 done as per referendum and as per court settlement, and the time
29 line is really set for that court settlement. If we fail to meet
30 the time line and expend the funds we could be liable for legal
31 challenge.
32

33 **MR. CASTELLI:**

34 Yes, exactly.
35

36 **P.O. CALARCO:**

37 Okay.
38

39 **MR. CASTELLI:**

40 This is part of the settlement.
41

42 **P.O. CALARCO:**

43 Legislator Hahn.
44

45 **CHAIRPERSON HAHN:**

46 So, Frank, I have a chart in front of me that talks about -- I'm
47 not sure if it was in the resolution or if someone else put it
48 together, but it gives a project name and then on the authorizing
49 resolution number the original amount authorized, and then the
50 repurposed funding. And for Cupsogue Beach County Park septic
51 upgrades, the original amount authorized was one million plus, and
52 the repurposed funding was for the exact same amount, one million
53 plus. Does that mean that Cupsogue Beach County Park septic
54 upgrades are not happening?
55

56 **MR. CASTELLI:**

1 Not necessarily. What happened on this, Legislator Hahn, is that
2 originally we approved the project to do wastewater upgrades at
3 Cupsogue, and the original estimate was a million plus, and that
4 was what the amount that was authorized. In subsequent to that it
5 was determined that the project would be revised. If it's done at
6 all now it will be revised substantially in that it would cost
7 considerably less than that million dollar plus. And there's also
8 some question of whether or not it would even be done this year.

9
10 So what the Water Quality Committee decided that what we would do
11 is to remove this, the Cupsogue project, completely from the
12 Enhanced Water Quality Funding, and if it were to be done -- there
13 is a separate fund. There is an additional \$4.7 million that has
14 to been spent, part of the legal settlement, but it's part of the
15 sewer infrastructure money, and that's under CP 8734. So we
16 decided -- the committee decided, the Water Quality Committee
17 decided that if it was indeed to be done this year we could pay for
18 Cupsogue out of the Sewer Infrastructure Enhanced Funding, number
19 8734.

20
21 Additionally, this resolution does not preclude it even being spent
22 out of 8733, because if you look at the way it's written, we listed
23 Cupsogue as one of the projects that the money could be repurposed
24 to. So we thought that the best thing to do is to take it off 8733
25 now, give us the flexibility to put a portion of it back on 8733 if
26 necessary, or pay it out of 8734.

27
28 **COMMISSIONER BERDOLT:**

29 Frank, if I might. Legislator Hahn, also just to hit Frank's
30 point, We also need the flexibility because right now, as you know,
31 what we're dealing with at Cupsogue as opposed to when we build the
32 new facility there. So now we've got two engineering theories
33 right now. We have to engineer it for the existing system, but
34 then also do future engineering with this funding that will
35 incorporate the new building when we actually get it up and built.

36
37 **CHAIRPERSON HAHN:**

38 Yeah, I just don't want to lose -- I don't want to lose the ability
39 to put the advanced system in Cupsogue, which is an incredibly high
40 priority location, you know, sitting, you know, steps from the
41 ocean, steps from the bay.

42
43 **COMMISSIONER BERDOLT:**

44 No, and either do we. And the only good thing is and what brought
45 the cost down, which Frank didn't mention, was that we don't need
46 to use the parking lot as a leaching field if we use the existing
47 leaching basins.

48
49 **CHAIRPERSON HAHN:**

50 Okay. Thank you.

51
52 **COMMISSIONER BERDOLT:**

53 Which is going to save us a ton of money.

54
55 **CHAIRPERSON HAHN:**

56 Okay, but you're not speaking --

1
2 **COMMISSIONER BERDOLT:**

3 No, our plan is to --

4
5 **CHAIRPERSON HAHN:**

6 Obviously we want to rebuild, we want to do it right, but
7 especially this piece of it we have to have the dollars to put the
8 advanced system in because of its location.

9
10 **COMMISSIONER BERDOLT:**

11 Yeah, absolutely.

12
13 **CHAIRPERSON HAHN:**

14 Thank you.

15
16 **P.O. CALARCO:**

17 Okay. Legislator Kennedy.

18
19 **LEG. KENNEDY:**

20 Thank you. Hi, Frank. Just a quick question on the bill itself.
21 There's three statements on Lake Ronkonkoma County Park septic
22 upgrades, Town of Brookhaven Lake Ronkonkoma Beach Septic Upgrades
23 and Islip Town Beach Septic Upgrade, two of which that are not
24 done, the Brookhaven and the Islip. We are repurposing nothing.
25 On the County I'm assuming the repurposing is coming because we're
26 finished and we did not spend the 407,755. Is that correct?

27
28 **MR. CASTELLI:**

29 Yes. Yes, Legislator Kennedy. The Lake Ronkonkoma County Park was
30 completed.

31
32 **LEG. KENNEDY:**

33 Yes.

34
35 **MR. CASTELLI:**

36 We don't under budget, so we're repurposing the leftover 159,071.

37
38 **LEG. KENNEDY:**

39 Okay. So then not that this has much to do with the bill itself,
40 but why is the Brookhaven portion and the Islip portion that was
41 originally authorized so much less than the County for I assume the
42 same septic system.

43
44 **MR. CASTELLI:**

45 Well, the --

46
47 **COMMISSIONER BERDOLT:**

48 They only get a percentage of what they need. We get full funding.

49
50 **LEG. KENNEDY:**

51 Is that what it is?

52
53 **MR. CASTELLI:**

54 That's part of it. Yes, the actual projects at the Town of
55 Brookhaven and Town of Islip were actually double of what our
56 appropriation was because there was a required match for the towns.

1
2 **LEG. KENNEDY:**

3 Oh, there was a required match. Okay, thank you. Thank you.

4
5 **LEG. KRUPSKI:**

6 All right. I've got a question for -- and, Frank, thank you for
7 your explanation of that. I think that was, you know, a thoughtful
8 explanation.

9
10 I've got a question for Phil.

11
12 **COMMISSIONER BERDOLT:**

13 Yes.

14
15 **LEG. KRUPSKI:**

16 Looking at, and I know what a nice park it is there, but looking at
17 the reality of the elevation there, is it -- have you looked at the
18 elevation of what's being proposed versus the elevation of the
19 beach itself and the ocean and the Dune Road access.

20
21 **COMMISSIONER BERDOLT:**

22 You mean the Cupsogue location?

23
24 **LEG. KRUPSKI:**

25 Yes.

26
27 **COMMISSIONER BERDOLT:**

28 Yes. Well, right now, you know, to accommodate what is there,
29 there was a pump station built. So that would stay in place until
30 such time we actually get the new facility built, and then it would
31 be just a gravity fed. I don't think there would be a need,
32 although I haven't seen the engineered plans for the new location
33 yet. I think they're still being worked on, you know, when we
34 build a new facility there. So there's a good chance it will just
35 be gravity as opposed -- and we can eliminate the pump station, but
36 I'm not one-hundred percent sure on that. Like I said, I don't
37 think those plans have been completed. But the elevation of Dune
38 Road, yes, that has nothing to do with where the leaching fields
39 are now.

40
41 **LEG. KRUPSKI:**

42 Well, I mean, as far as access to the site.

43
44 **COMMISSIONER BERDOLT:**

45 Oh, access.

46
47 **LEG. KRUPSKI:**

48 I mean, if you can't get to the site it doesn't matter what you
49 build --

50
51 **COMMISSIONER BERDOLT:**

52 That's true.

53
54 **LEG. KRUPSKI:**

55 That's the reality of what's going on.

56

1
2 **COMMISSIONER BERDOLT:**

3 Yes. Well, you know, we haven't had a problem like we did at the
4 other end of Dune Road at Shinnecock West where we had the breach.
5 But the Army Corps of Engineers rebuilt that dune. We added sand,
6 or we didn't, the Army Corps did, to that area down at Altenkirch,
7 so we don't have the same situation on the west end of Dune Road.
8 There hasn't been a problem so far, obviously unless we have
9 another, you know, super storm that could possibly, you know, cut
10 it off.

11
12 **LEG. KRUPSKI:**

13 And have you looked at that area by the commercial fishing docks?
14 How has that held up?

15
16 **COMMISSIONER BERDOLT:**

17 It came out beautiful.

18
19 **LEG. KRUPSKI:**

20 Okay.

21
22 **COMMISSIONER BERDOLT:**

23 They did a really great job. As a matter of fact, I think I have a
24 -- somebody gave us a drone footage of it. I'll see if I can find
25 it and send it over to you. It's very impressive.

26
27 **LEG. KRUPSKI:**

28 That would be great, thank you. Thank you, Mr. Presiding Officer.

29
30 **P.O. CALARCO:**

31 Thank you, Legislator Krupski. I have no other people on my list.
32 If anybody else would like to ask any questions on this item?
33 Seeing none, we have a motion to approve, I believe. Roll call,
34 Madam Clerk.

35
36 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

37
38 **P.O. CALARCO:**

39 Yes.

40
41 **LEG. KRUPSKI:**

42 Yes.

43
44 **CHAIRPERSON HAHN:**

45 Yes.

46
47 **LEG. FLEMING:**

48 Yes.

49
50 **LEG. MURATORE:**

51 Yes.

52
53 **LEG. ANKER:**

54 Yes.

55
56 **LEG. PICCIRILLO:**

1 Yes.

2 LEG. KENNEDY:

3 Yes.

4

5 MS. ELLIS:

6 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

7

8 P.O. CALARCO:

9 Okay, 1311 is approved.

10

11 IR 1312, Amending the 2020 Capital Budget and Program and amending
12 the 2020 Operating Budget in connection with the Suffolk County
13 Coastal Resiliency Initiative Patchogue River Watershed (CP 8196).
14 (Co. Exec.) I'm probably sure why it's in this committee, but I'll
15 make a motion to approve.

16

17 LEG. MURATORE:

18 Second.

19

20 P.O. CALARCO:

21 Second by Legislator Muratore. Does anybody have any questions on
22 this? It's my understanding this is the sewer project and they're
23 just moving some State monies around or Federal monies. So we have
24 a motion and a second. Roll call, Madam Clerk.

25

26 (*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)

27

28 P.O. CALARCO:

29 Yes.

30

31 LEG. MURATORE:

32 Yes.

33

34 CHAIRPERSON HAHN:

35 Yes.

36

37 LEG. KRUPSKI:

38 Yes.

39

40 LEG. FLEMING:

41 Yes.

42

43 LEG. ANKER:

44 Yes.

45

46 LEG. PICCIRILLO:

47 Yes.

48

49 LEG. KENNEDY:

50 Yes.

51

52 MS. ELLIS:

53 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

54

55 P.O. CALARCO:

56 It is approved. IR 1316, Amending Resolution No. 1088-2014 in

1 connection with the Tidal Wetland Restoration Project at Indian
2 Island County Park (CP 8710). (Co. Exec.) Anybody want to make a
3 motion on this?
4

5 **LEG. KRUPSKI:**

6 I'll make a motion for the purpose of discussion, but I have a
7 question.
8

9 **P.O. CALARCO:**

10 Motion by Legislator Krupski for the purposes of discussion.
11

12 **CHAIRPERSON HAHN:**

13 Second.
14

15 **P.O. CALARCO:**

16 Second by Legislator Hahn. And, Legislator Krupski, go ahead. I'm
17 sure it's for Commissioner Berdolt. And with that, Frank Castelli,
18 I think we're going to put you back in the waiting room. I think
19 you're done. Thank you very much for your participation today.
20

21 **MR. CASTELLI:**

22 All right. Thank you.
23

24 **LEG. KRUPSKI:**

25 I have a question about the final plans for this because they've
26 changed a lot. I've had people reach out to my office about the --
27 they're concerned about not having input into a final set of plans
28 that they can comment on, people that use the park a lot. So do we
29 have a final set of plans for this?
30

31 **COMMISSIONER BERDOLT:**

32 Well, I know that they sent over to your office -- I guess you did
33 see the revised plan that was going to be sent to DEC for DEC
34 approval.
35

36 **LEG. KRUPSKI:**

37 No, I thought that was the -- the plans that were sent were for the
38 graveyard protection project at the end. I thought this was the
39 tidal wetland restoration was the -- I thought this was the project
40 further in where they were going to remove some fill and restore
41 the tidal flow.
42

43 **COMMISSIONER BERDOLT:**

44 Oh, I'm sorry. Yes, correct, correct. Okay.
45

46 **LEG. KRUPSKI:**

47 So do we have final plans for that?
48

49 **COMMISSIONER BERDOLT:**

50 I don't think they have anything yet. That would be -- I have to
51 check with Public Works, but I don't think so.
52

53 **LEG. KRUPSKI:**

54 So, I mean, so how is the money flowing there? I know there was a
55 lot of State -- heavily State funded, but like I said, I do have a
56 lot of people who are interested in that project. I would rather

1 -- personally, I'd rather see this tabled until we get a set of
2 plans so people can comment on it. And I know it's changed a lot
3 because there's no place to put that fill. It was Brookhaven
4 Landfill was going to take it at one point and then the DEC
5 wouldn't allow that, and I don't think the DEC will allow for
6 disposal of that material anywhere in New York State at this point.
7 So then the plans change to reflect that still staying on the site.
8 And there was also -- there was also a big change in a proposed
9 bridge going underneath the dirt road there to provide tidal access
10 to reconnect it.

11
12 So I wouldn't mind seeing it tabled, unless anyone has any
13 objections, to get a set of plans to provide to the public for
14 comment.

15
16 **COMMISSIONER BERDOLT:**

17 I'm sorry, Legislator Krupski. I don't know if you can hear me. I
18 lost my audio. Can you hear me?

19
20 **P.O. CALARCO:**

21 Are you withdrawing your approval motion and making a motion to
22 table?

23
24 **LEG. KRUPSKI:**

25 Phil had a comment. I just want to get his input.

26
27 **P.O. CALARCO:**

28 Go ahead, Phil. Commissioner.

29
30 **LEG. PICCIRILLO:**

31 I think he lost his audio.

32
33 **COMMISSIONER BERDOLT:**

34 I lost my audio and I can't hear, but I'm okay with it being
35 tabled. Can you hear me?

36
37 **LEG. KRUPSKI:**

38 Yes.

39
40 **COMMISSIONER BERDOLT:**

41 Okay.

42
43 **LEG. KRUPSKI:**

44 Thank you.

45
46 **COMMISSIONER BERDOLT:**

47 So I'm going to try and restore my audio. I don't know why I can't
48 get it. My mute isn't -- I'll try and figure it out. But, yes, if
49 you'd like to table, we're fine with that.

50
51 **LEG. KRUPSKI:**

52 All right, thank you. If I could, then I could change my approval
53 to a tabling motion.

54
55 **P.O. CALARCO:**

56 Okay. So Legislator Krupski withdraws his motion to approve and

1 makes a motion to table.

2 **LEG. FLEMING:**

3 Second.

4

5 **P.O. CALARCO:**

6 Seconded by Legislator Fleming. Anybody on the issue? The tabling
7 motion is before us. Madam Clerk, roll call.

8

9 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

10

11 **LEG. KRUPSKI:**

12 Yes.

13

14 **LEG. FLEMING:**

15 Yes.

16

17 **CHAIRPERSON HAHN:**

18 Yes.

19

20 **LEG. MURATORE:**

21 Yes to table.

22

23 **LEG. ANKER:**

24 Yes.

25

26 **LEG. PICCIRILLO:**

27 Yes to table.

28

29 **LEG. KENNEDY:**

30 Yes.

31

32 **P.O. CALARCO:**

33 Yes.

34

35 **MS. ELLIS:**

36 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

37

38 **TABLED SUBJECT TO CALL RESOLUTIONS**

39

40 **P.O. CALARCO:**

41 Okay, the motion is tabled. Before we break to go into Executive
42 Session it's my understanding that Legislator Piccirillo would like
43 to make a motion.

44

45 **LEG. PICCIRILLO:**

46 Thank you, Mr. Presiding Officer. I'm going to make a motion to
47 call HR 01.

48

49 **P.O. CALARCO:**

50 Okay. Legislator Piccirillo is making a motion to call HR 01
51 **(Requesting the State of New York authorizing the County of Suffolk**
52 **to alienate certain lands used as parkland and to dedicate certain**
53 **other lands as parklands) (Assembly Bill No. A.7609A). (Trotta)**
54 forward out of Tabled Subject To Call. Do we have a second to the
55 motion?

56

1 **LEG. MURATORE:**

2 Second.

3
4 **P.O. CALARCO:**

5 Second by Legislator Muratore. Anybody on the issue? This would
6 call it out of Tabled Subject To Call and put it before us for
7 action.
8

9
10 **CHAIRPERSON HAHN:**

11 So, Rob --

12
13 **P.O. CALARCO:**

14 Legislator Hahn, go ahead.

15
16 **CHAIRPERSON HAHN:**

17 So voting on this would just bring it before us, but -- and then we
18 could vote it either down or table it or --

19
20 **P.O. CALARCO:**

21 Once it's before us then it will require a motion and then we can
22 take any action the committee chooses.

23
24 **CHAIRPERSON HAHN:**

25 Okay, and we'll discuss that. Okay.

26
27 **P.O. CALARCO:**

28 Okay? So we have a motion to call it forward and a second. Roll
29 call, Madam Clerk.

30
31 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**

32
33 **LEG. PICCIRILLO:**

34 Yes.

35
36 **LEG. MURATORE:**

37 Yes.

38
39 **CHAIRPERSON HAHN:**

40 I'm going to abstain.

41
42 **LEG. KRUPSKI:**

43 Yes.

44
45 **LEG. FLEMING:**

46 Yes.

47
48 **LEG. ANKER:**

49 Why? I don't know. I mean, if we're already voted on this, why is
50 this being called back?

51
52 **P.O. CALARCO:**

53 It's in the Tabled Subject To Call and it's being -- the motion is
54 to bring it before us for an action. It could then still be
55 tabled, approved, tabled back subject to call.

1
2 **LEG. ANKER:**

3 And what's the background on this?

4
5 **P.O. CALARCO:**

6 Legislator Trotta is here. I can let him speak to it if you'd like
7 to ask him any questions. This is his bill.

8
9 **LEG. ANKER:**

10 Can you describe why we're bringing this back?

11
12 **LEG. TROTТА:**

13 Well, it's slightly different. It has to do with the 30-inches of
14 a guy's pergola. The original bill didn't have that -- the
15 property that we're swapping, it didn't have a covenant where you
16 said you couldn't build on it. This one they changed it. All this
17 is a Home Rule Message asking the State to do it. You know, this
18 has to go through State Parks, it has to go through the State
19 Assembly, it has to go through the State Senate, it has to be
20 approved by the Governor. We're talking about 30-inches of
21 parkland, and we're actually going to be gaining more parkland than
22 we're giving away.

23
24 This gentleman did the wrong thing. He built one leg of this
25 pergola on County parkland. There's not a parking spot there.
26 It's just County land. He never cut a tree down, he never did
27 anything like that.

28
29 This is a process. I want it to go through the process, and if the
30 State Parks decides hey, this is not a good idea, then we won't do
31 it. If the State Assembly decides they don't want to do it, it
32 doesn't do it. The State Senate decides they don't want to do it,
33 they don't do it. The Governor decides they don't want to do it,
34 it doesn't get done.

35
36 But, you know, this is a resident, a constituent of mine, a
37 taxpayer who, you know, we just recently gave the ability -- you
38 know, he did something wrong, clearly. He fixed it years ago. We
39 now are not asking people who have been arrested for violent
40 crimes. At what point does this -- does the penalty stop. You
41 know, is he okay now. It's been years. He wants to -- he spent a
42 fortune on architects and designers and surveyors. He just wants
43 to get this done. It's not like a little pergola. It's a big
44 thing. I mean, it's not like a shed that he can move.

45
46 So in summary, the property that we're going to give to him is less
47 than what he's giving to us. So we're getting more parkland and in
48 a better spot. It's actually behind his house rather than on the
49 side of his house between two houses. I want it to go before the
50 Legislature and just asking the State to look into it. That's all.

51
52 **LEG. ANKER:**

53 Don't we not do Home Rules anymore? Isn't that something that we
54 no longer do?

55
56 **LEG. TROTТА:**

1 I was told --

2 **P.O. CALARCO:**

3 Home Rules are still done, Legislator Anker. It's the
4 Memorializing and Sense Resolutions that we've ceased to do. Home
5 Rules are required on certain issues that the State may consider.

6
7 **LEG. ANKER:**

8 Okay. And have we ever done this before in Suffolk County?

9
10 **LEG. TROTТА:**

11 Yes.

12
13 **CHAIRPERSON HAHN:**

14 So, Rob, this is right now we're --

15
16 **MS. SIMPSON:**

17 Debating the bill.

18
19 **CHAIRPERSON HAHN:**

20 Yeah, I mean, we're either going to debate the --

21
22 **LEG. TROTТА:**

23 All right. Okay.

24
25 **CHAIRPERSON HAHN:**

26 Because I certainly have things I want to say about the bill, but
27 right now we're just voting on whether we're bringing it forward to
28 talk about it, right. And this has been tabled -- this was tabled
29 -- maybe if Counsel can give us the history of this bill, because
30 it didn't pass. It went to the full Legislature if I'm --

31
32 **LEG. TROTТА:**

33 No, it never got out of committee.

34
35 **CHAIRPERSON HAHN:**

36 It never got out of committee. Okay.

37
38 **P.O. CALARCO:**

39 Okay. So we were in the middle of a vote to call it forward for
40 consideration. Legislator Anker, we were at you. I think you
41 had questions before you want to cast your vote. Did you have your
42 questions answered before you prepare to cast a vote on it.

43
44 **LEG. ANKER:**

45 Well, I think if we've already voted on this, you know, Rob, you
46 weren't able to get --

47
48 **LEG. TROTТА:**

49 It was a different bill. It didn't have a covenant where they
50 couldn't build on the part that we're switching. Now it has the
51 covenant that whatever it is, less than a quarter of an acre, they
52 can never put a shed on it, they can never do anything to it.

53
54 **LEG. ANKER:**

55 So you can't create a new bill to run through committee again?

56

1
2 **LEG. TROTТА:**

3 That is the bill. That's new. This is new. I don't think they
4 were aware when they tabled it last time. I didn't even know it
5 was up last time. I wasn't there.

6
7 **LEG. ANKER:**

8 Okay.

9
10 **LEG. TROTТА:**

11 Just to talk about it. You don't have to vote for it, it's just to
12 talk about it.

13
14 **LEG. ANKER:**

15 But, I mean, again, this is -- we talked about this extensively, as
16 we're doing now. Is that right, Sarah Lansdale? Didn't we go
17 through this?

18
19 **MS. SIMPSON:**

20 We talked about this extensively last year. This is a new
21 iteration that the Assembly bill was amended and this is a new Home
22 Rule Message.

23
24 **LEG. TROTТА:**

25 They was some concerns that there wasn't a covenant on the swapped
26 property. Now there is.

27
28 **LEG. ANKER:**

29 Okay. So that makes everything completely different. And we've
30 done this before as a County?

31
32 **LEG. TROTТА:**

33 Yes. How this came about was I went to George Nolan back then. He
34 goes oh yeah, it's a pain in the neck but we do it and it's up to
35 the State ultimately. I didn't even know that it could be done.
36 So George told me to do it, I did it, and now it's been dragging
37 on.

38
39 **LEG. ANKER:**

40 So why wasn't it approved before?

41
42 **LEG. TROTТА:**

43 Because it didn't -- someone complained that it didn't have a
44 convenience on the part that you're swapping.

45
46 **LEG. ANKER:**

47 Okay. Sarah Simpson?

48
49 **MS. SIMPSON:**

50 It's a little more complicated than that. We are in litigation
51 still, I believe, with the property owners on their unlawful
52 alienation of parkland. I don't know the status of that litigation
53 right now. I would have to check with the County Attorney's Office
54 and get back to you.

55
56 **LEG. TROTТА:**

1 But this would be a resolution of it.

2 **MS. SIMPSON:**

3 I don't necessarily think that the County Attorney's Office agrees
4 that this would resolve the litigation. That said, we're still
5 just on a vote to consider talking about this. So I think it would
6 be best to decide on whether or not we're going to continue talking
7 about this or not.

8
9 **P.O. CALARCO:**

10 Let's try to finish the vote on whether or not to call it forward.
11 So, again, Madam Clerk, I think we were at Legislator Anker.

12
13 **(*Roll Call continued by Ms. Ellis, Chief Deputy Clerk of the
14 Legislature*)**

15
16 **LEG. ANKER:**

17 I'll say no. I'll make a motion to table.

18
19 **LEG. KENNEDY:**

20 I'll say yes.

21
22 **P.O. CALARCO:**

23 I'm going to abstain.

24
25 **MS. ELLIS:**

26 Five. (5-1-2-0. **P.O. CALARCO IS INCLUDED IN VOTE**)

27
28 **P.O. CALARCO:**

29 But it is now before us. Would somebody like to make a motion?

30
31 **LEG. PICCIRILLO:**

32 I'd like to make a motion to discharge without recommendation.

33
34 **P.O. CALARCO:**

35 Motion to discharge without recommendation by Legislator
36 Piccirillo.

37
38 **LEG. ANKER:**

39 I'll make the motion to table.

40
41 **CHAIRPERSON HAHN:**

42 I'll make a motion to table. Oh, I'm sorry, Sarah.

43
44 **P.O. CALARCO:**

45 I have a motion to table by Legislator Anker; seconded by
46 Legislator Hahn. Does anybody want to second the motion to
47 discharge?

48
49 **LEG. MURATORE:**

50 Second.

51
52 **P.O. CALARCO:**

53 Legislator Muratore seconds the motion to discharge. Any other
54 discussion? Legislator Kennedy, I see your hand up.

55
56 **LEG. KENNEDY:**

1 Okay. Question for Sarah. If this is presently involved in
2 litigation, can we vote for this, to bypass or not litigation. I
3 don't know if that's legal.

4
5 **MS. SIMPSON:**

6 I don't know that it will necessarily settle the litigation fully.
7 I would have to consult the County Attorney's Office on that since
8 they're the ones handling the litigation. I mean, do I think we
9 can theoretically pass this?

10
11 **LEG. TROTТА:**

12 It doesn't mean anything.

13
14 **MS. SIMPSON:**

15 Theoretically it can be passed, but there are several other, as
16 Legislator Trotta has said, there are several other layers that
17 have to go forward before the land alienation and swap would take
18 effect. Honestly, I don't know what, if anything, the Assembly and
19 the Senate are going to do in the next few weeks on something like
20 this.

21
22 **LEG. KENNEDY:**

23 Right. So if we discharge without recommendation, by Tuesday we
24 will have an answer to the question.

25
26 **MS. SIMPSON:**

27 I can try and get -- yeah, I'll touch base with Phyllis and Bob
28 Braun today and try and get some resolution on that for you.

29
30 **LEG. KENNEDY:**

31 Thank you.

32
33 **P.O. CALARCO:**

34 Okay. Legislator Krupski.

35
36 **LEG. KRUPSKI:**

37 I'm going to question about -- and thank you, Leslie, for asking
38 the question about the litigation. To Phil, Commissioner Berdolt,
39 how do we currently handle encroachments on County parkland?

40
41 **COMMISSIONER BERDOLT:**

42 Well, when we do find them the first thing we do is we send out a
43 Park Ranger, and then from there it goes to the County Attorney.
44 If there has been any damage to the property then we go to the DA
45 to their Environmental Crimes issue -- Department, and then we
46 start criminal proceedings against them.

47
48 We look for restoration. We do have a couple of properties like
49 that right now that we are dealing with, and this obviously is also
50 another one. There was clearing done when this property was built.
51 It may not have been done by the actual homeowner himself, but
52 whoever built the property did it because they came and -- you
53 know, I know as Legislator Trotta mentioned, there was only
54 36-inches, but it didn't start out at 36-inches. It started out as
55 about a third of an acre with a putting green that this guy built.
56 Right now -- so he has removed that and I believe put up a fence,

1 and now his gazebo is still encroaching the 36-inches.
2 The property that Legislator Trotta is mentioning that he's going
3 to give us, there's a covenant on it where not that we would build
4 anything, but it's useless to the gentleman right now anyway
5 because there is a covenant on the 50 feet of property, whatever it
6 is. So it's useless to him so he's really not giving up anything.

7
8 Personally, I just, you know, and, Rob, I know we've discussed this
9 at length, and I just can't see rewarding somebody for what they
10 did and I hate to set that kind of precedent on other properties
11 where people think --

12
13 **LEG. TROTТА:**

14 We're getting more land than we're giving. So at what point is a
15 guy's penance paid? You know -- and we are -- the acreage behind
16 his house we're giving it up. It's now parkland. And the part
17 that we're giving him -- so what you're saying is we are here to
18 give resident a hard time in perpetuity because the guy goes to a
19 park, puts a putting green in and chips when no one ever goes
20 there. There's not a single parking spot.

21
22 So now we're going charge him, you know, whatever it costs to take
23 that thing down, probably \$100,000. It's a big thing with, you
24 know, TVs and a grill in it. It's one leg and it's 30-inches. So
25 this is what we do. This is what it comes down to. So a guy can
26 commit a crime, felony, but we can't ask him that when he goes for
27 a job, yet we are going to hold this guy, a taxpaying citizen who
28 pays \$48,000 a year in taxes, liable for this? Is this what we're
29 doing to our people? Is that what we want to do? During this --
30 what's going on in the world right now, this is what's a big
31 concern. We're getting more parkland and we're giving a guy a bit
32 of a break.

33
34 **CHAIRPERSON HAHN:**

35 Did the DA go after him?

36
37 **LEG. TROTТА:**

38 What?

39
40 **CHAIRPERSON HAHN:**

41 Phil, did you say the DA is going after him for environmental
42 crimes?

43
44 **COMMISSIONER BERDOLT:**

45 No.

46
47 **LEG. TROTТА:**

48 No, there's no crime.

49
50 **CHAIRPERSON HAHN:**

51 There is an absolute crime here.

52
53 **LEG. TROTТА:**

54 What's the crime?

55
56 **CHAIRPERSON HAHN:**

1 And he's lucky he's not going after it because he --

2 **LEG. TROTТА:**

3 What's the crime?

4

5 **CHAIRPERSON HAHN:**

6 Let me just tell you something. I went with you, Legislator
7 Trotta. This has been discussed, this has been litigated, we
8 decided against this. This was disgusting.

9

10 **LEG. TROTТА:**

11 What's the crime?

12

13 **CHAIRPERSON HAHN:**

14 First of all, they enclosed a huge amount of green space.

15

16 **LEG. TROTТА:**

17 There's no doubt.

18

19 **CHAIRPERSON HAHN:**

20 Yes, they did.

21

22 **LEG. TROTТА:**

23 I agree.

24

25 **CHAIRPERSON HAHN:**

26 They pushed their fence back --

27

28 **LEG. TROTТА:**

29 I agree.

30

31 **CHAIRPERSON HAHN:**

32 -- dozens of feet beyond their property line on the --

33

34 **P.O. CALARCO:**

35 We have to have only one speaker at a time, please. Legislator
36 Hahn, you have the floor.

37

38 **CHAIRPERSON HAHN:**

39 I'm sorry. I'm pretty passionate about this.

40

41 **LEG. TROTТА:**

42 We're talking about 30-inches.

43

44 **P.O. CALARCO:**

45 Legislator Trotta, please let Legislator Hahn finish.

46

47 **CHAIRPERSON HAHN:**

48 I'm not talking about 30-inches. The 30-inches involved the
49 pavilion they put up where the TV's are and the sink and the
50 barbecue, and then they had a fence dozens of feet -- hundreds of
51 feet long by the depth of dozens of feet along the back part of the
52 property and along the side part of the property for over a dozen
53 years. They had exclusive use of that within their fence line, and
54 it is just outrageous what they did.

55

56 If there had been a small mistake made, you know, we could talk

1 about it. This was purposeful exclusionary use behind a fence of a
2 very large portion of County parkland. And this would be, in my
3 mind, absolutely outrageous to allow this to go forward. They
4 should at least have to correct the mistake they made by taking
5 down the portion that they built. They built a permanent structure
6 in addition to the fenced exclusionary use of the land.

7
8 **LEG. TROTТА:**

9 If I may.

10
11 **CHAIRPERSON HAHN:**

12 This was very purposeful and it's a darn shame and we have to do a
13 better job of keeping an eye out on our parkland, obviously. But
14 it's really -- it's really sad that this is coming back again
15 trying to give residents that did an absolute vandalism to our
16 County park for exclusive use, their own exclusive use, to the
17 detriment of the park and to the detriment of the park users.

18
19 **LEG. TROTТА:**

20 If I may? I'm raising my hand.

21
22 **P.O. CALARCO:**

23 Legislator Trotta, I have a list that's very long at this point.
24 Legislator Hahn is done. I'm going to go to the next speaker and
25 I'll have you back on the list. Legislator Fleming.

26
27 **LEG. FLEMING:**

28 Yes, thank you. I just want to be very careful. If this is in
29 litigation I don't think we should take any action until we hear
30 from the County Attorney's Office, because whatever action we take
31 may affect our position in a negotiation. I mean, we've heard from
32 the Commissioner that we would be rewarding clearly bad action with
33 the putting green, an exclusive putting green on a parkland. And
34 even though there has been mitigation, we don't know what the
35 position of the negotiation of the litigation is. And to take any
36 action may impact the negotiation by sending a signal to the
37 parties that the Legislature is inclined one way or another. I
38 think it would be really irresponsible of us to move this forward
39 either by discharging it or approving it without a report, without
40 hearing from the County Attorney's Office. Thank you.

41
42 **P.O. CALARCO:**

43 Thank you, Legislator Fleming. Legislator Anker.

44
45 **LEG. ANKER:**

46 I agree. If anything, we table this. But I got to ask Legislator
47 Trotta, do you have both approval from the Assembly and the Senate?

48
49 **LEG. TROTТА:**

50 No. No. If they say --

51
52 **LEG. ANKER:**

53 So why are we even doing anything.

54
55 **LEG. TROTТА:**

56 Do you know why? Because didn't we just pass the law if someone

1 murders someone and they go for an interview and you say -- you
2 aren't allowed to ask them. Is there some kind of forgiveness? By
3 the way, this guy towed out like four disgusting cars that were
4 sunk into the ground. He cleaned up the whole area. He went back
5 further into the park and at his own expense paid stuff out. So
6 don't think that this guy is like, you know, the devil or the
7 anti-Christ. He made a mistake. He did something that he probably
8 shouldn't have done that people do all over the place. So we're
9 trying -- I'm trying to save him the cost of tearing this structure
10 down, to do the right thing for a guy who did the wrong thing. Is
11 there second chances in life? I mean, the guy didn't murder
12 anybody. He actually cleaned the park.

13
14 **LEG. ANKER:**

15 But it's almost a yard. I mean, it's not even like a foot.

16
17 **LEG. TROTТА:**

18 By the way, he never cut a tree down. Phil, you were wrong. You
19 can look at the satellite pictures. There was never anything on
20 that. The builder didn't clear the lot, it was farmland. Go back
21 on Suffolk GIS to 1947. It was a flat field.

22
23 **LEG. ANKER:**

24 Again, I think we voted for this or it went through the process.

25
26 **LEG. TROTТА:**

27 It wasn't before. It didn't have the covenants on the other piece
28 of property.

29
30 **P.O. CALARCO:**

31 Let's let Legislator -- Legislator Trotta, you're next on the list.
32 Please let Legislator Anker finish.

33
34 **LEG. ANKER:**

35 So, again, I have concerns about this from the start, even when we
36 were looking into it before, you know, with the litigation going
37 on, with the Home Rule. It might be going through the Assembly but
38 there's nothing in the Senate from what I understand. This piece
39 of legislation needs to stop. And, again, we're doing a favor for
40 a resident? Well, that's great, that's lovely if we can do it, but
41 he did something illegal. He committed a crime, which I feel --

42
43 **LEG. TROTТА:**

44 What's the crime?

45
46 **LEG. ANKER:**

47 He's not being prosecuted but, you know, again, we're willing to
48 work with those that have made mistakes, we can do that. But, you
49 know, again, this to me is a -- someone said it's setting a
50 precedent. That's the biggest issue I have right now.

51
52 **LEG. TROTТА:**

53 There is precedent for doing it.

54
55 **P.O. CALARCO:**

56 Okay. Legislator Trotta, you have the floor now.

LEG. TROTTA:

I mean, clearly there is a precedent, because I didn't know this. I went to George Nolan. George Nolan said, "Yeah, it's a pain in the neck, but you can do it." Look, I'm not -- there's a State Parks Commission that's going to analyze this and see if it's morally right or wrong. If they say no, it's no. If they say yes, which is what they do every day, then it moves on. It's a process. So I'm trying to get a constituent of mine to save him some aggravation into doing this and I'm not getting the help from their own Legislature to say, okay, you know something, let it go. If it goes, it's great; if it doesn't, it doesn't.

We're talking about 30-inches. He's going to replace everything that he did. Everything is back. He moved the fence back. You know, the putting green. The putting green hasn't been there like in like ten years. He took it out about eight years ago I think. So this is like, you know, it sounds really good, but, you know, what really, it gets me is that when you talk about the environment and a precedent. You're the same people who voted to take \$200 million out of the sewer fund and drain it. I didn't vote for that, but you did. Yet I'm asking for this and you're saying no? Please. Do what you want.

P.O. CALARCO:

Okay. Legislator Hahn, your next, but I think, Legislator Trotta, the reason that our past Counsel told you it's a pain in the neck is because a lot of Legislators tend not to want to do something like this. Legislator Hahn, you have the floor.

LEG. TROTTA:

I'm sorry. He said it was a pain in the neck because it has to go through the State at different levels.

P.O. CALARCO:

Legislator Hahn, you're on mute.

CHAIRPERSON HAHN:

Because it's park alienation and it would be very hard to pass at the State level. I don't believe we should give the State the opportunity to do this. I think that if the, and I don't have the exact amount of property that was exclusively included within their fence where the putting green was. There were clear, like I said, dozens of feet or hundreds of feet of land that was mowed for more than a decade. Trees would have grown there. They -- clearly they had very green grass. They clearly were applying fertilizer, possibly pesticides on that piece of the property. Like I said, it was exclusive use within their fence, so as their private backyard for a very long time, not just a mistake 16-inches over the boundary where they installed a permanent structure that was way more than a gazebo. It was a pavilion with stone pavilion footings for the overhead pavilion roof.

And I just feel very strongly that we made the right decision the first time around. I question how much has changed, because I remember the discussion happening that the land, the first time

1 around, that they were swapping had a covenant on it. So the idea
2 was there is no real benefit for County residents because there's
3 already a covenant on that land and nothing could be built. I
4 really strongly urge this committee to table again. We did the
5 right thing the first time and we should do it again the second
6 time.

7
8 **P.O. CALARCO:**

9 Okay. Counsel, you wanted to add something before I call on
10 Legislator Fleming?

11
12 **MS. SIMPSON:**

13 Just quickly. So that everyone understands, the Home Rule Message
14 has to be done before the Senate or the Assembly would be able to
15 act. I know this is only an Assembly bill. So if we do not pass
16 the Home Rule Message the Assembly can't act on this because we
17 have not provided our agreement to the concept. That's the reason
18 that the Home Rule Message comes before the Senate or the Assembly
19 Act at the State level.

20
21 **P.O. CALARCO:**

22 Counsel, does this require another vote if the State did pass this?

23
24 **MS. SIMPSON:**

25 I would have to check to see if it would come back to us again, and
26 I'll get back to you on that.

27
28 **P.O. CALARCO:**

29 Okay. Legislator Fleming.

30
31 **LEG. FLEMING:**

32 Yes. Thank you. You know, we did use this procedure to alienate
33 the commercial fishing dock in Hampton Bays, which was critically
34 important, threatened because, you know, it's a multimillion dollar
35 asset that was threatened because the County could not afford to
36 keep it up, and there was agreement between both parties that it
37 was the right way to go in order to really rescue the commercial
38 fishermen who were working off the dock. I mean, I think that's an
39 appropriate use for a vehicle like this.

40
41 I have to disagree with Sarah, because when we did the alienation
42 of the commercial fishing dock under George, I believe we started
43 with a bill in the Legislature. So since there is nothing in the
44 Senate even drafted to support this, I think it's procedurally
45 defective to even go forward at this point, and I certainly
46 wouldn't want to take that step without hearing from the County
47 Attorney and what the effect on the negotiation of the litigation
48 would be.

49
50 I think this is a huge mistake to move forward without having the
51 County Attorney talk to us. Whether it's a discharge or an
52 approval, I think it's a huge mistake from the perspective of
53 protecting taxpayer assets of Suffolk County.

54
55 **MS. SIMPSON:**

56 If I may, Presiding Officer.

1
2 **P.O. CALARCO:**

3 Yes, go ahead, Counsel.
4

5 **MS. SIMPSON:**

6 We have done Home Rule Messages when there's only one -- a bill in
7 one of the two houses. It's very rare that that occurs, but we
8 have done that in the past, and there is something in the Assembly
9 currently. So from a procedural perspective I don't know that it's
10 specifically defective in that respect.
11

12 **LEG. FLEMING:**

13 But what it shows, if I may, what it shows -- the fact that there
14 is nothing in the Senate to support this shows that there isn't
15 agreement at the State Legislature that this is a direction we
16 should go in. So what we could be doing, even by discharging it,
17 is taking a meaningless step that will undermine our position in
18 the litigation negotiation. We're messing with something that's
19 already underway without full information. I just don't think it's
20 responsible.
21

22 **MS. SIMPSON:**

23 That I agree with.
24

25 **P.O. CALARCO:**

26 Okay. Legislator Trotta. Legislator Fleming, were you done?
27

28 **LEG. FLEMING:**

29 Yes. Thank you.
30

31 **P.O. CALARCO:**

32 Okay. Legislator Trotta, one last shot.
33

34 **LEG. TROTТА:**

35 Senator Flanagan said once the Home Rule Message is done he would
36 do a bill. Look, you talk about polluting. This guy pulled cars
37 and junk off this property. Not just the property there, the
38 property way in the back. He went into the woods and paid to have
39 those taken out. This is -- in the scheme of what's going on,
40 we're talking about doing a citizen, a taxpayer, doing the right
41 thing by him. So, I just -- just please vote.
42

43 **P.O. CALARCO:**

44 Okay. Anybody else? I think we've talked this thing out. We have
45 two competing motions. Is that correct, Madam Clerk?
46

47 **MS. ELLIS:**

48 Yes.
49

50 **P.O. CALARCO:**

51 The tabling motion goes first. Roll call.
52

53 **(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)**
54

55 **LEG. ANKER:**

56 Yes to table.

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CHAIRPERSON HAHN:

Yes to table.

LEG. KRUPSKI:

Yes to table.

LEG. FLEMING:

Yes.

LEG. MURATORE:

Yes to table.

LEG. PICCIRILLO:

No to table.

LEG. KENNEDY:

No to table.

P.O. CALARCO:

Yes to table.

MS. ELLIS:

Six. (VOTE: 6-2-0-0. PO CALARCO INCLUDED IN VOTE)

P.O. CALARCO:

Okay, it is tabled.

Okay, we have no other items on the agenda, but we do have an Executive Session. For the purpose of Executive Session I will make the motion to go into Executive Session; seconded by Legislator Hahn. When we go into Executive Session I will place everybody back into the waiting room and then we will take the Executive Session via conference call that you have all been provided the number. And then once we break out of the conference call we'll come back live on the Zoom to close out the meeting. So I have a motion and a second to go into Executive Session. Roll call, Madam Clerk.

(*Roll Call by Ms. Ellis, Chief Deputy Clerk of the Legislature*)

P.O. CALARCO:

Yes.

CHAIRPERSON HAHN:

Yes.

LEG. KRUPSKI:

Yes.

LEG. FLEMING:

Yes.

LEG. MURATORE:

Yes.

1
2 **LEG. ANKER:**
3 Yes.

4
5 **LEG. PICCIRILLO:**
6 Yes.

7
8 **LEG. KENNEDY:**
9 Yes.

10
11 **MS. ELLIS:**
12 Eight. (VOTE: 8-0-0-0. PO CALARCO INCLUDED IN VOTE)

13
14 **P.O. CALARCO:**
15 Okay. We are now going into Executive Session and we will be back
16 shortly.

17
18 **EXECUTIVE SESSION 11:50 AM - 12:22 PM**

19
20 **P.O. CALARCO:**
21 Okay, now we are back and live streaming. That's why I couldn't
22 count eight, I wasn't counting myself.

23
24 Okay, thank you, everyone. We're back and we've come out of
25 Executive Session. I have been told that we need to say that we
26 took a vote in Executive Session and approved moving forward the
27 South Setauket Woods open space acquisition. I don't have the name
28 of the property owner. Apparently we usually put that on the
29 record. Does anybody have that?

30
31 **LEG. KENNEDY:**
32 Michael and Diane Trucchio.

33
34 **P.O. CALARCO:**
35 Okay. It's Michael and Diane Trucchio was approved. All other
36 items discussed were tabled for the cycle. With that, I don't
37 believe we have any other items that we have to put on the record,
38 so we are adjourned. Thank you, everyone.

39
40 **THE MEETING CONCLUDED AT 12:22 PM**

DATE

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