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SUFFOLK COUNTY DEPT. OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

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9:30 A.M.
June 20, 2007



H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, N.Y.

A P P E A R A N C E S

- R. LAWRENCE SWANSON, Chairperson
- KARA HAHN
- JOY SQUIRES
- RICHARD MARTIN
- ZEB YOUNGMAN
- DANIEL PICHNEY
- GLORIA G. RUSSO
- JIM BAGG
- MICHAEL KAUFMAN
- VIVIAN VILORIA-FISHER
- MARY ANN SPENCER
- RICHARD MACHTAY
- THOMAS C. GULBRANSEN
- CHRISTINE DE SALVO

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THE CHAIRPERSON: I'd like to call the meeting to order. We will begin. I'd like to say that it's good to be back. I apologize for not being here for the last two meetings.

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But I had bronchitis and then I was chairing the Long Island Sound Concert in May.

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We have several new members. And I'd like to introduce them. Richard Machtay, Tom Gulbransen. And from the Town of Southampton, Zeb Youngman.

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So for the benefit of our new members and maybe the recollection of our old members, why don't we go around the room and just say a little bit about what we do and where we come from. So, Tom.

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MR. GULBRANSEN: Tom Gulbransen, President of Setauket Environmental Consultant with Bettell.

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MR. MACHTAY: Richard Machtay, former Town Planner for the Town of Huntington. I'm retired.

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MR. YOUNGMAN: Zeb Youngman. I'm sorry.

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MS. SPENCER: Mary Ann Spencer, Historic Trust.

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MR. KAUFMAN: Michael Kaufman. By trade I'm an attorney.

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THE CHAIRPERSON: I'm Larry Swanson. I'm an oceanographer and with the State

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University of New York.

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MR. BAGG: Jim Bagg. I'm the staff to the Council on Environmental Quality.

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MS. DESALVO: I'm Christine DeSalvo, CEQ secretary.

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MS. RUSSO: Gloria Russo, CEQ member. I'm an engineer for the Long Island Railroad.

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MR. YOUNGMAN: Zeb Youngman, Southampton Town representative. I'm environmental consultant for P.W. Grosser.

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THE CHAIRPERSON: What kind of consultant?

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MR. YOUNGMAN: Environmental.

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THE CHAIRPERSON: All right, we'll begin. Did anybody read the minutes?

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MR. MACHTAY: Yes.

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THE CHAIRPERSON: Does anybody have any additions or corrections? Yes?

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MR. MACHTAY: I've already given them
to the reporter.

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THE CHAIRPERSON: Okay.

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MR. MACHTAY: I've given them to
Mr. Kaufman. My name is Machtay, not
Murray. At least forty times I was referred
to as Richard Murray. One time I was
referred to as Richard McKay which is a lot
closer.

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Also I made a statement qualifying why I
thought that I could vote at the last meeting
inasmuch as I was just handed the information
package at the beginning of the meeting.

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And the way it came out, it was
unintelligible. It was meaningless.
Whatever happened, there were words missing
from the sentence.

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So I corrected that. SHIPO is not
SHIPO. It's SHPO for the State Historic
Preservation Office.

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Sewerage is the piping and sewage
is what goes through the pipes. And it's
sewage treatment plant.

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District on page 85, line 21, should

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have been distinct. And that was Mrs. Myles
that was making that statement.

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And also from Mrs. Myles on page 85,
line 22, "only" should have read "other".

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So I've given them to the court reporter.

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I've given them to Mr. Bagg.

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MR. BAGG: Yes.

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MR. MACHTAY: Thank you.

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THE CHAIRPERSON: Thank you very much.

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MR. MACHTAY: Now do we change the
minutes? Or do we attach this as an
addendum?

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THE CHAIRPERSON: I don't know how
we are doing it with these minutes today.

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Will it be an addendum or will they actually
go back to change the court recording?

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MR. BAGG: Well usually these are
added to this month's meeting. We'll put
them in as corrections for the last month's
meeting.

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THE CHAIRPERSON: Okay. With an
A instead of an E.

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MR. MACHTAY: With that understanding
I'll move the minutes.

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THE CHAIRPERSON: Second?

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MR. KAUFMAN: This is last month's meeting, correct?

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MS. SPENCER: Yes.

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THE CHAIRPERSON: All in favor?

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(Aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: I abstain. I wasn't here. So two abstentions. All right, Jim, do you want to remind us of any correspondence that is of importance?

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MR. BAGG: Actually we really received no correspondence as of this point at the meeting. We have some things to deal with the packet.

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THE CHAIRPERSON: We do have correspondence concerning Deepwells.

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MR. BAGG: Yes, that was an email. That was put on the agenda.

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THE CHAIRPERSON: Right.

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MR. BAGG: It was sent to the Parks Department requesting a representative be here to respond to the comments.

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2 MS. SPENCER: Where is it on the agenda?

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4 THE CHAIRPERSON: It's on the revised
5 agenda under Historic Services, I believe.

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7 MR. BAGG: Those comments came in after
8 the packet had been dispensed.

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10 MS. SPENCER: Yes, I see that. Thank
11 you.

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13 THE CHAIRPERSON: Thank you, Jim.
14 Just to remind everybody here. This is a
15 public meeting. And people should feel free
16 to express themselves.

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18 We usually try to handle that on a
19 topic by topic basis rather than saving it
20 for either the beginning or the end of the
21 meeting.

22

23 So please feel free if you are from the
24 public to speak up. And I see that Margo
25 is here. Hi, Margo. Jim, Type Two actions.

26

27 MR. BAGG: Okay. Well you have the
28 list of resolutions that were laid on the
29 table on June 12, 2007 for you.

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31 There are two things to note. One is
32 IR 1633 which deals with allowing the Kawanis
33 Club to temporarily use an area at Gabreski
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Airport for Carnival, I believe.

That was also in some of the information by the Citizen's Advisory Group of the Airport which said that it was an unlisted action.

I believe that to be a Type Two action. It's a temporary use pursuant to SEQRA that has negligible and no impact on the environment.

Another resolution which we will be handling later is IR 1635. I had a copy of that put in your packet.

It's establishing the guidelines for the use of Methoprene in Suffolk County.

As you know, the Council went through extensive review of the VECTOR control and wetlands management plan for approximately four years. And a findings statement was ultimately issued by the legislature.

And this to some extent is a new policy with respect to the County's policy as established in that findings statement.

And the Department of Environment Energy and also the Health Department have requested

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that that be put on the agenda for discussion.

So it should be placed at the end of the agenda. Since we just got the package, I noted it as a question mark as to what classification it should receive.

So later on in the meeting the Department of Energy and Environment and the Health Department will give a presentation to you concerning that.

THE CHAIRPERSON: Okay. We have a motion to accept staff's recommendations?

MR. KAUFMAN: Excluding 1635 which we have no determination on at this point and time, I would make such a motion.

THE CHAIRPERSON: Second?

MS. RUSSO: Second.

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: The motion carries.
All right, Capital Project 7452, Vanderbilt Planetarium, replacement of technical show

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production equipment. Anybody here to speak

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on that?

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MR. BAGG: I think it's fairly self-explanatory. It's purchase of equipment.

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And pursuant to the SEQRA rules and

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regulations that's a Type Two action duly

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noted.

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THE CHAIRPERSON: Do we have a motion?

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MR. KAUFMAN: I'll make a motion Type

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Two.

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MR. GULBRANSEN: Second.

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Motion carried.

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Capital Project 5375, rehabilitation for

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Abet's Creek Bulkhead. Is there anybody

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here to speak about that? Welcome. When

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you come up to speak, would you please

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identify yourself for the reporter.

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MR. MATHERS: I apologize. I'm a few

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minutes late.

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THE CHAIRPERSON: They probably sent

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you to the wrong building.

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MR. MATHERS: My name is Kevin Mathers
from the Suffolk County Public Works.

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County Project 5375, Capital Project, it's
simply, there's an existing timber bulkhead

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along Abets Creek that is on the west side

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that is completely deteriorated. I believe

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you have pictures.

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We want to obviously remove the existing
timber bulkhead approximately 300 feet and
replace it with a composite sheeting bulkhead
with CCA cap and CCA while.

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It's really pretty straightforward.
It's replacing along the same exact existing
line.

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The composite sheet, the timber has
proven not to be sufficient to withhold or
withstand the existing conditions.

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So we would like to try the composite
sheeting for this. This way if any soil does
push up against the composite sheeting, it's
much stronger. Over time it will be able to
hold it and withstand the pressure.

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THE CHAIRPERSON: I have some questions

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for you.

MR. MATHERS: Sure.

THE CHAIRPERSON: There are a number of questions. First of all, why are you using the CCA cap and while?

MR. MATHERS: That's typically the cap and while. You can use it with the composite because it allows for a galvanized hardware.

THE CHAIRPERSON: We've been trying to get away from that, the County.

MR. MATHERS: Well this is not going to be in any, nobody is going to be touching it. It's all woods behind it on the creek in front of it.

THE CHAIRPERSON: I was thinking about the water.

MR. KAUFMAN: You basically have leaching if you will of various types of chemicals. And they can't have impacts in the environment.

That's one of the reasons why I think they don't make the CCA to any great degree anymore.

MR. BAGG: They reformulated it pursuant

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to CCA.

THE CHAIRPERSON: So it's still called CCA?

MR. BAGG: Yes. But it's not the original formulation that had the toxics.

MR. MATHERS: We have used it in a few applications where it's not going to be hands on whatsoever. And this is certainly far from being hands on whatsoever.

MR. KAUFMAN: So is this going to be the new CCA then?

MR. MATHERS: Yes.

THE CHAIRPERSON: I'm glad to see that you are using the composite. Is this recycled composite?

MR. MATHERS: It's fiberglass composite. It's not recycled lumber. Recycled lumber --

THE CHAIRPERSON: You can get recycled composite too.

MR. MATHERS: You mean the recycle like the plastic lumber?

THE CHAIRPERSON: Yes.

MR. MATHERS: For another bulkheading job we looked into plastic lumber. And it's

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really not intended for structural

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applications.

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And we don't want to take into account that the existing sand may push up against it

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over time. The composite will be sufficient

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enough to withstand that. The recycled

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plastic, we don't feel it will be.

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THE CHAIRPERSON: I would like to have

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you go back and reexamine that. Because I

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would disagree with you that for bulkhead

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purposes recycled plastic reenforced perhaps

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could be acceptable.

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The other problem that I have with this

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is that in our overall goal to try to be a

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little less carbon intensive is that we

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should probably be trying to find products

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that are produced more locally. And I notice

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that this comes from Georgia.

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MR. MATHERS: There is a few. We use

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North Star as a spec. We have been

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coinciding with them a lot about the

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composite. There are many. No, I don't

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believe there is one locally.

THE CHAIRPERSON: How soon does the

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project have to be done? Do we have a little

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time to do some homework?

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MR. MATHERS: December.

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THE CHAIRPERSON: December?

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MR. MATHERS: Yes.

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THE CHAIRPERSON: So could you go back

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and get some answers to these questions and

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come back to us in six months?

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MR. MATHERS: I certainly could. I'll

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just touch on the plastic one more time.

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We are trying to avoid, we want to do a

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cantilever design.

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THE CHAIRPERSON: Right.

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MR. MATHERS: To avoid this less

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affected area behind it. We don't have to

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do any tiebacks or anything.

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We have touched upon the plastic lumber

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and didn't feel that it would be able to

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stand with the cantilever design. We could

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certainly get more into it.

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THE CHAIRPERSON: Any other questions?

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MR. KAUFMAN: Yes. A quick question.

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On the map and on the drawing up there I'm

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not exactly sure where you are going to be

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doing this project.

In the aerial photograph that was supplied to us, there is a structure going out into the water.

MR. MATHERS: Yes.

MR. KAUFMAN: I have been told that that may have been repaired. Are we talking about something that's not on the water? The little Secatogue area? Can you show us on the map with your fingers how it's going to go?

MR. MATHERS: I believe it was the Town recently put a new bulkhead in here.

MR. KAUFMAN: Right.

MR. MATHERS: That's in perfectly good condition so we are going to meet that. It's about 60 feet from the Secatogue.

MR. KAUFMAN: So basically this is going to be along the beach area?

MR. MATHERS: Yes.

MR. KAUFMAN: The sand area?

MR. MATHERS: Yes.

MR. KAUFMAN: And then extend into the cattail area, et cetera.

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MR. MATHERS: You can clearly see all the sand that's washing through.

MR. KAUFMAN: The reason I am asking also is photo one is showing some deteriorated structures.

At the same time I could not figure out if this was what you were going to be replacing or not.

MR. MATHERS: Right.

MR. KAUFMAN: The second question. You are going to be doing coordinated reviews on any of this with DEC and the Army Corps?

MR. MATHERS: Absolutely.

MR. BAGG: It won't be coordinated, Michael. It will be reviewed by them.

MR. KAUFMAN: The other question that I had was from your project description it appears as if you are trying to avoid cutting far back into the bank in that area.

So basically I think you also said that you are not going to be putting in any tiebacks or anything like that.

MR. MATHERS: No tieback system.

MR. KAUFMAN: Do you see any harm to the

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environment or anything like that? I mean,
is there any problems that you might feel you
need to point out to us?

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MR. MATHERS: No. I think we are trying
to use this composite and test it out where
we can. Because it's very environmentally
friendly. Aside from aesthetically pleasing,
there is no treatment system that is
necessary forever.

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MR. KAUFMAN: One last question. In
the aerial photograph this seems to be a
fair amount of accumulation of sand inside
the navigable channel that's over there which
probably to my eye is caused by the partial
failure of the bulkhead. Are there any plans
to remove that particular amount of sand?

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MR. MATHERS: That would be a separate
dredging project.

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MR. BAGG: I have a question. What is
your name and title?

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MR. MATHERS: Kevin Mathers. And I'm
a junior civil engineer.

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THE CHAIRPERSON: Mr. Gulbransen.

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MR. GULBRANSEN: I have two quick

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questions. Is it necessary to remove the existing bulkhead that's there? And secondly, is there a window or time that you would expect that to take place?

MR. MATHERS: Normally typically if the existing structural bulkhead was in decent shape we could. This is ruined.

MR. GULBRANSEN: Thank you.

MR. MATHERS: There is no necessity to keep it there. Like I said before, we anticipate to let this in and to bid it out in December.

MR. GULBRANSEN: To bid it in December?

MR. MATHERS: Yes.

MR. GULBRANSEN: But the actual re-suspension and temporary activity might occur in the spring or some other time?

MR. MATHERS: In December. I figure that work starts about two months after that. So probably February.

MR. KAUFMAN: So you are anticipating a winter project on this for the actual construction as opposed to say late summer or something like that?

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MR. MATHERS: Right. Which is flexible.

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MR. KAUFMAN: Obviously it would be
subject to DEC permits, et cetera.

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MR. MATHERS: Correct.

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THE CHAIRPERSON: One last comment.
With regard to using the recycled plastic
materials, if you have time, go down to see
the bulkhead in the Mill Pond at Stony
Brook Harbor.

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MR. MATHERS: Okay.

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THE CHAIRPERSON: That bulkhead is,
it has been there since I think 1995. It
looks as good as the day that it was put in.

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And it is supporting a load, it might
not be as dynamic a load as what you are
anticipating here.

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But it is certainly supporting a
horizontal load all up and down the bulkhead.

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MR. MATHERS: Okay.

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THE CHAIRPERSON: And I just think that
we should try to be using recycled goods
whenever possible. And there are some
really good ones out on the marketplace now.

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MR. MATHERS: Okay.

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THE CHAIRPERSON: Not the mixed plastic
lumber. I would agree that you shouldn't
use that. If you use single caliber recycled
stuff, there is really some good material.

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MR. MATHERS: Okay.

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THE CHAIRPERSON: Are there any other
questions?

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(None.)

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THE CHAIRPERSON: So we will have a
motion to table this.

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MS. SPENCER: So move.

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THE CHAIRPERSON: Second?

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MR. GULBRANSEN: Second.

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THE CHAIRPERSON: Do you have another
question?

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MR. GULBRANSEN: No.

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Motion passes. Thank
you very much.

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MR. MATHERS: Thank you for your time.

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THE CHAIRPERSON: The final scoping

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document on the shellfish lease program

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DGEIS. Anybody here to talk about that?

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MR. DAVIES: Yes.

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THE CHAIRPERSON: Dewitt.

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MR. DAVIES: Dewitt Davies, Suffolk

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County Department of Planning. Good

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morning.

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I just wanted to point out here,

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it might be a little bit confusing with

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respect to the agenda. But the County

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legislature has by resolution already

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determined that our project is a Type One

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action.

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It has been positive, a positive dec was

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issued. And we have been preparing a draft

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environmental impact statement for this

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project.

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And we had a public hearing on it on

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May 3, 2007, at Suffolk County College

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Eastern Campus. We received seven written

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statements.

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We had 34 people in attendance. Seven

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people made oral comments on it that meeting.

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We also had an input into this project

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at the Advisory Lease Project Committee. And

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that group will be meeting this Thursday

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evening to also take a look at the final

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scoping document draft.

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So I know that Mr. Bagg has distributed

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this document to you prior to the meeting for

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your consideration. And if there are any

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questions, I would be glad to answer them at

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this time. Thank you.

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THE CHAIRPERSON: Dewitt, thank you.

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Do you have a map that you could actually

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show us the areas that you are anticipating

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that it would be?

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MR. DAVIES: We have a planning area

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map. One second. This is the area shown.

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If I can pass this around, perhaps the people

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can take a look at it.

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You see where the white line on this

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particular map is regarding Gardiners Bay?

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The land, you see where that thousand foot

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boundary is west of that vertical line from

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Plum Island.

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It was ceded to the County for the

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purposes of shellfishing to the State of New

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York. And the area is approximately we'll say plus or minus 100,000 acres.

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Now we are in the process as a result of this project in determining all the constraints that would be applied to determining those locations which would be suitable for shellfish leasing with respect to avoiding conflicts, existing activities, avoiding problems for existing natural resources, et cetera.

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We will prepare a draft shellfish cultivation zone map which, after the analysis of all the spacial consideration, will show the area in which leasing could occur. That map will be subject to approval by the County.

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And there will also be an element in the program whereby the nuts and bolts of the leasing process in terms of how it would be administered is also the major part of the project.

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So we don't have a shellfish cultivation zoning map yet per se that is a project of the product that is forthcoming in the near

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term.

THE CHAIRPERSON: Okay. I have one other thing that I would just like to have clarified when you get around to doing the DEIS.

And that is on page three. You talk about carrying capacity in the very last line.

MR. DAVIES: Page three, okay.

THE CHAIRPERSON: When you do the GEIS, could you please define what the carrying capacity is for so that we have a better idea of what you are doing? That's the only question I have. Do we have any other questions?

MR. KAUFMAN: I'll wait until Dewitt finishes.

MR. DAVIES: Okay.

MR. KAUFMAN: I was at the public scoping hearing representing CEQ. And I think that you may see that from the cover letter. Enrico and I were both supposed to examine the scoping documents on behalf of CEQ, et cetera. And I was fortunate enough

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to be able to make the actual public hearing.

MR. DAVIES: Right.

MR. KAUFMAN: The question for you, Dewitt, is there were some comments made. I did note that most of the comments really varied from anything that was in here.

Have there been any changes since the previous interrelation of this document? In other words, did any of the comments at the public hearing affect the scope?

MR. DAVIES: Yes. And if people want to examine what those comments were, we do have a complete record summary of that particular public hearing.

And I have attached all the written comments that we received. We also have a transcript of that meeting forthcoming.

But to answer the question directly. There were several additions to the mitigation lists that appear in the scoping document as we have it here today that address natural resource concerns, social, economic concerns, aesthetic concerns.

They were incremental because this

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document has been in preparation for several months already. But yes, we have made some comments and it has been improved by the result of the process that we carried out so far.

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MR. KAUFMAN: Since it is our duty to pass upon the adequacy of the document, can you with the Chair's permission give us a little bit more of an idea what the changes were?

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Frankly I was comparing one document with the other and I wasn't able to spot all of them.

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MR. DAVIES: There is a few. If you turn to page, let me just find the page for you.

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MS. VILORIA-FISHER: On page four, weren't there comments about finn fishing and didn't you incorporate that? On page four where it says fishing. I thought I remembered that there was some comments that were incorporated.

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MR. DAVIES: There were comments on the fish habitats that were out there. There

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were a lot of comments with respect to commercial and recreational activity.

And, you know, that will be a major component here in terms of the input that we get on the interview process that the consultant is currently carrying out.

So on page four as you have just mentioned here, we talk about commercial finn fishing as well as recreational finn fishing.

And the people who conduct businesses with respect to recreational finn fishing, charter boat, et cetera, we have had meetings with them in the north fork as well as out in Montauk.

So they are in the process of delineating areas where they feel that leasing would not be appropriate because it may indeed interfere with conduct of their activity. So we are trying to go through that process.

So yes, the answer is yes with respect to how this activity interacts with existing uses in the vicinity of Peconic and Gardiners Bay.

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To get back to Mike's question. I think that many people have, their concerns really, you know, you can boil them down to what will the scope of leasing be. How will it impact existing activity? How will you avoid conflicts, et cetera?

So on page ten under natural resources here there were specific comments about pathogens and disease. So we are addressing that.

THE CHAIRPERSON: How many diseases?

MR. DAVIES: These would be shellfish disease so agriculture will affect the natural system out in Peconic and Gardiners Bay.

On page eleven you see under the item mitigation. There are fourteen items shown on that particular list. There were additions to this list as a result of the comments received.

Again facing of the program in terms of an option, how can we develop this new program and interact that program with existing activities out there? There might

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need to be a phasing in terms of the level of intensity that we start with.

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Again local cede stock was a question.

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People have brought up performance bonds, the need to look at those.

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So if you look through this list here

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and you get down to socioeconomic and

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cultural impacts, on page twelve under

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impacts there, we had comments about how it

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would affect the livelihoods of the existing

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commercial fishermen and baymen out there.

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So that was the concern that people brought

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up.

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Again the question of scale, the

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question of intensity, the question of

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phasing, all of these various things were

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brought up and are included in the various

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mitigation listings that are in the document

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as we see it.

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People had concerns about marking

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leases, how would you do that. People had

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concerns about how you determine boundaries

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of leased plots. And we have to address that

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also.

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THE CHAIRPERSON: Mr. Gulbransen.

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MR. GULBRANSEN: Thank you. I had a question. Maybe it's procedural. This is a draft EIS, I'm sorry, a generic level EIS on the lease program.

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Will there, subsequent to this GEIS, be for a specific lessee and the configuration that they would have in mind?

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The reason I ask is because driving towards that number eleven or number fourteen on page eleven, the monitoring and environmental conditions, that's what it all boils down to.

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That's the contingency plan. Is it going okay? Does something have to change? Therein lies the whole thing.

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So it seems that enough economic revenue needs to be marked to support that so it can be done well.

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When does that get set up? When the lessee applies? Then you'll know what is worth looking at?

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Who would have the objective role of doing that without having vested interest in

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saying I don't have any problems there?
That's an interesting thing to learn more
about that. Should we look for that now or
look for that later?

MR. DAVIES: That question as you said,
this is a generic impact statement on a
program. Hopefully we can address most of
the concerns in this document with respect to
the overall action as it impacts the base
system.

Whatever mitigation measures are imposed
on how this program actually is established
and adopted eventually we hope by the County
legislation and the County Executive at that
time, there will be things in there that
address some of the specifics that you just
missed.

We don't have them as we speak today.
By avoiding areas where natural resources
exist, for example, by certain measures that
can be implemented to protect commercial
fishermen and others from encroachment, all
of these things can be built into the
process, into the leasing process so that we

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avoid all those conflicts upfront.

People have mentioned that well what do you do with respect to certain things that you may not understand adequately at this point and time.

Well maybe there should be a monitoring program set up to assess what a particular type of agricultural facility could or may do to the area around it.

So there may be requirements depending on the type of agricultural lease issued, et cetera, that would be implemented at the time that the program is implemented and the lease is issued.

So the idea is to have this, don't forget, if an individual comes and wants to get a lease and then gets his program going, he has to get permits from the New York State Department of Environmental Conservation. And they go through that process also.

So there is that level of review on the individual actions that are implemented as part of the overall program. That's why it's a generic approach now but there will be

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steps later on.

MR. KAUFMAN: To supplement what Dewitt was saying. You were not here when we discussed this precise issue five months ago or so I think it was.

CEQ made a recommendation if I remember correctly that since this was going to be going as a GEIS, obviously it would subject to the DEIS rules and regulations of the State.

And also we were looking at if elements came up that there could be the possibility which would not necessarily be foreclosed of further studies.

Looking at 617-10(d), when a final GEIS has been filed, you don't need to do further SEQRA compliance if the subsequent proposed action will be carried out in conformance with the complaints and these homes established for such actions in the GEIS and a findings statement.

That's one of the things that they are going to be doing. They are going to be trying to set up as part of the plan that

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they are trying to do the standards for

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leases and the standards for environmental

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reviews and things like that in the future.

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Obviously if there is something outside

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of the plan and outside of the EIS that comes

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up that was not either thoroughly studied or

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was not adequately addressed, et cetera,

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according to the 610 or 617.10 results there

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could be further study.

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But nobody is foreclosing anything at

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this point and time. It's right now a

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standard GEIS looking at everything setting

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up the threshold and trying to set up a way

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to go about things.

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So that if certain actions meet the GEIS

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criteria, they can go forward without further

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review. But a review is not foreclosed.

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THE CHAIRPERSON: Did I see your hand

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up?

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MS. VILORIA-FISHER: No.

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THE CHAIRPERSON: What about interaction

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with the Town? I would presume that the

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towns would have some concerns about where

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their jurisdiction and some of these waters

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might be relative to what has been granted to the County.

MS. DAVIES: Okay. The Agricultural Lease Program Advisory Committee was formed to include representatives appointed by the five east end towns. So we have representation on that particular group.

And Legislator Fisher is also a member of the group also because she is Chairperson of the P.A. Committee of the legislature.

But this advisory group was set up by the County Executive under an executive order to guide the program through to its fruition.

We have a number of again town representatives who have been active in Shelter Island individuals. East Hampton people have been very active. The Town of Southhold people have been very active.

We've gotten comments on the program from the Supervisor of the Town of Riverhead. We have Southampton Town Trustees on our Committee.

All that means is that we have made this

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attempt to be inclusive with respect to the various segments of the public that we are involved in.

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The towns are sensitive to this particular program. We are going in a sense into their backyard.

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And you know, I see this at several meetings but there are many ways in which a government program can affect people's lives. You can impact where they work and where they play.

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Unfortunately if you want to look at it that way, we are impacting where people play and where they work, on the water.

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So everybody knows that we have to essentially make this effort to make this program acceptable to the public at large.

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However, saying that we do have a considerable, there has been considerable interest expressed by the public and the people who conduct agricultural activities as we speak under the old systems that are in place out there.

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So we do have I think a level of support

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that we obviously need to pursue the program.

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But the towns are interested in where their

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jurisdiction ends. People in 1,500 foot

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navigation have concern that the villages and

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the town have offshore where they control

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navigation.

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The Town of Southhold is very interested

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in that with respect to this mooring program.

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And we will be setting up meetings with the

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Town of Southhold to discuss that.

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We had a meeting about two weeks ago

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with the East Hampton Commercial Fishing

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Advisory Committee which includes as its

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Chair the Town Congressman.

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So yes, they are very interested. And

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we are making that attempt to make sure that

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their concerns are addressed in the program.

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THE CHAIRPERSON: It would seem to me,

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not being overly familiar out there, but it

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would seem to me that there is some real

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potential conflict going back to the King's

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grants, going back to where town boundaries

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are in those bays and estuaries.

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I even wonder whether the State had the

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authority to grant to the County this opportunity in some cases.

MR. DAVIES: I think this area is a little different than the south shore bays because those so-called patterns and kings grants, et cetera, were not, it's not the same as Great South Bay with respect to the Town of Brookhaven and all those things.

And there have been lots of issues with respect to where the jurisdiction begins and ends. Many court cases, the town trustees have ownership in many of the interior harbors and what have you.

For example, Napeague Bay is a trustee resource. Back in the late 1800's when a grant program was established by the State of New York, all of these issues were revisited.

And seaward of the shoreline, the main shoreline, not the interior coves and everything, that was deemed to be State of New York property.

And at that point, given the importance of the oyster industry in the region and the

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world, the State of New York gave the County the right to issue grants in perpetuity for oyster culture.

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And that did occur. About 50,000 acres or so were granted. The major industry at the time, only about 3,000 to 4,000 acres of those grants remain intact today.

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And the other ones have returned to the public because they were abandoned and taxes were not paid.

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So as we speak, there's about 3,000 or 4,000 acres that are still held in these private grants.

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We also have on the order of plus or minus 30 temporary reassignments where agriculture is conducted off bottom in racks and cables.

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So we do have an industry there now. But under the new law things were affirmed, things were changed.

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We have a situation where the County can now issue visas for shellfish cultivation which includes species other than oysters.

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But we have to develop this program over

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the next couple of years because there is a
Sunset provision December 31, 2010.

If the County does not issue a lease
within that time, and we had another
authority that was ignored for some 30 some
odd years. People are getting anxious about
it.

But if we don't issue that lease, then
the County loses title to that property on
December 31, 2010. So there is an interest
given the strict time frame that we have.

THE CHAIRPERSON: Are there any other
questions?

(None.)

THE CHAIRPERSON: Okay. Just as I
understand it, what our role is here is that
we have to make a recommendation to the
legislature as to whether they should adopt
the scoping document.

MR. KAUFMAN: I'm make that motion that
we recommend to the Suffolk County
legislature that the final scoping document
is adequate for the purpose intended.

MR. GULBRANSEN: Second.

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THE CHAIRPERSON: Okay, we have a motion
and a second. All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Abstentions?

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(None.)

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THE CHAIRPERSON: Okay.

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MR. DAVIES: Thank you very much.

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THE CHAIRPERSON: Thank you very much,
Dewitt.

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MS. VILORIA-FISHER: Mr. Chair, before
we go on to the next item, I just have a
question. Because I recall the Environment
Committee of the legislature that there were
two pieces of legislature that we passed over
for CEQ review.

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I didn't see them on our agenda. But,
Jim, perhaps you would note that with County
Road 36 and County Road 65.

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MR. BAGG: Yes. They have to submit
the information for review.

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MS. VILORIA-FISHER: Because it has been
on my agenda.

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MR. BAGG: I understand that. But I believe that Mr. Hellman is working out with DPW whether or not they are going to at this time pursue that individually or part of the whole application.

Those were quality projects that were part of a much larger project, I believe.

MS. VILORIA-FISHER: Right.

MR. BAGG: And people in DPW haven't submitted anything at this point and time.

MS. VILORIA-FISHER: Okay. I thought it might have been something that was inadvertently missed on the agenda.

MR. BAGG: No.

MS. VILORIA-FISHER: And I was looking for somebody from DPW to address that.

MR. BAGG: We do have EAF, we expect the yield program. DPW has not submitted anything.

MS. VILORIA-FISHER: Thank you.

THE CHAIRPERSON: All right, we'll move on to proposed acquisition of land for acquisition purposes.

Loretta.

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MS. FISHER: Loretta Fisher, Suffolk
County Planning Department, Principal
Environmental Analyst.

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MS. VILORIA-FISHER: Mr. Chairman,
if I may. It's been proposed that when
we listen to the descriptions of the
properties that maybe we could do one
vote.

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And it turns out that at our last
meeting of the Environment Committee, what we
did is consider all of the CEQ resolutions on
the land acquisitions and addressed them all
with one vote.

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I know that's been brought up before.
But I would like to reconsider that.

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Because we do tend to go through them
quickly. The question we could pull out of
the group. But I just thought that it might
be more efficient.

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THE CHAIRPERSON: Since we no longer
put prices in here, we can't.

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MS. VILORIA-FISHER: I didn't know
prices were supposed to be part of the
issue.

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THE CHAIRPERSON: Well --

MS. VILORIA-FISHER: I'll make a motion.

THE CHAIRPERSON: There's a motion that we consider these as a group. Do we have a second on that?

MR. KAUFMAN: Second.

THE CHAIRPERSON: Do we have any discussion?

MR. KAUFMAN: Yes. I have a question. In the past the Council has reviewed actually programs like the four percent program, the \$60 million open space program and so on.

And they have issued what they call a blanket negative declaration that said if you acquire property for open space preservation purposes for passive recreation that technically there is no impact on the environment.

And therefore it's a negative declaration. And that negative declaration applied to all parcels acquired under that program.

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They did qualify it that said if a piece of property is acquired for active recreation, then technically it needs a separate EAF with the project plans and review by the CEQ.

That has been done in the past. This could be done at this point and time. There are several programs.

There are several master lists out there which I believe the Council has received in the past. And we could prepare a general type of EAF and review those programs under each master list and possibly adopt a negative declaration.

That means that projects or acquisitions that fulfill those criteria wouldn't have to come back to the CEQ which takes quite a bit of time.

I question whether or not what the Council's alternative is if the County is going out to buy a piece of property for open space preservation purposes to remain as it is, what the impact is. I don't think there is one.

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THE CHAIRPERSON: Just for clarification for our new members. When we review these properties, the only thing that we can question is the environmental impact.

So we can't question, although we have questioned the price in some cases and the legislature has actually revisited, we are not supposed to do that.

Unless there is a piece of property that is controversial in that somebody here knows that it's a hazardous waste site or something like that, it's pretty proforma to do these things. Yes?

MR. KAUFMAN: I don't have a problem with having a single vote on, for example, the packet that is here with us today.

But we have had situations in the past where there have been shall we say controversial properties. And there were controversial issues.

And no one has spotted them until literally they got to CEQ and somebody knew something about it or spotted it or asked the right question.

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For that reason I think that we should retain the jurisdiction here, for example, of all these properties. Again due to the quick up and down, if we have got a question, we can bring it up and pull that particular one out.

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But I still think and I disagree with Jim on this, I still think that we should not give a blanket permission on all this even if it's for passive recreation.

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You guys never know. And I just don't trust anyone anymore on anything.

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Maybe that's my life experience as an attorney. But it's gotten worse and worse over the years for me. I trust nothing until I actually see it.

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You can have a perfectly beautiful project and there could be a problem. So in terms of administrative aspects of things, I don't have a problem with ups and downs.

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But I still think that we should see what has been coming in, even if it is on say master list one, master list two. And there may even be a master list three out there.

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While I love Loretta and all that, I do not give anyone the benefit of the doubt anymore.

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THE CHAIRPERSON: Loretta, my sympathies.

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MS. FISHER: Right.

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THE CHAIRPERSON: You had a comment.

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MS. FISHER: I just wanted to give a little bit of my perspective on this and the amount of time I spent putting this information together.

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I don't have a problem doing it. But I have a very short staff, me and another person. And it does get cumbersome and time consuming.

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I would like to suggest that we do present to you the master lists at least minimally and have you accept those in Type Two format within the EAF, long form EAF attached.

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So that you can review that as a whole and accept those on those lists that would be acquired for passive recreation.

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Obviously anything that would be

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considered for anything other than that for hamlet parks, for active recreation, would most definitely come to you individually for review.

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So I would feel that if you were presented the master list and given time to review them, make comments, do whatever you wish on those properties, then we can move forward and at least accept those lists as approved for passive recreation.

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If we acquire them, then it would be proforma that you would have accepted them. That would be my suggestion and my recommendation.

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THE CHAIRPERSON: Ms. Russo.

MS. RUSSO: I wanted to suggest that we do things in the block only for those parcels that are on this map. Again if they know that it's on their list it's already approved.

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MS. FISHER: Correct. And part of my presentation to you would be those master lists and a long form EAF. You can review it and make a determination.

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THE CHAIRPERSON: Gloria, just a technical question in doing that process. There may be some of us at some point and time like myself today that feel that I should not vote, I should recuse myself on the vote.

So what do we do? Just say that you go along with the package and compensation?

MS. FISHER: Sure. I believe that would be fine. Just indicate which one you have an issue with and I think that would be acceptable.

THE CHAIRPERSON: Okay.

MR. KAUFMAN: If we go the way some of the comments have gone right now to maybe review the master lists, et cetera, obviously we have to go through it maybe town by town. That's the way they are organized at this point and time.

For example, I know Smithtown pretty well. I know part of Huntington, et cetera. We have to have a meeting essentially to go through this.

MS. FISHER: Yes, we can have a working

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meeting or whatever you wish. In the master

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list report we have maps with tax map

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numbers. So everything is well identified.

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So that when you are presented this

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information, you will know exactly what

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parcels, where they are. And just taking you

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out and showing you the site physically, I

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think that it suffices your needs, I believe.

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THE CHAIRPERSON: You have raised an

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interesting question. How do the CAC members

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vote on the block?

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MS. VILORIA-FISHER: Well I was just

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going to say, if we were to have this kind of

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work session and we did have it with Vector

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Control, we could ask the CAC members to

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come.

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And because the master lists are as Mike

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said organized in towns, then those people

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who represent a specific town can vote on

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that piece of the master list block.

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THE CHAIRPERSON: Okay.

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MS. SQUIRES: Could I address that?

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Having that from the Town of Huntington comes

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from Margo Myles and from myself as Chairman

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of the Space Committee. And we work
absolutely very closely with Loretta.

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I can only speak to the Town of
Huntington. But everything that we do is
done, we are in very close communication.

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So everything that comes on that list
that comes out of the Town of Huntington,
Margo has specifically done with Town Board
approval of course.

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So it goes from us to the Town Board.
It's approved. It goes to Loretta.

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And again I'm just speaking for one
town. But Loretta and Margo are in constant
communication. So that there is, you know,
the town knows exactly what's coming up.

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MR. KAUFMAN: Believe me, there are
certain towns out here that do not follow
that process. One thing that does worry me a
little bit is properties with low point
scores, et cetera. You know, that's an
issue.

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MS. VILORIA-FISHER: But those are
policy issues.

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MS. SQUIRES: And low point scores are,

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you know, we work intimately with low point

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scores. And sometimes there are very

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significant properties for extraneous

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reasons. And you can always justify the low

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point score.

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MR. KAUFMAN: One other thing that I

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would suggest. If we start doing this as

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block voting, it still would be useful for

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CEQ to monitor in one respect.

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Simply present a list to us each month

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of the stuff that's coming through so that we

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can at least keep a tab on what's happening.

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MS. FISHER: Sure. That would be much

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more helpful. And then if you have any

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questions you certainly can contact me and I

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can work that through.

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THE CHAIRPERSON: Legislature Viloría-

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Fisher, just another question. As you are

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probably aware of more than us, the

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acquisition of properties in the County has

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been controversial in the past.

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If we do this and we sort of gloss over

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the environmental issues, are we opening

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ourselves to criticism if at some time in the

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future things begin to slip through the

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cracks that the County, the CEQ, the

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legislature can be held accountable for or

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consider to be doing, you know, shoddy work?

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MS. VILORIA-FISHER: I understand what

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you're saying. But if we look at the review

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process, I think in some ways it's more

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effective because we are looking at an

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overall picture. Especially if we include

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the CAC members.

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Now since the time when you may remember

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this scandal with the land acquisition, we

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have developed a very clear sense of criteria

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and hoops through which the acquisition

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process has to jump.

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And I'm also a member of the

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Environmental Trust Review Board which we

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look at the two appraisals. And we vote on

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whether or not we are accepting those two

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appraisals.

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And there are two of us who sit on the

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Environment Committee of the legislature who

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also sit on the Environment Trust Review

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Board.

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And so that we come to the Legislative Committee meeting having reviewed the appraisal process and the arguments regarding those appraisal processes.

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And we also have an understanding of what kind of partnerships have evolved, which towns have jumped in to help with an acquisition.

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And if a town had come in to be part of an acquisition, maybe there is something suspect about that particular acquisition and we take a closer look.

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Now just this past Monday we rejected an acquisition which is very unusual. And that is because we looked at the price and it was 1.2 acres for \$1.2 million.

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And we saw that looking at the whole program and looking at the economic pressure on the program that would not have enough bang on the buck for us to pass that legislation.

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So we are trying to separate all of the different components of the decision making. The purview of CEQ is to look at the

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environmental impact.

The purview when we sit on the ATRB, and it's been very difficult for those of us that are legislators not to make policy judgments there but simply make a judgment based on whether the comps are good comparable values, whether we are looking at highest and best use and all of those criteria for appraisal.

And then I wear the three hats. And so as Chair of the Environment Committee I'm bringing in all of those different dimensions into our final policy making decision.

So we have really put in a lot of stop gap measures in order to address those issues that we had seen.

And Jim attends the committee meeting. We have been taking all of those safety measures. We can still make mistakes.

MR. BAGG: It's a very exhaustive review at the meeting.

MS. VILORIA-FISHER: Yes, our meetings last quite a long time.

MS. FISHER: My director and I are there to give any information that the legislature

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requests on these properties. We do an
exhaustive review at the planning steps level
as well as when we come back to them for the
final acquisition resolution and approval or
disapproval.

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So there is a lot of steps that now go
into May that have been expressed that we
really are a part of. And this is one part
of a number of steps that we take now to make
those decision. And we are all involved on
every level.

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MR. KAUFMAN: I have a sense at least
with the public comments that have been
made by members today as to which way some
of them may go and possibly the rest of the
Board would go.

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I would just say this. In any motion or
any practice that we may undertake in the
future, I think that it should be done
without prejudice to full review of any
project as necessary in the future.

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So that we don't necessarily let
anything on our end slip through the cracks
that we might see.

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In other words, there's ten and one of them is an acquisition. I would like to retain the ability of having that one fully reviewed.

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MS. FISHER: Could I request what your criteria is for an issue? So that I understand what you are looking for in your evaluation.

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MR. KAUFMAN: We are all doing this right now on the fly. And I don't think that we can make necessarily a full determinative motion at this point and time with full definition.

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A general policy statement probably could be made. But I don't know that we can send everything out today. If we delayed it a little while and came up with those definitions, that would be one thing.

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Unless everyone wants to make a decision right here and now and change 15, 20, 30 years of policy.

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THE CHAIRPERSON: What I would suggest is that we table the motion. And if we ask Jim based on the discussion today to draft up

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perhaps Legislator Viloría-Fisher's and Loretta's review a statement as to how or what the policy will be and if we vote on it next month so that we incorporate some of the thoughts and concerns that have been expressed and that --

MS. VILORIA-FISHER: Actually I would prefer to withdraw the motion. Because the motion that I made was a much simpler motion from what it developed into.

And so it was simply up or down in one block. And my motion was very simple. And it evolved into something about the master list.

So I'm withdrawing my motion. We can look at this and see if we would like to have another motion at a later time.

THE CHAIRPERSON: So would you be willing to help review a draft statement?

MS. VILORIA-FISHER: I see Jim a lot.

THE CHAIRPERSON: Are you willing to do that?

MR. BAGG: Basically what it would be is we could use one trial. We draw up an EAF

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for one master list.

We can then put it out there. Michael, you can look at the master list and put that on your concerns with respect to the properties and how they generally might apply to County policy for passive recreational policies.

And then we'll bring it before the Council for discussion and review. And then if that works, then we can do other master lists.

MS. VILORIA-FISHER: I don't think we should put the farmland on that. Just open space.

MR. BAGG: Large farmland has already been approved.

MS. VILORIA-FISHER: What I'm saying is not to mingle.

MR. BAGG: No, farmland has already been done.

THE CHAIRPERSON: Mr. Machtay.

MR. MACHTAY: I'm just curious as a new member. If the Town of Huntington made a recommendation for open space or whatever the

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2 case may be and they pass the resolution, say
3 the Town Board passed the resolution issuing
4 a negative declaration and they coordinated
5 it with the Suffolk County legislature, would
6 the CEQ still make a determination?

7 MR. BAGG: No.

8 MR. MACHTAY: If it's coordinated.

9 MR. BAGG: If it's coordinated, then the
10 Town of Huntington becomes a CEQ agency.

11 MR. MACHTAY: So if the towns appeared
12 for that sort of thing, would that sort of
13 reduce the load on the CEQ and make it up to
14 the staff making the recommendation to the
15 County as to what they want to do? They want
16 to purchase it or not?

17 MR. BAGG: Well the recommendations are
18 already part of the master list.

19 MR. KAUFMAN: So say it's not on the
20 master list.

21 MS. FISHER: We have our master lists
22 that are generated in house. We have also
23 individual legislators who also bring forward
24 recommendations for matching steps to acquire
25 properties.

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So there are two different ways that properties can move forward to be acquired.

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But the proposal by a town to request the

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County to acquire it can go in those two

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directions.

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It can be brought to the County

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Executive or it can be brought to an

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individual legislator. So that would be hard

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to constantly follow.

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They would have to be a lot of

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coordination between each of the towns and

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the County to assure us that that has been

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completed.

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Some towns are excellent at

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communicating with me particularly and the

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County and other County officers.

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But there are other towns that we would

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be following them trying to track everything

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down all the time. And quite honestly that

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gets to be a little bit cumbersome,

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especially with the staff that I use.

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THE CHAIRPERSON: I think we ought to

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move on. Jim will draft something for us

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to consider.

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And, Jim, that thing that, and I guess maybe this is one of the penalties of having been here so long. But my recollection of the time where we actually found properties that were hazardous waste sites and asked the legislature not to purchase them still is very clear in my mind.

And I am just concerned that we have a process that we make sure that we are not purchasing properties that end up being burdens to the County in the long run.

MR. BAGG: Well this County has a policy that we have to do an environmental audit, usually an EAF, in which all properties are reviewed from the view of contamination with toxic and hazardous waste.

MR. KAUFMAN: And, Jim, sometimes these are missed.

MR. BAGG: So we have a phase one and a phase two. And I don't know to date recently of anything that has been missed.

THE CHAIRPERSON: Okay. So I will review it. And then today since we haven't passed anything, we'll go through it.

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MS. FISHER: I was actually hoping to put something together. And Jim and I were going to work on this for possibly August, your August meeting.

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THE CHAIRPERSON: Okay.

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MS. FISHER: I won't possibly be here for July if you don't mind.

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THE CHAIRPERSON: Very good.

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MS. FISHER: Are we going to go through these individually?

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THE CHAIRPERSON: Yes.

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MR. KAUFMAN: It's a good motion. I don't think you should have withdrawn it at least for today.

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MS. FISHER: I have nine proposed acquisitions today. The first four are within our Mastic-Shirley conservation area which you are probably very well aware.

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This is a key acquisition area that we are getting for protection through acquisition. The first one is the Sferrazza property. It's approximately a third of an acre.

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It contains fresh water wetlands. It's

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being acquired under our new drinking water program for open space. That's passive recreation.

THE CHAIRPERSON: Any questions?

(None.)

THE CHAIRPERSON: Motion for unlisted neg dec.

MR. KAUFMAN: Second.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

MS. FISHER: The second acquisition before you is the McLaughlin property, another property within Mastic-Shirley.

This is a small piece of property on the Sheep Penn Creek Peninsula. It's less than a tenth of an acre of property.

But there are many adjoining County owned properties. And this is an extremely low lying area where there is flood inundations on a daily basis.

MR. KAUFMAN: Motion unlisted neg

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dec.

MR. MACHTAY: Second.

THE CHAIRPERSON: All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

MS. FISHER: The third one is the Stiffel property in Mastic-Shirley. Again it's a small piece of property down by Margo Bay in Mastic-Shirley.

MR. KAUFMAN: Motion unlisted neg dec.

MS. RUSSO: Second.

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Motion carried.

MS. FISHER: And the fourth one is the Valenta property. This is again less than a tenth of an acre, Mastic-Shirley conservation area, passive recreation. And this as well is on the Sheep Penn Creek Peninsula.

MR. KAUFMAN: Motion unlisted neg dec.

MS. RUSSO: Second.

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THE CHAIRPERSON: All in favor.

(Unanimous aye.)

THE CHAIRPERSON: Motion carried.

MS. FISHER: Next property is on our Forge River Water Shed area where there was another key area identified on our Mastic-Shirley for acquisition.

This property is north of Sunrise Highway near the head waters of the Forge River. We brought another piece, a smaller piece before you last month in this area.

THE CHAIRPERSON: I have a question on this one.

MS. FISHER: Yes.

THE CHAIRPERSON; Is that West Pond that's outlined in blue?

MS. FISHER: No, that's Forge River.

THE CHAIRPERSON: Where is West Pond? This is north of Sunrise.

MS. FISHER: This is north of Sunrise, right. This acquisition consists of four lots for a total of approximately three-quarters of an acre.

MR. KAUFMAN: Having reviewed the

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property, I'll make a motion unlisted neg

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dec.

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MR. MACHTAY: Second.

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THE CHAIRPERSON: All in favor.

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(Aye.)

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THE CHAIRPERSON: I abstain.

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MR. BAGG: Seconded?

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THE CHAIRPERSON: Mr. Machtay. I'll

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recuse, whatever. Okay.

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MS. FISHER: The next property is the

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Pheasant Meadow Farms property in the Seatuck

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Cove area.

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MS. SQUIRES: That's number 7.

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MS. FISHER: On Moriches Bay. It's

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just authority of the New York State

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conservation area that has extensive title

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and fresh water wetlands.

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This is a former farm field that

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basically has been let fallow. It's the old

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field vegetative growth at the present time.

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We are partnering on this property with

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the Town. It's a 50-50 partnership.

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MS. VILORIA-FISHER: Our favorite kind.

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MS. FISHER: Yes.

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THE CHAIRPERSON: Questions?

MR. GULBRANSEN: The words that are used are natural state and habitat management purposes. In this case is this parcel one which the County might want to have a more active habitat management?

MS. FISHER: Yes. We would like to see it go back to its natural use, natural habitat, vegetation.

And the reason for that is because of its relationship to the water shed and the wetlands just below it.

We'd like to keep that area and any kind of influences into that water shed at a minimum. And that is the intent. It will revert back to its natural state.

MR. BAGG: But the habitat management is to allow, once the County acquires it, to go in and remove the species.

We want to leave that option open to go in and remove any invasive species that might occupy that field in the future.

MR. GULBRANSEN: Thank you.

MS. FISHER: They will be back to see

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you. I would suggest that we not move in that direction on this property only because of the fact that we are within an immediate developed residential area. And it's not conducive to that kind of management.

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THE CHAIRPERSON: Okay. Do we have a motion?

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MS. VILORIA-FISHER: I'll make a motion to that effect.

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THE CHAIRPERSON: Second?

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MS. RUSSO: Second.

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THE CHAIRPERSON: All in favor?

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(Aye.)

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THE CHAIRPERSON: Mr. Kaufman is not here. Next.

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MS. FISHER: The next proposed acquisition is the Bluffs at Shoreham, Hallock Landing at Shoreham. This is a 19 acre lot, long rectangular lot leading up to and including a portion of the Long Island Sound waterfront.

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There are trails existing within the park itself at the present time. And we are looking to acquire this under SOS, the open

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space component for passive recreational use.

This was put in by an individual legislator so this one would have come to you today due to the fact that it's an individual.

MS. SPENCER: How much is that land used?

MS. FISHER: Presently there is no use on it. It's informally used for people in the area to traverse through that trail that you can see on the aerial that kind of bisects the property.

MS. SPENCER: It's interesting that there is development all around it.

MS. FISHER: Right. It was proposed originally for residential development in the future. But we have a willing seller and he's willing to sell the property.

MR. KAUFMAN: It's part of the overall project to sell and they were not sold off 40 and 50 years ago.

MS. FISHER: It's a very unusual shape. That's probably why it has not been developed to this point. Because you

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would have to have a little creative site

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design for this one. Not unusual.

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THE CHAIRPERSON: I don't presume it's
the case here. But a lot of properties as
you go further east have the same shape.

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And that was because they wanted to,
where they farmed, they wanted to keep long
straight roads.

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MS. FISHER: It's unusual for this
area but you're right.

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THE CHAIRPERSON: Do we have a motion?

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MR. KAUFMAN: Motion unlisted neg
dec.

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THE CHAIRPERSON: Second?

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MR. MACHTAY: Second.

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THE CHAIRPERSON: All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Motion carried.

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MS. FISHER: The next proposed

acquisition is the Lewis Oliver property.

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We'll give you a few words on it and I would

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like to introduce Margo Myles to give you

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further detail on the proposed uses of the

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site.

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This is a five acre lot consisting of five lots, two acres, sorry, consisting of five lots.

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And it's being proposed for acquisition under the SOS hamlet parks component. The intent of the site is what? Margo, if you would come up and speak on behalf of the Town.

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The Town is partnering with us on this. They will be managing it and making the existing structure. Margo.

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MS. MYLES: Margo Myles, Town of Huntington, Department of Planning and Environment. I am the open space coordinator and senior environmental analyst.

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The Lewis Oliver property is a two acre property on the corner of Oak and Bert Avenue in the Village of Northport. This is not in the unincorporated portion of the Town. It's in the unincorporated village.

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It's a property that is cherished by the community. It's a site that is used extensively. It still has animals.

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It's been an active farm for over 110

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years. At one time it had been an extensive dairy property which as the suburbs grew diminished in size now.

It's left as we said only two acres. But the original barn structures are on the site.

The animal pastures are the exact same location that they had been all these hundred years. They are completely surrounded by residential uses.

The site has a non-profit organization that has been supporting the animals, raising funds for their veterinary and feed care over the past ten years.

The partnership that we have put together for this site is a four part partnership. The Town and the County are purchasing at 50-50.

The Village of Northport has stepped up to the plate and has agreed to handle maintenance, management and assist in repair of the structure.

The organization Friends of the Farm will be programming the site continuing to

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fund raise and hand the veterinary care but also extending their educational programming.

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They have been doing educational programming on this site over the past ten years. But it's been limited since it's been in private ownership.

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The Town and the Village have been in discussions. And right now the only changes that would be planned for the site are a small playground. We would like to formalize the playground.

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And I brought along a couple of pictures that I will send around as well as to do some enhancements along the street scape.

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Right now there are two very long street frontages. And it's so heavily used by the community. People pull up all the time to feed the animals to walk around with their children.

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And really we don't feel safe in organized street scape. We would like to improve the sidewalk area.

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On one street it will be the right of way. On the other street it will have to

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extend into the property just slightly.

But I just brought along a few pictures.
And we will be, as I said, installing a
children's playground.

This is a site that virtually all the
nursery schools, pre-schools, elementary
schools in the area use as a field trip site
right now.

We have been in discussions with Cornell
for the extension. We have been told that
they might like to as they can support this
with their farm endeavors as well.

So it's a strange property because it's
a farm but it's not your typical farm
preservation property. And we recognize it
as a true hamlet park.

It has been used in this way by the
community for many years. And hopefully it
will continue in the same tradition.

The present owners have allowed a number
of uses on the site that will be going away.
There has been a back lot that has been used
for storage of recreational vehicles and
boats.

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During the winter months that will be removed. Some of the areas in the barn have actually been rented.

And there has been a landscape company that operates an office, just an office, not trucks on the site out of that. So it's going to revert to being simply a farm education center.

But it will be managed as a park plan. There is an interest on the part of the Village of Northport to possibly have a small growing area for a tree nursery possibly to be used for community improvements and to improve the property in one corner.

And that is shown on the conceptual map that we gave you. But essentially we have one large corral here, the barn and the garage.

This has a loading dock so it comes down toward the back. Right now the children's playground would be right out front. And that is a play area right now with limited equipment on it and picnic benches.

There are several coops for small

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animals. This is the parking area. We'll

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probably continue to use this for parking

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area and for equipment and tractors.

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There are two large containers, what we

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would call them, I guess trucks, storage

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containers that are coming with the farm.

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That will be cleaned up and painted and used

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for storage.

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Right now they are Tropicana. And the

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back area is right now the area that we are

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talking about possibly being animal

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enclosures for a possible small nursery area

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in the back.

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MS. SQUIRES: When Margo says animals,

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there are two large cows. They may be the

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only cows left in the Town of Huntington.

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And you should see the fuss that people

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make over these trees. We had a press

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conference. And the cow was chewing on the

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sleeve of our Supervisor Frank Petrone.

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And everybody was laughing and having a

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jolly time with these two large benign cows

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that smile at everybody.

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THE CHAIRPERSON: When I look at this,

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I'm concerned about the big piece of property

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that is marked in red here. Because as I see

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it, it looks like it's a place that trucks

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are parked and boats are parked. And the

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first question I would have is --

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MS. MYLES: They are no longer there

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now.

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THE CHAIRPERSON: My concern is what

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is the quality of the soil that's there,

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what's happening to the runoff from all the

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animals that you're talking about.

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Is it contained on the property? Is

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it treated? You know, just what kind of mess

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are we buying into?

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MS. MYLES: Right now there is no

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treatment. It will have to be managed.

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Quite clearly in accordance with the control

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program that we will be putting together with

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the Village of Northport to insure that it's

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monitored properly.

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As far as where the trucks and what not

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are stored, there will be an environmental

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site assessment done as Jim pointed out

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before.

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THE CHAIRPERSON: But there hasn't been
one.

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MS. MYLES: There hasn't been one done
yet.

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THE CHAIRPERSON: So why are we doing
this when there hasn't been one?

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MS. MYLES: Your procedure is that you
have it done.

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MS. FISHER: It was laid on the table
at the last full legislative meeting. And
we would like to bring it before you before
it goes to the EPA Committee.

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And because of the timing, we had to
move this up. Quite honestly I was not
aware that this was moving so quickly, number
one.

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MS. VILORIA-FISHER: I'm on the phone
with my office because I remember that I
had some problems when I looked at this and
I'm trying to get them to dig up my notes.

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MS. FISHER: Good. So my feeling is
that the only reason, and we have done it
before but it's contingent upon the analysis
of the report.

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If there is anything in the report that is of concern, Jim does review these. And we would be back to see you. It's up to you.

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MR. BAGG: Our recommendations in the past because this is a 50-50 acquisition with the Town of Huntington and the Town of Huntington is actually going to run this active park facility or be responsible that they assume all liability for any contamination or toxics as well as the remediation or substance.

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MS. MYLES: That's exactly how we handled the Monenhoff property.

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MR. BAGG: That we are a partner. However, the contract reads that it is the town's responsibility if any toxic contamination is found that they are responsible for any cleanup or remediation.

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MR. MACHTAY: If I could just clarify that. You mentioned toxic. I believe the town's and the villages are in MS4 in terms of runoff control.

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Pathogens are high on the list of things that we are going to have to mitigate. So if

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that could be recognized as another part of what the local municipality will be taking care of.

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MR. BAGG: You could possibly put that in, if you want to go the way of a negative declaration, that the town assume any potential liability for toxic contamination as well as control of the runoff and animal waste and possible pathogens.

THE CHAIRPERSON: Yes?

MR. MACHTAY: How did you address this in the EAF that the Town Board adopted, Margo? For their neg dec?

MS. MYLES: Simply we stated that an environmental site assessment would be conducted and that any mitigation that would be required would be carried out.

This is exactly how we proceeded in the past. The best example was the Monenhoff property.

It's a site that before the site was acquired the environmental site assessment for phase one indicated that there were elevated levels of arsenic and a few other

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pesticide constituents that would require additional analysis and potentially remediation.

We moved through and completed the acquisition with the understanding that the town would assume that burden for the additional investigation and any mitigating work that would need to be conducted.

We continued on with the consultant that had done the phase one. We had phase two work done. We have had them prepare remedial alternatives.

They have just submitted our draft show market program to the Health Department for review.

Once the Health Department gives us their authorization, that is an acceptable program to proceed with. Then this town is responsible for implementing that program prior to any construction or improvement, public use of that site.

What we have had to do at Monenhoff is actually reconfigure some of our improvements that were proposed in order to actually vest

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and encapsulate and make sure that there wouldn't be potential after the remedial work is done.

We are trying to insure that the site is basically safe. Once we have the certifications from the Health Department, we will do the work on the site once we have their certification and we proceed.

This is exactly what we look to do here. But in this case we will be working always with the Village of Northport.

THE CHAIRPERSON: So the people of Huntington, the Town of Huntington, are willing to relieve the owner of the property of the responsibility of keeping it up by taking it on as a tax burden?

MS. MYLES: I know that there are certain procedures that will be placed in the contract that would, I'm sure, become the burden of the owner as well.

But as far as the testing that would proceed, I would think that we would proceed along the same lines as we have with the other sites.

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MR. KAUFMAN: Mr. Chairman?

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THE CHAIRPERSON: Yes.

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MR. KAUFMAN: Didn't you have some problems with the Monenhoff property with some analysis if I remember correctly?

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MS. MYLES: Problems?

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MR. KAUFMAN: I think we discussed it at CEQ regarding that the County wasn't going to be doing certain analysis or certain tests or something like that.

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MS. MYLES: No.

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MR. BAGG: They did them. The testing soils for pesticides, they found high levels of arsenic and because they are making an active recreation, I believe the Town of Huntington said that they are going to bring in artificial turf.

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MS. MYLES: Yes.

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MR. BAGG: Otherwise the Health Department would probably require the removal of the first six to twelve inches of soil, bringing in new soil and planting on top of that in order to minimize any kind of impact of pesticides on recreation.

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THE CHAIRPERSON: Why is this such a crisis? It seems like sometime if we get the controversial issues and they are always well we have to move ahead quickly because something has got to happen now and we don't really have time to explore whether or not this is a property that is of an environmental concern.

MS. FISHER: Well I know that the Town of Huntington, and Margo can tell me if I'm explaining this properly, the owners are very anxious to close.

THE CHAIRPERSON: I think I would be too.

MS. SQUIRES: But they are anxious because they have many buyers for it. Everybody wants it. This is in the middle of the Village of Northport highly valuable. And we are hoping that they will hold on until we can purchase it.

MS. MYLES: This is on R.D. which requires 8,500 square foot lots. So there are a lot of builders that have been pushing the family.

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The family has been under a lot of pressure in terms of making a decision as to what they would like to do with this property. This is a site that had been actually considered under another County program which timed out.

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THE CHAIRPERSON: Which what?

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MS. MYLES: Timed out. And the family had believed that this, we would have been at this phase a good deal earlier than we are now because of what happened with the change in program.

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So they are just barely hanging on. They have been telling us that unless we move forward in a reasonably paced fashion that they are going to turn to the Development Committee.

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MS. FISHER: I would also like to add. We had to add in another step and go back to the legislature to put together a new planning steps resolution under the SOS hamlet parks program.

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So that delayed us a couple of months just to go backtracking a little bit and then

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So now the resolution to acquire the property was laid on the table last Tuesday, I believe.

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MS. VILORIA-FISHER: We tabled it because we needed to come before the CEQ and the Trustees.

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MS. FISHER: Exactly. So it was substantially tabled on Monday pending the outcome of this meeting today and the approval or review and recommendation from the parks Trustees tomorrow.

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MR. KAUFMAN: I don't know which way the Board is going to go on all of this. If a motion is made, if we don't table this, whatever, if a motion is made, I think that we need to have several conditions placed upon it based upon the issues that had been brought up around here.

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For example, the assumption of liability by the town, the containment by the town as part of this, a standard environmental review be done and basically our approval be contingent upon that passage.

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I think those would be basic conditions. There may be one or two that I missed. But it is in the middle of a relatively heavily developed area.

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And containment, storm water containment of pathogen as brought up is a very important issue.

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So if anyone does actually make a motion on this, if we proceed further on this, I think that conditions should be placed on here.

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MS. SQUIRES: I'd like to make that motion. And in addition I was just talking to Richard. And there are some historic aspects to this farm.

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And we would forward to Richard and to you, Mary Ann, some of the interesting historic aspects that come with this farm.

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THE CHAIRPERSON: What is your motion?

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MS. SQUIRES: So I make a motion.

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MS. RUSSO: May I make one more comment?

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THE CHAIRPERSON: What is your motion on this?

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MS. SQUIRES: Unlisted neg dec.

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THE CHAIRPERSON: Do we have a second?

MS. VILORIA-FISHER: With some additional conditions.

MS. SQUIRES: The conditions.

MR. MACHTAY: Conditional neg dec is not permitted by the Seaway.

MR. KAUFMAN: Recommendations.

MR. BAGG: Well it wouldn't be a recommendation. It's agreed upon by the Town of Huntington that they will remediate the site.

MR. MACHTAY: So it's not part of the neg dec.

MR. BAGG: It's a reason for the neg dec. Because it's been agreed upon that it's part and parcel of the project.

MR. MACHTAY: The contract would be contingent upon those conditions.

MR. BAGG: Right.

MR. MACHTAY: Second.

THE CHAIRPERSON: Gloria.

MS. RUSSO: That was my concern. I felt that we were reviewing it based on an environmental impact. We don't have any

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information on that.

I felt that we shouldn't be pursuing this any further until we find out what the condition of the site is.

THE CHAIRPERSON: Any other comments?

(None.)

THE CHAIRPERSON: We have a motion and we have a second. All in favor?

(Aye.)

THE CHAIRPERSON: Opposed?

(Three.)

THE CHAIRPERSON: Abstain?

(One.)

THE CHAIRPERSON: We have one abstention. The motion fails. So I think we would like to see the environmental assessment and some of the other things that were, all the other things that were listed as requirements in the motions passed.

So the agreement of the Town is going to or is willing to remediate including storm water, et cetera. And maybe we can bring it back next month.

MS. MYLES: May I add one thing? It is

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my understanding that it's the County

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procedure that until they enter into a

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contract and they are authorized to enter

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into a contract of sale, they do not secure

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the environmental site assessment. Is that

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correct, Loretta?

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MS. FISHER: No.

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MS. MYLES: That's how it's been

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procedurally.

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MS. FISHER: Usually it's before.

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Is that right, Jim?

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MR. BAGG: Usually.

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MS. FISHER: Or in tandem with the

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contract. The contract is contingent upon

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approvals.

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THE CHAIRPERSON: Well the Town had.

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MS. VILORIA-FISHER: With regard to the

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timing of this, Margo, and I just wanted to

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mention this, the committees don't meet again

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until August, the end of July.

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MS. MYLES: The end of July.

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MS. VILORIA-FISHER: There will be a

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CEQ meeting before that. So there couldn't

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be action on this anyway in the committee

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until the last week in July.

MS. FISHER: Right.

MS. VILORIA-FISHER: So if we could have some information for our next CEQ meeting. So certainly more information so we can make an intelligent decision here.

MS. SQUIRES: I just wanted to make a comment.

MS. VILORIA-FISHER: This is delaying it. The committee does not meet until the last week in July. So we could not have acted on it.

MS. FISHER: Jim, do you have any idea when the environmental assessment is due?

MR. BAGG: I have no idea. Real estate orders the assessments.

MS. FISHER: I'll see what this scheduling is and what the anticipated time frame that they have is.

MR. BAGG: Maybe you could request that the assessment be done now.

MS. FISHER: I think it's in the process. I will find out. But I believe it's somewhere in the process.

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MS. VILORIA-FISHER: Margo, did you
hear what Jim said?

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MS. MYLES: No, I'm sorry.

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MS. VILORIA-FISHER: Jim, you were
asking that the assessments be done now.

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MR. BAGG: I asked Loretta that we
request real estate.

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MS. FISHER: It's in the process.
I just need to touch base with real estate
to find out exactly where they are in the
time frame of getting that completed.

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THE CHAIRPERSON: Joy.

MS. SQUIRES: This is not perhaps
proper. But do let me beg. Because we are
talking about the coordination of four
entities.

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And it's a very sensitive thing that we
have been working on for a very long time.
And I don't know what I can say to assure you
that the environmental impact of this will be
carefully considered.

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But by delaying this it's very possible
that we lose the whole thing. I don't mean
to be impassioned regarding this.

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That's kind of my role. Margo will be somewhat more dignified than I am in terms of begging.

THE CHAIRPERSON: But as Legislator Viloría-Fisher just said, we are not delaying it. Because the legislature can't take any action until August.

MS. FISHER: Regardless of what you determine.

THE CHAIRPERSON: One of the things that I would suggest you also include which you just introduced that I don't think we had heard before was that there is some historic value or interest in the property as well. So that ought to be included.

MS. SQUIRES: Right.

MS. SPENCER: I had a question. The age of the barn, the type of framing, you say that it goes back more than a hundred years. We need to have that information.

MR. MACHTAY: Mr. Chairman?

THE CHAIRMAN: Yes.

MR. MACHTAY: Is this site for the barns on the historic or designated historic by the

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Town?

MS. MYLES: No.

MR. MACHTAY: I should think that there is a possibility that that could happen. And number two, the uncertainty of environmental conditions on the site would somehow be reflected in the price should a developer come in and want to buy it.

And I should think that the owner of the property would be aware of that. So they probably would be better off hanging in there and waiting until they get a proper price for it from the local municipality and the County. And if they were smart they would do that.

THE CHAIRPERSON: Okay. Jim, I just have one other question. In light of our previous discussion before we start going through the properties, keep in mind that when we are at a draft or something for us to consider about blanket review how things like this would --

MS. FISHER: Yes, we are definitely going to indicate as I mentioned before that

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anything I proposed to you for active

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recreation, park land use, any kind of

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historic, any kind of active recreation, well

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going back to the comment that I was making

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to Larry's comment.

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We will definitely exclude from the

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review of the properties that we bring before

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you. There are many that will be proposed to

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be active recreation, historic sites, any

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kind of park land use other than passive

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recreation, they will come back and be

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evaluated and approved or disapproved by this

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THE CHAIRPERSON: Thank you.

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MS. FISHER: All resolutions that are

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not properties on the master list will also

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come before you regardless of what it is.

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Whether it's active, passive hamlet park, et

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cetera.

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THE CHAIRPERSON: Thank you.

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MS. FISHER: I just have one more

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resolution for you and I'll be on my way.

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THE CHAIRPERSON: All right.

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MS. FISHER: The last resolution before

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you is the Farley property. This is in the
Town of Islip, the Bayport property.

It's over half an acre adjacent to a
number of other wetland parcels to the north
of that that you can see on your map.

This will complete our acquisition of
the vacant land within this small water shed
that flows into Great South Bay.

MR. KAUFMAN: With the Chairman's
permission I will make a motion on this.

THE CHAIRPERSON: Motion.

MR. KAUFMAN: Unlisted neg dec.

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

MS. FISHER: Thank you very much.

THE CHAIRPERSON: Thank you, Loretta.

Next is Suffolk County Eelgrass Restoration
Initiative. is there anybody here to
speak?

MR. PICKERELL: Yes. My name is Chris
Pickerell. I'm with Cornell Cooperative

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Extension. I'm a habitat recreation specialist.

And things were going along very smoothly until the end there. Hopefully you received a copy of a short narrative that I put together.

Jim had contacted me and asked me to clarify some of the potential or the perceived impacts of the Eelgrass Restoration Program.

What we are proposing to do is to restore 9.75 acres within the Suffolk County waters across the three estuaries, South Shore Estuary Reserve, Peconic Estuary and the Long Island Sound.

We are not sure if we are going to split that equally between them but it will be a total of 9.75 acres.

We have been working with Eelgrass Restoration and management for the last thirteen or fourteen years primarily until the Peconic Estuary most recently in Long Island Sound and South Shore.

We are having some success. That's

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why we're coming to the County. Eelgrass is important for a number of reasons. Habitat support, water quality, erosion control, North Shore environment, water clarity, shell fishing, recreational fishing, commercial shell fishing. And some of that is put forth in this document which you have before you.

The type of work itself is basically very simple. We don't use any machinery. It's all done by divers.

That's what's used up and down the east coast as well as around the country. We use scuba divers to harvest adult shoots from existing meadows and transplant somewhere else.

It's not a case of robbing Peter to pay Paul. We have natural erosion. We are gathering those that would be lost.

The other method is we gather seed from existing meadows. We cannot touch the natural production that's there. They produce millions and millions of seeds.

We may collect less than one percent at any one meadow. The different methods, the

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transplant versus the seed works differently
in different environments.

So seeds may work in the Peconic Estuary
or more likely in the south shore. They will
not work in the Sound.

So that kind of gives you an overview of
what we are up to. If you have any
questions, I will be more than happy to
answer them. Hopefully you had a chance to
look at this and look at our website as well.

THE CHAIRPERSON: Nice to see it move
forward in my opinion.

MR. PICKERELL: Thank you.

THE CHAIRPERSON: What are we supposed
to do with this? This is a Type Two.

MR. BAGG: Recommendation unlisted,
negative declaration.

MS. VILORIA-FISHER: Second.

THE CHAIRPERSON: We have a motion and a
second. Any further discussion?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

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(None.)

THE CHAIRPERSON: Motion carried.

MR. PICKERELL? Thank you.

THE CHAIRPERSON: Thank you, Chris.

We'll take a five-minute break.

(Recess.)

(After recess continuing.)

THE CHAIRPERSON: All right, we will resume. The next thing on our agenda is the Gabreski Airport. Please identify yourself for the reporter.

MR. CEGLIO: Tony Ceglio, Airport Manager. The first project that we have of the four is to develop hangers by private company, 20 hangers specifically on the north side of Gabreski Airport.

The projects have been reviewed by the Airport Conservation Assessment Panel who has made a recommendation for Type One action negative declaration on the project.

The acreage that they are talking about developing is three acres like I said, 20 small hangers.

The hanger sizes are roughly 40 by 48.

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The vegetation to be removed is about three acres total of which two and-a-half acres are trees.

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As I mentioned, it's a Type One action due to the fact that it is contiguous to Pine Barrens Corps property. And it exceeds 25 percent of one of the thresholds for a Type One action which is 10 acres of development.

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This property for instance as I mentioned is going to involve three acres. We have included the long form EAF on the property and some maps of the area.

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The area is also indicated for development on our most recent land use plan that takes into conformance or consideration the Pine Barrens Act of 1993 which requires 35 percent of the airport remain undeveloped.

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This is an area about 10 acres on the north side of the property. We have indicated it for development. Does anybody have any questions on the project?

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THE CHAIRPERSON: Yes, Mr. Kaufman?

MR. KAUFMAN: You stated that you felt or that the ACAP Committee felt that this was

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a Type One Action that requires physical alteration of ten acres. And then or 25 percent of that threshold.

MR. CEGLIO: Right.

MR. KAUFMAN: Because it's substantially contiguous to publicly held open space. That's the basic reason why these are Type Ones.

MR. CEGLIO: Exactly. The border of the property on the north side is designated as Barrens Court.

MR. KAUFMAN: How far away is that border?

MR. CEGLIO: In this particular property it could be 100 to 200 feet.

MR. KAUFMAN: That's contiguous enough for me.

MR. BAGG: If I may point out, Tony, that this is also in conformance with the 1990 master plan for the airport which is the only master plan in force currently to date which had extensive reviews to the negative dec. So I might just mention that.

MR. CEGLIO: Yes, that's true. It's a

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1990 master plan that was approved by the
Suffolk County legislature. We are in the
process of updating that plan.

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But for now the approved plan is the
1980, or excuse me, the 1990 plan.

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THE CHAIRPERSON: Yes?

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MR. MACHTAY: I would be curious. If
I take the airport as it exists now and I add
the total of all these projects, these four
projects, what is the percent of expansion of
what you are doing?

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MR. CEGLIO: Well we are looking at
roughly eight acres of a total of 1,300,
excuse me, 1,486 acres roughly.

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MR. MACHTAY: How many square feet and
how many more hangers? How many hangers do
you have now?

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MR. CEGLIO: I want to say that we
have 19 buildings on the airport and 15 are
probably hangers.

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MR. MACHTAY: That's hangers to
accommodate how many planes? You're telling
us in the new proposal how many planes you're
going to accommodate in each of the new

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hangers.

MR. CEGLIO: We have a hundred of those at the airport. I would say 50 are hangers.

MR. MACHTAY: And you're adding a total of 44 new hangers?

MR. CEGLIO: Correct.

MR. MACHTAY: Or new airplanes?

MR. CEGLIO: Correct.

MR. MACHTAY: I really don't understand how they are breaking them out into four separate projects.

MR. BAGG: In the past what the problem is is that Suffolk County when we acquired this airport, the EAF required that it may be interested in and operated as an airport.

In the past we reviewed these things. The County leases space to individual operators at the airport.

And the County must accommodate these people to build airport related facilities. So each individual lease stands on its own. It is not contingent on the next lease or anyone else.

It is totally independent and the County

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attorney in the past has said that it has to be considered separately from the SEQRA point of view. Because it is not contingent on anything else at the airport.

MR. CEGLIO: In addition to that, the airport has been developed and been in existence since 1943.

MR. MACHTAY: I don't dispute any of that. But it seems to me that on an impact basis, the total impact, there's a cumulative effect here. And you can't ignore that in the overall.

MR. KAUFMAN: There is also a 1990 plan.

MR. MACHTAY: I read all the documentation and I understand all the plans. You also can't ignore the fact that the neighborhood has changed and there is, notwithstanding all the planes, there are homes within a quarter of a mile of the airport now which weren't there before.

THE CHAIRPERSON: But the property is in the hands of Suffolk County with the condition that it remain and function as an airport.

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MR. MACHTAY: I'm not saying that it shouldn't.

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MR. BAGG: And the Planning Commission in the past, every subdivision they reviewed for residential homes next to the airport which was overridden by the town.

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MR. MACHTAY: I understand that. We did it in Huntington also. It was Republic Airport.

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MR. CEGLIO: In addition to what you are talking about, to satisfy some of the conditions and the houses that are built in the surrounding community, the County has just drafted a land use plan that was accepted by the FAA to reduce it by 126 acres at the airport.

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MR. MACHTAY: Is it likely that some of the planes that are not in hangers now will end up in hangers?

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MR. CEGLIO: Absolutely.

MR. MACHTAY: It will not increase the number of planes that will be using the facility? Small planes?

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MR. CEGLIO: That's debatable. It

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really is a function of the development on the east end of Long Island.

I mean, the planes aren't going to come out there if people don't live out there. We are not a destination airport where people come and fly to other places.

It's not like JFK, LaGuardia or anything else. People are moving out there to the east end of Long Island and there are places to put them in there. They will put them in there.

MR. KAUFMAN: Richard, you weren't here about three meetings before you were appointed. We had a previous proposal from the Long Island Jet, I believe it is, where we went through a fair amount of issues.

MS. VILORIA-FISHER: I thought he was there. I'm sorry. I thought you meant Tony.

MR. KAUFMAN: Tony definitely was here. And one of the issues that was brought up was cumulative impact and increase in air traffic.

And the presentations from the ACAP

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group, et cetera, certain of the projects they were fearing an increase in jet traffic.

The other thing that came out was that there was definite hanger space for the airport. People were looking at the size of the airport. People in Westhampton were very upset about it because of the noise factors.

They were somewhat more accepting of the existing traffic which was more oriented towards propeller planes, et cetera.

ACAP has been very much on top of this situation as they have been informed by the County Executive taking in local stakeholders and County personnel and also local residents to take a look at these particular issues.

So they sort of get the first bite at the apple. And I think reading into all of what we are seeing, I think since they are saying apparently neg dec, I think that they think that they are looking at a combination of existing aircraft.

MR. MACHTAY: Well they are saying neg dec on four separate projects. In terms of the overall expansion of the airport and the

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cumulative of those four separate projects, I really don't know enough. Because they are not being compared one to the other.

And they are not telling us what it is the whole four projects, what effect those projects have on what exists there now.

MR. KAUFMAN: There is one other thing that you need to know. The airport master plan and the adopting legislation which I do not believe was put in here was that the overall master plan for the airport in 1990 did receive a negative declaration.

And I see Jim Margo nodding his head. As part of that legislation individual projects were supposed to be reviewed individually as part of that master plan. So cumulative impact, the issue that you are bringing up, may have, I use the word "may", may have been covered by the previous legislation that was adopted.

It is a valid point under SEQRA. There may have been, however, constraints, and this is the issue that we dealt with a couple of months ago, we may be constrained in how far

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we can go on cumulative impact by the
legislation. And that's an issue.

THE CHAIRPERSON: Yes?

MR. SIEGEL: Jamie Siegel. I'm a member
of the ACAP Committee that reviewed it. Just
to give you further details that weren't in
that report.

We feel that about 56 percent of the 80
potential spaces were going to go to planes
that were already at Gabreski just on the
tarmac and not at hanger space.

We actually endorse this as one of the
better plans that come forward. It's good
for the community because it's going to take
up space with less objectionable space than
the planes that could possibly be coming in.

And we may see further down the line
that we may ask for further and stronger
review. So we actually on all four of the
ones that Tony is presenting today, we
basically gave our blessing with a few
comments that we had on it.

But the comments were for things that I
think everybody could agree with, the County,

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CEQ. There were environmental sensitive type of comments for argument sake that waste oil removal should be noted and how to remove waste oil.

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Because now there is no provision in the County for hangers that are there as to what to do with the waste oil. Their only oil change, what do you do with the waste oil?

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Voluntary abatement procedures should be publicized in part of the lease. Any modification of the space should come back to CEQ and ACAP.

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The waste treatment lines and water treatment and sewage, those type of issues which clearly you are going to take care of anyway.

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But we made comments about that as well. Basically we give our blessing to it because the type of planes that they are going to use are not the type of planes that batter the community. And it will take up eight acres of space.

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MR. MACHTAY: I have no doubt that everything you said is so. I read it in

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documents and not washing cars and the whole
nine yards.

MR. SIEGEL: Thank you.

MR. MACHTAY: The only thing that
concerned me is that if later on down the
line somebody decides to challenge this
because cumulative issues weren't addressed,
you could be out on a limb.

MR. KAUFMAN: That's also what we are
here for to deal with.

MR. BAGG: If I might point out though.
We can argue the point of what this airport
is entitled to.

The northern portion of the airport
is in the Pine Barrens Corps unless the
airport is in a compatible growth area called
the CGA.

Now this plan considered cumulative
impact for the environmental development in
the Pine Barrens Corps and CGA which is a
hundred thousand acres.

And in that plan they earmarked Suffolk
County Airport as a serving area, as an
already developed area that it was

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substantially disturbed that it could receive additional development from the Pine Barrens area.

And in essence the whole Pine Barrens Corps cumulative impact was considered as part of that FGIS.

One of the reasons why the EAF Part Two also contains the Pine Barrens criteria within the CGA and the proposal at the airport for the entire development of the airport as proposed within the land is considered in conformance with the Pine Barrens criteria as well as in terms of clearance standards and other standards.

MR. MACHTAY: As well as in conformance with the GEIS. That's important.

MR. BAGG: At first that was cleared by the Pine Barrens Commission. The Department of Affordable Housing has been going to the Commission with their proposed plans and having them reviewed by them and also completed before they come to the CEQ.

MR. MACHTAY: I think that's important in giving substance as to any SEQRA

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recommendation as counsel put forth. Because it does address the cumulative issue of this whole thing.

THE CHAIRPERSON: Do you have a question? Tom.

MR. GULBRANSEN: I don't profess to know very much about airport operations. But the comment from the gentleman at ACAP made me feel that it's worth asking about the type of aircraft.

I know that just one of these four had a specific that says no helicopters. I think it was Brookwood.

MR. SIEGEL: The other facility wouldn't be able to, the Department of Housing wouldn't actually be able to fit in.

MR. GULBRANSEN: I guess the question to us is whether that it something that we need to even be aware of, juggle or know anything about.

It was a peculiarity as I read it to hear that these facilities now contain the other aircraft. Is it okay if we don't understand that?

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MR. CEGLIO: This first application that you're considering for the hangers, the hangers are so small that they can fit a single engine, propeller airplane or a twin engine propeller airplane, not large enough for a jet.

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Something else to slot in the 1990 master plan that was approved by the legislature is that that plan indicated a forecast of operations now in 2007 of about 250,000 operations at the airport per year.

Last year we had about 90,000 operations a year. So we are well below what the County perceived or forecast for the operations.

MR. BAGG: What are the FAA requirements in terms of the operation of the airport and your receipt of aircraft? I mean, if an airplane comes and you have the runway capacity for that plane to land at your airport, can you deny them coming in there? Helicopters, airplanes or anything else?

MR. CEGLIO: Absolutely not. The airport must remain open 24 hours a day seven days a week to all types and classes of

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airplanes.

That's in accordance with the quick claim deed by which the County received the airport and also our grant assurances that we get every time we accept a grant from the FAA to improve the facility.

THE CHAIRPERSON: Yes? Identify yourself.

MR. MARGO: My name is Jim Margo. I am Suffolk County Commissioner of Economic Development in work force housing.

I have to leave but I really am compelled to make two points. On the question that Jim Bagg just asked and Tony's response.

I don't want to be lost. Something that Tony mentioned a few minutes ago. The airport management working very closely with the community, they came up with a land use plan, a proposed land use plan that will eliminate 126 acres of more than 1,400 acres of the airport.

Not all of that 1,400 acres of course was available for aviation. Remove the 126

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acres from future aviation related expansion.

More than 70 percent of the land that was under the 1990 master plan available for aviation expansion that you accepted, more than 70 percent of it has been removed from future aviation availability.

That's really a huge thing and that's what you will see in the next master plan that we are currently working on.

So there is very little or a little acreage left for future aviation expansion. And that gets me to my next point.

ACAP, the Airport Conservation Advisory Panel, which is an application review committee, it reviews applications for leases.

It replaces the airport lease screening committee. And this new committee, ACAP, is community based.

And it's almost all community members. Jamie Siegel didn't mention that he is an officer in ACAP. That's the secretary.

And some of you are familiar with it, with ACAP coming before you last time,

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speaking again to the Long Island Jet expansion.

There were many people when ACAP was formed. And my friend Rich Machtay might be able to relate to this coming from Huntington.

But many people saw the formation of ACAP being as it was community based. They said to me this is crazy. They are going to say that they don't want to see any applications approved.

As you can see before you and I was going to wait until the end for this, they are recommending four applications to you for your approval and they are going to make the same recommendations to the ultimate arbiters of these leases, the Suffolk County legislature.

And they looked at them comprehensively and responsibly. And I think that if you followed the history of the airport and some of you have followed it for longer than I, of its relationship with neighbors, for the time being this appears to be a new dawning of

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mutual cooperation, respect and consensus and compromise.

So I am really pleased with the work of Tony, Caroline Fay, working with the community and particularly with the community.

So I wanted to get both of those things on the record. The airport use land is really significant and you are going to be seeing that.

And, Jim, the fact that FAA who has the power to increase aviation, the fact that they accepted this was huge as well.

And they accepted it because of what Tony said, because of citing the Pine Barrens Act of 1993. I wanted to get all of those things on the record.

THE CHAIRPERSON: Vivian.

MS. VILORIA-FISHER: I just have a brief procedural question to ask. Why does the Hertz project have to come before us? It seems to be counter space inside of the airport. There is no footprint.

MR. BAGG: Let me get to that. I

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think that the recommendation for unlisted action is incorrect. I think it's a Type Two action because it's less than 4,000 square feet within an existing facility utilizing less than ten parking spaces.

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MS. VILORIA-FISHER: Is it the parking spaces?

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MR. BAGG: But every action needs to have a SEQRA review and classification. The minute you classify it as class two it's basically complete.

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But every action needs SEQRA review and needs to be classified number one. That's the first thing.

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In the classification then further SEQRA review could be exceeded with Type Two action. However, under the law every action needs SEQRA review.

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MS. VILORIA-FISHER: Well I was just looking at what we had before us which was just County space inside the building.

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MR. BAGG: You're absolutely right. I think that's a Type Two action but it is still an action under SEQRA.

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THE CHAIRPERSON: Yes?

MR. KAUFMAN: One other thing. Taking into account something that Richard said. In our packets we have a number of citations to a certain 1990 airport master plan, the 1992 adoption of the Long Island Comprehensive Special Ground Water Protection Plan, the '95 Pine Barrens Plan, et cetera.

We also have the 1999 Town of Southampton Comprehensive Plan update, a number of which were violated by these proposals and all these proposals are tax fit.

What I am basically doing is citing this on the record for whatever action we may take.

Because as Richard pointed out, it is necessary to put this on the record to show that there is justification and reasons for what may occur here.

THE CHAIRPERSON: Okay. Do I have a motion?

MR. PICHNEY: I just have a quick question.

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THE CHAIRPERSON: Yes.

MR. PICHNEY: Is any of the airport property being considered for affordable housing as strange as that may sound?

MR. CEGLIO: No. It can't be. The 1,400 acres were deeded to the County for use as an airport. We have gotten release for about 58 acres for an industrial park.

But with the provisions that is all the revenue that the park gets put back into the airport.

MR. KAUFMAN: I'll make a motion Type One negative dec.

MR. YOUNGMAN: Second.

THE CHAIRPERSON: We have a motion and seconded. Any further discussion?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Opposed?

(None.)

THE CHAIRPERSON: Motion carried.

MR. CEGLIO: The second one is very similar to the first. It's Northside

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Hangers, Inc., private company constructing hangers, 20 hangers of a size approximately 45 feet by 42 feet on about 2.5 acres of land.

The clearing of vegetation to be removed is 1.65 acres which is why the ACAP recommendation is a little different.

They recommended an unlisted action neg dec due to the fact that it doesn't cross that 2.5 acre threshold.

The location of the property on the same side, the north side of the airport, in an area that is designated for development and an area that is shown on this new airport land use plan to be outside of the 35 percent of the property that is to remain undisturbed.

MR. KAUFMAN: This is within the CGA then?

MR. CEGLIO: Yes.

THE CHAIRPERSON: Motion?

MR. KAUFMAN: I'll make a motion unlisted neg dec.

MS. RUSSO: I'll second the motion.

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THE CHAIRPERSON: Motion and seconded.
Any questions?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Motion carried. Next
one.

MR. CEGLIO: The next one is a company
called Brookwood Westhampton, Inc. Hangers,
a private company looking to construct six
hangers total, two large hangers
approximately 100 by 120 and four small
hangers approximately 60 by 60.

I have an update to page 9, some of the
acreage calculations that were incorrect.
I'll present this. If you want to pass them
around, there should be enough for everybody.

The reason why there's a change in it is
to allow the taxi lane to be built on the
sort of a triangular shape of property to
allow access to the taxiway from the proposed
development required to widen up the entrance
a little bit.

So it went up by 0.6 acres. So that's

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page 9. I should update you on that.

The ACAP recommendation on this is a Type One negative declaration because it exceeds that 2.5 acre threshold contiguous to the Pine Barrens.

MR. KAUFMAN: One quick question. Brookwood, the owner, does that have any connection with Brookwood Community or anything like that?

MR. CEGLIO: No.

MR. KAUFMAN: The name I'm worried about is Harvey Auerbach.

MR. CEGLIO: No, that's not the name at all.

MR. KAUFMAN: That's a former client of mine.

THE CHAIRPERSON: Okay. Any questions on this one?

(None.)

THE CHAIRPERSON: Motion?

MR. MACHTAY: Motion.

THE CHAIRPERSON: Second?

MR. KAUFMAN: Second.

THE CHAIRPERSON: Seconded by

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Mr. Kaufman. All in favor?

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(Unanimous aye.)

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THE CHAIRPERSON: Opposed?

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(None.)

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THE CHAIRPERSON: Motion carried. Hertz

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Corporation.

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MR. CEGLIO: Hertz Corporation is

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proposing to install a counter in the small

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airport terminal at Gabreski Airport.

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In addition, they would like ten parking

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spots in the vicinity of the terminal

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building. It's been reviewed by the ACAP

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panel. They recommend an unlisted action,

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negative declaration. There is no property

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involved other than the ten parking spots

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which are existing.

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THE CHAIRPERSON: Okay. Are there any

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questions?

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MS. VILORIA-FISHER: Well Jim had said

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that he recommended different.

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MR. BAGG: Yes, my recommendation under

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SEQRA would be a Type Two action. Because

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really it just involves putting a counter in

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an existing building.

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MS. VILORIA-FISHER: Right.

MR. BAGG: And that would fall under 617.57, construction or expansion of a primary or accessory/pertinent non-residential structure or facility involving less than 4,000 square feet of gross floor area.

And not involving a change in zoning or a use variance and consistent with the local land use control but not a radio communication or microwave transmission facility.

So I would recommend that the Council say it's a Type Two action.

MS. VILORIA-FISHER: You got it. So moved.

MS. SPENCER: Second.

THE CHAIRPERSON: Any questions?

(None.)

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Okay. I guess after the fact, what will Hertz have there in the way of gasoline facilities?

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MR. CEGLIO: None. They are going to go off site for gas and washing.

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THE CHAIRPERSON: Thank you.

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MR. CEGLIO: You're welcome.

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THE CHAIRPERSON: All right,

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Mr. Dawydiak, you promised not to come back for two years. You are back in two months.

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MS. VILORIA-FISHER: He was prodded

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by legislative action.

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THE CHAIRPERSON: You have the floor.

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MR. DAWYDIAK: Thank you, Chairman

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Swanson. My name is Walter Dawydiak.

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I'm the Chief Engineer for the Suffolk County

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Health Department.

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With your permission I would like to

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take about five minutes to make some

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introductory comments.

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We are fortunate to be joined today by

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the Director of Environmental Quality Vito

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Minei who is here to answer questions and

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provide moral support.

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Also making comments after me will be

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Commissioner Gil Anderson of the Department

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of Public Works, Dr. Patricia Dillon,

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Director of the Public Health Division of the County Health Department, Commissioner Carey Gallagher of the Department of Environment.

We are also joined by Superintendent Dominick Ninivaggi. And Dom is here to answer questions. Also Jenny Kohn from the County Attorney's office in the event that there are any questions.

You should all have in your file. I believe the letter from Commissioner Chaudhry.

MR. BAGG: I never got it.

MR. DAWYDIAK: It's fortunate that I brought copies. It's dated June 19th and it relates to RI1635 establishing guidelines for the use of methoprene in Suffolk County.

It summarizes Dr. Chaudhry's letter. We are very sympathetic and appreciative of the legislature's concerns and desires to continue to minimize pesticide uses in Suffolk County.

However, we have the two part request for the Council today. Respectfully we request a recommendation against this

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resolution on the substance of merits.

If this does go forward, however, procedurally we request that CEQ request this be remanded for additional environmental review under the State Environmental Quality Review Act or SEQRA.

We further recommend that this be coordinated for review as a Type One action but to potential health and environmental concerns which I'll get to in just a moment.

Dr. Chaudhry cites six NYCRR Section 617.4.B.6, Roman numeral one, because this action affects the physical alteration of ten or more acres and because it involves a pesticide which is a physical alteration.

We believe that this qualifies as a Type One action. More fundamentally --

THE CHAIRPERSON: When you say this, you are talking about the legislature?

MR. DAWYDIAK: IR1635, correct. More fundamentally, however, this is not consistent with the findings statement for the VECTOR control and wetlands management long term plan. That findings statement was

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adopted in March 2007.

As the Council knows, actions which are consistent with the generic environmental impact statement and its findings statement do not need subsequent environmental review and can be exempt from SEQRA for reasons that I'll discuss in a moment.

This is not consistent with GEIS or findings and as such we recommend that this resolution does receive environmental review.

The long term plan was an integrated pest management program. Very quickly elements of public education and outreach surveillance reduction, bio controls and other elements were extensively brought together.

All of these are interrelated and mutually interdependent. The idea is to avoid, minimize or eliminate pesticide usage to the extent practicable.

Only when necessary and as a last resort do we go to Larvicide and Adulticide.

Larviciding has significantly less environmental and public health impact or

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implications than Adulticiding.

So this resolution in summary poses a number of changes which make it harder to use methoprene. And as such they disturb the IPM.

They contravene the IPM called for in the long term potential health and environmental implications.

Methoprene in summary is a Larvicide which is approved for use nationally by the EPA on a state wide basis by the State Department of Environmental Conservation.

The DEC has issued a pesticide permit for use this year in Suffolk County. It's used extensively in other jurisdictions such as New Jersey and other states.

It's been used for decades extensively with no evidence of adverse impacts. The long term plan was discussed in detail at the Council of Environmental Review, the Council of Environmental Quality.

In summary there is an extensive review including a cage fish study and technical measurements down to the low parts per

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trillion level which were really
unprecedented and an exhaustive risk
assessment.

This was reviewed by the Technical
Advisory Committee, underwent stringent
scrutiny by agencies and was the subject of a
final environmental impact statement,
legislative review and a findings statement.

And the ultimate conclusion was that
methoprene poses no negligible or no
significant environmental health risks, while
it prevents major benefits for mosquito
control and public health program.

Now the two slides that I passed out,
the graphic handouts and the chart, one of
them shows mosquito treatment in terms of
acreage subject to Adulticides and
Larvicides.

And what you see here is that prior to
the use of methoprene in 1995 approximately
80,000 acres or more on average received
Adulticides.

Once methoprene began use in Suffolk
County, that number dropped to less than

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40,000 acres of Adulticiding. Adulticide again has potentially greater impact to non-target flying insects.

It's less environmentally friendly. It doesn't pose unacceptable environmental risks when used judiciously.

But the choice is always a Larvicide when you have that option. This implies that in the absence of methoprene you could double or more the acres Adulticided which again has potentially ecological risks.

The other side of the coin is what happens to mosquitos. This is the other graphic.

The paragraph showing 80 or the aggressive salt marsh mosquito reduced almost 90 percent after 1994.

Again this is implying that the aggressive salt marsh mosquitos could increase five fold and more in the absence of methoprene.

Our models have shown that in the action of an effective VECTOR control integrated pest management program West Nile Virus alone

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could increase roughly ten fold into the tens of deaths and serious illness could increase ten fold or more into the hundreds of serious illnesses every year.

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So the potential public health impact of disrupting the integrated pest management program is significant. The ecological impact may be significant.

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Failure to perform VECTOR control adequately could increase the use of residential mosquito repellents such as Deet.

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It may also increase the use of private VECTOR control companies with greater pesticides usable in a less regulated manner again with potentially less health and ecological implications.

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The last element that I wanted to emphasize is that disrupting the IPM hierarchy in the long term plan could result in increased mosquito resistance to pesticides.

The bottom line is that this resolution makes it harder to use methoprene. And it's inconsistent with the long term plan with

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potential health and environmental impacts.

And again what we would recommend based on the adoption of a long term plan and its findings is that this recommendation, that this resolution not move forward as written.

And that if it does move forward that it receive environmental review ideally as a Type One action.

I would be happy to answer questions. We have a few other comments. Commissioner Anderson, I believe, from the Department of Public Works wanted to say a few words.

MS. VILORIA-FISHER: Can I ask a question of Walter?

THE CHAIRPERSON: Yes.

MS. VILORIA-FISHER: Before we go to that. Part of the impetus in introducing this in the legislation was the DEC guidelines that had made some news.

Can you compare this to what the DEC guidelines is and what restrictions they put on the County with regard to salt marshes?

MR. DAWYDIAK: Some elements are consistent with the DEC temporary revocable

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permit for state wide land owned by the Department of Environmental Conservation. Some of them are not.

For example, certification of using methoprene to avoid Adulticiding I don't believe was in the DEC permit.

So we would have to closely look at those two next to each other. And we only got this resolution a couple of days ago literally.

The bottom line on the DEC temporary revocable permit is that we have asked for clarification. There are inconsistent permits that were issued by the DEC itself.

They have issued an equalic pesticide permit which allows unrestricted use of the methoprene county wide which poses additional restrictions on methoprene.

We could see no rational basis whatsoever for this distinction. Further, we are not aware that the State DEC formed any environmental or health review.

We don't believe that they have issued findings associated with their temporary

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revocation permits which we have requested and have not received a response on.

Basically we are waiting to hear from DEC. There are inconsistent permits within DEC and there is no environmental review that we have seen on the part of DEC associated with that latest permit.

MS. VILORIA-FISHER: Because going back to the initial comments that we made about being inconsistent with the findings statement and whether the long term plan, one of the things that we talked about a great deal was if there were new information regarding the use of any of the pesticides, Larvicides or Adulticides.

And this seems like it might be new information coming in. And we wanted to explore it in the legislature. And we questioned, with Dr. Dillon we just have to look.

MS. DILLON: Dr. Patricia Dillon. It was a shaking of my head. No.

MS. VILORIA-FISHER: The point being that because the spector of DEC saying we are

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restricting the use in salt marshes really made some of us question whether or not we as policy makers should be looking at the Larviciding in salt marshes.

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If you recall our argument here, all of us in the minority in CEQ didn't accept the CEQ recommendations that we virtually eliminate the use of Larvicide.

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And we felt that that is a policy issue and not a CEQ section within a CEQ recommendation.

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But when we as policy makers looked at DEC recommendations, we felt that we should take another look.

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MR. DAWYDIAK: If I could just add a bit to that answer. It's an excellent point. The DEC temporary revocation permit for the State DEC wild lands in 2007 is actually identical to the ones that they issued in 2006. That was one that they were preparing the long term plan.

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And in 2006 the Commissioner of Health Services issued a letter to the State DEC saying this permit is not rational and not

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consistent. Please explain it.

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Before we got an answer from DEC,
a public health emergency was declared.

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It obviated the need to comply with any
complaints. And the issue was never resolved.

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So this is not a new permit issue with
the State DEC. We are saying that it was
considered as part of a long term plan or a
long term plan recommendation and the
findings and the FEIS were issued.

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The DEC did not object to any of those
findings and they did not issue any of their
own findings to contravene any of those
documents.

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We don't see any rational basis for it.
We haven't heard an answer. But I hope that
helps.

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MR. NINIVAGGI: Dominick Ninivaggi. I
should add that DEC has never articulated in
any of their correspondence to us a technical
reason for these restrictions.

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And they have cited no literature or no
new scientific information that would cause
them to restrict this product which they had

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in fact allowed on DEC land from 1995 through 2005 with that restriction.

And it's worth mentioning that the areas outside of DEC land are about 83 percent of the area with Larvicide. So DEC imposes no restrictions on 83 percent of the wetlands retreat.

But these restrictions are on about 17 percent that they happen to own. And it's hard to understand what the rationale is.

I'm giving you an example. The State DEC owns the wetlands at Fireplace Neck that are adjacent to the wildlife refuge.

Those two marshes are separated by one ditch. On one side of the ditch it's natural wildlife refuge and we can use methoprene.

On the other side of the ditch, the exact same marsh, we have these restrictions on methoprene where we either have to have treatment facilities or we have a health threat.

It's hard to understand the technical or the natural resources basis because it's different policies on either side of the

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mosquito ditch. But that's the upshot of the
DEC temporary revocable permit.

MR. ANDERSON: Gilbert Anderson,
Department of Public Works. If I could just
interject.

In our discussions there seems to be an
internal agreement with DEC that hasn't been
resolved yet.

As my colleagues have stated, we haven't
received anything either verbally or in
writing as to the reasons for these
restrictions.

And I would say, the only thing that I
can really suggest to follow up with them is
that if there is any interest to do so.

THE CHAIRPERSON: Can I ask you on your
two permits, was one of them issued from
Albany and one issued from Region One?

MR. ANDERSON: Both were from this
region. However, there have been discussions
with Albany, and again there has been some
contradiction between or within the
Department.

If I can just briefly speak. And I

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can't do it as eloquently as Walter has.

But there is an impact on our operations.

And really that's where the Department of Public Works comes in. We maintain the wetlands.

When that fails, and we need to, only reluctantly we go in there and use the Larvicide when they are needed.

If conditions arise and we have to go to, you know, the Adulticide, we do that.

But again with reluctance and only when or in conjunction and in agreement with the Department of Health Services who we do work with on a daily basis. This isn't something that we take on our own.

This resolution concerns me only because it would impact the ability of the Department to act quickly for the benefit of the public health.

Part of the problem we find is in testing the larvae to see what stages they are at, make a determination on whether we use the BTI or we use the methoprene, when we are finding out that we need to go from the

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BTI up to methoprene, there is a time frame.

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And if we do delay that, it effectively could go into or it could reach Adulticide.

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And then we would be forced into adulthood.

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That's a big concern to us.

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Really those are the only points that I wanted to make was the impact on our ability

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to move quickly and the fact that we do not

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do this alone.

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We do this in conjunction with the

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Department of Health Services and we do this

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in conjunction with the DEC too.

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MS. DILLON: I'd like to make a

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statement if I could. I'm not sure that most

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people in the room are aware of this.

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Methoprene is actually a supplement that

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is put in cattle feed and in chicken feed.

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It is also, if you ate any breakfast cereal

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this morning I can almost guarantee that that

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breakfast cereal was treated with methoprene.

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Whatever the product is, it ended up

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going in the cereal. It was stored in the

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silos. When it went into the silos, so did all

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of the bugs that love that silos.

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So what they did is bug that silo with methoprene. It has a short life and disappears.

But any eggs that that but has are not allowed to hatch. So when we open up our box of cereal, that does not come out.

There's all kinds of an iffy thing when you took home a new package what you were going to come out with. So it's in every major food production product.

So we are getting foods that at one time directly were exposed to methoprene. So I am not quite sure where the belief that methoprene is an evil agent is coming from.

What I worry most about is that you need to eliminate the mosquitos before they are allowed to hatch. And that's in fact what this agency does.

This is a hormone that will not allow the mosquitos to grow to maturity. It will not allow it to sprout wings. Once we have hypodermic needles, then it's too late to do an effective control.

What we have to do at this point is try

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to use these pesticides by air. That's not a
logical conclusion.

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We have an active pest management
program. The best solution is stop the
larvae from developing into mosquitos.

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That's the best solution.

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We have already lost several Suffolk
County residents. We have several people
that are chronically ill because of West Nile
Virus.

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We have also identified Equine. When I
get revved up I kind of talk fast. Equine is
in our mosquito population. We lost a horse
from it.

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That has a significant fatality rate for
children. We don't want to wait until we
have that in our mosquito population and
burden the community with thousands more
pesticides than this so we took a proactive
management recommended in the program.

Thank you.

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MR. NINIVAGGI: If I may, I just wanted
to offer an assurance. There seems to be a
misunderstanding about the way the larvae

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control program works.

Bacterial products are our preferred products. And if you look at our treatments in terms of numbers of treatments or in terms of acres of treatment, you'll find that the bacterial products predominate.

And we have very good reasons for doing that which I will not burden you with here. But methoprene, we are already moving in the direction that a lot of the green groups would like us to see in terms of relying heavily on bacterial products.

However, the bacterial products are not like where you can always solve the problem with methoprene.

So using a methoprene is very important in terms of having effectiveness. And also by alternating these products or using them together you prevent resistance to either one.

The last thing we want to do is confine ourselves to bacterial products and cause resistance to that bacteria.

Then we have to go back to chemical

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pesticides and chemical pesticides only.

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THE CHAIRPERSON: Legislator Viloría-Fisher.

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MS. VILORIA-FISHER: Is this just going to bacterial first?

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MS. DILLON: I actually have a concern about that. In here I see it says that he has to use, well the County would need to use bacterial products to show that it failed twice.

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Now I am not a pesticide expert. But I do know that when you deal with the human body, when you are giving an antibiotic, you may have noticed that when you brought your child back for a second ear infection they looked to see what antibiotic was used on that child.

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They want to be sure that they use the antibiotic that is in a totally different class. Because if you keep putting that same antibiotic in that child, the bacteria that have the one gene that is resistant to that are going to win out. They are going to win out and kill off the neighbors.

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Now you have created an infection that is a super infection. It's now related to the classes of antibiotics.

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I worry about writing this in here.

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We are actually forcing the County to

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encourage the resistance of larvae, mosquito

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larvae to the bacterial agent. And I think

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that would do more harm than good in the long

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run.

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MR. NINIVAGGI: I would just like to

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point out that if you look at the way we use

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these materials, we do in fact use the

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bacterials first.

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For instance in the early part of the

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season when they are most likely to be

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affected, we may have the use of the

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bacterials.

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And what happens is that as you get into

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the summer conditions change. The larvae

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develop more readily. It becomes more

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difficult to do an activity with the

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bacterials.

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Also early in the season sometimes you

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can treat the early larvae with materials

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that you might have a chance next week if you mix them with the bacterials to hit them with methoprene.

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However, especially as you get into the warm season and they develop quickly, you don't get a second chance.

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So if your bacterial treatment fails, you missed the option to go back to methoprene.

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Your only option then is to use Adulticides which we all agree is not the option.

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So really in terms of our pesticide use policy I think that we are already addressing the idea of the bacterial products that are really good. And we use them a lot.

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I don't know whether that would provide people with an additional level of comfort. But it would be very poor policy to mandate treatment failures before you can use methoprene.

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Because a treatment failure basically means flying mosquitos which is not what we want. We want the ones in the water so we

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can deal with them there.

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THE CHAIRPERSON: Identify yourself,
please.

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MS. GALLAGHER: Carey Meek-Gallagher,
Commissioner, Environment and Energy.

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I just wanted to make a few comments on
potential adverse environmental impacts that
I see stemming from this.

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Obviously the County Executive and the
Department of Environmental Energy are very
interested in reducing overall pesticide
usage throughout the County.

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The concern being with this bill that it
may actually be an increase in pesticide
applications, Adulticide, specifically
Adulticiding by VECTOR control.

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And secondly private homeowners applying
it themselves or hiring commercial
applicators to apply.

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And, you know, I think that the issue of
Adulticiding and where that has been
addressed, just to make it clear, why should
she care, Adulticiding showed that there were
higher risks to non-target beneficial flying

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insects such as butterflies, et cetera, and
some product species in shallow water bodies.

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The ecological risk assessment provides
unmitigating measures that VECTOR control
would under that.

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And if VECTOR control does have to use
more Adulticide, the other thing that would
change here is that not only are you going to
be using more Adulticides but we don't have
an active risk assessment at this point.

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Because if you took methoprene out, you
are changing the whole formula. So most
likely it would be higher applications.

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We don't know what the ecological risk
would be. Most likely it would be more
adverse impacts to these non-target
organisms.

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And that's what VECTOR control is doing.
At least we know that they are using the most
advanced technology.

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They are following all the applicable
rules. They are providing notification about
this. If you look at the other potential
impact, it's the private homeowners and

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commercial applicators.

We don't know what they are doing. We don't regulate that. Some applicators have to regulate it. They read in a particular zip code.

You don't know the exact location and there is no one out there overseeing what they are doing. So you would have now private homeowners, people taking into their own hands to control for mosquitos.

They are not trained. They are not going to use the same type of mitigating impact.

They will be applying it directly to yards, to residential areas, to any nearby probably waterways or that will drift into the waterways.

One of the things that surprised me was that the pryethroid hormone or products are typically applied.

Even the labeling, typically applied at 65 times the amount that Suffolk County VECTOR control uses. And that's if they are doing one time.

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And in warning labels, these things that you can go out and apply yourself say things, repeat as necessary.

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Some of these types of homeowner products, you can go out and spray yourself, have warning labels on them that actually say toxic to invertebraes, aquatic invertebraes and aquatic life stages of amphibians.

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Do not treat areas frequented by children and do not allow children in treated area until the spray has dried. Repeat as necessary.

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So if you are taking VECTOR control into your own hands as a private homeowner, you are most likely going to repeat as necessary until you see the result which may take longer than you anticipate.

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There will be much more of these pesticides being applied in an unregulated fashion by untrained people with unquantified results. That's it. Do you have a question?

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MR. BAGG: Pardon?

MS. GALLAGHER: Do you have a question?

MR. BAGG: No.

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MS. GALLAGHER: But as you see, it's just a little scary to see a little more of this activity going on if the larvicidal program is disrupted and there are more flying insects which not only VECTOR control would have to do an Adulticiding but most likely your homeowners, high end homeowners will be hiring people to do this and spraying in an uncontrolled fashion.

That's just my concern from Environmental Energy. We would like to reduce the overall application of any pesticides and any toxic chemicals in the environment.

And in our opinion it's more practical to stick with a whole listing of management, pest management control under the control of trained professionals than to leave it up to untrained individuals.

THE CHAIRPERSON: Anything else?

MS. SQUIRES: I have a question. Vivian, could you explain the history of this to us?

MS. VILORIA-FISHER: That's what I

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started to explain to Walter earlier. This was being introduced by Jay Schneiderman in the legislature.

And he came to see me last Tuesday during the general meeting. And I had read about the DEC restrictions.

And, you know, in all fairness I had read it in the last media. So I didn't have any of the scientific information.

And Jay said, "I'm laying this on the table. Would you like to come on board?"

So we were looking at it because as I had read the long term planning, the findings, it was that we first went to bacterial methods and then to larveciding.

And I don't see this as prohibition of larveciding. But just articulating some of the guidelines that were presented by DEC.

And it's a way of again looking at the guidelines that DEC has. I didn't know that in 2006 they had the same guidelines for use of larvicides and wetlands.

As you know, that had been a very big issue with regard to the VECTOR control

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program. I thought that this would be a policy to look at rather than looking at it in a rather contentious atmosphere. I think that we could take a policy look at it.

THE CHAIRPERSON: Yes?

MR. PICHNEY: Where does the legislature obtain that criteria for the use of two or more bacterial larvicides?

MS. VILORIA-FISHER: According to Jay Schneiderman it was part of the DEC criteria. Is that the DEC criteria?

MR. NINIVAGGI: That was their criteria unless, you would have to have two treatment failures.

MS. GALLAGHER: But only on DEC owned wetlands. But again to get back to the fact that there are two permits, one for DEC owned land.

MS. VILORIA-FISHER: But actually the rationale was that if DEC was requiring this on DEC land, it was because they had a sense of protecting the wetlands and the ecological health of their wetlands.

Because they weren't restricting how we

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use it on our wetlands. So we were just trying to find, you know, how to remain consistent in how we are using pesticides throughout our wetlands.

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MR. PICHNEY: So in other words too, we will be getting our West Niles from DEC land then?

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MR. ANDERSON: I mean, there is an ongoing excuse. The mosquito can travel 25 miles. They do have that ability to make that long of a distance.

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And there is a discussion, I'll put it that way, between us, between the DEC and the County as to what the implications are of their restricting their own hands.

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However, again within their department there is a disagreement.

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MS. VILORIA-FISHER: And it's not an outright prohibition of larviciding. It's just that that application should be done first.

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MS. DILLON: I can actually add a little bit more. Last year Pete Scully called me and told me that he had two

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different factions in his own department that didn't agree. And he said that he knows he needed to make a decision.

And then actually at that time we had just gotten a positive report of West Nile Virus. Maybe I did harm by even telling him at that point I didn't force him to make a decision.

I said, "Well actually we had virus there". He said, "Good." He didn't have to make a decision that year.

MS. VILORIA-FISHER: He was off the hook.

MS. DILLON: I can tell you that several years earlier on State land they also used to restrict our proactive treatment.

And that then they had actually called us up and asked us to come out and spray.

But the horse was out of the barn. We often could not accommodate their request.

THE CHAIRPERSON: Michael.

MR. KAUFMAN: This is a fundamental issue here regarding this Council. To put it very bluntly, in my mind this bill is a

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classic invasion of equine which is what we are supposed to administer here.

This bill undermines the SEQRA process that we went through for four bloody years. If somebody can arbitrarily ignore it by classifying it as a policy.

I can go through six things. One, you cannot say a plan is complete and accepted as an EIS and have the County vote on it and accept it as an EIS and have methoprene included in that plan with restrictions and guidelines on it and then later say that methoprene should not be used and not do an EIS on that issue. It is inconsistent.

THE CHAIRPERSON: Let me interrupt there. I think Legislator Viloría-Fisher raised a fair question that maybe gets around that.

And that is that we, as new information came along we would take a hard look.

MR. KAUFMAN: Fine. But let me finish that. That's one of the points that I was going to bring up.

It is inconsistent and grounds for a

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lawsuit, destruction of a plan.

If you have two separate, if you will, documents out there saying I do have one way versus another way, the EIS is in there.

Frankly if we are going to talk about methoprene and possibly limiting it, one, we do not have further information at this point and time.

And believe me, I am not in love with this chemical by any fair shake or anything like that. I believe that it should have further environmental information and further environmental review.

Let me go through this because I think it's important. I think it's insufficient grounds for a lawsuit.

Basically we have an EIS versus a policy statement. You cannot go behind an adopted EIS and just do something.

You have to do it as another EIS. You cannot do an EIS and then attack the use of part of it which was previously adopted.

This violates hard lines under SEQRA. Does the elimination of part of the plan or

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restrictions or changes to part of the plan
vitiating the hard look?

Does it change the earlier plan? Does
the elimination itself require a hard look?
Does elimination of one part create a
significant impact on the environment? You
have to review that.

If they have a rotation of three
chemicals, that rotation and how it fits
together arbitrarily cutting out one portion
of that collapses the IPM, you don't know
what you are looking at.

You don't know whether using BT and BTI
alone is going to be sufficient to contain
disease or deal with disease if it is in fact
spotted or whether you are going to be able
to prevent it altogether.

You don't know what the effect will be
of removing methoprene from it. Even if the
chemical is suspect.

Even if it is suspect, you have to look
at it and give it the hard look under SEQRA.
And that's our job.

Part 617-10B quoting from it, a

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supplement, basically a supplemental to the
GEIS has to be prepared.

In the subsequent proposed action this
bill was not adequately addressed. A
supplement to the final GEIS must, repeat,
must be prepared.

The Superintendent proposed action
was not addressed or adequately addressed in
the GEIS and the subsequent action may have
one or more significant environmental
impacts.

We've heard testimony here that removal
of methoprene from the IPM system could
possibly have significant environmental
impact.

Granted it may have beneficial impact.
I'll grant that for the sake of argument.
But nonetheless it is significant impact.

MS. VILORIA-FISHER: Can we just correct
something for the record? This does not
remove.

MR. KAUFMAN: I understand.

MS. VILORIA-FISHER: You said remove
methoprene and it doesn't.

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MR. KAUFMAN: By changing the IPM strategy you are essentially, by restricting it or changing what we had previously approved at both CEQ and the legislature.

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MS. VILORIA-FISHER: I was just correcting the term "remove methoprene".

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MR. KAUFMAN: Nonetheless the language is in SEQRA that you have further review of what you are going to be going on.

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And 617 is clear and that's also in the final GEIS which I'm just looking up.

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So basically if the long term plan is an integrated plan and it has been subjected to SEQRA and we have gone through all of this, if you are eliminating a major element, you have to look at that overall again.

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And we committed to doing that in the FGIS. We committed to doing that.

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We put it in there. There was specific language that Larry and I specifically requested be placed in there to be careful about this kind of thing.

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MR. BAGG: As Michael pointed out, this whole process was subject to a final generic

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EIS.

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Number one, it says no further SEQRA compliance is required if a subsequent request approval will be carried out in conformance with the conditions established for such actions in the generic EIS or its findings there.

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As Mr. Dawydiak pointed out, their technically proposed legislation at this point is inconsistent. And as Legislator Vilorio-Fisher said, well if new findings come up they take the hard look.

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So based on that I would say that, number one, it's not a Type Two action. That the proposed legislation at the very least requires the preparation of an environmental assessment form for further SEQRA review.

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And that I mean, I would request that the Council possibly should request the presenters to submit a list of concerns which they would like the EAF on this modified law to address.

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And that the legislator should call for the preparation of an in depth EAF to address

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those concerns before you can actually find out whether or not it's inconsistent or not consistent or whether or not a negative declaration is wanted.

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So I mean, SEQRA is very specific here.

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And it's quite obviously a Type Two action.

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So SEQRA is not complete unless and until such time as they do an EAF.

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MS. VILORIA-FISHER: Jim, I have a

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procedural question on that. Because I

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don't want to hold up the VECTOR control

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program. So while all of that is going on,

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it doesn't hold up anything.

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MR. BAGG: A findings statement has been

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issued. This law to some extent changes what

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the required procedures are.

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And therefore before this could be

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implemented, you would have to do a further

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environmental review.

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THE CHAIRPERSON: It seems to me,

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Legislator Viloria-Fisher, that one of the

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things that should be done before this

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legislation really moves forward is

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insistence that the DEC clarify their

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position. Because otherwise we are just chasing our tails.

And I just think for you to go through it or to start an EIS process is absolutely ridiculous until we find out what in the world the DEC really believes. So I think that we ought to move forward and entertain a motion.

MR. BAGG: Require an EAF.

MR. KAUFMAN: EAF two or EAF three?

MR. BAGG: Those address concerns. I mean, whoever is proposing this bill and one of the major concerns is the kind of discrepancies on DEC's part is to have that DEC clarified in that.

If we add to the concerns raised by the Health Department and VECTOR control and DPW and say that these have to be answered in an EAF or if they can't be answered, then it has to go through a supplemental, and SEQRA is not completed, then basically the bill is on hold until such a time as it is.

MS. VILORIA-FISHER: And it does have to be clarified. Because just this week two

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nights ago there were former members of CEQ that were speaking at the Associated Brookhaven Civic's Organization talking about DEC recommendations and what we are doing here in the County.

And so we need to be clear on what it is that the DEC's position is.

THE CHAIRPERSON: I don't know who the proper person is to write this. Would it be the legislator to the DEC? Or should Carey write the letter?

MR. DAWYDIAK: The Commissioner of Health

has already written a letter June 12th with Dr. Chaudhry and June 6th.

MR. ANDERSON: This was in response to last year's letter that was never answered.

THE CHAIRPERSON: It seems to me that even a follow up saying that it's even more imperative now that you answer last year's request before our legislature moved forward with any action.

MS. GALLAGHER: I happen to just interface a lot with Pete Scully, the Region

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One DEC Commissioner. I'll be seeing him
this afternoon.

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I'll update him on the outcome of
today's meeting and say that we are waiting
on some type of clarification.

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THE CHAIRPERSON: Do we want a motion?

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MR. KAUFMAN: I will make a motion that
the bill before us is a Type One action.
That it needs further review via an EAF,
possibly further environmental review, the
supplemental EIS, and that we ask the
legislature to take notice of the concerns
that have been raised today regarding
procedure and also substance.

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MR. GULBRANSEN: I have a question on
it.

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THE CHAIRPERSON: Do we have a second
first?

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MS. RUSSO: I second the motion.

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THE CHAIRPERSON: Okay.

MR. GULBRANSEN: My question is whether
it's the best path forward to make or to
adopt the motion as you prepared it because
it sounds to me like we are starting to

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legitimize this as a plan. And you have

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called for certain reviews triggered to be

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engaged.

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But what I am not sure is what

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triggering those reviews would do, what we

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have heard today as necessary which is to

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evaluate the other plan and the impact on it.

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Are you comfortable that we would be

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forcing a true --

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MR. KAUFMAN: We can't force anything.

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This would be our recommendation to the

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legislature.

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MR. GULBRANSEN: Seeking that a

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regulatory process move ahead which will

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truly examine the plan that has been derived

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and crafted and scientifically and it has

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been an ecological assessment.

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We are hoping that his approach makes

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fundamental, I don't know that that review

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would necessarily go back there.

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MR. KAUFMAN: There are a number of

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assessments inside that plan. Some of that

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is not a hundred percent accurate.

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A lot of the risk models were built in.

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They are talking about specific points but there are a number of points in there that do cover some of the issues that we talked about.

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MS. VILORIA-FISHER: But there is a simpler answer to that. It has to be passed in the legislature. There is a resolution in the legislature.

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So the recommendations that are made here don't necessarily automatically trigger that review. This resolution would have to pass in the legislature.

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MR. GULBRANSEN: I'm wondering if we could sharpen that.

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MR. BAGG: This does so that once you have a final generic EIS and then you have an action, a proposed action, that upon completion of that review it says an amended findings statement must be prepared if a subsequent proposed action was not addressed or was not adequately addressed in the generic EIS and the subsequent action will not result in any significant environmental impact.

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So I mean, the door is open here in this whole generic EIS and findings review for any subsequent action revising the findings statement currently in place if they plan to do so.

MR. GULBRANSEN: Thank you.

MR. KAUFMAN: That's one of the reasons why I didn't say pos dec or neg dec. I made a recommendation that it's a positive action that we need further review on at this point.

I don't know what the review may show. We have under 617-D, we have four different options that could end up being done by the County.

I mean, I would like to say pos dec. I will splash that on the record. But I am constrained by 617-10. I don't think that is appropriate at this point to say that.

THE CHAIRPERSON: I think that with this recommendation to the legislature that it implies that there has to be considerable work done.

MS. VILORIA-FISHER: Right.

THE CHAIRPERSON: But when you talk to

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the legislature that you say, look, we really ought to get an answer to the question before we go ahead and do anything.

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MS. VILORIA-FISHER: Absolutely. This is going to be before the Health Committee.

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THE CHAIRPERSON: Okay.

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MS. KOHN: I'm Jennifer Kohn, Assistant County Attorney. My question was, would the EAF consider the issue of consistency with the long term plan? Would that be the mechanism for doing that?

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MR. BAGG: That could be a concern raised that should be answered in the EAF.

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MR. KAUFMAN: It almost has to under 617D. The rule is right there. It's in the book. It's in the final statement.

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MR. DAWYDIAK: Could I ask a question? Who prepares the EAF?

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MR. BAGG: Technically pursuant to County law. The initiating unit which would be the legislator should prepare or cause to be prepared the EAF.

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So they can delegate the assistance of the environmental, energy and Health

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Department of DPW.

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THE CHAIRPERSON: Vivian, if you go forward with this, I think you really have to go back and revisit the risk assessment program. And that's not a trivial matter. So there's quite a bit of an expense.

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MS. VILORIA-FISHER: We spent a lot of time talking about the risk assessment here.

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MR. DAWYDIAK: VECTOR control was a unit for the long term plan and for the annual term at work. They would be the most appropriate group.

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MS. VILORIA-FISHER: I have to get to my committee.

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THE CHAIRPERSON: I'm going to call the vote.

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MS. VILORIA-FISHER: I was going to recuse because I am a co-sponsor.

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THE CHAIRPERSON: All in favor?
(Unanimous aye.)

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THE CHAIRPERSON: Opposed?
(None.)

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THE CHAIRPERSON: And we have one recusal, Legislator Viloria-Fisher.

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MS. SQUIRES: Could I just say one thing? I think this whole business is so unfortunate.

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These few people with something that was discussed for four years, that so much time and effort went into this whole thing. That people can continue this on and on and on.

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It makes me so angry. It makes me angry that I have to just personally, that there are all sorts of CAC's that somehow look on us as not being environmentalists.

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And I resent and I haven't said it but we have all thought it. I just resent some of the things that resulted from what I thought were inappropriate actions.

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And I think that I just reflect everybody that is sitting here that has gone through this whole process.

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THE CHAIRPERSON: I appreciate your comments, Joy. But this probably would not have come up if DEC had acted appropriated.

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MS. SQUIRES: I see.

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THE CHAIRPERSON: And had a consistent permit. What do you expect out of a system

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that gives you a permit that says one thing

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and then a permit that says something else?

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Naturally people are going to jump on that.

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MR. KAUFMAN: It's something that DEC

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has authorized in the past. I'm talking

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about the basic formalization.

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It's a chemical that is allowed by DEC.

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And suddenly they are shutting down in

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certain areas.

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MR. DAWYDIAK: Mr. Chairman, one

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question for clarification. Was there an

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assignment on a letter to DEC or was that up

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to the legislator?

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THE CHAIRPERSON: Well I think that

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Dr. Dillon said she had already written a

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letter.

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MR. ANDERSON: I have a copy here.

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MS. DILLON: That is a letter two

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years ago. We have a new one this year.

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MR. ANDERSON: I have a copy here.

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MS. SQUIRES: Is that the one you gave

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us?

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MS. DILLON: There's one from a year

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ago and one from now.

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THE CHAIRPERSON: My only recommendation is that they still are likely to treat it casually. I think that you ought to go back and say this is a real urgent matter that we have before the legislature as possibly expending a lot more money. That is just hanging on your decision of what to do, which permit is correct.

MS. DILLON: Okay.

MR. ANDERSON: We could bring that letter to the Health Committee meeting.

MS. HAHN: I'm representing the presiding officer Bill Lindsey.

THE CHAIRPERSON: I would say that you probably ought to send a copy to the head honcho in Albany. Because it's ridiculous to have inconsistent permits.

MR. DAWYDIAK: Thank you very much.

THE CHAIRPERSON: Thank you for coming again. All right, historic services.

MR. MARTIN: We'll just discuss the Deepwells issue.

MS. SPENCER: Both.

MR. MARTIN: So just to start with

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what's on the agenda. The letter to the CEQ about the Deepwells contract.

THE CHAIRPERSON: Right.

MR. MARTIN: There are a number of contracts that are in the County Attorney's office. In talking with the Acting Commissioner Tracy Bellone that Deepwells is actually number nine on the list of contracts of the priority listing.

The eight contracts that they are requesting to be done before that all contain concessionaire contracts for already existing organizations in the Parks Department that have expired.

And they need amendments to these to have these activities continue in the parks. So that is what they have given us as their primary priority to the County Attorney's office.

And at Deepwells what we have been doing is a permit basis. Every activity that the Historic Society would like to run, we do provide them with a review process and a permit to see.

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And they are still, the problem with the delay of the contracts here, I want to get that information from the Department.

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THE CHAIRPERSON: Just a comment. I think you know CEQ has been concerned that the County has a lot of wonderful properties.

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And that because of properties that these properties are now not being maintained to the extent that they perhaps should.

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And that because of certain decisions that have been made with regard to management of the properties that they are in more jeopardy today than they were three or four years ago.

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And that we now have people stepping forward to try to assist the County in taking over some of the burden and making sure that the properties are properly maintained and that they are a use within the community.

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And to have a delay of a year in the County Attorney's office is quite frankly in my opinion unacceptable.

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And that, you know, having some other reason in front of this one is no excuse for

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telling them, well you know, just hang around and we'll get to you. Yes?

MS. KOHN: I just want to add one thing. Jennifer Kohn, Assistant County Attorney. I just wanted to add one more thing to what Richard said was that I understand the resolution has been prepared that is waiting to be laid on the table.

I'm not sure exactly what stage that is in. Richard may know more. But that in order to sign the contract a resolution is needed.

MR. MARTIN: I can just explain a little bit further.

MS. SPENCER: On each property or all the historic properties?

MS. KOHN: I have no knowledge. And I am not actually myself preparing this kind of contract. So I can't respond to that.

MR. MARTIN: For every site at this point to go into contract, the legislature is approving a resolution allowing that group to be the managing organization at that site.

And this resolution was prepared May 4th

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and submitted to the County Executive's office for review. And we haven't heard about it.

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MS. SPENCER: May I elaborate?

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THE CHAIRPERSON: Yes.

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MS. SPENCER: These properties that are owned and managed by the County as you heard, Larry, to them, they are in great need.

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And if a group is willing to come forward to contribute their time, their effort, their funds to help with a particular property, the County should be running toward them. There should be no delay.

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With this the only group that was trying to help a property, I can think of two additional groups not counting the Scully Estate who have been trying to get a contract with the County for over a year.

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If you go to the Historic Trust Manual, Section 2 of 2, custodianship, page 14, A, groups.

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"Experience has taught that a local organization, either one formed especially for the purpose or an established one that

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will adopt a preservation project of its own,
3 is essential to the success of a preservation
4 effort."

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There is no excuse for what the County
has been doing. And I am delighted that at
least one of the people who have been
struggling with this has brought it to your
attention.

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THE CHAIRPERSON: Thank you. Michael.

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MR. KAUFMAN: Richard, I have been at
DEC and the Historic Trust for 15 years. I
have seen the system work and I have also
frankly seen it begin to go into downward
spiral.

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And in my opinion this debacle and the
issues that Mary Ann has just pointed out are
just unconscionable.

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To put it bluntly, the powers that be
need to understand that they are neglectful
of the system and those that are trying to
help the system is just wrong.

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I think it's unconscionable to delay.
I think that it drives people away. The
County loses support and supplemental health

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and supplemental funds. That's the overriding aspect of it.

To put it very bluntly also, I don't buy the attorney excuse. I have seen contracts that the County has done with various user groups. They are long, they are involved.

They are also standard and boilerplate. You are talking to people, actually strike that. To put it very bluntly, I know how to write contracts. I get paid a lot of money to do it.

The standard boilerplate contract that you put in two lousy pages of what the specifications might be with individual groups.

I know what the contracts look like. It's that easy to draft a contract. No reason why it should sit there for a year.

If there are individual issues, the County really should sit down, type them up right there instead of going back for review, et cetera, or even I understand the County has to go back to its various agencies.

But somebody with authority should allow

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a basic contract to be drawn up such that it could be applied to all of the groups and just plug in the numbers.

You have user groups out there who basically are all subject to the following conditions. They probably have to get some insurance, et cetera.

We are not talking rocket science to get something like this done. And it should be a standard situation.

Again I understand that there are individual cases where things have to be done differently. Seatuck may be an example of that.

But Seatuck may be treated the same way as Deepwells. Some of the other properties may be treated in a different way.

But this is something that can be standardized so that we do not have these kind of delays and do not have these kind of problems and drive these people away.

MR. MARTIN: Just to respond to that. They are basic contractors. You are exactly right. Just a couple of examples of appendix

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information for each site that's unique. And then the Scully Estate, whether a different type of contract.

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But your point is taken and it is true that these contracts are similar.

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MR. KAUFMAN: Well in private practice these things would be done relatively quickly. I'm talking a matter of a couple of weeks or something like that. I know that County government is different but it's not that different.

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THE CHAIRPERSON: I think it's also very unfortunate that you, Richard, were sent here today to take the heat on this issue.

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Quite frankly I think that the Acting Commissioner should have been here to discuss the issue and to take responsibility for what is not being done.

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MR. MARTIN: I think she had a conflict. She had another meeting that she had to attend.

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MS. SPENCER: The need is the County Attorney's office.

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MR. BAGG: Richard mentioned something

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today. I think that the Parks Department together with the County Attorney's office and the legislature should set out the process. He said that the Parks' draft resolution is the County Executive's office.

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Now what exactly is the process? How does this take place? Who is responsible for the resolution?

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Who is responsible for discharging to the legislature? Who is responsible for drafting the contracts and finalization of this process?

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And until we know exactly what this process is and can start to see the bottlenecks and make recommendations to change those, we are kind of looking in the dark at this point and time. Because counsel doesn't even understand what this process is.

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THE CHAIRPERSON: I wonder if the legislature shouldn't put a moratorium on acquiring more properties until we have a reasonable program to maintain what we have.

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MS. SQUIRES: Don't do that.

THE CHAIRPERSON: It's worse to have

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lots of stuff deteriorating than a few properties that are maintained in very, very high quality in my opinion.

MS. SQUIRES: You're right but I wish you weren't.

MS. SPENCER: But the whole point of that, Gordon Home was brought to our attention, is that some of these properties have been purchased. They are loved by the members of this community. And those same members in those communities have come forward.

THE CHAIRPERSON: Right.

MS. SPENCER: And they are eager to be a part of that property restoration, use and so forth.

MR. MARTIN: Well the organizations essentially run our historic site. The Parks Department does not have staff at these sites.

THE CHAIRPERSON: Right.

MR. MARTIN: They are run by the volunteers. If they do not have the volunteers on site, they are closed to the

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public.

MS. SPENCER: This just underlines how crucial it is.

MR. KAUFMAN: There is one other point. I know that the County is somewhat scared of what happened a few years ago with certain operations.

But they can't live on the errors that were made then. They have to move forward. And errors are correctable.

MS. SPENCER: But they have all been corrected.

MR. BAGG: Basically I think that the Historic Trust Manual which was adopted by the legislature and was signed into law by the County Executive set exactly the procedure that has to take place with historic properties.

And that should be facilitated. And that basically the Council should request exactly what is the procedure, all of the departments involved, and ask those departments to show up, number one, and explain how they handle each part of the

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process and what they are going to do to

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adhere to the requirements of the Historic

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Trust Manual and facilitate the procedure.

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Right now everybody says well it's in

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the County Attorney's office or it's in the

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County Executive's office or it's across the

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street in the legislature.

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Well the question is what is the process

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and what stage of this process are we in.

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And we have to understand that before you can

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make recommendations for change.

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Does the Parks Department and the County

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Attorney's office understand what the

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requirements are, the Historic Trust Manual?

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Do they understand where they are in this

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process and the part that they play?

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MS. SPENCER: On the three instances,

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you're right about all of that, Jim. But

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right now in terms of the contrast and the

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three instances that I have personal

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knowledge of, these are friends, groups who

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want to assign these contracts who read them

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and sign them and send them back and then

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don't do it for three months.

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MR. BAGG: But if we understand the process of where it is, then maybe the Council can say --

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MS. SPENCER: On this particular issue of the contract for friends groups and groups that want to contribute to a more open public County process to the public, it really is a matter of doing their homework, fill in this and sending it and not hearing for literally months at a time.

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MR. PICHNEY: You do have a process and everything is slow. But things are starting to move along.

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But from our experience the hang up is always in the County Attorney's office. It always --

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MR. BAGG: Well I think that basically --

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MR. PICHNEY: Just because of the way the world is it becomes a little personal. One division is assigned an attorney who can turn it around in three months or less and another division has to sit and wait.

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And you literally have to sit on that

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person's desk to get any action on your

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contract.

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MR. BAGG: Well perhaps if we understand the process and we ask the County Attorney's office to attend as well as a representative from the Parks Department as well as the County Executive's office and request how are we going to facilitate this process and when can you turn these contracts around, you may get a commitment. I don't know who is responsible at this point.

MS. SQUIRES: I would like to talk for two minutes.

THE CHAIRPERSON: Richard, I request that you have a letter from the Commissioner sent to the Deepwells Historical Society explaining what the situation is and how long it's going to be before there is a resolution to the issue.

Another thing that I found very disturbing was that Commissioner Foley's or ex-Commissioner Foley's comments in a series of emails about why the CEQ is involved in Parks issues.

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It seems to me that the Parks Department itself has no concept of what the organization and management of these properties are. Apparently he was totally unaware that we are involved with the Historic Trust.

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MR. MARTIN: I don't think he was totally unaware. But I guess this is administration and he had a question.

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THE CHAIRPERSON: Okay. So please write the letter.

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MR. MARTIN: Okay.

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MS. SPENCER: You know, I have two more important lengthy items of historic business.

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THE CHAIRPERSON: Okay.

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MS. SPENCER: I would like to respectfully submit that in the future that we not be at the very end of the agenda. This happens to us every single month.

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And I think that what we have to bring forward is a little bit more important than some of those land acquisitions.

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THE CHAIRPERSON: Okay.

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MR. BAGG: That's fine with me. I
don't have any argument.

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MS. SQUIRES: And by the same token
I hate to do this. But whatever I have to
say only takes two minutes. And you can
dispense with me in a hurry.

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MS. SPENCER: And then you would leave?

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MS. SQUIRES: No, I'm not going to
leave.

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THE CHAIRPERSON: Are you going to bring
up two more issues?

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MS. SQUIRES: Can I have my two
minutes?

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THE CHAIRPERSON: No, we're going to
give him a break.

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(Recess.)

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(After recess continuing.)

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THE CHAIRPERSON: All right, we can get
together and wind this thing up. Mary Ann, I
believe you had two issues that you wanted to
bring up.

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MS. SPENCER: Right. Now the first of
these, Honorable Chairman, I would like to
defer until next month.

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But I would like it to be early on in the agenda. Because it's terribly important and it involves changes to the Historic Trust Manual.

We have been working, the Committee has been working with Richard and Jim. We have spent four months on it. And it's ready to go.

But it's just been pointed out to me that it's late in the day and not everyone is here. And we won't be wasting any time if we wait until our next meeting.

So why don't we hand them out so that you can look at what we are talking about? You can go home and pull out your manual.

I can give you some background about why we are doing this and what we are thinking. And then we will put them on the agenda for the full consideration and a vote of the CEQ next month.

There are properties that the County buys that are already owned on park land that are historic in nature.

They contribute historically to a parks

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setting or they are a vital part of a particular community in Suffolk County. But they are not significant enough to warrant dedication to the Historic Commission.

Now there was a property that came up recently. And the legislature brought it forward and said that he would like it dedicated to the Trust.

And I told him my own personal opinion was that it wasn't worthy. And I said, "Why are you doing this?" And he said, "Because it's the only way to protect it".

And in talking with other people and doing a little homework, I think he's right. So what we are basically doing is creating another category. It won't be dedicated property.

But the properties that are in this category that the Trust which is the CEQ will listen will at least come under Richard's purview.

So that if there is a barn on a County park and it's only 50 years old but it's always been there and they are about to tear

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it down, they will at least have to go to

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Richard and say is it okay if they tear this

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barn down.

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Right now they don't have to. Right now

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the Parks Commissioner can do anything he

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wants with any property that is not

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dedicated.

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So as I said, go home and it's probably

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good for the CEQ since the CEQ is the

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Historic Trust.

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You all have manuals. Go home, pull out

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the manual, read the pages that we have

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indicated and then if we could take that out.

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That was the first thing that I wanted to

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talk about.

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THE CHAIRPERSON: Do the new members

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have Historic Trust Manuals?

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MR. BAGG: Yes.

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MS. SPENCER: The plan hasn't changed.

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MS. HAHN: Is it posted on the website?

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THE CHAIRPERSON: No.

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MS. SPENCER: The second thing is in

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reference to that same manual, Section 2,

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adopted uses, page 13-4.

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"Historic buildings shall never be left unguarded, unoccupied or unattended because of the danger of vandalism and deterioration."

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We have an apartment in Flanders, the Black Duck Lodge, that is right now under repair for the second, the most recent vandalism to the tune of \$400,000.

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And when those repairs are completed, at the time they are not yet rented. So Richard is going to report on that he has talked to the Commissioner, the Acting Commissioner.

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We have been given some assurances. But because of the occupancy of this isolated historic structure which is eligible for the State and National Register and just underwent or is undergoing is of paramount importance, I would like to report on it. And I would like to revisit it every month until it's taken care of.

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MR. MARTIN: And after our Committee meeting I talked to the Acting Commissioner Tracy Bellone. And she has assured me that

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they will try to get a seasonal employee in

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the summer and hope to get a year round

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tenant by the fall.

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The construction that is going on now

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should be finished by the end of the summer.

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And at that point I believe it would leave

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the apartment vacant after all this

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restoration work has been done.

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THE CHAIRPERSON: Where is this?

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MR. MARTIN: This is in Flanders off

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Red Creek Road. It's right on the Peconic

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Bay opposite Concealed Fellows Park where the

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Black Duck is.

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It's all part of the County covered

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or County park. It's a huge park.

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MS. SPENCER: But it's very isolated.

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MR. BAGG: And as a follow up to that

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just quickly, the County acquired the

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property. It remained vacant.

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Some children got in there and in a

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weekend they ripped all the radiators out,

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threw them through the windows, ripped the

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stairs out and tore holes in the roof.

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Nobody was there to watch what was going

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on. That's why the Historic Committee has the clause in it. So the Historic Committee put an apartment in there and expenses.

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Now they have had more vandals in there. But they are having to restore the apartment again for \$400,000.

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MR. MARTIN: So that's for the whole exterior of the building.

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THE CHAIRPERSON: It just goes back to what I said before. We shouldn't be investing in properties that we can properly maintain.

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MS. SPENCER: Well, Larry, when you look at the list, and I know that I'm going on for a while, of properties that used to be rented and now the County is trying to up the rents and it's been in the papers and we all know, one of the things the Trust asked Richard to do was to go through that list and indicate those things that are dedicated to the Historic Trust.

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And there are properties that are on park land and so forth but they are not dedicated to the Trust.

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Our concern I think should be, because of the manual and vacancy and vandalism, trying to convince the Commissioner that the dedicated properties should be given priority.

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MR. KAUFMAN: I have a question. Would it be worth it to go not just to the Commissioner but would it be worth it to also go to the Parks Committee and bring up some of this stuff and testify before them about this issue?

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MS. SQUIRES: How about the Park Trustees?

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MR. KAUFMAN: The legislature gets more impact.

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MS. SPENCER: I feel very differently about the vacancy than I do about the contract. I do feel, this is my own personal opinion, that both Commissioner Foley and Assistant Commissioner Tracy Bellone have been making an effort on the vacancies and the rentals.

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MR. MARTIN: Well there is an effort. They had an open house day at the end of

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April. Because now under the guidelines all County employees are eligible to go into these buildings.

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And from the priority list of the resolution that the legislature passed for the tenants for these buildings, Park Police and the Sheriff's Departments have first priority.

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So Tracy Bellone has gone through those requests first to occupy the buildings. And there are about three or four people have been responded from that category.

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And now she will go to open it up to the Parks' staff. And from that we have one person from the Parks Department that will be going to the Metacroft Cottage at the end of the month. And she will continue to go to Parks' staff at this point to see who's interested.

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Again to repeat, I have stressed that the Black Duck Lodge should be made a priority for tenants because of the concerns of the vandalism there and especially that we are completing an exterior restoration of the

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building at the cost of \$400,000 which will include the replacement of windows.

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So of course we have the opportunity for a lot of damage at that location when the project is completed.

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There were eleven vacancies as of April. And that we are working on filling. And out of the eleven, seven of the buildings are dedicated to the Historic Trust.

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So Mary Ann's concern is well taken that a majority of the vacancies are in Historic Trust buildings.

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THE CHAIRPERSON: Well, Mary Ann, as an aside, a while ago we used to have sort of an unofficial policy that we would try to hold one CEQ meeting a year perhaps at the historic sites.

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So that all this sitting around the table we become familiar with the Parks' facility. And I know that now that we have to have a stenographer, that complicates the issue.

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But nevertheless I still think that it might be a reasonable thing to do. We even

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had a meeting out at a place on the east end,
Roosevelt or Montauk.

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It's quite a haul but we got a nice
turnout. And it allowed people to see what
we are discussing and trying to preserve
here.

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MS. SPENCER: I really appreciate that,
Larry. Because I think one of the things
that Jim and Richard have said to me and that
I am trying to help them with is the
understanding that it is the CEQ that is the
Historic Trust.

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That this Committee that now Dan and I
are part of as CEQ members is a standard
subcommittee.

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But, you know, anything that we decided
in the standing subcommittee, you are the CEQ
of the Historic Trust. I think that's
wonderful. That might help.

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MR. KAUFMAN: Actually we used to do it
more than once a year. We did it several
times a year.

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MS. SPENCER: We are kind of busy right
now. We are not only changing the manual but

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Richard is working very hard to get the

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backlog of things that the subcommittee has

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recommended for dedication.

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THE CHAIRPERSON: So maybe if we could

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have this in the August or September meeting

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at the facility.

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MR. MARTIN: Yes is the answer.

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MS. SPENCER: Great.

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MR. MARTIN: We will discuss it further,

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what site might be good to highlight. I

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don't know if Deepwells is a possibility.

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It's not that far.

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THE CHAIRPERSON: The last time we had

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a meeting at Deepwells there was no

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electricity and we wore gloves. It was just

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when you acquired it.

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MR. MARTIN: Okay.

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MS. SPENCER: If you have not seen it

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since it was acquired, that's worth it.

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MR. KAUFMAN: It was a third of a mile

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away.

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MS. SPENCER: I know that.

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THE CHAIRPERSON: Anything else,

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Richard?

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MR. MARTIN: No.

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MS. SQUIRES: I just would like if you could distribute that. I did go to the DEC update that is sponsored by NCSAEMC.

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Now what was lovely is that Gloria Russo also attended. But the reason I want to talk to you about this is this was the agenda of the meeting.

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Now in fact the NCSAEMC took minutes. And she will have condensed what was said at that meeting. She will send that to Jim.

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She will also send it to me. If you need further information on any of these topics, you either, either us as CEQ or us as individuals, we can transmit this information.

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But what I really want to tell you is that there is an attitude at DEC. I have these updates for years and years.

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And I say this because it might translate into a letter that you are going to write on behalf of some consistency.

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For five years they have been so demoralized in Albany in terms of what they

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present, in terms of budget cuts and staff cuts that you hear it in their presentation.

For the first time with the new Commissioner, with Elliott Spitzer committing funding and programs and personnel, there is a new enthusiasm.

So that I think this is the time. I personally don't have much interaction with DEC in terms of what I do in my municipality.

But they have got a lot of interesting programs. For instance, DEC has a new website that is much more user friendly.

I don't know if you want one of these. The new citizen's participation specialist maintains that anything you want, call him up and he will put you in contact. So I give you these things.

But I also thought that it was delightful to have Gloria also attend, you know, to have Suffolk County well represented with our particular point of view which in fact is different than around the rest of the state as you all know.

So I just wanted to say those few

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things. And interestingly enough there were grant applications that were due on the 1st of June.

They sent them out on the 5th of June. They sent out the grant applications. I thought that you would think that was all pretty funny.

MR. KAUFMAN: Sounds like Pete Scully is in charge.

MS. SQUIRES: They extended the deadline to July 11th. So I made a big plea for the fact that you have to let people know in a timely fashion with grant applications.

Because darn it, grants take a long time to do. So that's the kind of thing that Jim will get a summary.

I will get a summary and Jim could forward it, email or forward it. And this website is much user friendly.

And guess who did it? Cathy Sligo from Region One. I don't know how to spell it.

MR. KAUFMAN: S-L-I-G-O.

MS. SQUIRES: She uses her married

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name now. But she has done this user friendly website which is quite interesting and easy to access.

THE CHAIRPERSON: Thank you. I apologize for the length of the meeting but we need a motion.

MR. MACHTAY: I'll make a motion.

THE CHAIRPERSON: Second?

MR. KAUFMAN: Second.

THE CHAIRPERSON: All in favor?

(Unanimous aye.)

THE CHAIRPERSON: Motion carried.

(Whereupon the meeting was concluded at 1:40 p.m.)

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RE: Suffolk County Department of Planning
Council on Environmental Quality

AT: H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, N.Y.

ON: June 20, 2007

C E R T I F I C A T E

I, JAMES F. GILL, a Shorthand Reporter and
notary public within and for the State of New
York, do hereby certify;

That I reported the proceedings in the
within-entitled matter, and that the within
transcript is a true and accurate record of such
proceedings.

I further certify that I am not related by
blood or marriage to any of the parties; and that
I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 9TH day of JULY, 2007.

James F. Gill