

COUNCIL ON ENVIRONMENTAL QUALITY
November 20, 2002

Minutes

A meeting of the Council on Environmental Quality was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, 11787.

Members Present:

Theresa Elkowitz - Chairperson
Larry Sanders - Vice-Chair
Michael Kaufman
Lance Mallamo
Thomas cramer
Ginny Fields
Nancy Manfredonia
Adrienne Esposito

Members Not Present:

John Finkenberg

Also In Attendance:

Joy Squires - CAC of Huntington
Richard Martin - Historic Services
James Bagg - Chief Environmental Analyst/SC Planning Department
Penny Kohler - Suffolk County Planning Department
Clark Gavin - Aide to Presiding Officer Tonna
Nanette Essel - Aide to Legislator Fisher
David Grier - County Attorney's Office
Judith Gordon - Commissioner/Suffolk County Parks Department
Nick Gibbons - Suffolk County Parks Department
Leslie Mitchel - Deputy Commissioner/Department of Public works
Dominick Ninivaggi - Vector Control/Department of Public works
Ralph Borkowski - Buildings & Grounds/Department of Public Works
Thomas Rogers - Bridges & Structures/Department of Public Works
Christopher McVoy - Bridges & Structures/Department of Public Works
Madhav Sathe - Sanitation/Department of Public Works
Victor Keneiby - Highway Design & Construction/Dept of Public Works
Lori Benincasa - SC Department of Health Services
Russell Ehasz - Ehasz Giacalone Associates
Bob McAlevy - Peconic Estuary Program
David Tonges - Cashin Associates
John Ellsworth - Cashin Associates
William Dieck - Suffolk County Vanderbilt Museum
Stephanie Henrich - Town of Smithtown Conservation
Jessica Ottney - Citizens Campaign for the Environment
All Other Interested Parties

Minutes Taken By:

Alison Mahoney - Court Stenographer

(*The meeting was called to order at 9:33 A.M.*)

CHAIRPERSON ELKOWITZ:

Good morning, everyone. I'm going to call the meeting of the CEQ to order and we don't have minutes. We do have correspondence, most of which is related to projects. One piece I got in my office I actually didn't bring with me and it was from Ben Wright regarding the Scavenger Waste Facility and what he was asking -- and before I call him back I wanted to discuss this with the CEQ members. He was asking if because the issues that were identified were relatively narrow, if the scope could be focused to address only those issues. Now, personally I don't see any problem whatsoever with that, why would we want them to do superfluous issues. He should be getting a pos dec, it should have been sent to the Legislature, right, Jim; we sent a pos dec over on the Scavenger Waste Facility?

MR. BAGG:

Yes, it was approved out of committee, the ELAP Committee, so it should be on the next Legislative agenda.

CHAIRPERSON ELKOWITZ:

Okay. What I'd like to tell Ben then is that assuming that he gets that pos dec, that he should put together an abbreviated scope --

MR. BAGG:

Okay.

CHAIRPERSON ELKOWITZ:

-- and the CEQ would review it. It's not -- just so that everybody knows, it's not required that you have a public scoping hearing. If we do scoping, public scoping is required, we can discuss the scope at a CEQ meeting, it doesn't have to be, you know, a whole big deal. So if I don't have any objection from anybody, I would like to be authorized to call back Ben and explain to him this process and that we have no objection to sticking -- the EIS sticking to those particular issues. Does anybody have any problem with that? All right, then I'll call Ben Wright when I get back to my office, assuming that ever happens.

MR. SWANSON:

I would just like to comment on the minutes. I think this is the second or third month that we've gone without minutes. And it seems to me that by the time we're going to be asked to review them, that we will have absolutely no recollection of what went on. And besides, there are perhaps other people that are in need of them, so I'm concerned with the timeliness of turning minutes around.

CHAIRPERSON ELKOWITZ:

Do we have any --

MS. MAHONEY:

We are very behind in our minutes. Honestly, we are so over worked. We are given a lot of meetings to do and they are done in the order that we take them. (Inaudible), we are down staff with the early retirement and there's not much we can do.

MR. SWANSON:

I understand, you know, the issues that you raise, I just think that there's a question of the whole point of coming over here was to get precise minutes in a timely manner and to me that's an issue.

MS. MAHONEY:

We do the best that we can.

MR. SWANSON:

I'm not criticizing you, please.

MS. MAHONEY:

No, I understand.

LEG. FIELDS:

Originally I think when I put the legislation in to have verbatim minutes, my intent was just to have minutes that were verbatim, not necessarily that they had to be timely because I know the history of the Legislature. We were here last night till about 9:30 from all day and they sit there and do that and now she can't even type the minutes from yesterday because she's here, plus she'll have and her colleagues will have other minutes. So the problem with getting the minutes in a timely fashion is something that is unavoidable but I think at least the verbatim is the very, very important part.

CHAIRPERSON ELKOWITZ:

All right. We have a long agenda today so I'm going to just cut off this discussion. I'm also going to advise you that I'm going to rearrange the agenda a little bit. Item -- what is currently Item 10 which is the Proposed Construction of CYS Boys & Girls Club Recreation Center and associated athletic fields is going to become No. 8, and then the Final Scope for the DJEIS will become No. 9, and the 2003 Vector Control Plan will become No. 10.

I'm going to ask that the members review these classification resolutions laid on the table for October 8th, November 7th and November 19th by the Legislature. Jim has made annotations in the margins regarding recommended SEQRA classifications, and if anybody has any questions. Jim, do you have anything to call to the Council's attention?

MR. BAGG:

Yes. Resolution IR No. 2236 calls for approving acquisition under the Suffolk County Multifaceted Land Preservation Program. It's 36 acres of Sherwood Jane Farm Stand, East Setauket, Town of Brookhaven. The resolution correctly classifies the action as an Unlisted Action, however that requires an environmental assessment form to be submitted to CEQ.

CHAIRPERSON ELKOWITZ:

Okay. Any other questions or comments; Mike?

MR. KAUFMAN:

I'm going to have to abstain on 2156 when we're doing all this.

CHAIRPERSON ELKOWITZ:

All right. Does anybody have any questions or comments for Jim? If not, I'll entertain a motion to accept staff recommendations.

MR. KAUFMAN:

I will make that motion.

MS. MANFREDONIA:

Second.

CHAIRPERSON ELKOWITZ:

I have a motion, I have a second by Nancy. All those in favor? Opposed? Abstentions? Carried.

Okay, Project 1B - Proposed improvements to Long Island Live Steamers Facility, Southaven Park, Yaphank, Town of Brookhaven. Is there someone -- there is.

MR. KAUFMAN:

Are we boiling clams over there?

MR. GIBBONS:

Good morning.

CHAIRPERSON ELKOWITZ:

Good morning.

MR. GIBBONS:

Nick Gibbons, Suffolk County Parks. I just want to pass out some materials. For those of you not familiar with the Long Island Live Steamers, they have been operating at Southaven County Park for about 30 years, if you take a look at that brochure. I passed from my left to right a proposal for the steamers to expand their existing facility. They have two tracks, one is at grade level and one is elevated; the elevated track is in serious need of rehabilitation. And they propose replacing it in-kind, but the second phase of the project is to expand the elevated track into the licensed area for the steamers but it is new construction, it would require the clearing of no more than 10 trees, they're not mature trees and what we're trying to do is plan the route so it mitigates any clearing that might be necessary.

There's also two small accessory structures there, they're about 10 X 10, there's a model switching tower that you might see at a regular train station and the other is about 10 X 20 feet and that's storage for the cars. I will just mention, we did take this to the Pine Barrens Commission and I had a decision from them that they considered it on development pursuant to the Pine Barrens Act. It is not near any wetlands or other sensitive areas but it would require DEC permitting approval because it is in the Carmen's Corridor.

CHAIRPERSON ELKOWITZ:

Any questions for Nick?

MR. KAUFMAN:

I think this is a great project.

CHAIRPERSON ELKOWITZ:

I also reviewed the citations in your letter of November 4th that you make relative to the Type II Actions; I personally concur that they're appropriate. So if anybody has any questions? If not, I'll entertain a motion for a Type II Action. I have a motion. Do I have a second? I have a second. All those in favor? Opposed? Abstentions? Carried (VOTE: 6-0-0-3 Not Present: Tom Cramer, Adrienne Esposito, John Finkenberg).

MR. GIBBONS:

Thank you.

CHAIRPERSON ELKOWITZ:

Okay, next, 1c - Proposed resurfacing of existing paved areas at Timber Point County Park, Great River, Town of Islip.

MR. GIBBONS:

As you know, construction and renovations at Timber Point have been going on for about two years now and with all that material that was brought in, the paved areas took quite a beating. We would like to secure some money to come back in and resurface those areas and somewhat rehabilitate particularly the area by the west marina and the entrance off of that western section that comes between us and the state.

CHAIRPERSON ELKOWITZ:

Is it all roadway or is it roadway and parking lot, or what is it?

MR. GIBBONS:

It's parking, roadways and some already paved car paths.

CHAIRPERSON ELKOWITZ:

Okay. I believe it's a Type II Action, but I would -- the citation that I would use is 6 NYCRR 617.5C1, Maintenance and Repair, because it's not a highway. You've cited repaving of existing highways --

MR. GIBBONS:

Right.

CHAIRPERSON ELKOWITZ:

-- not including the addition of new travel lanes; I wouldn't use that. With that correction, unless anybody has a question, I'll entertain a motion for a Type II Action. You have a question?

LEG. FIELDS:

I do. What about run-off over here at this marina when you have paving into the canal?

MR. GIBBONS:

Right, the crowning there and the structures that they're going to put in for run-off are -- as you know, that area is terrible for run-off. And with the replacement of the west marina, they're going to look at and plan for keeping that water on site and slowing down that -- as it is now it's just running right into the creek there, but it's a complaint we hear pretty often from the users.

LEG. FIELDS:

Is there an ability of possibly not paving some areas but using some kind of gravel so that the water doesn't --

(*Tom Cramer entered the meeting at 9:44 A.M.*)

MR. GIBBONS:

Yeah, I asked them to look at that but they felt that the traffic, particularly with the Marine Bureau of the Suffolk County Police Department coming in and out of there that it wouldn't hold up well and it would be a maintenance headache, but I did ask them to look at that.

CHAIRPERSON ELKOWITZ:

I'll entertain a motion for a Type II Action?

MS. MANFREDONIA:

Motion.

(*Adrienne Esposito entered at 9:44 A.M.*)

CHAIRPERSON ELKOWITZ:

I have a motion by Nancy. Do I have a second by Larry? All those in favor? Opposed? Abstentions? Carried (VOTE: 8-0-0-1 Not Present: John Finkenberg).

MR. GIBBONS:

Thank you.

CHAIRPERSON ELKOWITZ:

Okay? Id - Proposed Renovations to existing clubhouse at Timber Point County Park, Great River, Town of Islip. For those who don't know, that was in your folder.

MR. GIBBONS:

I'm sorry, that one came late, it's my fault. But the clubhouse at Timber Point, I'll defer to Richard but the reason I submitted it is just I wind up handling most of the CEQ correspondence. I asked him to bring some representative photos, I don't know if those are here today or not.

MR. MARTIN:

At this point, the monies that are being expended would just be to upgrade the systems there, the electric --

CHAIRPERSON ELKOWITZ:

Can you use the microphone?

MR. MARTIN:

The electric there, the plumbing, we have an architect, Ward Associates, that's done a full survey of the building to bring it up to all the standards we need for the health code in the kitchen and that's what we're looking to spend the monies on right now. If there are any additional plans for actual reconstruction of the interior or changes to the building, we'd come back with those plans to be approved by the CEQ. So it's just to upgrade existing facilities.

CHAIRPERSON ELKOWITZ:

Okay. I have a motion for a Type II; do I have a second?

MS. MANFREDONIA:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Nancy. All those in favor? Opposed? Abstentions? Carried (VOTE: 8-0-0-1 Not Present: John Finkenberg).

Okay, 2 - Proposed construction of Kings Park Outfall Pipe Protection, Capital Project 8144 in the Town of Smithtown. I have correspondence regarding this which I'll read into the record while they're setting up. I received a copy of correspondence that was sent to Bill Shannon, Chief Engineer, Suffolk County Department of Public Works, on November 18th.

"Dear Mr. Shannon;

The Town of Smithtown is in receipt of a Suffolk County Environmental Assessment Form for the above-referenced project which proposes construction activities on town-owned lands. Please be advised that pursuant to Chapter 138 of the Town of Smithtown Town Code, a Town of Smithtown Marine Law Permit will be required for the proposed project.

Enclosed please find a copy of the necessary permit application as well as the Town of Smithtown Environmental Assessment Form. In addition, the proposed project will require a Local Waterfront Revitalization Program consistency determination. Please contact Dave Flynn of the Town of Smithtown Planning Department regarding the necessity of said determination." Okay? Hello.

MR. McVOY:

Christopher McVoy, Suffolk County DPW, Bridges and Structures. This is a project that the Sanitation Department has asked us to design a revetment to protect an outfall pipe from the sewage treatment plant. This runs along the beach here and is exposed because of the erosion that's happened along the beach. This is -- shows our proposed construction of the {reventment}, the fill that will have to be brought in --

CHAIRPERSON ELKOWITZ:

Can you bring that just a little bit closer? Some of us are over 20.

LEG. FIELDS:

Some of us are over 40.

CHAIRPERSON ELKOWITZ:

Some of us are, aren't we? All right. But now you can't use the microphone, can you? Here. Here, take this.

MR. McVOY:

That's pretty much it.

CHAIRPERSON ELKOWITZ:

Well, you'll get questions, I assure you.

MR. McVOY:

Oh, I know. So as you can see, there's two layers of stones, there's fill that covers the pipe just so that we can protect it from the further erosion.

MR. KAUFMAN:

How much sand are you going to place on there?

MR. McVOY:

The fill is about 900 cubic yards.

MR. KAUFMAN:

Sorry, I need to know the depth of the sand that you're going to be placing on there.

MR. McVOY:

It varies along the front.

MR. KAUFMAN:

So it's basically a couple of feet of stone and a foot or two of sand on top of there. Are you going to stabilize it at all with plantings or anything?

MR. McVOY:

Well, we're planning on putting beach grass on top here on the back.

MR. KAUFMAN:

Okay. What about on the slope?

MR. McVOY:

On the slope over here?

MR. KAUFMAN:

Yeah.

MR. McVOY:

It's all water.

MR. KAUFMAN:

It's kind of hard to see from this distance, so.

MR. McVOY:

High water is up here.

MR. CRAMER:

Where is the high water mark?

MR. McVOY:

It's this line here.

MR. CRAMER:

So you're going to be filling out beyond high water.

MR. McVOY:

Yeah.

MR. KAUFMAN:

Quick question for you. Do you have a DEC Wild Rivers -- Wild, Scenic Recreational Rivers Permit?

MR. McVOY:

I don't believe so.

MR. KAUFMAN:

You're going to need one, that's inside the river corridor.

MR. McVOY:

Okay.

CHAIRPERSON ELKOWITZ:

And that has to be added to the EAF. They acknowledge that they need a wetlands permit, but they also need a Wild Scenic and Recreation Rivers Permit.

MS. MAHONEY:

They also need what?

CHAIRPERSON ELKOWITZ:

A Wild, Scenic and Recreational Rivers System Permit.

MS. MANFREDONIA:

Could you just show me on the picture, show us exactly where this is? Because I know where the outfall pipe --

MR. McVOY:

You can't really see it, I didn't draw the red line big enough, but it starts here and then goes to there.

MS. MANFREDONIA:

Isn't there some sort of structure there, that a pipe comes out on the beach?

MR. McVOY:

Yeah, there's this manhole here --

MS. MANFREDONIA:

Okay.

MR. McVOY:

There's a box, a concrete box manhole on that end. Yeah, I have photos if you'd like to see them.

MS. MANFREDONIA:

So where is the pipe going from that structure?

MR. McVOY:

From that structure? It goes underneath the Nissequoque River and out into the Long Island Sound.

MS. MANFREDONIA:

All right, okay. All right, so are you doing anything landward of that? I mean, because this is an area that people walk along, there

won't be any impediment to walking; is this everything you're doing to the water side?

MR. McVOY:
Yes.

MS. MANFREDONIA:
Okay.

MR. SWANSON:
When you cover this with sand, do you make an attempt to match the grain size of the naturally occurring sand that's there or do you just use what's available?

MR. McVOY:
I have no idea.

MR. SWANSON:
Well, my question is relevant because if you put in a finer grain sand than what is there, it's just going to erode away.

MR. McVOY:
Well, the stone is going to stop the water from getting to the sand.

MR. KAUFMAN:
No. Nonetheless, there is erosion in that area, as you obviously see, both wind-borne and occasionally storm-borne. That particular area is mostly course-grain sand, it's at the mouth of the iver and the sands coming in basically filter out in that area; you have much finer grain sands much further south. The recommendation I would give on this is to use course-grain sand, that's the only thing that's going to hold over there.

CHAIRPERSON ELKOWITZ:
Have you had any interactions with the DEC at all?

MR. McVOY:
Yes.

CHAIRPERSON ELKOWITZ:
And what has their response been to this?

MR. McVOY:
They came back with a letter wanting to know the size of the stone that we were going to use and how much fill.

CHAIRPERSON ELKOWITZ:
Uh-huh.

MR. McVOY:
And so we sent them back a response.

CHAIRPERSON ELKOWITZ:
And I assume that that response is -- conforms with what you just told Mr. Swanson?

MR. McVOY:
Yes.

MR. KAUFMAN:
For whatever it's worth, I'll be watching, I can see this place from my house, so watch it.

CHAIRPERSON ELKOWITZ:
That's enough for me.

MS. ESPOSITO:
I noticed on the EFF -- EAF this was identified as Piping Clover nesting grounds. Are you going to be coordinating the construction activity around the breeding and nesting season for them?

MR. McVOY:
Yes.

MS. ESPOSITO:
Okay. So when will you be doing it?

MR. McVOY:
We're going to do it based on the window that the permit gives us.

CHAIRPERSON ELKOWITZ:
The DEC Permit?

MR. McVOY:
The DEC permit, yeah.

MR. KAUFMAN:
That window will probably be post September when the birds leave, you know, it's the normal -- when we did the dredging the last time, it's those windows in there, that's what we have to worry about, September 15th through around March 15th is the open window. I believe we have a representative from the Town of Smithtown here; Stephanie, are you still here?

CHAIRPERSON ELKOWITZ:
We'll let people talk in a minute.

MR. KAUFMAN:
No, I want to ask her a question. Stephanie, do you know if there is any plover activity in this area? I notice that it's listed on the EAF.

MS. HENRICH:
I'm not aware of --

CHAIRPERSON ELKOWITZ:
You have to get up, you have to go to a microphone, you have to identify yourself.

MR. KAUFMAN:
Sorry.

MS. HENRICH:

Hi. Stephanie Henrich representing the Town of Smithtown Conservation Board. I'm not aware of any plover activity in that particular area, DEC would probably be the one to ask. However, as long as they do coordinate around the nesting times, there shouldn't be a problem.

MR. KAUFMAN:

Okay, thank you.

CHAIRPERSON ELKOWITZ:

I have another question that you may or may not know the answer to. The Town of Smithtown says that you're required to get a permit from the Town of Smithtown; is the County required to get a permit from the town?

MR. McVOY:

I'm not sure.

MS. HENRICH:

I can answer that question.

CHAIRPERSON ELKOWITZ:

Go ahead.

MS. HENRICH:

It is -- the permit is required due to the fact that the construction is being proposed on town-owned lands.

CHAIRPERSON ELKOWITZ:

Right.

MS. HENRICH:

That's the reason.

CHAIRPERSON ELKOWITZ:

Okay.

MR. ROGERS:

My name is Tom Rogers from Public Works. The sanitation people that have requested us to do this project, we're under the impression that that was County land, that that was part of the County-owned property.

MS. HENRICH:

Anything below the high tide mark of the river is town-owned land.

MR. ROGERS:

Okay. So above -- the high water or

MS. HENRICH:

High water.

MR. ROGERS:

High water, okay. Yeah, we will be working below the high water mark.

When we have done dredging in that area we have gotten a town permit; am I right?

CHAIRPERSON ELKOWITZ:
Okay. Sure, Adrienne.

MS. ESPOSITO:
The EAF talks about revegetation for some of the area there but it doesn't say that you'll be removing any; is that just for erosion control stabilization or will you be removing some existing wetlands vegetation?

MR. McVOY:
That's for above here, during construction we may be removing some beach grass, vegetation that's there but then we'll replace it afterwards.

MR. KAUFMAN:
Are you going to be cutting into the slope at all, the toe of the slope, of the existing slope? It's kind of hard to see from over here.

MR. McVOY:
Yeah, we'll be cutting down into the slope here.

MR. KAUFMAN:
No, I'm talking about the toe stab --

MR. McVOY:
On the other end?

MR. KAUFMAN:
The toe of the existing bluff that's over there.

MR. McVOY:
No.

MR. KAUFMAN:
Okay, so you'll be seaward of that then.

MR. McVOY:
Yeah.

MR. KAUFMAN:
Okay. I know this area pretty well, I was looking at it with binoculars earlier this morning; won't go into why. But basically this pipe has been, shall we say, a relatively ugly feature of the waterfront in that area. In certain areas it's actually pretty elevated and people have been jumping off of the manholes and things like that and they have funny, etcetera. I think that this is a good project to try and stabilize the area and rebury the pipe. I hate the pipe itself, I wish we could plug it up with concrete; if you make that mistake, that's fine with me. But nonetheless, I don't have a problem with this project, I think it's a good thing to try and bury it and put some stabilization in that area. As long as you follow what the Town of Smithtown has requested to get the review procedure under way with them in terms of their LWRP, in terms of their Marine Law Permit and also deal with DEC because you are in a sensitive area; if you do all of that, I think that this project is an approvable one.

MS. ESPOSITO:

Does this pipe require or does it have a SPDES Permit?

MR. KAUFMAN:

The answer is yes, I know that.

MR. McVOY:

Okay.

MS. ESPOSITO:

Maybe I will just ask Mike the questions.

MR. KAUFMAN:

Go right ahead, I know everything about this project.

MS. ESPOSITO:

Okay. Does it come under the Discharge Notification Act where it needs a sign for the SPDES Permit? It falls into publicly-owned surface water.

MR. KAUFMAN:

That I couldn't tell you for sure. I know it's been operating under previously issued permits for a number of years. It goes about 1,500 feet out into Smithtown Bay and I know that the permits have been in the past in order; I can't tell you the present status.

CHAIRPERSON ELKOWITZ:

Are there any other questions?

MR. MALLAMO:

Can we just get a clarification, isn't there State parkland in this?

MR. KAUFMAN:

It's inside a State park.

MR. MALLAMO:

So this is occurring in a State park?

MR. KAUFMAN:

Well, there's an STP over on St. Johnland's Road, that's been there for a number of years, that serviced the -- at least in part the Kings Park Psych Center. The piping itself has always gone under the Nissequoque River, etcetera, through various permitting agencies and goes 1,500 feet out into Smithtown Bay. So it's not parkland out there. Where it is right now is inside the State Declared Scenic Recreational River Corridor. It's not fully State parkland in that some of those lands are publicly owned, some of them are privately owned by entities other than the State. But again, the State does have purview power and it dose exercise it through DEC, the Wild Scenic Program and the other permits that it has.

MR. MALLAMO:

Thank you.

CHAIRPERSON ELKOWITZ:

Any other questions?

MR. KAUFMAN:

Well, I'd make a motion that this is an Unlisted Action with a Negative Declaration.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second?

MR. CRAMER:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Mr. Cramer. All those in favor? Opposed? Abstentions? Carried (VOTE: 8-0-0-1 Not Present: John Finkenberg).

3 - Proposed Reconstruction of Culvert on CR 21 - Yaphank Avenue at Lower Lake, CP 5371 in the Town of Brookhaven. Hello.

MR. ROGERS:

This project that we're doing is on Yaphank Avenue. This is on Yaphank Avenue, north of the Long Island Expressway, Lower Lake in Yaphank. And our project is right along the east shore of the lake. We're doing some repair on -- there's a spillway and a culvert that goes underneath, this flows into the Carmen's River and we're putting some rip/wrap protection along the shoreline of the lake. This is the road, this is the spillway where the water flows through, and along the shore is where we're putting the stone rip/wrap, these spots here.

Now, these areas, there has been erosion where we're putting the protection, in-between there there is vegetation that's staying. Our original plan was to put a rip/wrap slope in to protect that and we submitted it to the DEC and they looked at it and requested that we make the area a little safer because there's a lot of fisherman along there. So we changed the design and we're -- instead of using our typical rip/wrap, we're putting large stones along there, this is a little cross-section of it. There will be large boulders, about two foot square, two foot cubed along this area so that fisherman can still use that area for fishing. That's basically the project.

MR. MARTIN:

In surveying the area, did you notice any footings for the old mill that was there, the stone footings?

MR. ROGERS:

Yeah, there are footings on the east side.

MR. MARTIN:

Okay. So this is all on the west side, the work?

MR. ROGERS:

Uh, there's a little bit of work that we're doing over here on this culvert, but the mill is in this area and we're not doing any work over there. There's an old culvert that goes underneath Yaphank Avenue in here --

MR. MARTIN:

Right.

MR. ROGERS:
-- that we're not touching that.

MR. MARTIN:
Okay.

MR. ROGERS:
There was a -- the original spillway was in this area --

MR. MARTIN:
Right.

MR. ROGERS:
-- and the spillway that's active now is here. So here we're doing repairs here, repairing any cracks and falls, putting a poxy coating on. This spillway in this area has been blocked off and closed off and we're going to be putting the stone in front of that; it's not active now.

MR. MARTIN:
Okay. Just know on the east side where the footings are located, that is listed on the National Register with the {Homan} House that's next to it.

MR. MALLAMO:
Further north.

MR. ROGERS:
Oh, okay. The building is to the north here, right.

MR. MARTIN:
Right, I'm sorry. It's just the footings to the old mill that were included with the National Register listing of the Miller's house.

MR. ROGERS:
There's -- on the discharge from the mill, if you can go out in the river, there's still some wooden pilings there, it must have been like a discharge shoot or something there.

MR. MALLAMO:
Is the culvert still visible on the east side?

MR. ROGERS:
Yes.

MR. MALLAMO:
So you're going to be covering this up with stone.

MR. ROGERS:
The west side --

MR. MALLAMO:
On the west side.

MR. ROGERS:
Right, the west side of the discharge that had been abandoned it's

been closed off for years.

MR. MALLAMO:

So you're not taking it out or anything. But you're not going to be able to see it any longer, so I would suggest we get a photograph of that before they cover it up.

MR. MARTIN:

Yes. Okay, and --

MR. ROGERS:

We have photos of that right here if you want to look at it.

MR. MALLAMO:

I'd love to see those.

MR. ROGERS:

Actually, what we wanted to do there is there is some concrete -- broken concrete and some old steel valves and stuff that are sticking up, we wanted to remove that to make it a safe condition.

MR. MALLAMO:

Dum de dum dum. Do you know the age of these valves? Richard, could I ask you to just go out and take a look at those and see if it's something we would be --

MR. MARTIN:

Right, I'll take a look at that site. The National Register nomination does not extend to the other side of the road, it's only on the east side.

MR. MALLAMO:

Yeah. No, I do see this and if there was some way you can just keep that in and go around it? Because it's probably an excellent example of technological --

MR. MARTIN:

Is there any way of keeping those elements?

MR. ROGERS:

Well, our concern is that that is going to deteriorate over time and then may cause a problem with causing flow through there.

MR. MARTIN:

Well, is there any way just to block the culvert and keep the elements that you see in the lake?

MR. MALLAMO:

Right behind it.

MR. ROGERS:

We'll, have to look at that. If you want to look at it with us, we can go down there.

MR. MARTIN:

Yeah, I'd like to meet with you on-site.

MR. MALLAMO:

This equipment right here; that could be late 19th Century equipment.

CHAIRPERSON ELKOWITZ:

Larry?

MR. SWANSON:

I would make a recommendation that we table this until these questions can be resolved.

CHAIRPERSON ELKOWITZ:

I have a motion to table. Do I have a second? Mr. Cramer. All those in favor? Opposed? Abstentions? Carried. Thanks. Tabled (VOTE: 8-0-0-1 Not Present: John Finkenberg).

MR. CRAMER:

One other thing on this, the EAF should also reflect a Scenic Recreational Rivers Permit.

CHAIRPERSON ELKOWITZ:

Is it within the corridor?

MR. CRAMER:

Yes.

CHAIRPERSON ELKOWITZ:

Okay.

MR. KAUFMAN:

Actually, Ms. Elkowitz, may I ask one other question of these gentlemen?

CHAIRPERSON ELKOWITZ:

Sure.

MR. KAUFMAN:

Tom, we were talking about this a little bit yesterday, I'm trying to figure out what the erosion problem is over there, what's causing it. You were saying that people were walking up and down?

MR. ROGERS:

Yeah, we felt the erosion is from the activity there, the human activity along there because they use that area as a fishing spot. Just to the south -- where's the aerial, Chris? Right here, Suffolk County DEC have built a launching ramp here for fishermen, so there's a lot of activity besides -- there's a little parking area here, so people park here and walk down and fish, they park up in here and in this area too, they fish along here, so there's a lot of activity there; we were trying to maintain that access.

MR. KAUFMAN:

So basically the vegetation is getting knocked away and everything is just sort of sliding around.

MR. ROGERS:

Yes, in these areas. So these areas that are open are the areas that

these fishermen use and we're leaving those open but we're just protecting it so it doesn't erode anymore. And like I said, in-between the areas that we're putting the stone, there's all vegetation that's staying.

MR. KAUFMAN:
Okay, thank you.

MR. ROGERS:
Okay.

CHAIRPERSON ELKOWITZ:
So you're going to amend your EAF to reflect the Wild, Scenic and Recreational River System Permit. And also, you have a section here on mitigation, so if you agree on any mitigation with Mr. Martin when you're out in the field, please revise your EAF to reflect that mitigation as well, okay?

MR. ROGERS:
Okay. Thank you.

CHAIRPERSON ELKOWITZ:
Okay, next, 4 - Proposed addition to the Riverhead Suffolk County Center Court Record Storage Facility, CP 1643, Town of Southampton.

MR. BORKOWSKI:
Ralph Borkowski, Suffolk County DPW.

CHAIRPERSON ELKOWITZ:
Hello.

MR. BORKOWSKI:
Good morning. I have Russ Ehasz here, our consultant on the project. We're seeking construction appropriation for this project.

CHAIRPERSON ELKOWITZ:
Okay.

MR. BORKOWSKI:
He will answer any questions you have.

CHAIRPERSON ELKOWITZ:
Why don't you give us just a little short presentation and then if we have questions we'll be happy to do that.

MR. BORKOWSKI:
Sure.

MR. EHASZ:
Again, Russ Ehasz, Ehasz Giacalone Architects. This project includes an 11,000 square foot footprint on the first floor, another 9,000 square foot second floor storage facility, that would be for the County Clerk and also for the court records. It's proposed adjacent and right up abutted to the existing record storage facility. There

would be no change to parking, no additional parking spaces, no change to drainage, all of that requirement is enough that's existing right now.

The total site of the County Center is about 14 acres and we'll be adding approximately a quarter acre building on to the existing building. The existing building is about 115,000 square feet footprint, so we'd adding 11,000 square feet to that. The total site acreage for that whole area is about 60 acres, that includes all the other County facilities there. We are not near Cheney Pond, we're over 1,200 square foot from it, about the same distance Peconic River and also from Little River, we're not close to that addition, so they won't be effected by this addition. We're also outside the hundred year flood plain, so there should not be any problem with that.

I do have boards here if there's any questions. I think our submittal or if anyone would like to see part of our submittal, we also gave the drawings first and second floor. Are there any questions?

MR. CRAMER:
I make a motion.

CHAIRPERSON ELKOWITZ:
For?

MR. CRAMER:
Unlisted Negative Dec.

CHAIRPERSON ELKOWITZ:
I have a motion. Do I have a second?

MR. MALLAMO:
Second.

CHAIRPERSON ELKOWITZ:
I have a second. Any questions or discussion? All those in favor? Opposed? Abstentions? Carried. (VOTE: 8-0-0-1 Not Present: John Finkenberg). Thank you.

5 - Proposed intersection improvements on CR 16, Smithtown Boulevard @ Gibbs Pond Road, Town of Smithtown, CP 5118, Phase II.

MR. KENEIBY:
I guess I should bring this closer.

CHAIRPERSON ELKOWITZ:
Yeah, because some of us are over 40.

MR. KENEIBY:
Good morning.

CHAIRPERSON ELKOWITZ:
Good morning.

MR. KENEIBY:

My name is Victor Keneiby, I'm a Senior Civil Engineer with Suffolk County Department of Public Works, Highway and Construction Division.

This project I'm introducing is located at intersection of County Road 16, Smithtown Boulevard at Rosedale Avenue, County Road 93 and Gibbs Pond Road. The existing intersection has a jot to the north, northbound, that's the existing. It cannot -- this configuration cannot really handle the existing traffic volume, therefore we are proposing to realign this intersection to go straight up as more conventional intersection with a new signal. This would entail the acquisition of approximately half an acre.

LEG. FIELDS:

Can I just interrupt? What is the parking lot there, can you identify a land mark?

MR. KENEIBY:

This here?

LEG. FIELDS:

No, down.

CHAIRPERSON ELKOWITZ:

No, to the south.

MR. KENEIBY:

To the south?

LEG. FIELDS:

Yeah, what is that building?

MR. KENEIBY:

This building is a beverage store.

LEG. FIELDS:

Okay, I know where I am. Okay, thank you.

MR. KENEIBY:

So we are realigning this intersection to go north with building a new signal. The existing road bed of Gibbs Pond Road will be transformed into a two foot deep retention basin and the entire area will be planted and landscaped. That's about it. Any questions?

MR. KAUFMAN:

Essentially you're just realigning the road right now.

LEG. FIELDS:

You've got to use the microphone.

CHAIRPERSON ELKOWITZ:

Go ahead, Ginny.

LEG. FIELDS:

The building that's right there used to be a party rental place, it's been closed down; are you acquiring that property?

MR. KENEIBY:
Exactly, that's the area we're acquiring.

LEG. FIELDS:
And then there's a home right past there I think; are you acquiring that also? Where does the road actually go that you're going to build?

MR. KENEIBY:
The proposed road will go -- see these lines here?

LEG. FIELDS:
Yes.

MR. KENEIBY:
It's going right through these lines in here, this building here will be demolished.

LEG. FIELDS:
And what's the building beyond that?

MR. KENEIBY:
This building right there, I think it's a residence.

LEG. FIELDS:
Are you acquiring that also?

MR. KENEIBY:
Yes.

LEG. FIELDS:
It is a dangerous intersection.

MR. KENEIBY:
It is a very dangerous intersection.

LEG. FIELDS:
Definitely a dangerous intersection.

MS. ESPOSITO:
Is the current building abandoned?

CHAIRPERSON ELKOWITZ:
You have to use the microphone.

MR. KENEIBY:
This current building is a vacant, commercial rental building.

MS. ESPOSITO:
Okay.

MR. MALLAMO:
I drove this way to work for 20 years, I have designed this project in my head every single day, including Legislator Fields' issue of the house behind. It looks like such a great idea but how do you deal with the house? And I don't see any other way. But I think it's a

fabulous project and you're going to save so much aggravation for people and the environment of people waiting at the traffic light and ridding the community of an eyesore building at the same time. I am going to make a motion for a Type II.

CHAIRPERSON ELKOWITZ:

I can't have you do that because I have a speaker's card from somebody.

LEG. FIELDS:

Can I ask one more question? It is a very, very busy section, I mean, all day long, it just doesn't seem to let up. How are you going to construct all of that without having to send people way away from there; I mean, are you going to be able to do that?

MR. KENEIBY:

Absolutely.

LEG. FIELDS:

You are.

MR. KENEIBY:

Yeah. What we're doing is we will leave this intersection as it is, while we're constructing this road we will build this section first.

LEG. FIELDS:

I see, okay. That's why you're in that business and I'm not.

MR. KENEIBY:

And then when we're ready to open the intersection we'll close this light.

CHAIRPERSON ELKOWITZ:

Are there any other questions before I open it up to the audience? Okay. Stephanie Henrich.

MS. HENRICH:

Stephanie Henrich, Town of Smithtown Conservation Board. I just have a few quick questions. Will the new signal light have an emergency vehicle preemption?

MR. KENEIBY:

Emergency signal preemption?

MS. HENRICH:

In other words, will things such as ambulances, fire trucks be able to preempt the light when they come through?

MR. KENEIBY:

I'm not really sure about this question. I don't know the answer to it but I will take your comment and relate it to our traffic department.

MS. HENRICH:

Okay, thank you. The landscaped area, will that be County maintained?

MR. KENEIBY:
Yes, it's a County park.

MS. HENRICH:
Okay. And would it be possible for the Town of Smithtown to obtain a complete set of working plans for the project as well as a detail of the landscaping plan?

MR. KENEIBY:
Absolutely.

MS. HENRICH:
Okay, thank you.

MR. KENEIBY:
You're welcome.

CHAIRPERSON ELKOWITZ:
Any other questions?

MR. MALLAMO:
I'd like to be the one to make the motion --

CHAIRPERSON ELKOWITZ:
Go ahead.

MR. MALLAMO:
-- but I do have two other questions.

CHAIRPERSON ELKOWITZ:
Go ahead.

MR. MALLAMO:
Are there plans for trees and lighting?

MR. KENEIBY:
Yeah, we're going to plant this entire area with trees, the entire area will be landscaped.

MR. MALLAMO:
Okay. And how about lighting, will you be installing lighting here?

MR. KENEIBY:
Well, that wasn't really considered but we will certainly --

MR. MALLAMO:
I'm not saying -- I just want to know if you are.

CHAIRPERSON ELKOWITZ:
No, I don't think we want the lighting.

MR. KENEIBY:
We have not really considered it yet. We have not finished the final design yet, this is just a conceptual idea.

MR. MALLAMO:

Okay. Well, I would just suggest that if we are going to do lighting it be down lighting and not ambient lighting spreading through the neighborhood.

CHAIRPERSON ELKOWITZ:

Well, is there a reason why we would need lighting?

MR. MALLAMO:

Well, it's a busy intersection. You know, the Expressway is about a half of mile south of here and this is -- I think this is Exit 59, so you get a lot of traffic going through this spot.

CHAIRPERSON ELKOWITZ:

Ginny, you had a question?

LEG. FIELDS:

What are you going to do with the old road?

MR. KENEIBY:

We will transform the entire area here into a retention basin to accommodate the runoff that comes down Gibbs Pond and also plant this entire area.

LEG. FIELDS:

Okay. That's my way to the mall, my short cut to the mall. All right, thanks.

CHAIRPERSON ELKOWITZ: Okay.

MR. MALLAMO:

It's going to get a lot shorter. Motion for a Type II. Oh, no --

CHAIRPERSON ELKOWITZ:

No, it's an Unlisted Neg Dec, but you can make the motion if you like.

MR. MALLAMO:

Unlisted Neg Dec.

CHAIRPERSON ELKOWITZ:

I have a motion. Do I have a second? Mr. Cramer. All those in favor?

Opposed? Abstentions? Carried. (VOTE: 8-0-0-1 Not Present: John Finkenberg).

MR. MALLAMO:

Too eager there, Terry.

CHAIRPERSON ELKOWITZ:

6 - Proposed modification for Compliance with Americans With Disabilities Act, Planning to install an ADA restroom, CP 7450, Town of Huntington.

MR. DIECK:

Good morning. I'm part of the over 50 crowd. The proposal is for an ADA compliant restroom put into --

MS. MAHONEY:

Please state your name.

MR. DIECK:

I'm sorry. The name is William Dieck, Suffolk County Vanderbilt Museum, Director of Operations. The proposal is for here, it's noted as the garage on the map but it's actually now the education center. We have approximately from 100 to 200 kids a day coming through there and since some of them sooner or later are bound to be handicapped we're going to need this facility. I have a couple of pictures I would like to pass around. This gives you a better view of the building.

CHAIRPERSON ELKOWITZ:

Thank you.

MR. DIECK:

If you can just pass those around, it's the only two pictures I have unfortunately. It's going to require a little background because we would like to have done this project years ago, but unfortunately since it's on the Historic Register there was really no place for us to put this bathroom. However, in the past year we have run air-conditioning into that building and the appropriate duct work and we have also converted the entire premises to gas. That allows us to eliminate the steam boiler that we now have which takes up most of the space in the boiler room which is an 8.6 by 11.7 room and put it into a much smaller room converting two of the smaller bathrooms into the boiler room, because we'll change it not only from steam but we'll also change it to forced air. And with the duct work in place from the air-conditioning, we don't have any other responsibility or any other work to do there. So this allows us to utilize that space on the side of the building that is now a boiler room and convert it into an ADA compliant bathroom. Because of the historic nature of the building, this is probably the only feasible way for us to get an ADA.

CHAIRPERSON ELKOWITZ:

And the exterior of the building is not going to be altered.

MR. DIECK:

Will not be altered at all, in any way, shape or form. On the inside in the wall we will cut a doorway so that there will be access to this bathroom from inside and outside.

CHAIRPERSON ELKOWITZ:

Okay.

MR. DIECK:

As you can see in the picture, wherever that is --

CHAIRPERSON ELKOWITZ:

There are pictures that way and that way.

MR. DIECK:

Okay. There's a picture of the side of the building which shows a large door, that door obviously cannot be handled by an ADA compliant person so there will be an interior door and that door will be left

open all the time and then we would put a newer, modern, lighter door in place of it.

CHAIRPERSON ELKOWITZ:
Mr. Cramer?

MR. DIECK:
Other than that, there will be absolutely no changes. We are actually downsizing from five bathrooms in the building to four; we're eliminating two, adding one.

CHAIRPERSON ELKOWITZ:
Okay.

MR. DIECK:
So as far as the cesspool is concerned, it has not been -- it has not had to have been emptied since I have been there in the past four years. I don't anticipate we're going to have a problem with it, if the Department of Health decides that we do we can always install a new one or expand the existing one.

CHAIRPERSON ELKOWITZ:
You're reducing the number of bathrooms so that wouldn't be an issue. Mr. Cramer?

MR. CRAMER:
I make a motion, Type I, Neg Dec.

CHAIRPERSON ELKOWITZ:
I have a motion. Do I have a second?

MS. MANFREDONIA:
Second.

CHAIRPERSON ELKOWITZ:
Second by Nancy Manfredonia. All those in favor? Opposed? Abstentions?

MR. MALLAMO:
Abstain.

CHAIRPERSON ELKOWITZ:
I have an abstention. Okay, carried.

MR. DIECK:
Thank you.

MS. SQUIRES:
I'm voting in.

CHAIRPERSON ELKOWITZ:
Yes, okay. So make sure that you get that Joy Squires is voting, it's in the Town of Huntington.

MR. MALLAMO:

Just a point of information, Madam Chairman. Because as I was looking at the photograph of the front, this building was designed by {Warren and Whetmore}, but the pediment that you see at the top was actually the first piece of professional draftsmanship done by {Morris Lapidus}, he was an 18 year old draftsman at the time for the firm, he went on to design the Fontinbleau Hotel in Miami Beach. So that's the first thing he ever did.

CHAIRPERSON ELKOWITZ:

Okay, thank you.

MS. MAHONEY:

Joy is a member, a voting member?

CHAIRPERSON ELKOWITZ:

Yes, for the purposes of this, she's a CAC member in the Town of Huntington, she can vote on these types of matters. (VOTE: 8-0-1-1 Abstention: Lance Mallamo - Not Present: John Finkenberg).

Item No. 7 - Proposed Koch & Donoher Nature Preserve - Donation of 1/10 acre of wetlands to Suffolk County, Town of Brookhaven. Who is here to speak on this? Okay, well, we have Jim.

MR. BAGG:

Terry, I prepared the EAF, the part two. The project simply is a donation to Suffolk County of property that contains wetlands, it is approximately a tenth of an acre. The county also owns other Nature Preserve properties in this particular area and there is a program to try to acquire these properties that are wetlands, put them in parks and have them not be developed.

CHAIRPERSON ELKOWITZ:

Well, who could develop them anyway, it's a tenth of an acre of wetland; what could you develop it for?

LEG. FIELDS:

Well, it could be added on as something else.

CHAIRPERSON ELKOWITZ:

Not as wetlands.

MS. SQUIRES:

Could I just comment?

CHAIRPERSON ELKOWITZ:

Not as wetlands. Yes?

MS. SQUIRES:

Could I just comment? Joy Squires.

LEG. FIELDS:

You have to use the microphone.

MS. SQUIRES:

You take every --

MR. CRAMER:
Use the microphone.

MS. SQUIRES:
You have to take --

LEG. FIELDS:
Can I interrupt for a second? The benefit of the microphones is not just so that she can hear you, but that when she goes back to type them up, if she's missed something while she's doing it she can go back to the tapes, so it has to be part of the public record.

MS. SQUIRES:
I think those of us who care profoundly about preserving open space, take everything we can get, even if it's a tenth of an acre. So it's worth it.

CHAIRPERSON ELKOWITZ:
It's not for me to judge whether it's worth it, it's for me to make a recommendation pursuant to SEQRA, so. Okay, I'll entertain a motion.

MR. CRAMER:
Motion, Unlisted Neg Dec.

CHAIRPERSON ELKOWITZ:
Unlisted Neg Dec. Can I have a second?

MS. ESPOSITO:
Second.

CHAIRPERSON ELKOWITZ:
I have a second by Adrienne. All those in favor? Opposed? Abstentions? Carried. (VOTE: 8-0-0-1 Not Present: John Finkenberg).

8 - Proposed construction of CYS Boys and Girls Club Recreation Center and associated athletic fields in the Town of Brookhaven.

While we're waiting and because of what's going to happen after this, Rich just has one quick Historic Services Announcement so that he doesn't have to stay for the entire day if he chooses not to.

MR. MARTIN:
I would just like to announce that the County has closed on Sagtikos Manor or last Wednesday, okay.

Applause

And I'll be canvassing the Historic Trust members to try to set up a committee meeting on site in December. And we'll be looking to review to dedicate the ten acres of the Manor site that was just purchased and also to include the Gardiner's Park across the street which was originally part of the estate.

CHAIRPERSON ELKOWITZ:
Thank you. Okay, are we ready?

MS. CONNELLY:

I'm Virginia Connelly with the Three Village Boys and Girls Club. We are here, you have in front of you a copy of our business plan.

CHAIRPERSON ELKOWITZ:

That's what was just handed to us, I believe.

MS. CONNELLY:

I think so.

CHAIRPERSON ELKOWITZ: Okay.

MS. CONNELLY:

With me is Mr. Bob Brown from Land Design Associates who put together our CEQ assessment and our conceptual drawing that's a part of that assessment. Mr. Jean Munday, the President of our board.

CHAIRPERSON ELKOWITZ:

Okay. Would somebody like to make a quick presentation as to what you're proposing?

MR. MUNDEY:

Okay, the Three Village Boys and Girls Club has been a good organization that's been in existence for 25 years now. It was only last year -- it started out as the Three Village CYS, it's only last year that it became chartered as a Boys and Girls Club. We initially started because we were concerned about drug abuse in the schools, it was started by a group of teachers, clergymen and parents.

In the 25 years it's evolved into pretty much a full service youth agency with recreational programs, character building programs, counseling programs. Our initial funding was County, State and Federal funding and at this point in time, primarily because of loss of funding from time to time, we are very aggressive and successful in an attracting moneys from the community as well as monies from grants, foundations and so forth, so that only about a third of our budget now comes from the government sector.

About 15 or 16 years ago we were given a piece of -- a two acre piece of land on Old Town Road that is part of the parcel now that we're trying to acquire. Once that land was given to us by the County, it started a series of lawsuits that ended up in 16 years of litigation that was finally completed this spring and summer. So that's what we're here for, to acquire the access to this property through a lease, lease agreements for one piece of property that's about six acres that is public purpose land so that we can build a community center, and then the other part which is a County parkland area that we can erect ball fields and, in fact, to sort of put a park there. So

that's why we appear before you today for.

MR. BROWN:

Madam Chairwoman, I'm Bob Brown from Land Design Associates. We actually come to you with an application that you've heard in a different form in 1999. In 1999 you heard an application for the parkland portion to be utilized for sports fields; in this

circumstance, we bring to you a different concept for the balance of the property.

The area outlined in orange is the site, 36.8 acres, which was a sand mine back in the 50's and left derelict once it was mined, in turn the owner then found out that there may be some value and that was the ensuring 16 years of lawsuits, because the County had picked the land up for non payment of taxes. Our proposal is to use the northern most six acres for public purpose which would be a recreation center and the balance of the property for sports fields down to the southern portion of the property which is the north side of what was the Setauket Bypass which has never been built and is now going to be open space.

Our proposal is to have our access at the intersection of Links Lane and signalize that intersection to control it, to control the access and manage the traffic situation as we access and egress the property.

Internally we'll have 300 parking spaces that will be of dual purposes for the fields as well as for the recreation center and our anticipation is that primarily the grading that will be affected here will be that of trimming up and cleaning up the area that was excavated. There's no intention of affecting the slopes in the area other than to revegetate. And as a matter of fact, as of yesterday in the discussion with the parks trustees, it was concluded that the southeast corner of the property where it sort of tails off to a point, from our aerial photographs there's a lot of vegetation down there and the grade starts to get steep. We've committed and they've passed a resolution to the effect that we would not disturb beyond the 200 contour so that that will remain natural in that area, and we have no use for the property so we're not affecting it at all.

Our construction effort will be a phased construction --

LEG. FIELDS:
Can I interrupt?

MR. BROWN:
-- as funding becomes -- yes, ma'am.

LEG. FIELDS:
Can you just point to where that's going to be left alone?

MR. BROWN: Yes.

LEG. FIELDS:
On the map.

MR. BROWN:
200 Contour runs through here.

LEG. FIELDS:
Okay.

CHAIRPERSON ELKOWITZ:
Do you have your packet?

LEG. FIELDS:

I didn't get it in my packet.

CHAIRPERSON ELKOWITZ:

Yeah, it was because it's from last month. It was from last month, it was a tabled project.

LEG. FIELDS:

I have already seen it so I don't need one.

CHAIRPERSON ELKOWITZ:

Keep going.

MR. BROWN:

Okay. The area along Sheep Pasture Road/Old Town Road will be left natural so that the building and all the facilities will be behind a buffer that will be in excess of 75 feet as well as the majority of any of the construction other than the community center will be down at the existing grade of the sand mine which is some 35 feet below the street grade. So if you're given the consideration of 25 to 30 foot high trees plus the 35 foot grade differential, this is pretty well out of site and out of mind except for the building which will be behind a buffer. The building will eventually be some 37,000 square feet and I will let Jean go into what facilities will be in it, but the intent here is that we will be building this on a phased basis only when funding is available starting off with some small administrative offices and a little bit of a recreation room and then moving into athletic fields as funding becomes available. We feel that our efforts will be that to clean-up the site, put the site to beneficial use and truly make it a park as opposed to the situation we have now where it's abandoned, it's overrun by ATV's, there are other activities that you can only let your imagination go to as to what they might be. If Jean Munday will talk about the building now.

MR. MUNDEY:

What we plan to do with the building is initially to relocate our office and counseling center which is now on Nesconset Highway which we rent, that will be the first phase that we will begin doing as far as constructing the building. We would also include recreation rooms so that -- many of them are designed for multi-purpose use so that they can be used as often during the day as well as into the evening as possible and on weekends so we get maximum benefit use from them. Not necessarily just by youth but also we would like to begin including adults into that, particularly senior citizens because we would like to develop many of our programs with a multigenerational event to it. Once that phase is completed, then we would like to partner with other groups within the community to begin to develop the recreational fields. We have some idea about converting -- building fields that can be converted from -- to different types of usage from football to baseball to lacrosse and so forth, soccer and so forth, as well as tennis courts and so forth. We already have some verbal commitments from groups within the community that manage youth sports teams, they're interested in partnering with us to develop those, we think that will be the next phase that we go.

The third phase that we would like to do is to build a gymnasium so that when the weather is bad we can move inside and still continue our recreational programs year out.

The last phase which is really placed there in response to a lot of input from the community as to what they would like to see there is a swimming pool, an indoor swimming pool, and that's because there are very few pools that are available to the members of community, especially on a year-round basis. And so that they are kind of anxious to see that that gets built, developed. However, we have to caution that that is a very expensive proposition and we would not engage in any type of -- begin any type of that type of construction until we have not just the money to build it in hand but also the endowment to keep it going because it's an expensive thing to keep going.

CHAIRPERSON ELKOWITZ:
Hello.

LEG. FISHER:
Hello.

CHAIRPERSON ELKOWITZ:
How are you?

LEG. FISHER:
Good. If I could just make a couple of comments regarding this project.

CHAIRPERSON ELKOWITZ:
Certainly.

LEG. FISHER:
Although we have heard a description of the various phases of the project, I would like the committee to note that it is only the first phase that is addressed in my resolution which is for the municipal portion of the property, the six acres and for their first phase on the building, so that the issue at hand is only the building on the six acres. And yesterday the park trustees echoed the view that I have had for many years regarding this property as a person who lives not very far from this property. It has been an eyesore for a number of years, it is a piece of property that has been abused over the years, it had been a sand mine. The Parks Department has spent quite a bit of money in cleaning the debris out of this area because it's used as a dump. There are cars that have been thrown here, parts of construction debris is thrown in this area, it has been a hang out for kids; as Bob said, your imagination can just lead you to what you could imagine that we have found there. We recently walked the property with the Parks Commissioner and I think she can certainly attest to the abuse of the property.

And so this I believe is a no-brainer, it's a win/win for all involved. It gives the children of our community a place to go for supervised recreation and educational opportunities and it's also an intergenerational concept where there would also be programs for older people as well as children and very young children so that it's a 24

hour facility and not just an after school program. This is what our community is looking for, this is the kind of effort that we all plan in smart growth. And so I'm very proud that this is coming from my district and that these people I have seen work so hard over the years on this project.

CHAIRPERSON ELKOWITZ:

I have a procedural question. I have a resolution in front of me that talks about six acres of 36 acre property and I have an EAF that talks about 26 acres of 36 acre property. And, I mean, from a SEQRA perspective, I do believe we should be evaluating the whole action, that we should be avoiding segmentation. But I have a resolution -- I have an action of the County that only talks about only six acres.

MR. BAGG:

I would defer to the Legislator who put the proposal before the Legislature. I know that the Council in the past reviewed the development of the fields at that site with a recommendation for a negative declaration. But I feel the entire project should be reviewed and commented on.

CHAIRPERSON ELKOWITZ:

I agree with you but I'm just concerned about the process.

LEG. FISHER:

Okay. The reason we are looking at -- the resolution is looking at only the six acres is because this portion of the project requires a lease --

CHAIRPERSON ELKOWITZ:

Right.

LEG. FISHER:

-- because there is a great deal of financial investment --

CHAIRPERSON ELKOWITZ:

Right.

LEG. FISHER:

-- by the Boys and Girls Club, CYS. And so when Ted Sklar came to my office, I believe, Jim, you were at the office; were you there when Ted was there?

MR. BAGG:

No.

LEG. FISHER:

Okay, that was different. The County Attorney had suggested that we deal with only the municipal portion in this resolution.

CHAIRPERSON ELKOWITZ:

It's an interesting suggestion, but it flies in the face of the State Law.

LEG. FISHER:

But the EAF, however, deals with --

CHAIRPERSON ELKOWITZ:
Covers the whole thing, right.

LEG. FISHER:
Does not do segmentation.

CHAIRPERSON ELKOWITZ:
No, it doesn't, it covers the entire project.

LEG. FISHER:
It covers the entire project. So that you're considering the project in its different phases but this particular resolution refers to the lease that would be executed between the County and CYS, the entire acreage is not going to come into a lease agreement.

CHAIRPERSON ELKOWITZ:
Right. I just want to make sure that that's your understanding, too that the CEQ is reviewing the development of 26 acres of this site even though your resolution only deals with the six acres.

LEG. FISHER:
Okay.

CHAIRPERSON ELKOWITZ:
Is that -- that was your intention, right?

LEG. FISHER:
That was the intention.

CHAIRPERSON ELKOWITZ:
Okay.

LEG. FISHER:
But what I was underscoring earlier was that the building would only be in that municipal portion, that we're not looking at any kind of alienation of parking.

CHAIRPERSON ELKOWITZ:
Right, or anything like that.

LEG. FISHER:
We're not addressing that at all. What this resolution addresses is that small portion of it where the building would be constructed.

CHAIRPERSON ELKOWITZ:
But it was the intention that the County look at the impacts of the overall project.

LEG. FISHER:
Look at the overall project.

CHAIRPERSON ELKOWITZ:
Okay, I just wanted to make sure.

LEG. FISHER:
Which would be the fields that would be in the later phases.

CHAIRPERSON ELKOWITZ:
Everything, right.

LEG. FISHER:
But this resolution is only that one portion; I might have misstated it earlier.

CHAIRPERSON ELKOWITZ:
No, you didn't misstate it, I just got confused. Because if I have a resolution that only deals with a six acre project, I want to make sure that, you know, we're looking at what we're supposed to be looking at.

LEG. FISHER:
This is why the presenter spoke about their labor phases.

CHAIRPERSON ELKOWITZ:
Right, I understand. Okay, I know we have questions. I'm just going to go down because I think everybody has questions; we'll start with Adrienne.

MS. ESPOSITO:
Just real quick. Was the site -- I know you said it was a sand mine back in the 60's, was it at any time issued a permit from the DEC as a C&D site, a construction and demolition site between the 1960's and now? Which is normally what happens once a sand mine is done operating, so I was just wondering if a C&D site permit had been issued.

MR. BROWN:
No, there were no -- a 360 wasn't issued, it was never used for that purpose and there's no evidence in the field.

MS. ESPOSITO:
Okay. So it solely was used in the 60's as a sand mine and then has not been really used as anything since then.

MR. BROWN:
Just left fallow and the taxes weren't paid.

MS. ESPOSITO:
Okay, thank you.

CHAIRPERSON ELKOWITZ:
Nancy?

MS. MANFREDONIA:
Could you clarify for me, I'm confused about the status of the land; is it all County parkland and how does this fit in with that in terms of the lease or just the six acres, what's going on? I'm confused.

LEG. FISHER:
It's County property.

MS. MANFREDONIA:
All of it?

LEG. FISHER:

All of it, but there had been a portion that was cut out for municipal use, that was in a resolution from 1988. I believe that this portion, the six acres was cut out, I have to go through my file to get the exact year but I believe it was in 1988 that this piece was cut out for municipal use.

MS. MANFREDONIA:

So that six acres is not parkland.

LEG. FISHER:

Is not parkland.

MS. MANFREDONIA:

Thank you.

MR. KAUFMAN:

Okay, if I may, I have two questions. First is concerning maintenance of the parkland area in terms of organic versus chemical maintenance and the second is about traffic.

Regarding the parkland where you are going to be putting the ball fields, etcetera, I believe the County has some sort of a policy that we're using with -- I know at least for golf courses regarding organic maintenance and organic fertilization only. I'm wondering whether staff or any of the Parks Department people here know if that would be a requirement for the parkland, the eastern parkland over here.

COMMISSIONER GORDON:

That would be an exhibit to any --

CHAIRPERSON ELKOWITZ:

You have to identify yourself, Judy.

COMMISSIONER GORDON:

Judith Gordon, Parks Commissioner. That would be an exhibit to add to the agreement, to the eventual agreement.

MR. KAUFMAN:

Okay, so it will be --

COMMISSIONER GORDON:

They would have to follow our guidelines for organic maintenance.

MR. KAUFMAN:

Okay. The second is regarding traffic. There was talk in here about signalization off of Sheep Pasture and there was another road named, I'm not sure who is going to be doing that signalization; it looks as if that would be the town of Brookhaven's responsibility.

MR. BROWN:

That's not correct. Being involved in the Town of Brookhaven, and Tommy knows that as well, I think the responsibility usually falls to the developer.

CHAIRPERSON ELKOWITZ:

Assuming you meet the warrants, you'd have to demonstrate to the town that you meet the warrants.

MR. BROWN:

Just meet the warrants, right. We believe that we will meet the warrants and satisfy a request that the community has made over the last three years where the warrants haven't been met because of the volumes that you have right now. Currently there's a signal at Lower Sheep Pasture and Old Town, there is another signal that was to have been installed but was never installed up on Sheep Pasture at Hulse Road near Colaborative Laboratories. Yet when Colaborative Laboratories eventually develops, they will have another controlled intersection at the east end of their property so that we will be like in the middle of a half mile section. And if anyone travels that road they know it's pretty heavily traveled, very fast and that's why the community is seeking support now for a signal.

MR. KAUFMAN:

What does the community want in this area in terms of any mitigation or road reconstruction? I'm not talking about on the actual parkland itself or the general purposes but on Sheep Pasture, etcetera, si there any --

MR. BROWN:

The discussion was that they had -- independent of our proposal they had been looking for a signal from the town; the town indicates that there are not enough warrants to make this work. Our commitment is that if the warrants arrive, as far as what we present and the utilization traffic wise, we will then cause a signal to be installed with the appropriate turn lanes as required under the Town of Brookhaven's review.

MR. KAUFMAN:

Finally regarding traffic, if this property is fully utilized at any time and you have 300 spaces worth of parking, the residents in the area understand that there could be a significant traffic flow especially on weekends, they don't have a problem or they don't want to have any road reconstructions or anything like that?

MR. BROWN:

There's only been a concern issue expressed to us about the signalization.

MR. KAUFMAN:

Okay.

CHAIRPERSON ELKOWITZ:

And my review of the EAF said it was 65 trips that they were --

MR. BROWN:

But I would direct the attention of CEQ as to the resolution that was passed and the letter from the Chairlady to the County Executive --

CHAIRPERSON ELKOWITZ:

I saw it.

MR. BROWN:

-- indicating that the roads in the area are adequate.

CHAIRPERSON ELKOWITZ:

I saw it, but things change over four years.

MR. BROWN:

Oh yeah.

CHAIRPERSON ELKOWITZ:

Larry?

MR. SWANSON:

Yes, I notice on page three of your EAF you have 11,500 gallons per day I presume of domestic sewage, that's about 800 flushes; is that representative of the number of people that are going to be there each day?

MR. BROWN:

No, that's only a potential peak.

MR. SWANSON:

Okay. And what is the design for the holding capacity of your domestic sewage?

MR. BROWN:

That hasn't been fully determined at this point. We obviously would not involve ourselves with a sewage treatment plant and would not exceed the 600 gallons per day discharge area of Zone A.

MR. SWANSON:

Will this come back, the details of this plan?

CHAIRPERSON ELKOWITZ:

Probably not.

MR. SWANSON:

Another question is what are you going to do with the drainage from the swimming pool?

MR. BROWN:

Drainage from the swimming pool would be accommodated in the storm water facilities that we provide on site, so that we would be able to pump it to our drainage reserve area.

MR. SWANSON:

And how many gallons per day are you going to get from your swimming pool?

MR. BROWN:

That has not been designed yet but we would design it in accordance with Health Department requirements as we would with the sanitary system.

MR. SWANSON:

Thank you.

MR. BROWN:

And there's another question; would you pool ever be built?

CHAIRPERSON ELKOWITZ:

Well, that's not really a question for us because it's in your EAF as part of the project.

MR. BROWN:

We wanted to cover all the issues.

CHAIRPERSON ELKOWITZ:

Ginny? Lance?

MR. MALLAMO:

Is there any plan for a skate park in this?

MR. BROWN:

I'm not aware of it at this point.

MR. MALLAMO:

I will make that suggestion as a father of a teen-ager who takes the train to Port Jefferson to skate.

MS. CONNELLY:

There's one right down the street from this site.

MR. CRAMER:

Just one thing to clarify what Mr. Brown said before. I think he said it would be just minor grading; there are some steep slopes in here that would be graded off. And just another question, there is going to be no material brought off of the site, it's just going to be -- what you have there will be reworked and grades established with the material that's there.

MR. BROWN:

I don't want to say yes, I would like to explain so that we all have a thorough clarification. This is a bowl, in effect; it's been graded, it's been excavated. The slopes over the past 25 years or 30 years have revegetated themselves. This is an area we don't want to disturb because we've got vegetation, it costs money to disturb it and then reestablish it, so we are building within the -- from the toe of slope to toe of slope. There are some piles in that area, Tommy, that would have to be knocked down but they are not major. That material would then be redistributed over the site to set a grade. Probably if we distributed that material we wouldn't change the grade by more than a foot, we're still 35 feet or so below grade. Our intent is to only remove vegetation where it's absolutely necessary and not remove vegetation on any of the slopes that are in the perimeter.

MR. CRAMER:

Well, in the perimeter. Yeah, but my question goes to the areas -- you know, you're showing soccer fields and all in areas where there's some significant slopes, the baseball fields and all, and those areas have to be dropped down to 1, 2% and you're certainly in excess of that. And the question is is material going to be brought off the site or be

brought into the site to accomplish your grading or will it be just you work with the material that you have there?

MR. BROWN:

Our intent is to work with what we have there.

MR. CRAMER:

Okay, thank you.

CHAIRPERSON ELKOWITZ:

Anything else; Mike?

MR. KAUFMAN:

Yeah, I've got a couple of small questions. Are you going to be lighting these fields at all?

MR. BROWN:

That is an ultimate potential. Yet with the siting of the fields being down 35 feet below grade, trees being in the neighborhood of 30 feet high, that's 65 feet below grade and technology that's capable of being applied, the light spill would be limited to the immediate areas of the fields.

MR. KAUFMAN:

Okay, that was what I was going to bring up. Basically we try and have a policy wherever possible to try and eliminate light pollution to the extent that they --

MR. BROWN:

I would ask anyone to take a right on William Floyd Parkway, the golf course known as The Links at Shirley and that is one of my firm's projects and that is the technology that would be applied. And there we have a group of neighbors that are very supportive of the way things were done and they have not voiced any complaints over two years.

MR. KAUFMAN:

Okay. Regarding the parking, is that going to be permeable, are you going to pave it or are you going to pave it over, the gravel or asphalt?

MR. BROWN:

There are certain areas where we'll have to have paving because of turning movements but there will be primarily a permeable surface so that it will drain.

MR. KAUFMAN:

Okay. Finally, I would note that -- this really is not for you but it's the part two, responsibility of lead agency; I just want to make sure the paper work is okay. On page ten of it it says, "Will the proposed action affect surface or groundwater quality"; it says yes and then there's nothing about what the impacts are going to be. And also on page 13, "Impact on aesthetic resources or a community character," I don't -- it's marked yes and I don't see what the impact is; I mean, I could probably figure it out, but --

MR. BROWN:
It's going to get better.

CHAIRPERSON ELKOWITZ:
So maybe we can just ask Jim. On the impact to aesthetic resources, if no one objects, we could say yes and then you can just add something that the existing sand mine view will be improved by the development of a public park. And with regard to water quality, I think that we're just going to add sanitary flow and drainage, sanitary in accordance with Article 6 and drainage will be recharged on site.

MR. KAUFMAN:
That's fine with me.

CHAIRPERSON ELKOWITZ:
Yes?

MR. SWANSON:
To follow-up on Mike's question about lighting, how late in the evening do you intend to use the ball fields and, if so, is that going to be an issue -- if you're going to do it late, is that going to be an issue with the neighbors?

MR. BROWN:
Well, let me take you back to The Links at Shirley and then we'll tell you how late we'll be. The Links at Shirley was to be controlled by the Town of Brookhaven Planning Board by not allowing golf to be played in an hour later than 12:30 and the lights were to be turned off. Immediately upon the Planning Board making that request to us we agreed to it; within five minutes the audience objected and asked for a presence in the community and were very supportive of extending the lighting period. Now, we don't expect that our lighting period is going to be anywhere near that, our lighting might be ten o'clock, something in that neighborhood. And with our capability of making the spill drop off immediately, you may see a little glow but it's not something that's going to be very evident.

MR. SWANSON:
I was thinking more noise from soccer games and things like that.

MR. BROWN:
Well, I think the advantage that we're going to have is that the -- maybe there will be a few major events like they have at the high school where it's lit, but they're not going to be a steady diet.

MR. CRAMER:
I think if you look at the plan, too, the only residential homes are along Sheep Pasture on the west side. The soccer fields are concentrated on the extreme eastern end of the site. There are baseball fields up in the northern part but they're typically not as noisy as soccer. And plus the depression that they're located in, I don't see that as a major issue.

CHAIRPERSON ELKOWITZ:
Is that it? Because I have a card.

MR. KAUFMAN:

I'm simply concerned and this is a concern I've had for a while. I don't have a problem with the County leasing out the general purpose land, it's the dedicated parkland that in association with the lease that worries me a little bit in that a lease can almost be considered in many ways a private use, etcetera. Are you going to be allowing other organizations to occasionally use these fields?

LEG. FIELDS:

Mike, may I?

CHAIRPERSON ELKOWITZ:

Wait. First of all, what does that have to do with the environmental impacts of this, of the project? I don't really want to get into discussions about the County's leasing and licensing arrangements, I just don't think it's appropriate.

MR. KAUFMAN:

Okay.

CHAIRPERSON ELKOWITZ:

Unless it adds to how it's going to effect the environment, I don't really think it's our place.

MR. KAUFMAN:

Okay, I'll withdraw the question.

MR. BROWN:

If I may, the Parks Committee --

LEG. FIELDS:

May I?

MR. BROWN:

Yes, please.

LEG. FIELDS:

One of the problems that did come before us with a couple of different proposals from people were the fact that you have County payers that purchase County land and we need to have the ability of every resident in Suffolk County being able to utilize that. This club is open to all of Suffolk County residents.

CHAIRPERSON ELKOWITZ:

Anything else?

MR. KAUFMAN:

That answers that question.

CHAIRPERSON ELKOWITZ:

I have one speaker card, Leo Diliello. You can come up to the podium and identify yourself.

MR. DILIELLO:

Hello, everybody. I wasn't sure what the forum was going to be so I just filled out that card --

CHAIRPERSON ELKOWITZ:

That's fine. You can just identify yourself.

MR. DILIELLO:

-- thinking I would be able to ask questions. Leo Diliello, I'm a resident. I live along the -- I guess it would be the western border of that property. They left out on one of those maps the whole community that resides on that section. There's a road called Possum.

CHAIRPERSON ELKOWITZ: Uh-huh.

MR. DILIELLO:

That borders right on where all those fields are going to be; this gentleman was asking that question, I can't read your name; Mr. Cramer? So there is -- there are a lot of homes right in that area as far as you're talking about noise and lighting.

The other thing is you had mentioned about input from the community; nobody asked any of us any of these things about a traffic light, I don't know where that came from. How did you collect that information?

LEG. FISHER:

Actually we had had a public meeting at Ward Melville High School, we had held a community meeting and there were community meetings after that at the civic association. There were community members who came to both meetings and we did discuss a traffic light there because you have such a problem with commercial traffic that goes up and down that road. And I had when I spoke with people talked about trying to mitigate that which is a big problem for you, those big trucks going along there.

MR. DILIELLO:

I would guess that most of the people in the community weren't aware that that was even taking place, because I have been there a year I have lived in that area and I wasn't aware of it.

LEG. FIELDS:

Can you talk into the microphone?

MR. DILIELLO:

I would guess that most of my neighbors weren't aware of it either. So when they collect this input, it's probably a good idea to notify people that they're going to be doing that.

CHAIRPERSON ELKOWITZ:

Can I just ask you to direct your comments. This is not the Suffolk County Legislature. What we are is the Suffolk County Council on Environmental quality. Despite the fact that Legislator Fields is a Legislator, she is sitting here as a member of the CEQ. Legislator Fisher is here because she's the sponsor of the legislation. What we are charged with is to listen to and evaluate the potential environmental impacts and make a recommendation to the Legislature about the environmental affects; we don't discuss policy, we don't discuss any of that. We do -- we're happy to listen to you with regard to lighting and I think you saw that there were people up here who

raised issues relative to lighting and noise. So I would just ask you please to direct your comments to us regarding environmental effects.

MR. DILIELLO:

Excuse my ignorance, this is the first time I've been to one of these, so.

CHAIRPERSON ELKOWITZ:

It's not ignorance, it's the first time you've been here. We're sitting at the Legislative horseshoe and believe me, I understand.

MR. DILIELLO:

Thank you for clarifying that. So this is just an environmental discussion right now.

CHAIRPERSON ELKOWITZ:

Right.

MR. DILIELLO:

Okay.

CHAIRPERSON ELKOWITZ:

Do you have any other comments regarding -- I've heard concerns regarding noise, I've heard concerns regarding lighting, do you have any others?

MR. DILEILLO:

The main thing is the traffic, it's just that that road is already saturated with traffic. It's just a two way road and the only way to get to that facility would be from 347 down Old Town Road, pass the school which is a school zone and there's already a problem with speeding there. The other direction would come from the Port Jeff area down Sheep Pasture, that's a little windy road also. It's not so much the facility being built there, it's how people are going to get to it that concerns me. If there were a way to carve a road from 347 over to this place, I think it would resolve a lot of issues with the community. That's really the main issue is the traffic. So that's what I wanted to say.

CHAIRPERSON ELKOWITZ:

Thank you. Is there anybody else that wishes to speak on this? Okay, certainly.

MR. DILIELLO:

I'll let you continue.

MR. CONNOR:

Hi. My name is Steve Connor. Can you hear me?

CHAIRPERSON ELKOWITZ:

You're going to have to get a little closer to the mike because I can't even hear you.

MR. CONNOR:

My name is Steve Connor; you can hear that, right?

CHAIRPERSON ELKOWITZ:

Yes, I can.

MR. CONNOR:

I was at the last meeting that you had here and you sent me out this packet of information with these maps and it's very hard to just address the environmental issues here when all these other issues seemingly to me were addressed here.

CHAIRPERSON ELKOWITZ:

But understand we're only charged with the environmental issues and I think you heard when we started to go beyond that, it's not something that I generally entertain.

MR. CONNOR:

I understand. My greatest issue along with Leo here is that of traffic also because this is kind of like a pastry bag, if you can relate to pushing everything through a small nozzle. These roads are not meant to -- were never designed to handle the traffic loads that they bear now. If you put 300 cars in there with the potential of three to six or seven people in the car, you can do the math and see you have several thousand people, plus the people that work there. And it's going to be too much, it is going to be way too much for this area. You should, I feel, move this site to perhaps a road like Belle Meade where there's all kind of parkland that can be easily used for this purpose. This building is huge. This building -- they want to put the building which is about seventh-eighths of an acre in size, the physical structure on a six acre parcel, that's a, you know, 6 to 1 ratio, I don't know if it's even legal to do that. Of course that's up to the Planning Board and Building Commission I suppose.

But back to the traffic situation. Links lane which I live right off of Links Lane, they put up signs there to limit the traffic, no large vehicular traffic is allowed, you know, industrial dump trucks and tractors and trailers. Well, that's not to stop school buses from coming and bringing all these kids that want to come to this site that sounds like a great site, it's just in the wrong place. We can't afford to live -- we can't be pressured anymore, we need more relief. When the men are through working in the evening, that's when we have to have our relief from all of this noise and congestion. Believe me, I live right next to the town property there and because of all the --

CHAIRPERSON ELKOWITZ:

Can I ask you a question?

MR. CONNOR:

All the smog --

CHAIRPERSON ELKOWITZ:

I have been following everything you have been saying until we got to the school buses. You're asserting that school buses are going to come and drive through your neighborhood to go to the site; where would these school buses be coming from to go on to Links Lane?

MR. CONNOR:

Off of Old Town Road perhaps, they'd cut through. And I use the term

school bus, it could be any rented bus that would -- you know, a charter bus, let's use that term then.

CHAIRPERSON ELKOWITZ:

But this is going to be a facility for Suffolk County residents, where would be charter busing people from?

MR. CONNOR:

That's what I'm confused about as well. I feel that if you're making this a County park like you're going to hold these big sports complexes, big games, I don't know, tournaments perhaps, I don't know; I'm confused about this site also. I'm also confused about the building of it, this three phase, three year program where they may or may not put a pool in.

CHAIRPERSON ELKOWITZ:

Well, I think what they've explained to you what is -- let me just enlighten you a little bit about the State Environmental Quality Review Act. What is required under the State Law is that you evaluate what is called a whole action, every facet of it.

MR. CONNOR:

I heard that.

CHAIRPERSON ELKOWITZ:

Even if you may not have the funding to eventually do it, you are still required to do that, and I'll use for ease of explanation worst case evaluation. So they are here so that we can all look at what may occur in the worst case and make an environmental judgment relative to it. But I think that Legislator Fisher and the people who have presented have been very honest about, the pool may never come to be, it's very expensive to build, it's very expensive to maintain, I know that, I'm on the Board of Directors of the YMCA, I know exactly what it --

MR. CONNOR:

I don't have a problem with that, that's okay.

CHAIRPERSON ELKOWITZ:

So I don't think that's confusing, I think that was very explicit.

MR. CONNOR:

My point to that is will they go through with the whole project as outlined? I mean, let's face it, if they say that this is an abandoned which it -- in that term it is an abandoned mine, you know, if they're going to have fields out there, what's it going to take to make a field? You're going to have to have grass and you can't plant grass in sand, nobody can, it ain't going to grow. And who's going to maintain it? If they're not going to maintain a pool because of money, how are they going to maintain the cutting of the grass or bringing in all this earth? Do you follow me? It's going to take an enormous amount of fill to bring in there, top soil.

CHAIRPERSON ELKOWITZ:

Well, they've already represented that they're not, you know, exporting anything. Yes, may they have to bring in topsoil? They may.

MR. CONNOR:

Well, they will have to, Ma'am, you can't plant grass in sand, it won't work.

CHAIRPERSON ELKOWITZ:

Do you have any other specific concerns?

MR. CONNOR:

Yes, I do. The amount of pollution that's going to be generated by these idling trucks which we already have a problem with, and I'm talking about the industrial area, carting materials in and out from the asphalt plant or whatever that is.

CHAIRPERSON ELKOWITZ:

What does that have to do with the park proposal?

MR. CONNOR:

I'm going to tell you. Is that with this traffic light that you deem necessary at the corner of Links and Sheep Pasture, it's going to back these cars up along the map that you can see, right along those homes where these people have families and they live during the day. Not everybody goes to work, I mean, there's children and women and retired people that live there and they're going to have to ingest these fumes that are going to be generated by this stopped traffic, more so than now.

Honestly, this is a poor site, that's my biggest complaint, is that this site is poor. And I'm not against the project. I hope you still hear me, I am not against the project, I think it's a great idea that we have a project, but it's in the wrong part of our town. It needs to be on -- I know you have been up and down Belle Meade, I know you know that there's way more parkland on Belle Meade than this small parcel. And if you want to call this abandoned, so be it, it will regenerate in a hundred years, that's for sure, won't it? But in the meantime, the people that are living here are getting this forced upon us without -- you may say there's a town meeting, but how come we didn't have something come around to our mailboxes and say, "Hey guys, we have a town meeting here, we want to know your concerns as a community member." It's okay for somebody to come from Hauppauge or Riverhead or wherever they're coming, but the people that live there are the people that live 24/7.

CHAIRPERSON ELKOWITZ:

Okay.

MR. CONNOR:

I don't know what else I can add to that except that please reconsider moving this to another place with a better access to like Route 347 or Nicoll's Road, some way that people -- if it is a County use, let the County be able to access it. Thank you.

LEG. FIELDS:

I think you're going to have ample opportunity to approach the full Legislature about your concerns.

MR. CONNOR:

Okay.

LEG. FIELDS:

And I would advise you to do that at that time. This council really is determining whether or not there are environmental problems here and I think that they have done due diligence in most of the deliberations for today. But I think your precise concerns are better aimed at the full Legislature.

MR. CONNOR:

Okay, thank you. How will I know to go to a Legislative meeting?

LEG. FISHER:

The meeting is December 5th in Riverhead.

MR. CONNOR:

December 5th in Riverhead. And what building?

LEG. FISHER:

December 5th in the Riverhead County Center.

MR. CONNOR:

Riverhead County -- thank you.

LEG. FIELDS:

You can begin to show up at nine o'clock, anywhere from 9 A.M. to 1 A.M.

CHAIRPERSON ELKOWITZ:

Is there anybody else that wishes to speak on this?

MR. CONNOR:

Was that December 5th?

CHAIRPERSON ELKOWITZ:

December 5th.

MR. CONNOR:

Thank you.

LEG. FIELDS:

That's a Tuesday.

MS. ESPOSITO:

That's a Thursday

LEG. FIELDS:

Oh, right.

MR. CONNOR:

Thank you.

MR. MacDOWELL:

Good morning. My name is Richard MacDowell. I'm a resident of the

area also. I have a petition here I would like to submit to the Council.

CHAIRPERSON ELKOWITZ:
Sure.

MR. MacDOWELL:
It's all the residents that are opposed to it in the area.

CHAIRPERSON ELKOWITZ:
Okay, you can give it to --

LEG. FIELDS:
Why don't you leave it with the Clerk -- I mean, with the stenographer and she'll make sure that we get it.

MR. MacDOWELL:
First of all, I just want to point out there was a mistake on this Environmental Assessment Form and they have the location as South Setauket; it's definitely not South Setauket.

CHAIRPERSON ELKOWITZ:
And what do you say it is, East Setauket?

MR. MacDOWELL:
It's definitely part of East Setauket.

CHAIRPERSON ELKOWITZ:
Okay.

LEG. FISHER:
It is, he's correct.

CHAIRPERSON ELKOWITZ:
That's fine, we'll correct it.

MR. MacDOWELL:
Just for the record; yeah, no problem. A few other things on there I think that are erroneous to, it stated something about Setauket Harbor is like two miles away; it's more than a mile away for what that's worth.

Other than that, the main concern here of course to the residents like other people have mentioned is the traffic. I checked with Suffolk County PD a couple of months ago and I found out there were like 55 accidents along that stretch which were reported accidents and as a -- I'm a retired New York City Police Sergeant, I know that reported accidents are --

LEG. FIELDS:
Can you stop for one second? She has to change the tape.

MR. MacDOWELL:
Okay.

MS. MAHONEY:
Okay, go ahead.

LEG. FIELDS:
Go ahead.

MR. MacDOWELL:
I know that reported accidents, and as you probably are aware, are a lot less than the accidents that do occur and some of them have serious accidents right at that intersection there. Last year I think it involved a teenager and one of the truck drivers from the Comsewogue area industrial area and I believe this kid is still in a wheelchair and the truck driver -- the whole truck overturned right at that intersection. My wife has in the past petitioned for a stop sign which was refused at that location, Hulse and Sheep Pasture Road, and we just got a letter from the CO of the 6th Precinct stating that they're going to monitor that area. I'm sure they did their job but there's still a lot of accidents, every day I hear them, I live right over there, the backyard is right at that intersection there. There's even been a past decapitation at that intersection due to a traffic accident.

And Legislator Fisher mentions heavy truck traffic all along coming from Comsewogue Road. There's heavy industrial area back there, there's like 20 industries and they only have one way, it's the only way -- their access is through Sheep Pasture Road, they can't access it through any other way so they have to come down past the site. They can't come through Port Jeff because the railroad bridge is limited to five tons, so it's just a very bad place for this site.

Also, there's a proposal, I don't know if they're aware of it, I think it's been approved for senior condos to go in around Hulse Road, down the road a bit from this parcel; that's going to create more traffic which we don't need. And as for like the statement before that it's for the children of the community, it's really for the children of Suffolk County. And like someone stated before, there's going to be a lot of traffic coming from all over Suffolk County, it's Suffolk County's use, you know, you got from Huntington to Montauk. And it's definitely going to put a burden on us short in the community, there's going to be short cuts through Links Lane and shortcuts through Possum and it's just additional traffic that we really don't need and I think it's going to create more accidents, there's going to be spill back. Right now the residents are having a hard time to get down this 347 from Old Town Road as it is.

LEG. FIELDS:
May I just offer a suggestion? This has been zoned industrial. If the County didn't take it over and have this group put this plan together for an area that community kids can play and get at -- stay out of trouble compared to what's going on there, and I understand there are drug problems there, ATV problems and all kinds of things, then this could have gone to an industrial developer. And I think as a homeowner, or at least I'm going to speak on my behalf, I would rather see a public park and community area that's kind of calm than to see this go into an industrial development and have even further problems than what you already have.

MR. MacDOWELL:

Well, I guess that's the lesser of two evils. But my suggestion is leave it as it is. There is the bypass that does go to this from 25A, it's -- I think there's been a million dollars earmarked for a bike path, I don't know what happened to the funds, I don't know what happened to the bike path, that was about six or seven years ago, and that's supposed to -- I would say leave it and make bike paths back there.

LEG. FIELDS:

I think that question, again, is better aimed at the full Legislature.

MR. MacDOWELL:

Right. I would also like to know about the -- since it is a sand pit, a sand mine at one time, I would like to know how far it is from the water table and what's going to happen when the sewage treatment plant discharges into the ground.

CHAIRPERSON ELKOWITZ:

It's not a sewage treatment plant, it's a conventional sanitary system like you'd have at your house, only sized appropriately.

MR. MacDOWELL:

This is like a cesspool?

CHAIRPERSON ELKOWITZ:

Yeah.

MR. MacDOWELL:

I guess that's the same concern about this leaching into the water table; I don't know if you agree with me or not.

CHAIRPERSON ELKOWITZ:

Well, I can tell you this, that they will be required to get a permit from the Suffolk County Department of Health Services and they will be required to comply with Article 6 just like your builder was when he built your house, it's the same requirement.

MR. MacDOWELL:

Well, like I said, or like one of my neighbors stated before, there's plenty of land on Belle Meade Road/347 that would be -- have better access for the vehicles. If they're coming from all over Suffolk County, Sheep Pasture Road is just a two lane road, it's a very poor -- I mean, to have all these people coming from all over Suffolk County to reach this area and it's going to overburden our community. That's about that. I think it's just a very poor location, it's going to be dangerous I think for my kids. I have teenagers and they play soccer and they go to the soccer fields at the university, I don't know why we need more soccer fields, there's plenty of them over there.

CHAIRPERSON ELKOWITZ:

Okay. Thank you.

MR. MacDOWELL:

That's it. Thanks.

CHAIRPERSON ELKOWITZ:

Anybody else that wishes to speak on this? Anybody else on the Council have questions? If not, I'll entertain a motion.

MR. CRAMER:

I would like to make a motion, this is a Type I Action and as far as from the environmental impact issue, a Negative Declaration.

LEG. FIELDS:

I will second it.

CHAIRPERSON ELKOWITZ:

I have a motion, I have a second. Do I have any discussion? Yes, do I have a discussion?

MR. KAUFMAN:

We looked at this in 1999 with a much more intensive use and this is a somewhat less intensive use, and at that time we did a Type I Neg, Negative Declaration, we really didn't see impacts on the environment. So I think that this is entirely a proper way to go and it's consistent with what we did previously. We've reviewed this now twice in its various combinations and I think that -- I don't think that there's going to be a massive impact.

CHAIRPERSON ELKOWITZ:

Okay. All those in favor? Opposed? Abstentions? I'm going to abstain for the sole reason that Mr. Brown's firm and mine are working on a project together. (VOTE: 7-0-1-1 Abstention: Theresa Elkowitz - Not Present: John Finkenberg).

MR. BAGG:

Terry, for clarification; who was the second?

CHAIRPERSON ELKOWITZ:

The second was Legislator Fields. Thank you. We are going to take a break until 11:30; 11:30 promptly we will start again.

(*Brief Recess Taken: 11:19 A.M. - 11:33 A.M.*)

CHAIRPERSON ELKOWITZ:

Back to order. The Council will be considering the review of the final scope for the Draft Generic Environmental Impact Statement for the Suffolk County Vector Control and Wetlands Management Long-term Plan. Hello.

MR. DAWYDIAK:

Good morning, Ms. Chair and Members of the Council.

CHAIRPERSON ELKOWITZ:

Good morning, but you have to turn your microphone on. Because not only are my eyes over 40, so are my ears.

MR. DAWYDIAK:

Good thing I have a consultant with me here to do it. Thank you, Madam Chair and Members of the Council. My name is Walter Dawydiak, I am the Acting Chief Engineer of the Health Department's Division of

Environmental Quality. I am joined by Mr. David Tonjes on my right and Mr. John Ellsworth on my left from Cashin Associates. I'd be happy to give you a three to four minute status report on the program and then turn it over to our consultant to just give you a few minutes on where the scoping document is if you'd like, or we could just answer questions, whatever your preference.

CHAIRPERSON ELKOWITZ:

Well, let me first ask, we had set up a subcommittee comprised of Larry Swanson and Tom Cramer to work with the consultants and to work with your department and to come up with a final scope and I just would actually like to ask one or both of them if this comports with what you gentlemen have reviewed and discussed.

MR. CRAMER:

Why doesn't Larry go, he had some more specific concerns than I did.

CHAIRPERSON ELKOWITZ:

Okay.

MR. SWANSON:

We met I think at least two times with the consultants and the County and in general, I think everything that Tom and I had asked questions about the County and the consultants have complied with.

I do have a couple of minor concerns that I'd like to question and that is on page 14 of this scoping document. One of the issues that we had talked about was that we didn't want to see the wetlands evaluation and study get out of control and this paragraph to me seems to be the license to have a never-ending study on wetlands and I'm concerned about that. It was my impression that this paragraph would be modified considerably, perhaps limiting it to a literature study rather than to appear as an opened-ended study that will just go on and on.

The other concern that I think I have is that the scoping document I think is extremely complete. In fact, it's so complete that I am -- continue to be concerned that it can possibly be done within the time frame that we have to get it complete. And as I think both Tom and I expressed to you in our last meeting, we don't want to be sitting here in September, 2005, having to deal with a request for an extension for the long-term plan. Other than that, I think you've tried to accommodate very nicely our major concerns. Tom?

MR. CRAMER:

I think you interpreted everything, Larry.

MR. DAWYDIAK:

Okay. Thank you, Mr. Swanson. I want to thank everybody on CEQ for helping with this process, first of all. Both Mr. Swanson and Mr. Cramer were invaluable in giving focus and clarify to this document and we appreciate your extensive input; Ms. Elkowitz also for being sure that we comply with SEQRA; Mr. Kaufman was diligent in input to the TAC and Ms. Esposito to the Citizens Advisory Committee and Ms. Fields in too many ways to count through different dimensions of this process.

But in terms of your comments, first maybe I could just mention the handouts because that goes to the question of timing. And what's been handed out to you is a program status report, it's this document which is titled "Summary and Start-up Schedule." The second series of handouts are the actual program documents. This one on public scoping comments should have been mailed to you but we brought an extra in the event that you needed a duplicate or didn't receive yours or forgot yours. The second series of documents represent the consultant's work product, there are actually four separate documents. You've all received the GEIS scope. You haven't received but it is available on the web the revised work plan for the plan itself. There is a responsiveness document to public comments which is really above and beyond what's required for SEQRA where the consultant did really a terrific job at cataloging and organizing all the different types of comments received and responding to them. And finally, we have a task one report which is a contractual requirement dealing with the entire process of the consultant's involvement and the scoping and long-term plan process. All of these will be bound up with a summary in the coming weeks, assuming the scope is approved. We're going to bind it up, put a cover on it, call it final for this phase of the program and we should all have that for our libraries to accompany the public scoping comments.

But before we get to the scope, with respect to the time line, two points that I just wanted to emphasize. I know I'm not going to go into the whole project as a whole, but we have had four Citizens Advisory Committee meetings, two technical advisory committee meetings, a public scoping meeting of the CEQ. We have set up this organizational structure on page two of this handout. We have done all this in a manner of two to three months and we're dead serious about bringing this plan in within the two year time frame that we envision.

Back in May or June when we issued the RFP, a lot of folks said we couldn't get this all done within the two to two-and-a-half year time frame and, low and behold, we're right on schedule here. The last two pages of this package show the program starting with the adoption of an EIS scope and the selection of a contractor in December and the next one shows the less than two year time frame which ensues. So I just wanted to commend the folks at DPW for their support, commitment and guidance. The Riverhead Office of Ecology has done a tremendous group and most importantly the consultant in bringing together a team of professionals to integrate this input in a very complex process. But in terms of time frame, we are really serious about getting this done in under two years and this is doable.

We can amend the scope to better address Mr. Swanson's concerns, incentives to the effect of for purposes of the GEIS, the wetlands analysis will be based on readily available information as well as information developed in the early field stages of the long-term plan, because that is certainly the intent. When you look at the documents as a whole in the summary that's going to be prepared, it's clear that the long-term plan has a very intensive early field effort which is going to be integrated into the GEIS, but there's going to be a longer term dimension of monitoring, dynamic management, adaptive feedback, there's going to be changes from time to time to the GEIS and the management approach on what we believe based on what we hope to be a

long-term monitoring programming. So we're sort of balancing those two issues, the technical program and the SEQRA GEIS and we apologize for that paragraph not having been complete. But hopefully with our somewhat long-winded explanation our intent is a little clearer and hopefully with that sort of an amendment that would make that passage more acceptable to Mr. Swanson.

MR. SWANSON:

Just to follow-up a little bit. With regard to the time frame. There are things in here that I know that are very important like the caged fish studies and so forth. I think the concern is that can those be carried out sufficiently so that the long-term plan is going to be complete? In other words, if the fish studies are not complete or inconclusive, are we going to be without a long-term plan?

And then another comment. In looking at your outline, the back, page 34 of the document where you have cumulative impacts, it seems to me that there should be a section in there about cumulative health impacts and that's been maybe left out. This is in the outline of your scoping document.

MR. DAWYDIAK:

Okay.

MR. TONJES:

Cumulative health impacts in what regard?

MR. SWANSON:

Human health.

MR. TONJES:

From Vector Control operations --

MR. SWANSON:

Yes.

MR. TONJES:

-- or would that include the County-wide pesticide use?

MR. SWANSON:

From the use of pesticides.

CHAIRPERSON ELKOWITZ:

From whatever -- you're going to come out with a vector control program that's going to have a number of components, I would assume. And the ongoing operation of that plan, you're going to be evaluating the environmental effects of it and one of them is the cumulative effects on human health. Okay?

MR. DAWYDIAK:

That's a valid comment. If you were to read through the entire work plan, you would see notions of cumulative, sublethal and synergistic effects.

CHAIRPERSON ELKOWITZ:

Right.

MR. DAWYDIAK:

Those are reflected in the work plan, they're apparently not in the SEQRA document and we'd be happy to put that -- in fact, maybe I can just take one more moment. The Citizens Advisory Committee met just Monday night and they had three or four minor changes to make to the scope and I would ask that the CEQ consider the amended version which has been distributed to them as part of that package.

CHAIRPERSON ELKOWITZ:

Can you just tell us what they are?

MR. DAWYDIAK:

I will, yeah. There are basically three or four minor changes.

CHAIRPERSON ELKOWITZ:

Okay.

MR. DAWYDIAK:

The addition of Immune Compromised Populations as a subclass of sensitive receptors for purposes of toxicity and risk assessment, that's been specifically called out; even though that would have been done as part of the work plan, it was not explicitly noted. The issue of including food web dynamics in terms of available literature, existing conditions and impacts, that's been incorporated on pages 11 and 15. Synergistic has been included on page 14 and 19 in terms of human health impacts and we'd be happy to add the word cumulative next to synergistic. And finally, turtles were not specifically called out as a potentially significantly endangered species, on page 15 and 20 turtles now appear. I think that pretty fairly represents the substantive Citizens Advisory Committee comments on the scope.

CHAIRPERSON ELKOWITZ:

Are there any other comments from the CEQ regarding the scope, or else I'm going to ask for a recommendation to send it to the Legislature as amended. Okay, if not I will ask for a resolution.

MR. CRAMER:

Motion.

CHAIRPERSON ELKOWITZ:

Motion. I have a motion by Mr. Cramer to recommend the final scope to the Legislature as amended.

LEG. FIELDS:

Second.

CHAIRPERSON ELKOWITZ:

I have a second by Legislator Fields. Any other discussion?

MR. McALEVY:

Is this before public input?

CHAIRPERSON ELKOWITZ:

You know what I didn't do? What I didn't do was --

MR. McALEVY:

Is this before citizen input?

CHAIRPERSON ELKOWITZ:

Yes. I have cards in front of me and what I didn't do is ask for speakers. Now, I have sets of cards that are not very explicit. Some people did say they want to talk about the scope, some people didn't, so what I'll do is I'll just call names and we'll see which is which. Mr. Atkinson, did you want to speak both on the scope and the plan? Okay. I'm going to limit all the speakers to five minutes.

MR. ATKINSON:

I'm Matthew Atkinson, attorney for Baykeeper. I just have very limited comments here. And again, it's a question of whether it's contemplated in a broader plan of work which I haven't seen but they're not explicitly called out, the types of issues that I'm concerned about.

One is in the worst case scenarios, the County may be called upon during certain health emergencies to do all kinds of extra applications of pesticides and I would like this plan of work to, you know, take that into contemplation. For example, if there's wide spread --

CHAIRPERSON ELKOWITZ:

Mr. Atkinson, I'm just going to ask you for some clarification. All we're talking about today is the final scope for the Generic Environmental Impact Statement, that's it; well, actually now, we're going to go on to the 2003 Work Plan. But if you have specific comments about things that should be included in the EIS that are not in the final scope, that's what we want to hear. We're not here taking commentary on the work plan.

MR. ATKINSON:

I'm talking about the --

CHAIRPERSON ELKOWITZ:

The final scope?

MR. ATKINSON:

Yeah, yeah.

CHAIRPERSON ELKOWITZ:

Okay.

MR. ATKINSON:

Absolutely.

CHAIRPERSON ELKOWITZ:

Okay.

MR. ATKINSON:

You know, one of the worst case scenarios in the Generic Environmental Impact; what happens if you need to do massive adult control over say water?

CHAIRPERSON ELKOWITZ:

Okay, keep going.

MR. ATKINSON:

Secondly, the nuisance disease issue of weather is addressed in this plan. And I think that one of the things that might want to come out of this is an evaluation of the risk so that we can consider appropriate actions say for low risk transmitters of West Nile Virus and EEE as opposed to the risk factors associated with other species so that one can consider less aggressive control measures for certain kinds of species than others.

With the data collection concerning the ditching in paragraph 5.2 of the scope, they're talking about doing an inventory of the existing ditching. I think it would be worth while at this point to have as part of this scope the evaluation of the condition of those ditches so that the public can be aware of whether they're fully functional ditches, partially impaired ditches or essentially dysfunctional ditches.

And finally with the caged fish experiments, I don't know if that includes crabs but I believe that invertebraes should also be considered. Because we're concerned about the effects, especially of Methylpurine as the larvicide on certain invertebrate organisms such as crabs, lobsters.

The scoping document does -- this is one quick comment and I'll address it again, but the scoping document says in some sense that there is no proposed plan of work and that the purpose of this document is to evolve a plan of work. And the difficulty with this notion, of course, is that there was a plan of work that received a positive declaration and this body recommended that positive declaration. So there is in some sense a plan of work out there, but I'll address that further on the next topic. I wanted to raise it here, though, because it's not entirely accurate.

CHAIRPERSON ELKOWITZ:

Okay. Can we just quickly go over some of these things? The nuisance disease issue and the evaluation of risk, I think you have that in there; isn't that contemplated in the scope?

MR. DAWYDIAK:

It is in my view, certainly.

CHAIRPERSON ELKOWITZ:

And that is the intention, that was our intention, too, that it's part of the risk analysis.

MR. DAWYDIAK:

Absolutely.

CHAIRPERSON ELKOWITZ:

So it is, okay.

MR. DAWYDIAK:

Yeah, I mean, that's a massive portion of the effort.

CHAIRPERSON ELKOWITZ:

And when you talked about the inventory of the ditches, it was an inventory and you were going to note the condition of them, it was an inventory and evaluation, it wasn't just, "There are ditches here," right?

MR. DAWYDIAK:

Yeah. You know, that's an issue that we haven't really addressed on a County wide basis. Certainly, the inventory of the ditches, where they exist and a relative description of the ditches is part of the effort.

CHAIRPERSON ELKOWITZ:

Right.

MR. DAWYDIAK:

Just to the extent that we really physically go in there and do a very detailed cross sections, ecological --

CHAIRPERSON ELKOWITZ:

Well, you know, I heard the comment but that's not what I'm asking. I mean, you're going in there, you're going to look at the ditches, you're going to note what the condition of the ditches is.

MR. DAWYDIAK:

Yeah, in the primary study areas it will be a very high level of detail, County wide it will be somewhat less intensive.

CHAIRPERSON ELKOWITZ:

Will the caged fish study include crabs?

MR. DAWYDIAK:

Yes.

CHAIRPERSON ELKOWITZ:

Okay. My next speaker is Kevin McAllister.

MR. McALLISTER:

Good morning.

CHAIRPERSON ELKOWITZ:

Good morning.

MR. McALLISTER:

Is this on?

CHAIRPERSON ELKOWITZ:

It's on, you just have to get very close to it.

MR. McALLISTER:

My name is Kevin McAllister, I'm the Peconic Baykeeper. And actually with abbreviation Mr. Dawydiak pointed out some most recent changes to the scope. I know over the last year or so I have been resonating the need to really look at the potential impacts from the ditches as a conveyance to open source pollutants, coliform bacterior, road runoff, pesticides, etcetera, and I'm very pleased that that will be analyzed.

I would like to seek or ask that it be very specific to probably the receiving waters at the terminus of these ditches to really I guess identify the potential impacts, again, the conveyance of pollutants and a comparative to unaltered areas or perhaps areas that have underwent open marsh water management activities. A positive step and I'm pleased that it was included. Thank you.

CHAIRPERSON ELKOWITZ:

Thank you. My next speaker is Bob McAlevy.

MR. MCALEVY:

I'm at this time wearing the hat of a member of the Peconic Estuary Program Citizens Advisory Committee. The chairman could not come here to reflect the concerns of the membership and I was set to come tell you.

There are two particular issues and I will get right to them, I can explain the reasons for them. But on page 10, the paragraph above 3.4 information, la la la, should either be -- I'm sorry, closer? On page 10, the paragraph above line 3.4 information, I have a substitute paragraph or an additional paragraph depending on the niceties of how this is done. The substitute or the same verbiage would be used for a replacement runs --

CHAIRPERSON ELKOWITZ:

Are you referring to replace what follows 3.4.1 or --

MR. MCALEVY:

No, just above.

CHAIRPERSON ELKOWITZ:

The following briefly describes or the whole section, 3.4 introduction?

MR. MCALEVY:

No, just above. Let me see if I can get 3.4 here.

MR. KAUFMAN:

It starts with the word "Furthermore"?

CHAIRPERSON ELKOWITZ:

Okay.

MR. MCALEVY:

Let me get it out here.

MR. KAUFMAN:

Sir, is it the paragraph immediately above the lettering 3.4?

MR. MCALEVY:

Yeah, above 3.4

CHAIRPERSON ELKOWITZ:

Three point four, okay, that starts "Furthermore."

MR. McALEVY:
Up there, just above.

CHAIRPERSON ELKOWITZ:
Okay, fine.

MR. McALEVY:
And what I'm suggesting now is either another paragraph or a substitute for that one for reasons I think will become clear. The paragraph that's being suggested, if I can find it, is to the water management of the Vector Control 2003 and Long-range Plans should not be inconsistent with the Peconic Estuary CCMP.

CHAIRPERSON ELKOWITZ:
Well, that sounds like a policy, that doesn't sound like something that goes in a scope that you're going to evaluate.

MR. McALEVY:
I can't make that decision, I'm just saying this is what we are concerned about because the CCMP, millions of dollars went into it, it was --

CHAIRPERSON ELKOWITZ:
I understand.

MR. McALEVY:
It was an agonizing, agonizing process and we're afraid that the whole thing will come apart if somebody comes in and says, "Well, we've got to do this, that or the other thing," without taking our plan into account. So I don't know how you want to handle that.

CHAIRPERSON ELKOWITZ:
Well, I'm going to tell you that I think the language -- personally the language is inappropriate.

MR. McALEVY:
The language --

CHAIRPERSON ELKOWITZ:
Because a scope for an Environmental Impact Statement talks about the evaluation of the consistency. If at the end of the process we find out that there are certain things, if this happens, that there are certain things in the long-term plan that are inconsistent, then the Legislative body of the County of Suffolk has the job of determining what happens.

MR. McALEVY:
How about the other --

CHAIRPERSON ELKOWITZ:
But to make a policy statement is not appropriate in a scope.

MR. McALEVY:
Can I just ask a question of you then?

CHAIRPERSON ELKOWITZ:

Sure.

MR. McALEVY:

How about the other partners in this program, the Federal government, the DEC and the towns in particular? They've all --

CHAIRPERSON ELKOWITZ:

Well, I'm not going to get into a debate, I'm happy to take your commentary on what you'd like to see in the final scope.

MR. McALEVY:

Thank you very much. I have a second one.

CHAIRPERSON ELKOWITZ:

Fine.

MR. McALEVY:

On page 15, the top line there that starts, "And commercially imports in species, clams, lobsters," etcetera, the change is to insert there --

CHAIRPERSON ELKOWITZ:

Wait a minute. We may have a different page 10, let's see.

MR. SWANSON:

It's 15.

CHAIRPERSON ELKOWITZ:

We may have a different page 15 because I don't have that.

LEG. FIELDS:

Ours starts with, "This is a measure of the wetland."

MR. McALEVY:

It's the section after larvacide, it's in 3.4.2, environmental setting.

CHAIRPERSON ELKOWITZ:

Three point four point two.

MR. SWANSON:

I'm sorry, I skipped a page there. It's after 3.4.4, mosquito control impact.

CHAIRPERSON ELKOWITZ:

Okay. What -- if you count the paragraphs.

MR. McALEVY:

The last paragraph.

CHAIRPERSON ELKOWITZ:

The last paragraph. "A host of non target" --

MR. McALEVY:

Yes.

CHAIRPERSON ELKOWITZ:

Okay.

MR. McALEVY:

And first I'll say the logic. The logic is I want to -- well, first I'll say what to do, included at the end there clams, lobsters, crabs, fish and their larvae, and their larvae. And the reason I say that is that it's well-known that larvae killed by pesticide concentrations of one part per billion; one part per billion kills them. On the east end our clams are disappearing, we still have the old ones, you see them spawn but you never see the small clams appear. The larvae floats around in that chemical soup for about three weeks -- do I have to explain it?

MR. DAWYDIAK:

I'm sorry. Madam Chairwoman, I think I've got an answer. Mr. McAlevy does not have the amended version, we did include "including larval forms" in that version.

CHAIRPERSON ELKOWITZ:

Okay, fine.

MR. McALEVY:

Okay, I'm sorry about that, I'm a little behind times again. And also in someplace else where they talked about a caged fish experiment, my guess is the caged fish will suffer at ten parts per million whereas the larvae suffer at parts per billion. So if you're going to do caged fish, let's do caged or bottled larvae or something so we find out how this application might affect the productivity of our bays. And I'm telling you now, the productivity is heading south big time primarily, I believe and may others believe, of the poisons that we're putting in there. So when you talk about cumulative effect, we're not starting in a pristine bay, we're starting in a sullied bay. You want to add one more straw if we're going to put pesticide, and that would be one more straw, we've got a lot of straws already on that camel's back, the pesticide straw might break the camel's back. Thank you.

CHAIRPERSON ELKOWITZ:

I have a motion, I have a second.

MS. ESPOSITO:

I have a comment.

CHAIRPERSON ELKOWITZ:

Yes.

MS. ESPOSITO:

I didn't fill out a card.

MR. KAUFMAN:

Do we know her?

MS. ESPOSITO:

Just real quick. First off --

CHAIRPERSON ELKOWITZ:

You have to say who you are and who you're representing.

MS. ESPOSITO:

Oh, I'm sorry. Adrienne Esposito, Citizens Campaign for the Environment. I just want to say I think that the scope is extremely comprehensive, I'd like to congratulate the Health Department and also the consultant as well as the CEQ in incorporating public comment. I think it's extremely ambitious as well but it's very, very comprehensive and it's an excellent job. Just a few very minor detailed points.

One is actually a thank you to Walter for incorporating the many suggestions that the CAC came up with on Monday night so rapidly. So if any of these other ones have been incorporated, I didn't go through the new scope as it was just handed to me a couple of minutes ago.

But just real quickly, one is that in addition to turtles under endangered species, we should also make a note of Piping Plover, not in relationship to how the pesticides affect them but more specifically because it's well documented in the literature on Plovers that it's actually the helicopter activity that causes them to abandon their nest and open them up to greater predation. So that would be one thing I'd ask to be included. I know that the Vector Control has a plan of protection for them, but it's just that it's not required yet in the scope and I think it should be required to be put in there.

The second thing is that the sweep of chemicals identified in the scope doesn't -- it says pyrethroids but it doesn't specifically say Malathion. When I asked this question at the CAC, one of the things that Dave said is that they only wanted to evaluate the ones that would be used in the future and I agree with that, why waste time and effort. However, then when I went to the 2003 Vector Control Plan, Malathion is again identified as one that potentially would be used in 2003. So that since it is continuously identified, it may be needed to be included in the draft scope.

And last but not least, one of the things that I think that several people asked for was that frequently sprayed areas be identified in the scope and that those would be -- and maybe this would be more of a work plan issue, I'm not sure -- but frequently sprayed communities such as Mastic, Shirley, Fire Island communities should be specifically identified and those should be some of the areas that should be looked at for samples and for work to be done in those areas. But other than that, it looks great. Thanks.

CHAIRPERSON ELKOWITZ:

Okay. I want to ask a question. Well, personally I think you should put the Malathion in if it's in -- I think you should.

MR. DAWYDIAK:

It would be part of the analysis. I think maybe we're bouncing between DDT and Malathion. My recollection was that Mr. Tonjes' response about cumulative impacts of prospective management plans was in the context of prior pesticides that are no longer used, and I'm

not sure why Malathion is now in that hopper but that wasn't our intent.

CHAIRPERSON ELKOWITZ:

You're going to include it, that's fine.

MR. DAWYDIAK:

Certainly, every chemical used would be included.

CHAIRPERSON ELKOWITZ:

I'd like a little discussion about this Piping Plover thing because, quite frankly, I don't find that to be an analysis.

MR. KAUFMAN:

I have to say, the Piping Plovers unfortunately are very sensitive to disturbance. On the other hand, from what I understand of County operations, they generally don't fly helicopters all that often too close to them. There have been instances where they do fly close by, but it's more continuous activity more than anything else that bothers them.

CHAIRPERSON ELKOWITZ:

I'm not going to entertain a back and forth about it, we are discussing it, we'll provide direction to the County.

MS. ESPOSITO:

Okay. But keep in mind, the larviciding activity that is applied by helicopters.

CHAIRPERSON ELKOWITZ:

We heard you.

MR. KAUFMAN:

Basically it's almost of an operational standpoint; do we keep the helicopters away from active Plover areas?

CHAIRPERSON ELKOWITZ:

Well, do you evaluate it as an impact in the EIS, that's what we're asking. Does anybody have an opinion?

MR. KAUFMAN:

I think it can be handled relatively easily but I think it may need to go into the scope.

MR. TONJES:

I think we had intended to include it in the scope. If you look on page 15 of the amended scope that you received today, in the paragraph just above 3.4.5, in the middle there it says, "Birds are also a particular concern, especially those that depend on wetlands where most of the impacts from Vector Control activities are assumed to occur." In our scope of work we discuss specifically that we're going to look at the impacts of different application methods. The comments that we did receive suggested that we needed to determine if there were significant differences between say applying pesticides with a backpack, with a helicopter, with a truck, and this was intended to cover that.

CHAIRPERSON ELKOWITZ:

All right, so that's going to be included.

MR. TONJES:

Yes.

CHAIRPERSON ELKOWITZ:

Okay.

MR. KAUFMAN:

I have one other comment. Mr. McAllister had brought up regarding pollution pathways from the uplands through the marshes, I think that is a valid point to look at. And I was wondering what the report -- well, basically what Dave and Walter might say about that.

MR. DAWYDIAK:

Yeah, I sort of talked about food web interactions generally, but on page 15 of the amended scope that you have before you we added language about wetland functionality, wetland ditches, conduit for nonpoint source storm water runoff. I mean, if you look at the work plan it becomes much clearer that there's going to be a very intensive effort on fate and transport, various methods of chemical reaching the estuary including overland runoff directly through ditches as well as groundwater underflow in addition to direct applications. All of those are going to be evaluated, measured and assessed for impacts, so the fact that we didn't specifically call out every technical element of our work plan doesn't mean that it's not going to be done. So we'd be happy to expand this language even more if you desire, but in our view it's sufficiently reflected.

CHAIRPERSON ELKOWITZ:

I think it's -- the concern is it's going to be addressed in the EIS. I mean, I don't think that we can put in every sentence of everything that somebody might think of. But as long as everybody's assured that it's going to be addressed in the EIS, I think that's sufficient.

MR. DAWYDIAK:

I'm just going to make sure our consultant is on the same wave length, but that's your understanding.

MR. TONJES:

Yes.

MR. DAWYDIAK:

Yes, certainly.

CHAIRPERSON ELKOWITZ:

All right. Mr. Cramer, would you like to amend your motion?

MR. CRAMER:

I certainly would. I would like to amend my motion --

CHAIRPERSON ELKOWITZ:

To recommend that the final scope be --

LEG. FIELDS:
I can sense his emotion.

CHAIRPERSON ELKOWITZ:
He's been trying to do that for over 40 years.

LEG. FIELDS:
Can I just say one thing?

CHAIRPERSON ELKOWITZ:
Sure.

LEG. FIELDS:
I just want to commend your department for all of the work and time and effort that you've put into this. This is a monumental task and you have done very, very well. Thank you.

CHAIRPERSON ELKOWITZ:
So reading Mr. Cramer's mind, it's an amended motion to recommend the final scope as has been further amended to the Legislature. And I assume that Legislator Fields will second that amended motion. All those in favor? Opposed? Abstentions? Carried (VOTE: 8-0-0-1 Not Present: John Finkenberg). Thank you.

MR. DAWYDIAK:
Thank you.

MR. KAUFMAN:
Thanks, guys.

CHAIRPERSON ELKOWITZ:
The final item on the agenda is the proposed Suffolk County Department of Public Works 2003 Vector Control Plan of Work.

MR. KAUFMAN:
Contestant number one, please enter and sign in.

MS. MITCHELL:
Finally we get before you.

CHAIRPERSON ELKOWITZ:
Good afternoon.

MS. MITCHELL:
Good afternoon; wow, it is afternoon.

CHAIRPERSON ELKOWITZ:
It is.

MS. MITCHELL:
We're going to try and be quick.

LEG. FIELDS:
You have to talk closer.

MS. MITCHELL:

I'm sorry. Hopefully you've had a chance to review the plan of work, you've had it for a while. What we are proposing for '03 is basically a continuation of what you considered and approved for '02. And we have actually been able to add some additional restrictive measures on our activities, those are we have eliminated the use of toxicity class I and II products entirely; we will continue the use of garlic barrier out at the Smith Point dare area, I know that was something that the Legislature in particular was anxious for us to continue and we certainly have included that for '03. We will continue our policy of adhering to a voluntary 100 foot setback for adulticiding from open water and that's for non-emergency adulticiding.

When we came before you last year we agreed to meet with DEC regarding fresh water wetlands. Dominick did meet with them, they have worked out an agreement to adhere to a 150 foot setback, that's also included, that will continue. One -- the water management component remains reduced to only include maintenance of existing systems and that's only where we have identified breeding. And in addition to that, one update to the plan. At the time that we filed it we indicated three documented human cases and one fatality; actually we didn't even indicate a fatality, we are now up to eight documented cases and two fatalities.

LEG. FIELDS:

For the record, of what?

MS. MITCHELL:

Oh, I'm sorry, from West Nile Virus; thank you. And we'd like to move forward, we're very anxious to have a plan in place so that we have no destruction of Vector Control activity. We continue our emphasis on preventive measures and we're anxious to begin January 1.

MR. SWANSON:

How many states has West Nile been identified in now?

MR. NINIVAGGI:

I believe we're up to 43 states. I think Washington recently chimed in with a locally transmitted case.

CHAIRPERSON ELKOWITZ:

Any questions right now?

LEG. FIELDS:

I have a problem and a question with maintenance of ditches. I think in view of the environmental impact statement that those should not be an ongoing measure until we do evaluate whether or not they're going to be used in the future or will continue to be done.

MR. NINIVAGGI:

A failure to maintain these existing systems will inevitably lead to an increased dependence on the use of pesticides for controlling mosquitoes.

LEG. FIELDS:

But Dominick, the whole point of the environmental impact statement is

to see if that really is true; so if you continue it, it's not really evaluating it.

MR. NINIVAGGI:

No, I don't think so. I think that we have enough knowledge about the way these systems work over our many years of doing these things to know this, it's a fundamental part of the program. And I think --

LEG. FIELDS:

You're assuming that we have all the answers now and we don't; that's the whole purpose of the EIS.

MR. NINIVAGGI:

But I don't think we should assume we have no answers. I don't think we should assume that we know nothing.

LEG. FIELDS:

I think we have to assume we know nothing.

MR. NINIVAGGI:

No, I disagree. I think --

MS. MITCHELL:

I think what we did for '02 was we scaled back that entire component of the plan to do what we felt was absolutely essential which was to only maintain existing systems and only where we had identified breeding. And obviously, once we have identified breeding the concern is that if breeding is allowed to continue then we're going to find ourselves in a position to have to use adult treatment which we really try to avoid. And so the thought process behind continuing that small segment of the component is to continue in our -- in our effort to use preventive measures as opposed to treating with material. But I certainly -- I understand what you're saying. I don't really know that Dominick could advocate removing it but that's entirely up to you.

CHAIRPERSON ELKOWITZ:

Does anybody have any questions at the moment?

MR. SWANSON:

(Inaudible).

CHAIRPERSON ELKOWITZ:

No, but I'd like to hear what other people have to say before we go into our own dialogue. Okay? Mr. Atkinson?

MR. ATKINSON:

Yes, I'm Matthew Atkinson with Peconic Baykeeper. Our principle concern, of course, is the health of the estuarine systems out here. And as such, our particular concern with the ditching revolves around the degradation of the wetlands, not entirely because of the habitat that the wetlands provide but also because of the nutrient and pollution loading into the receiving surface waters as a consequence of these ditches and the maintenance of these ditches.

This issue is somewhat opaque to me at this point. In the initial 2002 work plan there's talk of maintenance and expansion and restoration of some 660 miles of ditches. We're now talking about maintenance of some 660 miles of ditches for which some apparently title wetland permits will be required, as stated in the EAF and Plan of Work. Maintenance of ditches requires no permit from the DEC, it requires no title wetland Permits. Maintenance is defined as something that doesn't require substantial expansion, substantial restoration, reconstruction or a modification. Nonetheless, I know that there is a permit pending now before the DEC that would provide for these types of substantial modifications. Why this is in the plan of work then if its only for maintenance activities, how can it encompass this 660 miles?

And I understand the concern on the part of Vector Control about limiting larval growth and, therefore, the talk about the need for some maintenance of these ditches, and the objection I believe in the plan of work is to a blanket prohibition against ditches in the Peconic Estuarine system. However, what this plan of work provides for is no prohibition on ditches in the estuarine system but to now maintain, regardless of the existing condition of any one or up to 400,000 I guess linear feet of this 660 mile complex.

It's important to understand in this regard that this 660 mile complex was created in the 1930's with an Antediluvian attitude towards wetlands and their importance and functions that they play in the environment. We do not need now to memorialize and turn into a monument this 1930's ecological approach by continuing to insist that these full creative ditches need to be maintained. And in this regard, I think it is impossible to say that that position which is necessarily follows from wishing to be able to maintain any and all of these 660 miles of ditches, how this can be consistent with the Estuary Management Plan.

I said before that the ditching and the Estuary Management Plan area is not a violation of County law, but to say that the maintenance of the existing grid of ditches in the estuary plan, that that is consistent with the management PEP is incredible. It's just the purpose of the PEP is to restore the health to the surface waters and the entire ecosystem and wants to see the phasing out of ditches, some means of implementing that. In the meantime, allowing the full maintenance of these ditches is completely unclear how that is consistent. Consequently, one of the requirements of the EAF and the evaluation of the consistency with a comprehensive plan is misstated, I believe, in this regard.

Segmentation is obviously an issue that we have to look at, but segmentation almost doesn't even apply. There's been a determination that the long-term plan of work will have a negative -- or a potential for a negative significant environmental impacts. As a consequence, all environmental impacts are supposed to be studied. It is the very nature of SEQRA to not take action once this determination has been made.

To say that there is no plan of work as the -- long-term plan of work as the scoping document suggests is simply not true. If there were no long-term plan of work, if that long-term plan of work has been withdrawn, then there is no need for an environmental impact statement because there's no proposed work. This would simply be a non SEQRA study that's being scoped that has nothing to do with SEQRA, you know, this is for the County's internal purposes to get public input on. So there is a plan of work and this plan, long-term plan of work obviously has to include day-to-day plan of work; that is to say it's like saying, well, the long-term plan of work includes everything except the year 2004 or 2006. I mean, once you move forward with that, everything that comes after it is contained within that plan of work. Indeed, the scoping discussion that's been brought up here makes it quite clear that a number of these issues that are contained in the 2003 plan of work need to be reviewed.

Other than -- I don't want to get into a detailed, legal analysis of this EAF, this isn't the appropriate time. But I would like to point out that in addition to the mischaracterization of consistency with the community or regional master plan, that also continues to do as it did before which is state that the impacts that are inconsistent with the critical environmental areas are inherently small, they're by definition potentially large. I realize that this isn't a policy discussion, nonetheless it was entertained the question concerning, you know, additional deaths.

I would like to make this one last point, that there is nothing in this 2003 plan of work that cannot be authorized under emergency health procedures. The emergency health procedures of SEQRA are designed to allow government to act to protect the health of the people of the area. In this regard, this does not waive SEQRA; SEQRA goes on, the review goes on. If there is a determination of necessity for the public health, there's no part of this that can't be done. What's crucial here is that the very purpose of SEQRA, the very purpose of the declaration on the long-term plan and now this is to stop before you act. If you need to go forward to protect human life you may do so under an emergency procedure, but this will also take care of a certain amount of the confusion that's taking place between the nuisance and disease which obviously needs to be studied in the greater document but is here once again conflated, there's no mosquito that's a good mosquito, they're all, you know, vectors of disease. Consequently, there's no management of the use of ditching or larvicides or adulticides that in any way reflects the different risks associated with these different species of mosquitoes. That's all I have unless you have any questions. Thank you.

CHAIRPERSON ELKOWITZ:

Thank you. Mr. McAllister? Once again, Kevin McAllister, Peconic Baykeeper. Madam Chair, do you mind if I distribute a photograph just for everyone's perusal?

CHAIRPERSON ELKOWITZ:

Not at all, feel free.

MR. McALLISTER:

What I'm distributing are photos taken by the New York Times, it

represents Napeague Harbor out in Montauk area; I believe the photos are circa 2000. It does show the network of existing mosquito ditches in that area.

A couple of points about the 2003 Work Plan. Obviously we've scaled back from what I believe is the true provision or true interest and that is to randomly go through 660 linear miles of ditches and perform maintenance activities. Modern day maintenance activities, again, is taking a 1930's ditch, two feet wide, two feet deep -- which, again, in many cases, 70 years of sedimentation that is likely filled in in many locations or near to grade and reopening that system three feet wide, three feet deep. These are vector control specs as represented to the DEC. Again, we do -- although it's scaled back, we are representing approximately 75 linear miles of maintenance activity this season.

Again, in the interest of I think and the spirit of the environmental impact statement process that's being performed, which I applaud this Council for initiating, we are on a fact finding mission. In the year-and-a-half, two years or hopefully not longer, many of the questions that have been posed will be clearly defined. I feel it's a significant regression if we operate accordingly while this fact finding process is under way. And again, in the regression we're looking at 70 years of time to go back into these systems and reopen them. So the sheer element of including this in the 2003 work plan may have significant adverse impact. Obviously the sweet of pesticides has been reduced, the removal of {Permethrin} and {diabrom}, that's a positive step. But nevertheless, what is in use, particularly I have grave concerns about the use of Altosid, Methyprene, via aerial spraying on a two week cycle, excuse me, over tidal marshes that may cause adverse impacts to the estriane waters, that's right from the profiles.

It is not in conformance with the Estuary Management Plan. There's, again, a distinct contradiction when we're talking about the ditching.

As Mr. Atkinson articulated, public health is not at risk or the hands are not tied, we can prevent public health. But again, I need to emphasize the need to really assess and take a time out here to have those facts come in before we proceed. So I caution you and ask for your real true deliberation on this 2003 work plan in the interest of fact finding mission. Thank you.

CHAIRPERSON ELKOWITZ: Thank you. Jessica Ottney.

MS. OTTNEY:

My name is Jessica Ottney, I'm with Citizens Campaign for the Environment. Thanks for the opportunity to comment on the 2003 plan. First of all, CC would like to congratulate the County in taking steps for removing {diabrom} from the arsenal of chemicals used by Vector Control.

In addition, we're also pleased that {permethrin} has been removed from the same arsenal and substituted with a nontoxic alternative, mosquito barrier. CC is pleased that the County will use mosquito barrier as the primary treatment to protect recreation sites. A plan

for this expanded use should be provided and developed and CC would like to work with the County to develop such a plan and select these appropriate sites for expanded use of this nontoxic alternative.

In addition, CC continues to support the advancement of Vector Control department's use of GIS and GPS technology. The use of this integrated technology will continue to enhance the Vector Control Program and provide environmental for coastal water resources.

In the plan, although four general criteria are listed, with regard to the use of adulticides for mosquito control, CCE is again asking that specific criteria which explain the need for adulticiding be put into the plan. We're pleased -- CC is pleased to see that the County will be utilizing literature produced by the New York State Department of Health as part of the addendum to the 2003 plan. And with my written comments that I'll submit, I've also submitted attachment three which is entitled "What Can I do if there is Spraying in my Community." And that attachment states, "If possible, remain inside whenever spraying takes place." And it also states, "Keep children inside during spraying and for about one hour after spraying." CC was alarmed this year when County health officials were quoted in the press saying that people didn't need to go inside. And included also with my written comments is a Newsday article from August 27th where this -- where this actually happened, it was printed as a county official saying this. To adequately protect public health, the County's message should be consistent with the State's message.

Last comment surrounds water management. Though water management component of the plan comprises 70% of the vector controls -- the Vector Control department's activities and the plan states that there are 660 miles of mosquito control ditches, reservoirs and pipes in Suffolk County which could be maintained. The potential size of the water management operation allowed under a proposed -- under the proposed plan causes CC to have three primary concerns. The first, the 2003 plan contains specific criteria for determining what factors trigger ditch maintenance. At the November 18th meeting, this Mondays meeting of the Suffolk County Vector Control Citizen Advisory Committee, representatives from the Suffolk County Department of Health Services stated that a ditch must be filled in 50% or less to be subject to maintenance activities. However, no such criteria is referenced in the 2003 plan.

In addition, given the New York State Department of Environmental Conservation's Phase II Storm Water Regulations which take effect in March 2003, it would seem that agencies would have a greater interest in protecting and enhancing wetland function rather than diminishing them.

Lastly, the South Shore Estuary Reserve Comprehensive Management Plans Chapter 3, Recommendation 4 entitled Improve Ecological Function and productivity of the Estuary by increasing the quality and quantity of its wetlands specifically recommends utilizing open marsh water management in areas that have been previously ditched due to mosquito control practices. This recommendation is not incorporated in the 2003 Vector Control Work Plan. The water management component of the 2003 Vector Control Plan causes it to rise to a level where there --

where it may have significant environmental impact. Therefore, CCE believes a positive declaration should be issued under the SEQRA process. And I'll submit these comments to the Clerk. Thank you for your time.

CHAIRPERSON ELKOWITZ:

Thank you. I don't have any other cards on this topic. Certainly.

MR. MCALEVY:

Hello, again. My name is Bob McAlevy and I don't know if it's appropriate, Ms. Chairman, to ask that what I suggested before for the previous activity be included in this activity.

CHAIRPERSON ELKOWITZ:

That's appropriate.

MR. MCALEVY:

It's appropriate here.

CHAIRPERSON ELKOWITZ:

Sure.

MR. MCALEVY:

Okay. I'll leave a copy of this then.

CHAIRPERSON ELKOWITZ:

That's fine.

MR. MCALEVY:

I won't have to go through it. And also, in the hopes that maybe we can broaden our understanding of the problems, I've gone to some of the literature. The American Association for the Advancement of Science, a very large international scientific organization, had some reports -- I've made copies of them, I can leave them with you -- but I'll just give you a few quotes from a man by the name of Paul Ritter, he's the mosquito control guy at the Center for Disease Control and he's now part-time at Harvard University. But I won't hold that against him. But here are some of the things -- here are some of the things that he said in the article, I thought I'd tell you now so you don't have to dig through them. He said looking at the long view, what it was like in this country and the Civil War, after the Civil War we had Malaria, Yellow Fever, Dungle Fever, and it disappeared in North America before any controls were put in place, disappeared. So there's some mystery about this. He thinks the screen technology did it, but you might want to look at that.

He also points out -- I know we disagree, Mike, but look at the article, okay. I can't speak for the man.

CHAIRPERSON ELKOWITZ:

What I really need you to do is to give me specific comments about the environmental impacts of the 2003 plan.

MR. MCALEVY:

I am. I heard before the mention of the West Nile Virus.

CHAIRPERSON ELKOWITZ:

Right.

MR. McALEVY:

Okay. He draws an analogy -- not Bob McAlevy, but draws an analogy where it says where Malaria is endemic, resident populations develop antibodies. And by extension from that finding, his studies with the previous studies with the Eastern Equine Encephalitis and now with the West Nile suggest that that might be the case. That we here in Suffolk County where we've been bitten by those mosquitoes for years and years are different from the people in Illinois or -- so we should look at local problems and solve local problems, do local cost benefits analysis.

Okay, and finally, let me see, he -- the expert, Mr. Mosquito said, "Little is known about how effective spraying is in mosquito control"; that's not Bob McAlevy. I can give you these documents, I didn't make enough copies because I didn't know I was coming here until late last night. Thank you.

CHAIRPERSON ELKOWITZ:

You're welcome. Does anybody else wish to speak on this matter? The Council has received correspondence dated October 16th, 2002, from County Attorney Robert J. Cimino given an opinion with regard to segmentation and concluding that this does not represent segmentation, in their opinion.

I will entertain discussion from the Council.

MR. CRAMER:

First of all, I received the correspondence, I reviewed it and from my experience, this certainly I would feel constitutes segmentation. We have an EIS that's been -- well, we have a positive dec that's been issued on it. This is certainly part of -- it's included in that scope of EIS, no matter whether they feel that they have answers to some of these questions, there are some aspects of this that if we find out that something shouldn't have been done, it may have already been carried out as a result of this plan.

CHAIRPERSON ELKOWITZ:

Right. I agree with you that it's segmentation; I think it's actually clear that it's segmentation.

MR. CRAMER:

Yes.

CHAIRPERSON ELKOWITZ:

But then we get to the question is it permissible segmentation.

MR. CRAMER:

Correct.

CHAIRPERSON ELKOWITZ:

Because while I grant you that in the law, and I agree with you, you and I do the same thing for a living, that segmentation is

presumptively incompatible with SEQRA, then you get to the question as to whether or not it is permissible.

MR. CRAMER:

Right. I think -- I definitely think some portions of this plan would be permissible segmentation; other aspects of it I question.

CHAIRPERSON ELKOWITZ:

Larry?

MR. SWANSON:

I guess one of the concerns I have if we go ahead and approve any or all of the 2003 work plan is that it's going to give license to the County to move slowly and the completion of the final study and that we will be year after year after year having to approve yet another plan for the short-term for the lack of the long-term being completed, and I think it's just giving license to having a never ending process.

MR. KAUFMAN:

In my bones I feel that this is segmentation also. But there is one interesting point that the memorandum brought up, and I don't think it was the greatest memorandum I've ever seen, but there was one point in there which is the fact that the long-term plan is not really in full form yet, we're still doing the scoping on it. And I know that other members of the Council disagree with this particular opinion. I think that since the long-term plan is still in its initial stages, we really don't even know what we're really looking at; I mean, we just adopted scoping comments today. I don't know that there is a conflict, if you will. I think that the earliest that this conflict of segmentation may pop up would be next year if we have another annual plan; in other words, the earliest annual plan that could be impacted and duplicated if you will is 2004. To that degree, it may be, in my opinion right now -- it may change, I don't know -- might be okay to proceed on the 2003 plan, and that's given the fact that we recognize segmentation is occurring, etcetera. But we do have the EIS going. I don't think it would be a fatal defect.

CHAIRPERSON ELKOWITZ:

I actually am going to ask to go into executive session to talk about one specific legal aspect and I would like just all the CEQ members, Mr. Grier and Mr. Bag to remain, I want everybody else to leave. Okay? So I'm going to ask for a motion to go into executive --

MR. CRAMER:

One thing I wanted to clarify with Mike's comment, that we have -- that it is a positive dec that's been issued and that we have just recommended on the content of the scoping, we did not accept the scoping; just for the record.

MR. KAUFMAN:

Okay, so I may be even more premature.

MR. CRAMER:

I make a motion that we go into executive session.

CHAIRPERSON ELKOWITZ:

And the only people that will be present are myself, Mr. Cramer, Mr. Mallamo, Ms. Fields, Mr. Swanson, Mr. Kaufman, Ms. Manfredonia, Mr. Bagg and Mr. Grier, that's it.

LEG. FIELDS:

I might just say for everybody to stay there; we can step out, it might be easier because of the microphones.

CHAIRPERSON ELKOWITZ:

Yeah, because it will be easier than having everybody move.

LEG. FIELDS:

Right. We'll step out and we'll come back in.

(*Executive Session: 12:34 P.M. - 1:04 P.M.*)

CHAIRPERSON ELKOWITZ:

I'm going to go back on the record and call the meeting back to order.

We have had extensive conversation with Counsel regarding a variety of legal issues and the Counsel, which we will discuss with you, believes that by reviewing an individual annual work plan it would represent impermissible segmentation. And what we would do is we would like to recommend to the DPW that they continue with the plan that they already have adopted and they not make any changes to it, and thus they will not have an action pursuant to SEQRA. But we do believe that taking any action on Vector Control while there is a long-term management plan being developed and a SEQRA review for that ongoing would be impermissible segmentation. Do I have a motion?

MR. CRAMER:

Motion that the 2003 plan is improper segmentation and that we recommend to DPW that they continue with the 2002 plan.

CHAIRPERSON ELKOWITZ:

Do I have a second?

MR. SWANSON:

Second.

CHAIRPERSON ELKOWITZ:

Second by Mr. Swanson. All those in favor? Opposed?

LEG. FIELDS:

I will abstain.

CHAIRPERSON ELKOWITZ:

Abstention, I have one abstention, Legislator Fields. Carried (VOTE: 7-0-1-1 Abstention: Legislator Fields - Not Present: John Finkenberg).

I will entertain a motion to adjourn.

MR. CRAMER:

Motion.

CHAIRPERSON ELKOWITZ:

I have a motion to adjourn, I have a second by Ms. Manfredonia.

(*The meeting was adjourned at 1:03 P.M.*)

Theresa Elkowitz, Chairperson
Council on Environmental Quality