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DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Legislative Auditorium
North County Complex
725 Veterans Memorial Highway
Hauppauge, New York

-----x

November 21, 2007
9:30 a.m.

BEFORE:

R. LAWRENCE SWANSON, Chairperson

ACCURATE COURT REPORTING, INC.
6 FRANCES LANE
PORT JEFFERSON, NEW YORK 11777
631-331-3753

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A P P E A R A N C E S:

- MICHAEL KAUFMAN, Vice Chairperson
- JAMES BAGG, Chief Environmental Analyst
- VIVIAN VILORIA-FISHER
- THOMAS GULBRANSEN
- RICHARD MACHTAY
- DANIEL PICHNEY
- GLORIA G. RUSSO
- MARY ANN SPENCER

A L S O P R E S E N T:

- RICHARD MARTIN
- KARA HAHN
- CHRISTINE DESALVO

2 CHAIRPERSON SWANSON: All right,
3 I'd like to call the meeting to order.
4 This is the November 21st meeting of the
5 Suffolk County Council on Environmental
6 Quality.

7 Do we have any comments about the
8 minutes?

9 I notice Mr. Machtay gave us
10 comments on -- written comments on the
11 August 15th meeting and the September
12 19th meeting, which I'd like to enter
13 for the record.

14 Do we have any other comments about
15 the October minutes, which we just got
16 notification of yesterday or the day
17 before?

18 (WHEREUPON, there was no response.)

19 CHAIRPERSON SWANSON: Okay. Do I
20 have a motion to approve the August
21 minutes, with Mr. Machtay's corrections?

22 MS. RUSSO: (Indicating)

23 CHAIRPERSON SWAN: Okay.

24 MR. MACHTAY: (Indicating)

25 HON. VILORIA-FISHER: (Indicating)

2 CHAIRPERSON SWANSON: Okay, I have
3 a second.

4 All in favor?

5 (WHEREUPON, the Council members
6 voted.)

7 CHAIRPERSON SWANSON: The September
8 minutes, do I have a motion?

9 MS. RUSSO: I make a motion to
10 accept, with Mr. Machtay's corrections.

11 CHAIRPERSON SWANSON: We have a
12 motion to accept, with the corrections
13 of Mr. Machtay, minutes.

14 Do we have a second?

15 MR. KAUFMAN: Second.

16 CHAIRPERSON SWANSON: Second.

17 All in favor?

18 (WHEREUPON, the Council members
19 voted.)

20 CHAIRPERSON SWANSON: Opposed?

21 (WHEREUPON, the Council members
22 voted.)

23 CHAIRPERSON SWANSON: Do we have
24 any comments on the October minutes?

25 (WHEREUPON, there was no response.)

2 CHAIRPERSON SWANSON: I have a
3 couple of corrections.

4 I don't know if everybody else has
5 read them, I'll just do it on the
6 record.

7 On page 3, line 16, the word is
8 "fly," as in dragonfly.

9 On page 4, line 7, the name "Paul,"
10 as in Mr. Paul, actually should be
11 Mr. Hall.

12 Anybody else have any other
13 corrections?

14 MR. GULBRANSEN: Christine, I
15 believe I -- I e-mailed five or six to
16 you?

17 MS. DESALVO: Okay, I probably -- I
18 didn't get them this morning.

19 CHAIRPERSON SWANSON: So we'll
20 leave those minutes open, but --

21 MR. GULBRANSEN: That's okay.

22 CHAIRPERSON SWANSON: -- but you
23 have the pages of these corrections.

24 All right. Jim, is there any
25 correspondence you want to call to our

2 attention?

3 MR. BAGG: Yes, there are a number
4 of things in your folder.

5 There's a letter from Woodlands
6 Wildlife Association regarding the noise
7 berm -- I assume you'll pick these up
8 when you consider the project
9 individually, in support of the noise
10 berm at Gabreski Airport,

11 There is a letter from the
12 Supervisor of the Town of East Hampton,
13 in support of GATR Facility at
14 T. Roosevelt Park;

15 There is a letter from Margarite
16 Wilshorn (phonetic), Planning Director
17 from the Town of East Hampton, in
18 support, to some extent, of the GATR
19 Site Transmission Facility;

20 And there is a letter from the New
21 York State Lawn Care Association,
22 regarding the fertilizer legislation
23 that is before you.

24 CHAIRPERSON SWANSON: All right.

25 Thank you, Jim.

2 We'll move on to the Historic Trust
3 Document.

4 Rich, do you have any comments?

5 MR. MARTIN: Good morning.

6 The list of buildings that we're
7 reviewing today are to be added to
8 our -- what we're still calling our New
9 Historic Structures List. That would be
10 supervised by the Historic Trust and the
11 CEQ for any changes to the building.

12 And, there's three groupings, I
13 guess, of the buildings here:

14 The first is what we're calling the
15 Southaven House on River Road in
16 Southaven County Park. This building
17 was actually moved into the park near
18 the -- the Mill Site, that was the
19 Mill -- the -- at Southaven. That was
20 taken down when Sunrise Highway was
21 extended in that area in the 1950s. And
22 that was moved into the Park and used as
23 the foreman's home for the Hunting
24 Preserve that existed at Southaven
25 County Park.

2 The next grouping, all the Davis
3 buildings, were also moved buildings.
4 They were originally north of
5 Grumman Avenue in Manorville, and they
6 were moved just south of Swan Pond. And
7 the reason for the move is that the
8 U.S. Navy had condemned that property.
9 And this farmstead, where all these
10 buildings come from, was purchased by
11 Mr. Davis in the 1870s, actually, when
12 he established a cranberry bog and a
13 cranberry business in the Manorville
14 area. He was from Massachusetts and saw
15 the opportunity of establishing a
16 cranberry business in Suffolk County.
17 And he bought an existing farmstead
18 which dates back to about 1820, and also
19 used that, in a sense, as a summer
20 residence. His full-time, year-round
21 business was a stockbroker on Wall
22 Street. And so, those buildings do
23 retain their early design and
24 significance, even though they have been
25 moved, so we're looking to add them to

1 - Council on Environmental Quality -
2 this list.

9

3 And, the last two buildings are
4 originally part of a farmstead, a --
5 actually it was a pig farm, and was
6 later bought by Mr. Stemmler, and used
7 for his bow and arrow company that he
8 had established in Manorville. And,
9 this is an early 19th Century barn and
10 the farmhouse that accompanied it. So,
11 we're looking for an approval to add
12 this to our Historic Structures List.

13 CHAIRPERSON SWANSON: Do we have
14 any questions of Mr. Martin?

15 MR. KAUFMAN: If I'm not mistaken,
16 Rich, you're basically taking whatever
17 buildings are associated with the Davis,
18 if you will, homestead, and you're
19 taking them as a group. So that, for
20 example, is why you're having the garage
21 placed in this particular list also.

22 MR. MARTIN: Yes.

23 MR. KAUFMAN: And, you think that
24 it has equal significance to the rest of
25 the houses, especially to the extent

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that it's part of an ensemble?

MR. MARTIN: Exactly. They all relate and they all retain their original character.

MR. KAUFMAN: I was basically trying to figure out the criteria that you were using for any kind of a grouping. I mean, it makes sense, I've seen some of these buildings. About five years or so ago, I think some CEQ members were down in the area, and we were taking a look at them, and it did make sense to do it.

MR. MARTIN: Yes. I should have prefaced my comments that the Historic Trust Committee has visited all these sites, and -- you know, walked around these buildings at least, gotten in the buildings that they're able to, like the barn structure. So, this is their estimation from site visits.

MR. KAUFMAN: One other question, and this would be directed probably to Mary Ann and to you, what is the general

2 condition of most of these buildings?
3 Some of them look like they're
4 habitable, some of them look like they
5 need a fair amount of work, some of
6 them, obviously, are not habitable.

7 MR. MARTIN: Yes. In this grouping
8 there, they cover the full range. Most
9 of them are being utilized. The Davis
10 House -- the main house, actually,
11 Seven Oaks, is in poor condition and
12 needs a new roof. So, that is the
13 most -- the building that's in the most
14 danger. And, the Stemmler Barn is also
15 in need of some structural repairs. But
16 the Committee thought that they still
17 deserve the recognition, at least, to be
18 on the Historic List so some attention
19 could be paid to them for repairs.

20 CHAIRPERSON SWANSON: Richard, on
21 Item No. 6, which is Davis House No. 3,
22 could you explain to me what a
23 Vernacular House is?

24 MR. MARTIN: Vernacular is just a
25 basic contractor design, I guess you

2 might call it also, there's different
3 words that are used for it. But for
4 simple design that's -- usually there's
5 not an architect involved or anyone with
6 any high style design to it, just a
7 basic. That's actually -- that's more
8 of a -- like a Cape Cod designed house,
9 I guess you could say.

10 CHAIRPERSON SWANSON: And it says
11 it was built in 1945?

12 MR. MARTIN: Yeah. That's --

13 CHAIRPERSON SWANSON: Why are we
14 worried about that?

15 MR. MARTIN: Well, I think, as we
16 discussed, as a grouping, this was all
17 buildings that were part of this
18 farmstead. And that is right on the
19 road, it does fit into our 50-year
20 criterion for review for historic
21 status. And to have that building
22 changed dramatically, while the others
23 would fit right behind it, keeping its
24 historic integrity would -- would not be
25 for that place. I think they should all

2 be viewed as a group, and any work or
3 structural repairs that are done to
4 those buildings should be with similar
5 materials.

6 CHAIRPERSON SWANSON: All right.

7 Thank you.

8 Any other questions?

9 (WHEREUPON, there was no response.)

10 CHAIRPERSON SWANSON: Can I have a
11 motion for including these new additions
12 to the Historic Trust?

13 MR. KAUFMAN: Yeah,
14 Mr. Chairman, I'll make that motion.

15 MS. VILORIA-FISHER: And I'll
16 second.

17 CHAIRPERSON SWANSON: Gloria Fisher
18 seconded.

19 Any other comments or questions?

20 (WHEREUPON, there was no response.)

21 CHAIRPERSON SWANSON: All in favor?

22 (WHEREUPON, the Council members
23 voted.)

24 CHAIRPERSON SWANSON: Opposed?

25 (WHEREUPON, the Council members

2 voted.)

3 CHAIRPERSON SWANSON: Abstentions?

4 (WHEREUPON, the Council members
5 voted.)

6 CHAIRPERSON SWANSON: Motion
7 carries.

8 MR. MARTIN: Thank you.

9 And just a couple of announcements:

10 Our Big Duck lighting is scheduled
11 this year for November 28th. That will
12 be at 7 o'clock at its new old location,
13 that is, the Town of Southampton Big
14 Duck Park, and that is in Flanders on
15 Route 24. And we are working with the
16 Southampton Parks Department to run this
17 event this year, and we're hoping for a
18 good turnout. So if you're able to make
19 it, the ceremony starts at 7 o'clock --
20 the entertainment, I should say, starts
21 at 7 o'clock.

22 And, otherwise, we are having our
23 Historic Trust Committee meeting, the
24 next meeting is December 4th, and we'll
25 be meeting at Smithers' property in

1 - Council on Environmental Quality - 15
2 Hubbard County Park, again on Route 24
3 in Flanders. That's at 9:30, and we'll
4 be touring that site and the building
5 for possible dedication to the Historic
6 Trust for listing on the Historic List.
7 CHAIRPERSON SWANSON: Thank you
8 very much.
9 Just before I forget it, Christine,
10 you said the next meeting is scheduled
11 to be the 19th?
12 MS. DESALVO: I am not sure.
13 CHAIRPERSON SWANSON: Okay. Can we
14 get some clarification --
15 MS. DESALVO: Yes.
16 CHAIRPERSON SWANSON: -- on that?
17 And, also, it's important that you let
18 Jim know, whether he can be here or not,
19 because in all likelihood, I won't be
20 here because I've gotten the pleasure of
21 serving on the grand jury, so I may see
22 you this time next year.
23 Okay. So, please, let's confirm
24 that.
25 Jim, do we have any comments on

2 Type II Actions?

3 MR. BAGG: Well, the
4 recommendations on the packets -- two
5 packets, one of November 7th, and the
6 other of November 20th, 2007, are before
7 you. Everything is either Type II
8 Actions, or SEQR has been completed, and
9 they're all fairly straightforward. I
10 believe the Legislature is trying to
11 summarize this (inaudible) a lot of
12 administrative resolutions in there and
13 whatnot.

14 CHAIRPERSON SWANSON: Okay. Do we
15 have a motion to accept the staff's
16 recommendations?

17 MR. MACHTAY: I'll make the motion.

18 CHAIRPERSON SWANSON: We have a
19 motion from Mr. Machtay.

20 Do we have a second?

21 MR. KAUFMAN: Second.

22 CHAIRPERSON SWANSON: Any comments?

23 MR. KAUFMAN: I'll just point out
24 2102, which is Appointee Peter ^{Etkowitz}~~Alcowitz~~
25 (phonetic). He's the Regional Planning

1 - Council on Environmental Quality - 17
2 Board -- he's the husband of our former
3 chairperson over here, Terri ~~Arcowitz~~^{Eikowitz}
4 (phonetic). Just pointing that one out,
5 I thought that was interesting. And
6 there's also a possible other CEQ member
7 being appointed from East Hampton,
8 that's 2119, Miss Eva Growney --
9 G-R-O-W-N-E-Y.
10 CHAIRPERSON SWANSON: Okay, any
11 other comments?
12 (WHEREUPON, there was no response.)
13 CHAIRPERSON SWANSON: We have a
14 second.
15 All in favor?
16 (WHEREUPON, the Council members
17 voted.)
18 CHAIRPERSON SWANSON: Opposed?
19 (WHEREUPON, the Council members
20 voted.)
21 CHAIRPERSON SWANSON: Abstentions?
22 (WHEREUPON, the Council members
23 voted.)
24 CHAIRPERSON SWANSON: Motion
25 carries.

2 All right. Improvements to the DPW
3 Trade Shop, Building C-318 Hauppauge.

4 (WHEREUPON, Mr. Ralph Borkowski
5 approached the podium, and addressed the
6 Council members.)

7 CHAIRPERSON SWANSON: Good morning.

8 MR. BORKOWSKI: Good morning.

9 Ralph Borkowski, Suffolk County
10 Department of Public Works. I'm here
11 for the Trade Shop Building.

12 We submitted a letter to you,
13 describing the work involved. It's very
14 straightforward. HVAC, updating in the
15 lighting, energy efficiency lighting,
16 new installation. It's all interior
17 Type II Action type of work. It's a
18 building that we haven't really done
19 work on for years, so we need to.

20 MR. KAUFMAN: Ralph, if you would,
21 would you identify exactly where this
22 building is in the complex? I assume
23 it's North County complex.

24 MR. BORKOWSKI: Yeah, it's North
25 County behind Building 158, Civil

2 Service. It's the old blue, metal-clad
3 building, the shop.

4 MR. KAUFMAN: It's about two doors
5 down from Consumer Affairs, on the site?

6 MR. BORKOWSKI: It's the north --
7 the northwest, behind 158. 158's here
8 (indicating), it's the northwest behind
9 it. There's a parking lot there,
10 there's an old dilapidated storage
11 structure adjacent to it. It's an
12 old -- it looks like it's been there
13 since the 50s, it's very old. It's a
14 shop, they usually repair things there.

15 MR. KAUFMAN: It looks like it
16 could use some improvement.

17 MR. BORKOWSKI: Yeah.

18 MS. VILORIA-FISHER: (Indicating)

19 CHAIRPERSON SWANSON:
20 Legislator Viloría-Fisher?

21 MS. VILORIA-FISHER: Thank you,
22 Mr. Chair.

23 Ralph, you mentioned energy
24 efficient lighting, but regarding the
25 HVAC system improvements, what kind of

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2 energy efficiency components are
3 involved there? Are you improving
4 energy efficiency there? What kind of
5 equipment will be used?

6 MR. BORKOWSKI: I don't have the
7 specs or the details on that, but I
8 would pretty much -- I mean, what we're
9 doing today is -- all new equipment
10 we're putting in is higher efficiency,
11 to meet the new energy guidelines. So
12 we're not --

13 MS. VILORIA-FISHER: So --

14 MR. BORKOWSKI: -- going to put
15 in (inaudible) equipment in, it's going
16 to be a higher-efficiency-type of HVAC
17 equipment.

18 MS. VILORIA-FISHER: Right, because
19 all of the County policy is to move
20 toward highest efficiency.

21 MR. BORKOWSKI: And we will be
22 doing that, yes.

23 CHAIRPERSON SWANSON: So, you're
24 going to follow the standard -- what is
25 now standard County policy?

2 MR. BORKOWSKI: That's correct.

3 MS. VILORIA-FISHER: And the same
4 with the installations?

5 MR. BORKOWSKI: That's correct.

6 MS. VILORIA-FISHER: Thank you.

7 CHAIRPERSON SWANSON: Any other
8 questions?

9 (WHEREUPON, there was no response.)

10 CHAIRPERSON SWANSON: Do we have a
11 motion?

12 MR. KAUFMAN: Motion Type II, I
13 would make that.

14 MR. MACHTAY: Second.

15 CHAIRPERSON SWANSON: Second from
16 Mr. Machtay.

17 Any other questions at this time?

18 (WHEREUPON, there was no response.)

19 CHAIRPERSON SWANSON: All in favor?

20 (WHEREUPON, the Council members
21 voted.)

22 CHAIRPERSON SWANSON: Opposed?

23 (WHEREUPON, the Council members
24 voted.)

25 CHAIRPERSON SWANSON: Abstentions?

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(WHEREUPON, the Council members
voted.)

CHAIRPERSON SWANSON: Motion
passes.

Thank you, Ralph.

(WHEREUPON, Mr. Ralph Borkowski
stood down.)

CHAIRPERSON SWANSON: All right,
Gabreski Airport.

(WHEREUPON, Mr. Tony Ceglio
approached the podium, and addressed the
Council members.)

CHAIRPERSON SWANSON: Good morning.

MR. CEGLIO: Good morning. Tony
Ceglio, Gabreski Airport Manager.

I'm here today because the County
has applied for, and received, the
New York State Department of
Transportation grant, for construction
of an earth berm along a portion of the
airport boundary, to help mitigate
perceived noise problems in an adjacent
neighborhood by the airport.

The project consists of

2 constructing and earth berm on the
3 northeast side of the airport, to
4 provide relief from ground noise
5 generated by aircraft using Runway 624
6 at the airport. The berm will be
7 approximately 1,000 feet long by 15 feet
8 high, and located along a 0.78 acre area
9 where residential homes are closest to
10 the airport. Plantings on the berm will
11 contain indigenous species.

12 In your package is a revised
13 sketch, and it's been revised since it
14 was originally submitted to the New York
15 State Department of Transportation,
16 based on conversations I had with Jim
17 Bagg, and it slopes in the area and --
18 also, some drainage. It shows the
19 approximate location.

20 As stated, the berm is going to be
21 15 feet high and 1,000 feet long. It's
22 about 40 feet wide at the base, and
23 4 feet wide at the top, conforming to a
24 4 to 1 slope as recommended by the
25 Department of Public Works.

2 The final berm will be designed by
3 DPW and will consider Federal Aviation
4 Administration requirements for runway
5 setbacks, and instrument landing system
6 criteria for the ILS critical area at
7 the airport.

8 As Mr. Bagg mentioned, there's also
9 a letter of support that you received
10 from local community member, Jamie
11 Siegel, who lives in the adjacent
12 neighborhood, who actually recommended
13 our requesting this grant money to help
14 provide relief for the ground noise
15 generated at the airport in the
16 neighborhood.

17 If you have any questions about the
18 project, I'll be happy to answer them.

19 CHAIRPERSON SWANSON: So, this is
20 less than 4 acres?

21 MR. CEGLIO: Yeah, it's 0.78 acres.

22 CHAIRPERSON SWANSON: Any
23 questions?

24 MR. PICHNEY: I have a question.

25 CHAIRPERSON SWANSON: Mr. Pichney?

2 MR. PICHNEY: I recall reading in a
3 horticultural journal how vegetation, in
4 and of itself, is a poor barrier against
5 noise. So, consequently I would imagine
6 it's the earth barrier itself, the berm,
7 that's going to mitigate most of the
8 noise.

9 Have you done studies to know that
10 the berm is of the proper height and so
11 forth, to reduce the noise to a level
12 that would be accepted by the local
13 community?

14 MR. CEGLIO: Well, we haven't --
15 no, we have not done any studies, to
16 answer your question. And, it's a
17 perceived noise problem.

18 The studies that we do have on
19 record, which show noise contours around
20 the airport, do not show the level of
21 noise considered by the FAA to be a
22 problem for residential neighborhoods,
23 does not extend into the neighborhood
24 that we're trying to help.

25 So, what we're trying to do is --

2 it's a perceived noise problem. It's
3 based on aircraft that are running up
4 before they takeoff on that main runway
5 at the airport.

6 It also won't help for aircraft
7 that are landing on the runway.
8 Because, obviously, it's only going to
9 be about 15 feet high. Aircraft landing
10 are probably going to be about 50,
11 60 feet high in that area.

12 So, it will help for the aircraft
13 that are getting ready to takeoff or
14 running up at the end of the runway
15 before they take off, but not for
16 landing.

17 MR. KAUFMAN: Two quick questions
18 for you.

19 Jamie Siegel, the name rings a
20 bell, he's on the APAC Committee?

21 MR. CEGLIO: Yes, ACAP, Airport
22 Conservation Assessment panel. He's
23 also, I believe, the president of a
24 local community group called Hush Quiet
25 Skies, which is trying to help mitigate

2 noise generated at the airport.

3 MR. KAUFMAN: The second question
4 is with the ILS system. ILS generally
5 needs a straight line of sight, as I
6 understand it. And any kind of
7 obstruction, basically, will bounce the
8 signals or absorb them. I'm looking at
9 the design that you've got over here.
10 It looks like it's a straight run in for
11 the aircraft that are landing, and it
12 doesn't look as if the noise berm is
13 going to be in the location where it
14 will bounce any signals.

15 Do you see any problem with the
16 location?

17 MR. CEGLIO: Well, the new
18 location, in the drawing that you have,
19 considered that ILS critical area. It's
20 shown as a red boxed area out in front
21 of the ILS antenna. That will be
22 confirmed, of course, before the berm's
23 installed, but it should not pose any
24 problem with the ILS system.

25 MR. KAUFMAN: That answers the

2 third question I was going to ask.

3 Thank you.

4 MR. MACHTAY: (Indicating)

5 CHAIRPERSON SWANSON: Rich?

6 MR. MACHTAY: I'm just curious. No
7 objection to the project, but I notice
8 here in your letter -- in your memo, you
9 say, "The County has applied for, and
10 received, the New York State Department
11 of Transportation Air 99 Grant for the
12 construction."

13 Did New York State DOT do SEQR,
14 before issuing the grant?

15 MR. CEGLIO: They request us to
16 make the SEQR recommendation.

17 MR. MACHTAY: So, the County is
18 doing a coordinated SEQR with New York
19 DOT, after the grant is issued?

20 MR. CEGLIO: Maybe it's -- that's
21 probably worded wrong. It's not a
22 grant, it's a grant offer at this point.
23 It's not a grant until it's signed and
24 returned back to New York State DOT.

25 MR. MACHTAY: So it's a conceptual

2 grant at this point?

3 MR. CEGLIO: Correct.

4 MR. MACHTAY: Thank you.

5 CHAIRPERSON SWANSON: I'd like to
6 go back a little bit.

7 MR. CEGLIO: Surely.

8 CHAIRPERSON SWANSON: If you
9 haven't considered engineering this
10 thing appropriately, it seems to be like
11 busywork. I mean, you know, you've got
12 a perceived problem, so you're just
13 going to do something -- you're going to
14 throw up a dirt mound. You haven't
15 engineered it to see if it's going to
16 actually accomplish the goals and -- why
17 are we wasting money doing something
18 that we don't have any reason to believe
19 will benefit us?

20 MR. CEGLIO: Well, it certainly
21 will benefit the neighborhood from the
22 ground noise, as I said.

23 There is FAA documentation, in one
24 of their noise advisory circulars, that
25 say noise berms do help for noise

2 generated by aircraft on the ground.
3 Being this will shield the homes -- the
4 closest homes to the runway, there will
5 be some benefit, again, from the
6 aircraft that are taking off, but not
7 the ones that are landing.

8 CHAIRPERSON SWANSON: What are the
9 proper slopes to the berm in order to
10 achieve noise abatement? What is the
11 proper height for ground level noise?

12 MR. CEGLIO: Department of Public
13 Works recommends the 4 on 1 slope,
14 40 foot at the base, 4 feet at the top,
15 basically, to be at least 15 feet higher
16 than the edge elevation of the runway,
17 which is what we're hoping for.

18 CHAIRPERSON SWANSON: For noise.

19 MR. CEGLIO: For noise.

20 CHAIRPERSON SWANSON: Just for
21 stability of the berm.

22 MR. KAUFMAN: Actually, both.

23 MR. CEGLIO: It should -- yeah, it
24 should be -- it should be both. I mean,
25 we're shielding the homes from noise

2 from the runway, and actually like a
3 visual, the sight of the runway, so it
4 should be -- it should be adequate.

5 I mean, you think of the berms that
6 we installed along the Expressway. It's
7 a similar situation, only those are
8 concrete-constructed berms, this is
9 going to be an earth berm.

10 MR. KAUFMAN: Actually, Larry, the
11 more appropriate area to look at is
12 maybe, for example, Kennedy and also
13 LaGuardia Airports. At the ends of the
14 runway, where the planes taxi preparatory
15 to takeoff, there are jet blast
16 deflectors in that area. And if you
17 look at the angles, the way it's coming
18 in, this is clearly designed to try and
19 deflect that kind of noise coming in to
20 those houses, as opposed to the striping
21 on 24 that you can see.

22 CHAIRPERSON SWANSON: Any other
23 questions?

24 MS. RUSSO: Yes, I have one, Tony.
25 Did they look into and consider just

2 using the buffers that Michael had just
3 mentioned as far as other airports, just
4 as physical barriers, and then on the
5 exterior side of those, plant trees to
6 hide the barriers from the neighbor,
7 instead of putting in this huge
8 construction berm.

9 MR. CEGLIO: I know what kind of
10 berms that Mr. Kaufman's talking about.
11 They are very expensive, they're made of
12 metal. They're more for jet-blast
13 deflection, rather than noise.

14 CHAIRPERSON SWANSON: Any other
15 questions?

16 MR. PICHNEY: Yes.

17 I just wanted to address that
18 remark. I grew up near LaGuardia
19 Airport. As a matter of fact, in
20 Newsday, two weeks ago, there was an
21 article in the Sunday paper about jet
22 noise at LaGuardia, and there was a
23 picture of the house I grew up in there.
24 But those jet deflectors were located
25 easily a mile, a mile and a half from

2 any house, and you could hear the noise,
3 it was not a problem. Like the
4 gentleman said, it -- it's really meant
5 more for jet blasts than --

6 MR. KAUFMAN: They do have some
7 impact in terms of --

8 MR. PICHNEY: They do have some,
9 but like I said, I was pretty far away
10 from that, and I could hear it all the
11 time.

12 CHAIRPERSON SWANSON: Okay, do we
13 have a motion?

14 MR. KAUFMAN: I'll make a motion,
15 unlisted negative declaration.

16 MR. MACHTAY: (Indicating)

17 CHAIRPERSON SWANSON: We have a
18 second.

19 And any other comments?

20 MS. RUSSO: One more.

21 That grant back from New York State
22 DOT will fully pay for this whole
23 margin, Tony?

24 MR. CEGLIO: Based on the estimates
25 of the Department of Public Works, yes.

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2 CHAIRPERSON SWANSON: All in favor?
3 (WHEREUPON, the Council members
4 voted.)
5 CHAIRPERSON SWANSON: Opposed?
6 (WHEREUPON, the Council members
7 voted.)
8 CHAIRPERSON SWANSON: Motion
9 carries.
10 Okay.
11 MR. CEGLIO: Thank you.
12 CHAIRPERSON SWANSON: Thank you.
13 (WHEREUPON, Mr. Tony Ceglio stood
14 down.)
15 CHAIRPERSON SWANSON: Adaptive
16 Reuse of the GATR Facility at Roosevelt
17 County Park, Town of East Hampton.
18 (WHEREUPON, Mr. Nick Gibbons
19 approached the podium, and addressed the
20 Council members.)
21 MR. GIBBONS: Good morning.
22 CHAIRPERSON SWANSON: Good morning.
23 MR. GIBBONS: Nick Gibbons, County
24 Parks Department.
25 I just wanted to go back in time a

2 little bit for the benefit of the new
3 memberships since the project was first
4 brought to the Council.

5 The original Shorty-AF was
6 submitted in October of 2006. It was
7 then heard and subsequently tabled by
8 CEQ in December of '06. Parks
9 Department then Commissioner Ron Foley
10 received correspondence from Jim Bagg in
11 January of '07, better explaining
12 additional information that the Council
13 had requested. Now, I'm here today,
14 November of 2007.

15 I submitted for the Council's
16 review a package of materials, and I
17 want to explain what those are, and then
18 if there is questions that pertain to
19 some of the things we've already been
20 over, especially from the new
21 membership, I'm happy to revisit that
22 here this morning.

23 But, in reference to the most
24 recent correspondence, November 5th of
25 '07, I've included for the Council

2 several attachments:

3 The first being the State 1 A and B
4 Archeological Survey of the site. This
5 request specifically came from the
6 Historic Trust Committee, and it was
7 financed by the Montauk Fire District.
8 The survey, which you've got a copy of,
9 essentially has returned. That's not a
10 surprise to us. You'll recall that the
11 site was a federal communications
12 facility, 50 or 60 years ago. And it's
13 more likely than not that the entire
14 place was leveled, significant footings
15 were put in in support of the facility.

16 The second attachment is a letter
17 from Motorola. You've heard from
18 Motorola in the past, and there's
19 representatives here today to discuss
20 any issues that might come up later on,
21 specific to the need for space on one of
22 the two poles proposed for each of the
23 private carriers. That was an issue
24 that we spent a significant amount of
25 time on last time around.

2 And, the final attachment is an
3 updated site plan. And this is
4 something that, by rights, you should
5 have had right at the onset. This
6 brings together all the different things
7 that are happening up at GATR, and there
8 are at least two. They're not related,
9 but they're immediately adjacent to one
10 another. And the Council has already
11 reviewed the other project, that was for
12 an adaptive reuse of two existing
13 structures on the site for the Parks
14 Department's own maintenance facility,
15 for the park. We, up until recently,
16 operated out of Third House, which was
17 totally unacceptable and inadequate for
18 the park.

19 The proposal and project that was
20 approved by the Council was a capitol
21 program that's moving forward. The
22 contract's already been awarded. Some
23 of the preliminary site work has begun.

24 So, that site plan shows those two
25 buildings. They're immediately to the

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2 right, or the north of the proposed site
3 that we would license over to the
4 Montauk Fire District. On that site
5 plan, it shows the approximately
6 3,300 square foot area to be licensed to
7 them. Inside it represents five cabinet
8 structures. The configuration of those
9 could change, but it will not exceed
10 that 3,300 square foot fenced area.
11 So, you know, that's the best
12 representation that we had today of how
13 those cabinets would be situated, in
14 relation to the two poles that would go
15 up.

16 And again, you'll recall that the
17 poles -- one has to do with the
18 emergency communications capabilities,
19 that would include the Parks Department,
20 where we have a great need for our
21 own -- radio communication does not work
22 in this park. And they would also serve
23 the East Hampton Town emergency
24 communications facility, including the
25 Montauk Fire District emergency radio

2 capabilities.

3 The other pole, it's primary
4 purpose is to facilitate efficient
5 handling of 9-1-1 emergency calls from
6 the general public, which currently,
7 more often than not it appears, are
8 routed by way of either Connecticut or
9 Rhode Island, what have you, and there
10 is a significant loss of time in getting
11 that information back to the people that
12 need to get it. This pole would serve
13 to efficiently handle those calls
14 locally, and get that critical
15 information to emergency service
16 personnel that much sooner. And again,
17 the -- that pole will have to serve five
18 or six private carriers that each handle
19 9-1-1 calls on their own.

20 So, I did bring a sheet from our
21 plan, the Parks Department's project,
22 for GATR, I'm going to bring that up
23 just to show you a little more clearly
24 than the site plan that was provided,
25 what our project is in relation to the

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proposed emergency communications
facility to be licensed over to the
District. (Indicating)

CHAIRPERSON SWANSON: Nick, I'd
just like to say, I want to thank you
for the thoroughness with which you
responded speaking to concerns of about
a year ago, and also thank all the
people that were involved in helping to
gather that information.

MR. KAUFMAN: Adding to that for a
moment, Nick, this is one of the best
archeological site reports that I've
ever seen. And whoever prepared it, and
whatever guidance you were able to give
to it, I'm very happy that it occurred.

MR. GIBBONS: Very little guidance
on my own. I'll extend that
appreciation to the district who made it
happen. And this is the type of thing
that we should probably be doing more of
and not less, so -- we certainly would
have done so for our own maintenance
facility, had it involved any

2 significant ground disturbance, which it
3 doesn't because we're using existing
4 structures up there. So I --

5 CHAIRPERSON SWANSON: Nick, while
6 this is being passed around and looked
7 at, you made a comment about the
8 inadequacy of Third House.

9 MR. GIBBONS: Yes.

10 CHAIRPERSON SWANSON: Could you
11 explain what's going on out there? I
12 haven't kept up with it, but the last --
13 I thought we were going to try to make
14 it into more of a site that people would
15 want to visit. Now you're saying you
16 tried to make it into a Parks Department
17 office, and that didn't work out?

18 MR. GIBBONS: No, I'm just -- yeah,
19 I -- maybe I misspoke.

20 The Third House facility was
21 inadequate as it existed two or three
22 years ago. That is, the -- it's okay
23 for office space, but, for instance, we
24 had flammable materials being stored
25 down below, on the ground level. And

2 occasionally we had a tractor and other
3 equipment being stored in this historic
4 structure. It's not appropriate, and
5 it's certainly not adequate. We're
6 moving that equipment and keeping it up
7 at GATR. It's better. It's central to
8 the entire park operation, where the
9 guys have more work actually out in the
10 interior park than they do immediately
11 around Third House. What -- with our
12 license for the equestrian use there and
13 what have you.

14 So, there will be office space at
15 Third House. The Parks Department has
16 continued to work with DPW for a
17 temporary CO to occupy the building.
18 I'll defer to Richard for any additional
19 information or updates on what the
20 status of that is. But for now they're
21 working out of our -- if you're familiar
22 with the site, out of our motel unit.
23 They've taken over one of the rooms
24 there, and that's where their office
25 space is temporarily.

2 CHAIRPERSON SWANSON: So Richard,
3 is this going to go back into use,
4 eventually, as sort of a place where
5 people can -- the public can visit?

6 MR. MARTIN: At the moment, that's
7 the plan. And just to support what
8 Nick's saying, the fire marshall really
9 requested that we move all these
10 activities of the Parks Maintenance
11 Division out of Third House. It was
12 there for a number of years, of course
13 as the County Parks' property, but to
14 continue to use the building for public
15 assembly, we really had to move this out
16 and into a new maintenance facility.

17 Otherwise, we've done extensive
18 restoration to the exterior of the
19 building, upgraded most of the interior
20 of the building, but we still need to
21 complete the interior work to -- for
22 full public assembly. We will be able
23 to have -- move our offices back into
24 the building with an office use -- a CO
25 that includes office use, but the Parks

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Department needs to do additional work
for public assembly approval.

CHAIRPERSON SWANSON: Thank you.
Do we have any --

MS. VILORIA-FISHER: (Indicating)

CHAIRPERSON SWANSON: Yes,
Legislator Viloria-Fisher?

MS. VILORIA-FISHER: One of the
questions addresses to you Nick, or to
Christine, because I -- I just read the
letter from Motorola, and as you know,
our last discussion was about the cell
towers -- there was a lot of discussion
regarding a universal 9-1-1, and I'm
seeing this letter, that there is no
such thing that's highlighted. And this
information, did we get this only from
Motorola, or from a number of different
sources? I know the letter from
Motorola says that, but there were
questions regarding the fact that it was
actually -- actually, you know, a
private entity that was giving us that
information --

2 MR. GIBBONS: Right.

3 MS. VILORIA-FISHER: -- and, I just
4 wanted to know whether the information
5 we have substantiates that.

6 MR. GIBBONS: I don't. I didn't
7 seek additional -- or confirmation of
8 that opinion from Motorola. The -- I
9 believe -- is that from Mr. Potter, that
10 letter from Motorola? He's in --
11 he's --

12 MS. VILORIA-FISHER: I don't
13 remember who it's from.

14 MR. GIBBONS: He's in attendance
15 this morning, we can direct that
16 question to him if you'd like. I don't
17 have any -- he's only going to confirm
18 the content of his own letter.

19 MS. VILORIA-FISHER: Right, and
20 that's my question.

21 MR. GIBBONS: I don't have anything
22 official.

23 MS. VILORIA-FISHER: I think
24 Christine --

25 MS. MALAFI: I can answer --

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Christine Malafi, County Attorney.

I've spoken extensively with Joe Williams, Commissioner of Fire Rescue Emergency Services of Suffolk County, and there is no way to ensure that anyone with a cell phone who dials 9-1-1, in the park area, will get through, unless each of the cell phone carriers have a place on the tower. There is no universal 9-1-1 for cell phone carriers. And the only way to ensure safety of people in the park, who go in with their cell phones, thinking if something happens, I can call 9-1-1, is to have every carrier on the tower.

MS. VILORIA-FISHER: Okay, thank you, Christine. That's what I was looking for, because that was an extensive discussion that we had the last time you came.

MS. MALAFI: Yes. We've had many meetings on this, for over -- I think it's approaching two years, and I know -- I've spoken to Joe Williams, and

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2 I believe that at some of the meetings,
3 somebody from the Montauk Fire
4 Department has been present. And
5 there's been other emergency services
6 people at the meeting --

7 MS. VILORIA-FISHER: I've received
8 some correspondence --

9 MS. MALAFI: -- and that's all I've
10 ever heard, is that they -- there's no
11 way to do 9-1-1 without each private
12 cell phone carrier having a place on the
13 tower.

14 MS. VILORIA-FISHER: Thank you.

15 MR. KAUFMAN: I'm not sure that I
16 necessarily agree with what I've been
17 hearing here regarding that.

18 I understand that there is no
19 universal 9-1-1 system. I understand
20 that in terms of signal propagation
21 characteristics of each individual
22 carrier -- I've litigated, as an
23 attorney, some cell phone carrier
24 situations. I've gone up to the Second
25 Circuit Court of Appeals and things like

2 that, and I've learned a few things over
3 the years.

4 I believe that there is one way for
5 one carrier to receive 9-1-1 calls from
6 other carriers. And, I may not say this
7 all that elegantly, but essentially, if
8 you have one carrier who's a primary,
9 say, he's at 800 megahertz, and say
10 AT&T is at, say, 900 megahertz,
11 something like that, you can put
12 individual antennas connected to that
13 one carrier.

14 In other words, one carrier would
15 have, say, five different antennas
16 covering the bandwidth that 9-1-1
17 operates under. That way you don't
18 necessarily have to have five carriers
19 on there.

20 I'm well aware of the regulations
21 out there, saying that if you -- if one
22 carrier comes on to a pole, that you
23 can't necessarily impose it. That also
24 often will force poles higher and higher
25 and higher.

2 We've got height limitations in
3 this area in terms setting -- setup. So
4 my basic question is, and this would be
5 directed both to you and to the Motorola
6 people, if there is one carrier on
7 there, can that carrier receive 9-1-1
8 calls by tweaking its equipment or
9 essentially placing other antennas up
10 there, that can -- from other systems,
11 without necessarily having other
12 carriers on there?

13 MS. MALAFI: I can't answer that
14 question. I can just tell you that, at
15 none of the meetings that I was in was
16 that considered a possibility. And, I
17 believe that they have -- the way the
18 drawings have been done, the pole is
19 high enough to accommodate what the
20 emergency services people say need to be
21 done.

22 I'm not an expert, by any means, on
23 cell towers or cell phone carriers. So
24 I can't answer any questions that
25 deviate from what I was told.

2 MR. GIBBONS: Michael, before I
3 turn over to Mr. Potter, I just want to
4 add that, the two poles we're proposing
5 are similar construction, site and
6 appearance to the poles that are already
7 on site. They're both proposed to be
8 80 foot tall, and would fit in with the
9 existing conditions on the site.

10 MR. KAUFMAN: I don't want to see
11 them going up to 90, 100, 120,
12 et cetera.

13 MR. GIBBONS: Understood.

14 MR. KAUFMAN: I fully support the
15 fact of 9-1-1 necessity -- I fully
16 support protection for the people of the
17 County, in that park. I'm not trying to
18 stop 9-1-1 communications or anything
19 like that. I've seen the signal
20 propagation maps for the area, I am well
21 aware that this is an appropriate site.
22 I'm well aware that there are drop-outs
23 in the area, and that you do need this
24 site. So, I'm not trying to stop that
25 in any way, shape or form. I am,

2 however, concerned, because I have seen
3 this with cell towers before, where you
4 start getting one height in there and
5 suddenly people start coming in saying,
6 well, you know, we need to put new
7 equipment on there, or every carrier in
8 the area has to be allowed on there, and
9 it starts pushing towers higher and
10 higher.

11 To the extent that this is a County
12 Park, my concern is both protecting the
13 aesthetics and providing utility for
14 9-1-1 operations. So, that's where I'm
15 coming from.

16 MR. GIBBONS: Right.

17 MR. KAUFMAN: Again, I'm not trying
18 to stop anything, I'm trying to very
19 closely question because I have some
20 specialized knowledge of this.

21 MR. GIBBONS: Well, it's always
22 been our understanding that the
23 Council's endorsement, should we get it,
24 is predicated on these poles conforming
25 to existing conditions on the site.

2 That is, they will be painted in a
3 nonreflective way, so that they appear
4 from a not to great distance to the --
5 like the others on the site.

6 MR. KAUFMAN: Part of the antenna
7 farm?

8 MR. GIBBONS: Which is -- there's
9 an existing one to begin with. There's
10 14 poles. Removal of some that are
11 required for our project, one or two
12 that may be required for theirs. How
13 placement of those new poles will
14 conform as best as possible to recreate
15 the appearance prior to construction of
16 where the poles had existed.

17 So, the endorsement of the CEQ
18 is -- and the appearance of those poles,
19 they're -- they're inseparable. That
20 is, the poles will not exceed that
21 height, as stated in the -- in the
22 documents that have been provided to
23 you. And their appearance, to the best
24 of our ability, will conform to and
25 match those that are there right now.

2 That being said, I'll turn it over
3 to Mr. Potter just to discuss a little
4 bit further your issue specifically with
5 the arrays and how they might creep up
6 to that 90, 100 foot.

7 MR. POTTER: Good morning. Tom
8 Potter, Motorola, Senior Account
9 Manager, Long Island.

10 I guess the best way to do this is
11 to answer your question two ways:

12 First of all, the pole that's being
13 proposed, all of the antennas are
14 encased in the pole, and there's no
15 reason to ever go higher than the
16 80 foot that's already proposed.

17 As we explained in our letter, each
18 carrier uses a different set of
19 frequencies, needs a different antenna.
20 It also needs a different base station,
21 operating on a different frequency. And
22 the carriers use different modulation
23 schemes and data schemes. So, although
24 it is possible to have just one company
25 support all of these in one way, it

2 still requires all of the antennas, all
3 of the base stations and all of the
4 computer hardware to interpret the data
5 that's being transmitted.

6 So once we have all the same number
7 of antennas, base stations and
8 computers, you know, I -- I -- we're not
9 going to gain anything, if it could be
10 done, and I'm not saying that it could,
11 but nothing would be gained by having
12 just one carrier. The footprint remains
13 the same. It's still one 80-foot pole,
14 with all the antennas in the pole,
15 X-number of buildings to house the
16 equipment, including the computers to
17 process it.

18 I hope that answers your question.

19 MR. GULBRANSEN: I think my
20 question extends that same line, with
21 regard to the capacity of the facility
22 being proposed now. And I'm one of the
23 new people, so I don't have the history
24 of that configuration. But when you
25 designed this type of antenna implanted

2 inside of it, are you designing in
3 excess capacity for years to come?

4 The State has a single network that
5 it's talking about putting in, which I
6 don't think Motorola is the vendor for,
7 but I -- I just wonder, Coast Guard and
8 other people have opportunities to
9 benefit from such poles, is it part of
10 your plan to enable to that, or is
11 that -- my question is --

12 MR. POTTER: Yes.

13 MR. GULBRANSEN: -- related to the
14 aesthetics, and the need for another
15 pole someday in the future.

16 MR. POTTER: Actually, what we're
17 asking --

18 MR. GULBRANSEN: (Continuing) -- it
19 has to do with the footprint, the power
20 of the facility and on-the-ground flow.
21 Is it -- how much can you envision in
22 the future, at this point, that we can
23 be prepared to take on in producing the
24 most?

25 MR. POTTER: Actually, the proposal

2 is for two poles. One for the cellular
3 carriers, for the emergency 9-1-1
4 communication; and the second pole is
5 for public safety, which is kind of all
6 encompassing, town police, county park
7 police, fire, EMS, including county
8 services, county press. That pole will
9 support communications on all of those
10 systems, and was designed to do that.

11 Now, that pole, the antennas cannot
12 be mounted inside the pole, they must be
13 mounted outside. But we've been in
14 contact with all of the agencies that
15 operate in the Montauk area that are
16 suffering from poor communications, to
17 ensure that we can accommodate each and
18 every one on the design as submitted.

19 MR. GIBBONS: The emergency -- I'm
20 not sure if staff had sent out to you
21 some of the correspondence from the
22 original proposal, but in that, there
23 are some representative photos that show
24 the potential visual impact of the
25 installation of the two poles.

2 The widths, they're not really an
3 array to speak of, that you might see on
4 a conventional cell phone tower. The
5 emergency communications pole is -- is
6 barely visible from -- I think the --
7 the distances from that road is 2- or
8 300 yards in those photos, and there
9 really isn't much public access any
10 closer to the site than that. So the
11 widths that will have to be externally
12 mounted to the emergency communications
13 pole are, in my opinion, not a
14 significant visual impact. It's really
15 just that pole itself that we're talking
16 about.

17 MR. GULBRANSEN: As Michael has
18 mentioned, I fully appreciate your
19 efforts. As a firefighter on the North
20 Shore, you know, I understand what it's
21 like to be in a hole and not be able to
22 communicate out. So, it's the right
23 thing to do.

24 In the course of making these plans
25 elsewhere, there's been quite a lot of

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2 talk about revenues coming from each of
3 these different companies. Is that part
4 of a consideration that's put forward in
5 the plan?

6 MR. GIBBONS: It may not be part of
7 the Council's consideration, but we have
8 talked about it. The agreement -- and
9 I'm speaking from memory, but I believe
10 it's roughly 8 percent of what's
11 generated, comes back to the County, and
12 20 percent goes back to the district for
13 their maintenance and upkeep and
14 overhead of the site.

15 MR. GULBRANSEN: Thank you.

16 MR. BAGG: I have a question.

17 It's my understanding that Motorola
18 is not a service provider, you're an
19 equipment provider.

20 MR. POTTER: That's correct.

21 MR. BAGG: So, in essence, you're
22 not going to be supplying this 9-1-1
23 service.

24 MR. POTTER: No.

25 MR. BAGG: So, your recommendations

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2 and comments only deal with equipment
3 pursuant to these poles?

4 MR. POTTER: Yes. I'm here
5 actually representing the Town of
6 East Hampton, in the Town's desire to
7 establish emergency communications.

8 Motorola has nothing to do with the
9 cell carriers, I'm here as the radio
10 expert, having been in the business for
11 30 years. We have nothing to do with
12 the cell site.

13 MS. VILORIA-FISHER: Again, this is
14 for Ms. Malafi.

15 When we last deliberated on this,
16 there were some Council members that
17 brought up the issue of alienation of
18 car phones. I believe that that's been
19 addressed, but I -- would you just recap
20 that for us, regarding that issue?

21 MS. MALAFI: Sure.

22 It's my legal opinion that the
23 placement of this cell phone tower and
24 emergency -- these two powers, with all
25 the equipment on it, is not an

2 impermissible alienation of parkland,
3 because it is to enhance the safety of
4 the people in the park. And, from the
5 stories I've heard, it's critical
6 that the people in the park be safer
7 than they've been. I've heard stories
8 of, you know, an emergency worker in the
9 park wondering aimlessly looking for
10 someone who needed help, and because
11 they couldn't communicate back with
12 their base, there were problems.

13 So it is -- the main purpose of
14 these towers is for park safety, which
15 is not -- anything that you do for park
16 safety does not impermissibly alienate
17 parkland.

18 The fact that there are some
19 private carriers - the cell phone
20 carriers, and Motorola, the equipment
21 carrier - who might profit from this as
22 a revenue stream that will come back to
23 the County, they're incidental to the
24 purpose of the towers, which is safety.
25 If someone was coming before you saying,

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2 listen, we'd like to make some money,
3 let us put a tower in the park, that
4 would be impermissible. But the purpose
5 of this here, and the overriding major
6 purpose is safety to the public, and the
7 users of the park, and the employees of
8 the park, and everyone who goes into
9 that park. So, it is not an
10 impermissible use of -- alienation of
11 parkland.

12 There is Court of Appeals cases
13 that talk about the incidental benefits
14 to private companies to -- does not
15 impermissibly alienate parklands. And
16 by analogy, I can give you -- some of
17 our parks have concessionaires running
18 different areas of the parks. Those
19 people are out to make a profit. That
20 is not an impermissible use of our
21 County parkland.

22 We have spoken with the State as to
23 whether or not this would be an
24 impermissible use of alienation of
25 parkland, and they say they do it. So,

2 the State has told us that they have
3 towers like this on State parkland, and
4 they do not consider it an impermissible
5 alienation of parkland.

6 I sent a memo last year, I didn't
7 realize it was so old, December 4th,
8 2006, in which I'm a little bit more
9 specific. If anyone has any questions,
10 I'm more than willing to answer them.

11 MS. VILORIA-FISHER: Again, I
12 wanted to just put that on the record,
13 because most of our correspondence from
14 the local emergency services providers
15 state the need for this. But, it was
16 quite a discussion last December, and I
17 wanted to make sure that we had it on
18 the record again. Particularly for
19 people who were new, and this might not
20 have occurred to them, who question
21 right now, and want to put it on the
22 record again.

23 MS. MALAFI: And I do want to
24 apologize, the attorney that had come to
25 the CEQ meetings, where this was

2 discussed, never told me that this was
3 such an issue. The memo would have been
4 given earlier, and I would have been
5 here earlier, so I apologize for that.

6 MR. KAUFMAN: One more question for
7 you, from the legal aspect of things.
8 You've essentially said that the purpose
9 here in Montauk Park is for health and
10 safety and welfare of the residents of
11 the County, and I do understand that in
12 this particular situation.

13 The justification that you just
14 gave forth, obviously, does apply in
15 this situation. But it also, to my
16 mind, says that sometimes this is going
17 to be situational. As you yourself just
18 said, if someone comes to the County and
19 says, we want to put up a tower
20 someplace, and our primary purpose is
21 commercial profit, then it's going to be
22 looked at differently. I just wanted to
23 make sure that that isn't your viewpoint
24 at this point in time.

25 MS. MALAFI: It's not only my

2 viewpoint, it's the viewpoint of the
3 administration. The County Executive's
4 office does not consider applications
5 for cell phone towers in parks, that are
6 being made solely for profit. They
7 would never get to this point, to be
8 before the CEQ.

9 MR. KAUFMAN: Knowing a little bit
10 about signal propagation characteristics
11 in the County, it occurs to me that
12 sometimes people are going to come in
13 and say that there is a safety problem,
14 and that might not be the paramount
15 issue. I just want to make sure that
16 you're cognizant, and the administration
17 is cognizant of that particular issue.
18 I could come in representing a carrier,
19 and say, hey, you know, we have a small
20 gap on two streets, and we have to cover
21 that. But in reality, they're going to
22 be covering -- it's going to be a
23 commercial project more than anything
24 else.

25 MS. MALAFI: What I can assure

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2 you -- I can assure you, in 2004 up
3 until 2005, the County did an RFQ for
4 placement of cell phone satellite
5 receivers -- I don't know what they're
6 called -- not just the towers,
7 throughout the County, to find out where
8 we could make an additional revenue for
9 the County by allowing additional
10 placement of cell phone towers,
11 satellites, whatever it is. And we had
12 numerous requests for placement of --
13 and what we did in the RFQ is ask the
14 cell phone providers, tell us where in
15 the County you think you would like to
16 put these towers. And, we had numerous
17 requests for placement in County parks,
18 none of which were ever considered
19 because of the fact that we do not want
20 to even suggest that we would alienate
21 parkland for just commercial use.

22 MR. KAUFMAN: Thank you, that's a
23 very good answer.

24 CHAIRPERSON SWANSON: Thank you.

25 Is there anybody in the audience

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2 who would like to speak to this matter?
3 (WHEREUPON, there was no response.)
4 CHAIRPERSON SWANSON: Okay. Any
5 other questions?
6 MR. KAUFMAN: We have the letter
7 from East Hampton of Margarite Wilshown.
8 Reading down on the third paragraph,
9 wherein she requested that the visual
10 impact to the project be softened, where
11 possible, without eliminating the
12 project. "Some examples of elements I
13 would like to see attended to, include
14 the colors of the equipment cabinets" --
15 CHAIRPERSON SWANSON: We covered
16 that already.
17 MR. KAUFMAN: We did cover that
18 already?
19 MS. VILORIA-FISHER: Yes.
20 MR. KAUFMAN: Okay.
21 CHAIRPERSON SWANSON: Do we have a
22 motion?
23 MR. MACHTAY: (Indicating)
24 CHAIRPERSON SWANSON: Yes,
25 Mr. Machtay.

2 MR. MACHTAY: I make a motion that
3 this is Unlisted, and it's (inaudible).

4 MS. DESALVO: Speak into the
5 microphone, please.

6 MR. BAGG: (Indicating)

7 CHAIRPERSON SWANSON: Jim.

8 MR. BAGG: The regulations say that
9 anything involving wireless
10 transmissions, telecommunications will
11 not be considered Type II. So,
12 therefore, it would be considered an
13 Unlisted Action and a Negative
14 Declaration.

15 MR. MACHTAY: Okay, I'll make a
16 motion for an Unlisted Action, Type II.

17 CHAIRPERSON SWANSON: A Negative
18 Declaration.

19 MR. MACHTAY: A Negative
20 Declaration.

21 CHAIRPERSON SWANSON: Do we have a
22 second?

23 MS. VILORIA-FISHER: (Indicating)

24 CHAIRPERSON SWANSON: The motion
25 has been seconded.

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2 Any further discussion?
3 (WHEREUPON, there was no response.)
4 CHAIRPERSON SWANSON: All in favor?
5 (WHEREUPON, the Council members
6 voted.)
7 CHAIRPERSON SWANSON: Opposed?
8 (WHEREUPON, the Council members
9 voted.)
10 CHAIRPERSON SWANSON: Abstentions?
11 (WHEREUPON, the Council members
12 voted.)
13 CHAIRPERSON SWANSON: Okay, the
14 motion carries.
15 MS. VILORIA-FISHER: We've gotten
16 used to the term GATR Facility, and what
17 it refers to. Can you tell us what the
18 acronym is again?
19 MR. GIBBONS: Ground to Air
20 Transmission Received.
21 MS. VILORIA-FISHER: Thank you.
22 MR. GIBBONS: Happy Thanksgiving.
23 CHAIRPERSON SWANSON: Thank you.
24 (WHEREUPON, Mr. Nick Gibbons,
25 Ms. Christine Malafi and Mr. Tom Potter

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2 stood down.)

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3 CHAIRPERSON SWANSON: Note of
4 verification of our discussion of the
5 December meeting. It is on
6 December 12th, and it will be in the
7 Dennison Building at 9:30.

8 Okay. The Hauppauge Municipal
9 Recharge Improvement Project.

10 (WHEREUPON, Mr. Ben Wright
11 approached the podium, and addressed the
12 Council members.)

13 MR. WRIGHT: Good morning. Ben --

14 CHAIRPERSON SWANSON: Good morning.

15 MR. WRIGHT: I'm Ben Wright with
16 the Department of Public Works, and I
17 want to provide some information aside
18 from the environmental assessment form
19 that was submitted on the Sewer
20 District 22 Recharge issues.

21 A little bit of background on the
22 facility itself. It was constructed in
23 the early 1970s, and it's located across
24 the parking lot, behind the gas or
25 fueling system, and it's adjacent to the

2 headwaters from the Nissequogue River.

3 The facility has a permissible flow
4 of 202,000 gallons per day, and it meets
5 New York State DEC and Health Department
6 standards. And, in fact, some of the
7 samples that were taken of the
8 groundwater in the area, it shows that
9 the facility itself has a better
10 quality.

11 We've had some issues with the open
12 recharge beds that are on the site.
13 There's four of them, and the normal
14 sequence is to operate one, have one as
15 standby, dry one out, and be cleaning
16 one. So you're only using one at a
17 time.

18 We've experienced some difficulties
19 in the -- in the past couple of years,
20 not just because of groundwater
21 elevation, but because of the soil
22 that's in the area that's always been
23 somewhat questionable. Some of the beds
24 only last for a week or two before we
25 have to take them off line, it takes a

2 long time to dry out before we can clean
3 them and get them back into service.

4 And we're concerned that, you know, over
5 time, we may run into a problem where
6 whatever we do is not going to be
7 sufficient to keep it on the site, and
8 we wouldn't want it to go to the
9 headwaters of Nissequogue River.

10 We've got a filter on the end of
11 the facility, very good quality
12 effluent. We clean the beds, we replace
13 materials. We've put a defusion well in
14 to try to get through some of the
15 layers, but it hasn't worked. So, we're
16 looking for solutions that may be away
17 from the treatment plant itself.

18 And I know Mike might jump out of
19 his seat, but one letter we wrote was to
20 DEC requesting, what additional
21 treatment do we provide if we go to the
22 headwaters of the Nissequogue. We
23 haven't got a response from that yet,
24 but it's one of the options that we're,
25 you know, exploring.

2 Other off-site issues, we -- we did
3 save space in soil boring in the area,
4 north of the plant site, and they were
5 not -- not good enough.

6 There's been some other information
7 from the North Complex, as well as the
8 Dennison Building area, where between
9 groundwater levels and soil, it's not
10 sufficient. It's not that we
11 investigated in as much detail as I
12 would like, but it still indicates that
13 they're not really going to be adequate
14 for this type of recharge.

15 The means that we have are about
16 two and a half acres, and the basis of
17 that two and a half acres is through
18 underground leaching pools. And, the
19 Health Department standards for a
20 leaching pool is that, from the top to
21 bottom, it's about a 25 feet maximum, it
22 has to be two foot above groundwater.
23 You have a cover, that is to grade, as a
24 distribution leaching pool. Then
25 there's usually, in -- distributed to

2 five other pools around it. So, for
3 every five pools, there's a distribution
4 pool with a cover to grade. The other
5 covers are below grade, between, you
6 know, zero and a foot below grade.

7 They're all traffic bearing. Some
8 of the strip shopping centers that are
9 around, and even some of the sewage
10 treatment plants of -- in the County
11 have these underground pools that are in
12 parking areas.

13 The design of the system is for
14 eight or ten foot diameter leaching
15 pools. And depending on where
16 groundwater is, determines how deep the
17 leaching pools would be, and that
18 determines how many pools there would
19 be.

20 We have laid out a sequence of
21 55 pools, that would be adequate for
22 200,000 gallons per day, but we always
23 require redundancy. So the -- the plan
24 that we've developed is for 110 pools,
25 meeting Health Department standards.

2 The options I mentioned, just
3 briefly looking at the North County
4 Complex -- is there any other land
5 available? The Dennison Building. And
6 then we became aware of some County land
7 that's about 3,500 feet up Veterans
8 Highway. And, we did do some soil
9 exploration there, where it was
10 determined that the soil below four
11 feet -- the top four feet was not
12 adequate to do leaching. But below four
13 feet, the groundwater, which was about
14 15 feet below the surface, was adequate.

15 Looking at that particular site,
16 about two and a half acres could be fit
17 into the -- but over 16 acres of that
18 particular parcel, which was dedicated
19 for County highway purposes sometime in
20 the past, back in the 1950s -- that's
21 where we came up with the 110 pools.

22 Environmentally, an issue that's
23 there, is that there's approximately
24 1,500 trees that would have to be taken
25 down. And we recognize that that's a

2 significant number of the trees. When I
3 requested our staff to take a look at
4 them, the number included some which
5 were less than four inches, some that
6 were as small as one inch. And they may
7 not have even been trees, but, in any
8 event, there is a significant number of
9 trees that would have to be taken down.

10 So, the plan that we're proposing
11 to get some guidance on is:

12 That we would have a pumping
13 station and a force main going to this
14 particular site.

15 The pools would be laid out in the
16 area that's indicated in the
17 environmental assessment form.

18 We realize that there's a -- maybe
19 three or four homes that would be
20 impacted by this, and landscaping, you
21 know, would be necessary to mitigate any
22 of the reduction in trees.

23 We also looked at the plume that's
24 coming from the industrial park, just to
25 ensure that it wasn't under the site.

2 And it's -- it's to the east of the
3 site, and it indicates that groundwater
4 is in the northwest direction.

5 So, in summary on the environmental
6 assessment form, the issues that -- you
7 know, basic issues that we're looking at
8 are, using two and a half acres of a
9 16 acres site; access to the area by an
10 existing access through a Town of
11 Smithtown stormwater sump; removing
12 1,500 trees; landscaping for the number
13 of houses that would be impacted; and
14 just as a -- as an indication of the
15 quality of the effluent, I did take a
16 sample of the effluent this morning,
17 just to show that it's -- it's really --
18 it's got a little discoloration, but you
19 can see that there is really no solids
20 or anything. As long as the soil is in
21 good condition, this certainly would
22 percolate.

23 CHAIRPERSON SWANSON: It doesn't
24 tell us what's dissolved in that; right?

25 MR. WRIGHT: No, I -- and I -- I

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2 would indicate that our -- when I said
3 it meets Health Department and State
4 standards, that's -- the basic criteria
5 is to remove nitrogen to less than
6 ten milligrams per liter, and we are
7 typically in the five or less on that
8 particular plant. So I agree with you
9 that, yes, there might -- and you can
10 always look for something dissolved, but
11 the point here is that, you know,
12 recharge of this particular material
13 would be fine if we didn't have
14 groundwater in the area, and we had
15 adequate soil.

16 CHAIRPERSON SWANSON: Do you have
17 any idea what viruses are -- that are in
18 it?

19 MR. WRIGHT: No, we -- we do tests
20 for bacterial content, it's not required
21 to test for viruses.

22 CHAIRPERSON SWANSON: I
23 understand --

24 MR. WRIGHT: I'm assuming it would
25 be a lot less than the homes that are in

2 the area, that are not on sewers.

3 CHAIRPERSON SWANSON: What's the
4 closest distance to a home?

5 MR. WRIGHT: Well, to the property
6 line -- oh, that's one thing I didn't
7 mention, the Health Department's
8 standard for leaching pools is 25 feet
9 to property lines, and there's one house
10 that's in that vicinity, but it -- it
11 could be easily contoured; the facility
12 itself.

13 (WHEREUPON, Mr. Wright moved out of
14 audible range of the court reporter.)

15 MR. KAUFMAN: There's a question of
16 procedure, Mr. Chairman. Do you want to
17 ask questions, or let us ask questions
18 of each individual witness, or do you
19 want to have everyone talk individually?

20 CHAIRPERSON SWANSON: Do we want to
21 have the opportunity for Council to be
22 able to talk to Mr. Ben Wright?

23 MS. RUSSO: (Indicating)

24 CHAIRPERSON SWANSON: Yes.

25 MS. RUSSO: Mr. Wright, has the

2 current Suffolk County Sewage Treatment
3 Plant that's going to, hopefully, use
4 this new place, and continue to
5 discharge more effluent, has it ever
6 exceeded the County's sewage effluent
7 discharge limits on any parameter?

8 MR. WRIGHT: I'm assuming it has,
9 there are a number of parameters. It
10 could be something as little as, you may
11 have read in the paper lately, Nassau
12 County, where the sewage coming in, is
13 so weak that there's a percentage --
14 85 percent, you're supposed to remove,
15 and you can't do that, because even
16 though what's going out is very low, it
17 may -- you know, the percentage,
18 relative to weakness, is coming in. You
19 know, so I -- you know, something like
20 that. It could be -- it could be there
21 are other examples, but I would assume
22 that 35 years of operation would have
23 some violations. I can't tell -- I know
24 recently, because I've looked at the
25 last year, and it's been very excellent

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2 quality. But I -- I'm sure there's been
3 something that's been in violation.
4 MS. RUSSO: All right, I'd feel
5 more comfortable if we had some data
6 showing what the limitations exceeded
7 have been, let's say, in the last
8 several years.
9 MR. WRIGHT: Okay.
10 MS. RUSSO: Also, I notice on the
11 application, you have not notified any
12 of the residents in that -- in the
13 neighborhood that would be directly
14 impacted by this.
15 MR. WRIGHT: No.
16 MS. RUSSO: Well --
17 MR. WRIGHT: No, we did recognize
18 that that would be necessary.
19 MS. RUSSO: Yeah.
20 MR. WRIGHT: And, I know there's a
21 resident here today that -- who have
22 some comments, probably, to be made.
23 MS. RUSSO: But I'd like to see a
24 record of the discharge limits --
25 MR. WRIGHT: Okay.

2 MS. RUSSO: -- that have been
3 exceeded.

4 MR. GULBRANSEN: (Indicating)

5 CHAIRPERSON SWANSON:

6 Mr. Gulbransen.

7 MR. GULBRANSEN: Mr. Wright, I
8 believe in your introductory words, you
9 stated the capacity of the existing
10 facility. Can you tell us again, for
11 context, the capacity of the existing
12 facility, and then the capacity that
13 would be enabled by this proposed field,
14 and how that relates to the grow-out, or
15 the build-out that would occur within
16 this sewer shed.

17 MR. WRIGHT: The permitted
18 capacity's 202,000 gallons per day. The
19 design of -- and -- and this -- this
20 recharge area, we're considering as a
21 backup. You know, we would only do that
22 if we had severe problems on the site,
23 because, you know, we're not going to
24 waste energy pumping something
25 3,500 feet away, if we didn't have to.

2 But the -- the area that we've
3 identified with the 110 leaching pools,
4 would really be good for the 202,000,
5 plus redundancy as a backup. And that's
6 something required of any development
7 through our -- the sewer agency
8 contracts, who are private developers,
9 and -- and even on County facilities.
10 If you're building something, you have
11 to have land set aside for 100 percent
12 expansion. Because sooner or later, you
13 know, it could develop into the soil not
14 having that recovery capacity that it
15 had, you know, 30 or 40 years before.

16 MR. GULBRANSEN: So, maybe to ask
17 the question a little bit differently,
18 because I think you answered part of it,
19 but I still don't quite understand.

20 The sewer shed that's served by the
21 plant has a growth potential -- has a
22 development potential; correct?

23 MR. WRIGHT: Well, we're not --

24 MR. GULBRANSEN: Do you know how
25 much more --

2 MR. WRIGHT: -- we're not
3 discharging 200,000 gallons per day at
4 this time. You know, there are still
5 some -- some modifications that are
6 being made on the County Center. You
7 know, the 4th Precinct, for example.
8 Maybe some other improvements as -- as
9 part of a -- whether it's adopted or
10 not, some kind of a master plan or a
11 long-range plan on what to do with the
12 County Complex. If there is available
13 capacity, then, you know, that's, you
14 know, utilized for, you know, whatever
15 the growth would have to be.

16 MR. KAUFMAN: (Indicating)

17 CHAIRPERSON SWANSON: Mr. Kaufman.

18 MR. KAUFMAN: Several questions for
19 you, Mr. Wright.

20 One, I have a groundwater map here.
21 It was prepared a few years ago, but at
22 the -- at a similar stage in terms of
23 groundwater depth. And it clearly shows
24 that the existing Sewer 22 leaching
25 basins are very, very close to the

2 Nissequogue River, and probably do drain
3 out there. But you stated a second ago
4 that you would be shuttling the water
5 via a force main, basically to the west
6 over here, and you're saying that the
7 groundwater does not flow, in this new
8 site, towards Nissequogue River; is that
9 accurate? Is there a groundwater divide
10 somewhere --

11 MR. WRIGHT: Yeah, I have -- the
12 one plan I have with me, has to do with
13 the industrial park plume. And, that
14 indicates the direction going in a
15 northwest direction. And they did a lot
16 of wells and investigation as part of
17 that particular issue, so we've utilized
18 that as an indication of the direction
19 of groundwater.

20 MR. KAUFMAN: So, basically then,
21 moving it 3,600 feet is essentially
22 going to be crossing over a groundwater
23 divide, in your opinion, at this point
24 in time. It's not going to flow back
25 into the Nissequogue River.

2 MR. WRIGHT: No.

3 MR. KAUFMAN: Okay.

4 I'll save my other questions until
5 later.

6 CHAIRPERSON SWANSON: Is there
7 anybody from the audience who would like
8 to speak?

9 MR. KENNEDY: (Indicating)

10 CHAIRPERSON SWANSON: Legislator
11 Kennedy.

12 (WHEREUPON, Legislator John M.
13 Kennedy approached the podium, and
14 addressed the Council members.)

15 MR. KENNEDY: Good morning,
16 Mr. Chair. For the record, my name is
17 John M. Kennedy, Jr. I am the
18 Legislator for the 12th Legislative
19 District, in which we sit right now, and
20 in which this project would be proposed
21 for.

22 There are a couple of residents who
23 are here, who would like to address the
24 Board. And with the Chair's permission,
25 I think I'm going to ask if you'll hear

2 residents, and then allow me the
3 opportunity to go ahead and present the
4 concerns that I have regarding this,
5 because, actually, they go to some more
6 of the procedural aspects of this:

7 The completeness, or lack thereof,
8 of the EAF, in my opinion.

9 The request for Unlisted Action as
10 opposed to a Type I.

11 The magnitude of the impacts, from
12 what I perceive, as far as this request
13 on the part of the Department.

14 But, nevertheless, the residents
15 here have some firsthand evidence, I
16 think, that they can provide, that
17 disputes part of this representation.
18 So, I believe that would be good for the
19 Board to hear.

20 CHAIRPERSON SWANSON: Very good.

21 Do we have a resident who wishes to
22 speak?

23 (WHEREUPON, Mr. Paul Borowski
24 approached the podium, and addressed the
25 Council members.)

2 CHAIRPERSON SWANSON: For the
3 record, if you would please identify
4 yourself.

5 MR. BOROWSKI: My name is Paul
6 Borowski, that's B-O-R-O-W-S-K-I. Also,
7 thank you for your indulgence. My
8 eight-year-old daughter is here as well,
9 could be a victim, and my -- my senior
10 citizen father, whose been a resident
11 here for 40 years -- over 40 years, as
12 well as myself.

13 First of all, I'd like to address
14 the Members of the Council of
15 Environmental Quality Committee, and
16 also Ben Wright of the Department of
17 Public Works.

18 I'd like to thank you for this
19 opportunity to talk and for the
20 considerations.

21 I've been a very involved Hauppauge
22 resident for over 40 years. I was here
23 when the land, where the County Building
24 currently stands, was a turkey farm, and
25 the land, when it used to sink

2 six inches every year, way back when.

3 I'm telling you this because it
4 shows how this area of Hauppauge has
5 been overdeveloped, densely populated
6 and increasingly sensitive to the impact
7 of the environment, including the
8 wetlands.

9 I -- I live at 70 Autumn Drive.
10 Although I'm not directly impacting to
11 the subject area -- again, we've only
12 been told about this about a week ago,
13 and this was not from the DPW, this was
14 from Mr. Kennedy. And I -- I know that
15 it came up months ago, when I was very
16 involved with the Iroquois Natural Gas
17 Pipeline issue, in trying to preserve
18 that property venue. So, that's why I
19 wasn't -- that's -- again, that's why I
20 apologize, if -- we've really had short
21 notice in -- in this meeting.

22 In addition to this, I'm bringing
23 up again about the plume. Which there
24 are -- which, at 100 Oser Avenue,
25 contaminated the groundwater and has

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2 been under investigation and remediation
3 by the New York State DEC, which I've
4 also called and received information
5 since March of 1999.

6 There's a public forum on
7 December 5th, that many of us will be
8 attending --

9 CHAIRPERSON SWANSON: What is that
10 particular plume you're referring to?

11 MR. BOROWSKI: The plume -- it's
12 100 Oser Avenue, that's the name of the
13 plume. That's the same one that we're
14 talking about, that's going
15 northeasterly from 100 Oser Avenue.

16 That's been investigated, and
17 they're trying to do the remediation
18 regarding that, since March of 1999.
19 And, the New York State DEC has sent me
20 information, which I do have, if anyone
21 would like -- I know it's a different
22 jurisdiction, but I'm just bringing it
23 up.

24 MR. KENNEDY: Mr. Chair, if I could
25 just add, for specificity purposes.

2 That is actually a PCE plume, I believe
3 it is, dry cleaning fluid that emanated
4 from 100 Oser Avenue. It is an open DEC
5 case, a remediation case. It's being
6 handled by Albany. And, as a matter of
7 fact, there is a proposal at this point
8 to do potassium permanganate and SID-2
9 (phonetic) injections off-site, which is
10 still being debated. And, I've had
11 extensive correspondence with my office,
12 with DEC, regarding the migration.

13 Not only is this plume surfacing,
14 as it moves towards Mill Pond and
15 Blydenburg, but also the Hauppauge
16 Springs headwaters that we have, that
17 are literally, probably only about
18 4- to 500 feet away from us, adjacent to
19 the bank building. There is plume
20 contents that are surfacing in this area
21 as well. So it is an active ongoing
22 case.

23 MR. KAUFMAN: You're saying it's
24 moving northeast, though.

25 MR. KENNEDY: According to what

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2 we've seen from DEC, the -- the plume --
3 yeah, the plume maps have demonstrated
4 that it has been moving in a north --
5 yes, a northeasterly direction, as a
6 matter of fact, because it has been
7 surfacing.

8 MR. WRIGHT: Yeah, you know, I have
9 to correct myself, you know, I'm looking
10 at the map, and it's northeast, and I
11 said northwest. And I'm just -- you
12 know, I apologize --

13 MR. KAUFMAN: That's what I was
14 looking at.

15 CHAIRPERSON SWANSON: Yeah, okay.

16 MR. WRIGHT: Thank you.

17 CHAIRPERSON SWANSON: Okay.

18 MR. BOROWSKI: So, we're bringing
19 it up really as to show you -- you know,
20 to further amplify the fact that, that
21 one mile of Route 347 has a lot going on
22 and it's just getting worse. So, as
23 residents in that area, we're very
24 concerned about it.

25 We know, also, currently -- I

2 personally know people that live --
3 regarding the plume -- and how, usually,
4 once a month, they have someone that's
5 coming there to test the samples or the
6 soil, and -- and putting --
7 waterproofing and everything else, and
8 they're directly impacted. So, this is
9 something that -- we don't want
10 something like -- similar in that case.

11 And, actually, he brought up about
12 three to four houses. You know, that
13 really -- that -- that whole community
14 is -- is very affected, it's not just
15 three or four houses. There's at
16 least -- I would say, at least 20, and
17 in those two adjacent communities,
18 there's 450 houses in two neighborhoods.
19 And why I know this is, we're such a
20 unified community and local community,
21 that we also set up a neighborhood watch
22 recently, and I know that that's how
23 many houses that are currently in the
24 Robin Drive community, which is on one
25 side, and the Autumn Drive community,

2 which is on the other side.

3 So, in bringing that up, I'm
4 indicating that I do respect the -- the
5 Department -- the Department of DPW
6 (sic), but again -- you also indicated
7 that the EAF has major concern regarding
8 the environment, the groundwater, health
9 issues and the safety of our children.

10 If there are -- I mean, I -- I
11 understand it's a -- it's a different
12 level, but I'll just bring it up as an
13 aside. Years ago, we put in a drywall,
14 just as small as in -- in my -- my
15 residence, and it collapsed. I have no
16 idea -- and, again, I'm a banker. I'm
17 not an environmentalist, I don't know
18 anything about that. But, I'm concerned
19 about the possibility of the safety of
20 our children.

21 Again, as they stated, no residents
22 were notified of this, and this is a
23 major impact. Fifteen-hundred trees is
24 a major impact to the environment, and
25 the wildlife along the path of that

2 Suffolk County land. We have -- even
3 further up as well, there's fox, there's
4 a lot of different wildlife across the
5 street from where I live, there's a bird
6 sanctuary. There really is a lot of
7 unknown wildlife that -- none of this
8 has been explored. Not to mention the
9 impact of the buffer zone between
10 neighborhoods, and the sounds. So those
11 are concerns.

12 Based on the EAF report, it
13 indicates that this would be cutting
14 half of the tree buffer that's between
15 Veterans Highway and the homeowners.

16 Also, I wanted to indicate that you
17 could -- the trees that are mature,
18 could impact the ecosystem, as well as
19 the groundwater. And also, it impacts
20 the make-up of the Suffolk County
21 community.

22 I was raised in Queens, and I moved
23 out here when I was six years old.
24 We -- we -- we came out here when there
25 wasn't traffic, when there was the

2 wildlife. And I understand about
3 progression and people moving out to the
4 suburbs and Suffolk County. Well, other
5 areas of Suffolk County do -- does have
6 land that's preserved to keep it that
7 way. And Hauppauge happens to be a
8 location that -- that is very popular
9 for people that commute to the City,
10 very popular for the school system,
11 et cetera, and it -- and I understand
12 the concentration.

13 Why I'm bringing it up is that, I
14 know that there's a problem that needs
15 to be fixed, I don't believe this
16 location is the place to fix it.

17 Also the issue is that, residential
18 communities are being affected. And the
19 servicing of this sewer district plant,
20 to my understanding, is the County
21 building, condominium complexes and
22 commercial. Our -- the residents
23 that -- that are here, we have -- we
24 have cesspools. So -- you know, so
25 we're being disrupted by surrounding

2 areas, and really, we don't think that
3 that is appropriate or fair.

4 It wasn't -- it was not brought up
5 regarding the potential New York State
6 DOT Route 347 project, which is another
7 concern that has been coming up, and the
8 impact that that would have, which is
9 potentially in the same area. So
10 they're going to go further up the chain
11 with that impact. So, that was not
12 discussed in the EAF.

13 Again, we talked about the plume,
14 and the impact and the -- if that would
15 have any -- the contamination of that
16 water -- groundwater would have any
17 potential impact on the southwest
18 direction of the -- of the sewer flow --
19 pardon me for using layman's terms --
20 and if that would have any impact in
21 contaminating our water. Don't know.
22 There are a lot of -- many
23 uncertainties.

24 I was also in contact with the
25 Suffolk County Water Authority, to look

1 - Council on Environmental Quality - 97
2 at the water purification, at Falcon
3 Court I and II, and Capital Court I and
4 II. And -- and we're still
5 understanding what those -- again,
6 short -- short time -- what those
7 surveys -- what those studies bring to
8 the table.

9 Again, I feel that many of these
10 items have not been thoroughly examined.
11 Obviously, many residents have not been
12 notified. So far -- which I would love
13 to submit -- I sent out an e-mail -- and
14 I do have an e-mail distribution list
15 for many of these specific types of
16 issues, and this is a very important
17 one. Sending it out to the local
18 politicians, to the Town, to -- to
19 the -- to the State, to the school
20 district that can be impacted as well,
21 and so far I have 20 e-mails written
22 opposing it. Obviously, this is only,
23 you know, right around the holiday --
24 the Thanksgiving holiday as well. So, I
25 will bring that forward.

2 Again, I understand the need for
3 additional recharge basins -- beds
4 rather. However, again, the proposed
5 location is in the heart of an already
6 saturated groundwater area, along this
7 one mile.

8 So my thoughts are this, my
9 thoughts are, if you can consider making
10 this a Type I Action, due to the
11 significant adverse impact on the
12 environment; and number two, if you can
13 require it a Positive Declaration.

14 And there are many citizens -- I
15 know, we went to the PTAs already, and,
16 again, this was just this past week --
17 that are very alarmed and very concerned
18 in the Hauppauge and part of the
19 Smithtown communities, and some of them
20 are also here as well. Again, short
21 notice, during the workday. I took off,
22 it's that important. And this is
23 something that we need to address, and I
24 do appreciate your -- your time and your
25 consideration.

2 If you have any questions, I'll be
3 happy to answer them.

4 CHAIRPERSON SWANSON: Thank you.

5 Ma'am, do you have a statement you
6 would like to make?

7 (WHEREUPON, Ms. Deleia Lee
8 approached the podium, and addressed the
9 Council members.)

10 MS. LEE: Yes, backing up Paul and
11 what he's saying. My name is Deleia
12 Lee. I'm a resident of Hauppauge, I
13 live at 29 Autumn Drive. I've worked
14 for Este Lauder for 25 years as a
15 (inaudible), and I know for a fact that
16 on Oser Avenue, we do have plenty of
17 buildings that work with chemicals on a
18 daily basis. Most of these chemicals,
19 they should be thrown away properly, but
20 they don't. They're actually being
21 thrown into the sink, which goes into
22 our water. But in this -- in this
23 case, where they're proposing -- could
24 cause a chemical reaction underneath our
25 earth.

2 I don't think that's feasible for
3 people who live in that community, and I
4 think that the \$500,000 that they're
5 proposing to do this project, should be
6 spent in fixing a problem that's already
7 existing.

8 Extending this waterfall -- the
9 leaching, is just going to create more
10 problems 30 years along the line. I
11 mean, you said that this was built in
12 the 1970s, here we are 30 years today,
13 and we're having a problem with this.

14 We paid for our cesspools, we have
15 our cesspools cleaned up on a routine
16 basis. Why can't everybody else have
17 cesspools as well? I mean, \$500,000 is
18 going into this project, let's put it in
19 there. Let's fix what we have, instead
20 of creating more issues in the future.

21 Now, Oser Avenue, which is an
22 industrial park, with lots of people who
23 just -- dealing on an everyday basis
24 with different types of chemicals,
25 different facilities, with different --

2 you know, making creations. You would
3 see that in these things, and maybe
4 that's why we're having a problem today
5 with this facility.

6 So, I'm here to defend my
7 community. It did it with Paul and with
8 John in the past for the gas pipelines.
9 We want our community to remain safe, I
10 don't think this is fair. And we are
11 putting our tax dollars out there, and
12 we are supporting -- not just Suffolk
13 County, but we're supporting our
14 neighborhood also. And we'd like it,
15 you know, to come into complete stop,
16 rather than to go forward. And, that is
17 my position on behalf of everybody in
18 the community.

19 CHAIRPERSON SWANSON: Thank you.

20 Anybody else here who'd like to
21 speak to the matter, please come forward
22 and identify yourself.

23 (WHEREUPON, Mr. Stephen Kromtier
24 approached the podium, and addressed the
25 Council members.)

2 MR. KROMTIER: My name is Stephen
3 Kromtier, I'm President of the
4 Northfield Woods Civic Association. I
5 have two questions, and then a concern.

6 Question number one, the Dennison
7 Building area, as a possible site, has
8 that been ruled out, based on new
9 information that we have at this point
10 in time?

11 I see heads going up and down, is
12 that a yes?

13 CHAIRPERSON SWANSON: To my
14 knowledge, nothing's been ruled out.
15 Maybe that's one of the reasons why it
16 would be positive.

17 MR. KROMTIER: Okay. Because we
18 have a real concern, if -- if -- if
19 you're considering the Dennison building
20 area, for a lot of -- a lot of reasons,
21 which I won't get into now.

22 Are there any other alternative
23 sites that are being considered for this
24 facility?

25 CHAIRPERSON SWANSON: I don't know.

2 But, certainly, part of the
3 environmental impact statement process,
4 if it were to go forward, requires an
5 examination of alternatives.

6 MR. KROMTIER: Okay, great.

7 And then -- then my concern. I
8 attended a meeting a few months back, it
9 had to do with the Ronkonkoma water --
10 water problem. And the National
11 Geographics survey, the person who made
12 the presentation talked about a kind of
13 domino effect. And he had a map,
14 talking about the flowing of underground
15 water. And it really interested me that
16 this domino effect, in terms of changes
17 in the environment, additional
18 rainwaters and a variety of other
19 factors, could lead all the way back to
20 us, in terms of the headwaters in the
21 Hauppauge -- in terms of Hauppauge
22 Strings. And that one really interested
23 me, because (a) understanding what's
24 going on in Ronkonkoma, and (b)
25 understanding the distance, it was a

2 real concern.

3 So, now I'm looking to the other --
4 to the other area. I'm looking all the
5 way over to -- you know, I'm not that
6 far away from where -- where you plan
7 this possible site, and I'm worried
8 about some -- a domino effect that would
9 lead into our area. You know, I'm --
10 we're worried not only about the area
11 that's surrounding the proposed site,
12 but we're worried about the domino
13 effect into our area. Especially with
14 the unknown of what's going on with the
15 developing of 347, and how that could
16 affect the sensitive areas.

17 So, that's my concern. Thank you.

18 CHAIRPERSON SWANSON: Thank you.

19 (WHEREUPON, Mr. Stephen Kromtier
20 stood down.)

21 CHAIRPERSON SWANSON: Legislator
22 Kennedy, do you have the hammer?

23 MR. KENNEDY: Well, Mr. Chair,
24 you've heard firsthand some of the
25 concerns of the residents, and, you

2 know, it occurs to me, this is somewhat
3 of an odd position to be in. You and I
4 know each other in many different
5 capacities, for many years. As I was
6 the Exec.'s liaison to CEQ, I,
7 firsthand, got to see how the Board
8 operates. And now, as a Legislator, I
9 have fiduciary obligations/operations to
10 the County, but also, first and
11 foremost, to my elector.

12 And what occurs to me is, you --
13 you are having put before you something
14 that, I'd say, unfortunately, is awfully
15 incomplete. And a request on the part
16 of the Department, to have this Board go
17 ahead and push off, I guess, a finding
18 of Unlisted Action, Neg Dec. -- this EAF
19 does not list or go through many of, I
20 guess, the relevant components that are
21 here.

22 And I will go so far as -- and I'm
23 going to stretch on this one, and
24 Mr. Bagg may jock me up and may not, but
25 the parcel that the Department is

2 contemplating use of, is actually a
3 16-acre contiguous parcel, and they're
4 seeking to go ahead and access a portion
5 of it, being 2.5 acres.

6 So, I think by definition, when you
7 go into the rules and regs, you would
8 look at 617.4 or .6, and I think you
9 would hit the trigger automatically that
10 would find this to be a Type I Action.

11 More importantly, we've had no
12 exploration whatsoever of alternatives,
13 some of which you've heard contemplated
14 here. Absolutely, operation of this
15 municipal waste system, right across the
16 street here, is important.

17 Nevertheless, I'm familiar,
18 firsthand, working with other areas in
19 my district. And Legislator
20 Vilorio-Fisher knows this firsthand,
21 that since I've been in, for the last
22 three years, I've dealt with flooding
23 aspects all over my district. Branch
24 Brook Elementary, our Health Department
25 condemned the septic system there.

2 They're now actually contemplating
3 construction of a wicking system, that
4 allows for permeation of the effluent,
5 below the clay lens.

6 What impacts much of what we're
7 looking at here is, the fact that all of
8 the area we sit on here is -- is
9 underlined with a lens of clay that has
10 a minimal degree of permeability.

11 I am a simple dirt lawyer. I am
12 not a hydrologist, nor an engineer, nor
13 any of those other things. But I've
14 heard it and I've seen it enough, and --
15 and believe that there's a need, when
16 we're talking about large-scale
17 operations, to actually mechanically
18 pierce the lens and allow for drainage.
19 So, it may be more costly than
20 identifying some inventory of land --
21 which by the way, I had eight months ago
22 identified for inclusion in a nature
23 preserve, because of the fact that it
24 serves as an aviary, and it serves as a
25 very important recharge area.

2 The documents submitted to you
3 show -- the memorandum from the
4 Department -- from a Janice McGovern --
5 or from a Rich Corretto to Janice
6 McGovern -- groundwater of only 15 feet
7 below surface. That is the last place
8 in the world that I would contemplate to
9 set up a 110 pool leaching area. To me,
10 this seems to be someplace already
11 significantly impacted by our volatile
12 groundwater area.

13 To intentionally create 200,000
14 gallons of additional effluent on a
15 daily basis, would certainly mound what
16 is there now, and have a migratory and
17 lateral affect on all of the residents'
18 septic systems. Why would we want to go
19 ahead and try and remedy our own
20 municipal hardship, and impact the
21 private residences?

22 Mr. Chair, I think there are a
23 number of issues associated with this.
24 Not the least of which is, proximity to
25 a toxic groundwater plume, direct

2 involvement with the DOT taking -- that
3 has maps that show that some of the area
4 that the Department has proposed for
5 construction will be acquired by the
6 Department of Transportation for
7 expansion of shoulders and
8 right-of-ways.

9 Wrong place, wrong time, wrong
10 venue. I think it needs Type I, I think
11 it needs a Pos. Dec., and I think it
12 needs an EIS to bed all of the issues
13 that are associated with it.

14 CHAIRPERSON SWANSON: Thank you,
15 Legislator Kennedy.

16 Do we have any questions of the
17 residents or Legislator Kennedy?

18 MR. KAUFMAN: First off, just to
19 let you know, I doubt that any expansion
20 of Sewer District 22, into the Dennison
21 Building area, would be possible. I
22 have a groundwater map here, I flashed
23 it once or twice before.

24 If you look at it --

25 CHAIRPERSON SWANSON: Let me

2 interrupt. I think you have -- you
3 should't be speculating on what the
4 alternatives are.

5 MR. KAUFMAN: I was trying to get
6 someplace.

7 Okay. All right, I'll withdraw
8 that part of it.

9 I think that there's a very
10 definite deficit here in terms of
11 groundwater information. We have an
12 approximate location to a plume, I'm not
13 sure where it's going. I don't know
14 where the groundwater divides are, at
15 this point in time. I don't know if
16 it's going to be flowing into the
17 Nissequogue River or not.

18 One of the things that Legislator
19 Kennedy has been involved with in the
20 past, and I'm involved with, is a RPA, a
21 Regional Planning Association group,
22 where we're trying to protect the
23 Nissequogue River. And that's one of
24 the things that are very important to
25 me, I live on the river myself.

2 Right now, the RPA is coming up
3 with recommendations to the Town of
4 Smithtown, to try and reduce septic
5 impacts, reduce groundwater impacts and
6 reduce stormwater impacts on the river.

7 I'm very, very worried about what's
8 happening at Sewer District 22. I'm not
9 sure, personally, how to handle that,
10 that's for the engineers. But I think
11 it is something significant enough to
12 probably have a lot more information
13 than we have, at this point in time.

14 Again, I know where Sewer
15 District 22 right now is. I know that
16 it's got overflow problems. I know that
17 there's lack of septic effluents,
18 dispersal, et cetera. But, I just don't
19 think, at this point in time, we have
20 enough information, one way or another,
21 to even guess on all of this.

22 MR. KENNEDY: Mr. Chair, if I can
23 just add to one comment the Council
24 Member just made, the RPA, as a matter
25 of fact, is having its next regional

2 meeting on the 27th. And I lobbied
3 extensively to go ahead and have the
4 headwaters of the Nissequogue River area
5 included in that watershed study,
6 specifically for the purpose of trying
7 to promote some rehabilitation.

8 Now, notwithstanding Mr. Wright's
9 sample that he placed on the counter
10 there, it occurs to me that that's not
11 something that we normally or ordinarily
12 attempt to go ahead and locate with our
13 trout hatcheries, of which the one leg
14 of the headwaters here are -- as a
15 matter of fact, the stream that I just
16 spoke about, or the pond that I just
17 spoke about has been noted by New York
18 State DOT as a trout hatchery as well.

19 You know, I -- I -- look, I could
20 go on and on and on, and I don't want to
21 take up the Council's time lobbying issue
22 after issue across the bow here, but I
23 would say to you that, you know, the
24 Department has, perhaps, looked at
25 something that geographically is

2 approximate, and may be, at first blush,
3 looks like a quick fix, but in my
4 opinion, it is, again, as I said,
5 probably one of the most impacted,
6 misguided and worst areas, and least
7 opportune in order to contemplate for
8 running.

9 And so, again, I'm going to appeal
10 to the Board. This is the proposal
11 before you. You are acting, I guess,
12 based on, you know, what the
13 environmental consequences may or may
14 not be, and the quantum of information
15 before you, or the lack thereof. But I
16 think, most elementally, there is a
17 genuine lack of specificity about this
18 proposal.

19 CHAIRPERSON SWANSON: Thank you.

20 I'm going to ask Mr. Bagg if he
21 would comment on the notion that you
22 had, that this was a 16 acre piece of
23 property, in which we were going to use
24 two and a half.

25 MR. KENNEDY: Sure.

2 CHAIRPERSON SWANSON: Jim, would
3 you attend to that a little bit?

4 MR. BAGG: In the requirements, on
5 the Type I list, it actually deals with
6 physical alteration of the property, not
7 the size of the lot. So, the trigger is
8 the physical alteration of ten or more
9 acres, which makes a (inaudible).

10 Now, if you go further down the
11 list, any Unlisted Action that exceeds
12 25 percent of that threshold, which is
13 adjacent to or substantially contiguous
14 to any publically owned parkland, that
15 would bring it up to probably a Type I
16 Action.

17 Now, in this particular case, is
18 there any parkland that is adjacent to
19 this property?

20 MR. KENNEDY: I believe it's
21 immediately adjacent to a Town of
22 Smithtown sump. As a matter of fact,
23 you know by Town Code, in the Town of
24 Smithtown, they've designated most of
25 the sumps as aviaries, or wild areas.

2 Has there been a formal designation
3 as to it being parkland? That I'm not
4 certain. But I do know that -- I
5 believe it's contiguous with that.

6 Also, again, as I said, it may be a
7 bit of a stretch, but the fact that
8 there would be alteration, you would
9 have to go through some type of a
10 process in order to segregate or segment
11 it off. Certainly, there would probably
12 be more than 2.5 acres involved as well,
13 for access purposes, for equipment, for
14 machinery. It could not all be gotten
15 to right off of 347.

16 But again, I'm hypothesizing. That
17 is not represented in this EAF. It's
18 left for us to attempt to devise here,
19 which is not what the Board, I think is
20 called to do. It's not (inaudible),
21 you're supposed to have in front of you
22 specificity.

23 MR. BAGG: Well, I don't think
24 there's an argument over that,
25 Legislator. I think the question is

2 whether -- what is the type of the
3 action. Type I or Unlisted doesn't
4 necessarily preclude the fact, either
5 way, of whether you need further
6 environmental information and possibly
7 preparation of an environmental impact
8 statement.

9 Quite obviously, New York State
10 Department of Transportation has the
11 Veterans Highway in the area, so it
12 would require a coordinative review with
13 them; New York DEC, with respect to the
14 plume, would have to approve this, and
15 they have, also, other things that
16 probably have to be coordinated with DEC
17 as well.

18 The classification, simply, is
19 pursuant to the rules and the regs.
20 Now, if the Town of Smithtown's sump was
21 considered a park, and is the actual
22 size of -- I mean, I think the
23 classification summary (inaudible) is
24 real relevant, you may want to base your
25 review on a conglomerate of information.

2 CHAIRPERSON SWANSON: Anything
3 else?

4 MR. GULBRANSEN: Thank you,
5 Legislator Kennedy and the residents
6 coming forward. Mr. Borowski, in
7 particular. As a banker, he did a
8 pretty good job of coming up with a lot
9 of good things to be considered in this
10 process. I would like to especially
11 call out your daughter being here, a
12 nine year old interested. I have a
13 ten year old, and this is the time
14 period when children turn on to science
15 and engineering, and we need lots more
16 of it. So, I appreciate your interest,
17 and we look forward to more active
18 involvement in the future.

19 MR. BOROWSKI: I just wanted to add
20 that she was also somebody that -- when
21 we had the Iroquois Pipeline, she was
22 someone that was in front of Shop Rite,
23 handing out fliers, to let the community
24 know. So -- so thank you.

25 CHAIRPERSON SWANSON: Any other

2 comments from anybody?

3 MS. LEE: I have one more comment.

4 As I received this pamphlet, I
5 started reviewing into the computer. I
6 actually found a site that said, "U.S.
7 Environmental Protection Agency." It
8 gave me a map of Hauppauge, and there
9 are other areas in -- in Hauppauge that
10 have hazardous waste portions in
11 their -- it's like a little green site.
12 We already have hazardous waste coming
13 into our community, we don't need
14 anymore.

15 CHAIRPERSON SWANSON: Thank you.

16 (WHEREUPON, Ms. Deleia Lee stood
17 down.)

18 MR. BOROWSKI: And if I could have
19 one more final -- I'm sorry.

20 (WHEREUPON, Mr. Paul Borowski stood
21 down.)

22 MR. KAUFMAN: Jim, are there any
23 other SEQR triggers in here for Pos.
24 Dec.? We've got community opposition;
25 we've got a coordinated review aspect,

2 but that's not exactly a trigger; we've
3 got the fact that we don't -- that there
4 are possible groundwater contamination
5 issues; et cetera. I just want to be on
6 firm ground, before we do anything.

7 Also, I would say for the
8 edification of the Council, this is a
9 very troubling project for me
10 personally, in terms of the RPA's study
11 in protecting the river, et cetera. I'm
12 not sure, though, what our actions are
13 today. If we're indeed missing a lot of
14 information, it may behoove us to ask the
15 County to come back with more
16 information, and table this project,
17 knowing that we may end up with a
18 possible Pos. Dec. on it. I just don't
19 want to jump the gun and declare Pos.
20 Dec., when we literally don't have
21 information. We've always given, in the
22 past, the County the chance to come in
23 and give us information, if it is indeed
24 missing. So procedurally I'm stuck a
25 little bit, and I'm also unsure under

1 - Council on Environmental Quality - 120
2 SEQR.

3 MR. BAGG: I mean, basically the
4 rules and regulations set forth criteria
5 to determine significance. If these
6 criteria are exceeded -- and they're
7 contained in 617.7(c)(1), and I'll read
8 them:

9 No. I is, "the substantial adverse
10 change in existing air quality, ground
11 or surface water quality, traffic or
12 noise levels; a substantial increase in
13 solid waste production; a substantial
14 increase in potential for erosion,
15 flooding, leaching or drainage problems;

16 "II, the removal or destruction of
17 large quantities of vegetation or fauna;
18 substantial interference with the
19 movement of any resident or migratory
20 fish or wildlife species; impacts on a
21 significant habitat area;" and so on.

22 "The impairment of the
23 environmental characteristics of a
24 Critical Environmental Area, as
25 designated pursuant to... 617.14...

2 I don't believe this is in a
3 critical area.

4 "The creation of a material
5 conflict with a community's current
6 plans, goals" or officially approved --
7 "as officially approved or adopted;

8 "The impairment of a character or
9 quality of important historical,
10 archeologic, architectural or aesthetic
11 resources of an existing community or
12 neighborhood character;

13 "A major change in the use of
14 either quantity or type of energy;

15 "The creation of a hazard to human
16 health;

17 "A substantial change in the use,
18 or intensity of use of land including
19 agricultural, open space or recreational
20 resources, or in its capacity to support
21 existing uses;

22 "The encouraging or attracting of a
23 large number of people to a place or
24 places for more than a few days...

25 "The creation of a material demand

2 or other actions that would result in
3 one of the above consequences;

4 "Changes in two or more elements of
5 the environment, no one of which has a
6 significant impact on the environment,
7 but when considered together, result in
8 a substantial adverse impact on the
9 environment; or

10 "Two or more related actions
11 undertaken, funded or approved by an
12 agency, none of which has... a
13 significant impact on the environment,
14 but when considered cumulatively, would
15 meet one or more of the criteria in this
16 subdivision."

17 CHAIRPERSON SWANSON: It seems to
18 me, like, there are a number of issues
19 here where it reaches the level of
20 significance.

21 Do we have any discussion of what
22 the Board would like to do? Mike has
23 raised some questions --

24 MS. RUSSO: (Indicating)

25 CHAIRPERSON SWANSON: Gloria.

2 MS. RUSSO: I just think it's
3 Unlisted with a Positive Declaration.
4 But whether we go that way and request a
5 full EIS, and then needing the
6 cooperative review between New York
7 State DEC and New York State DOT, or as
8 Mike said, we refer it back for County
9 information.

10 MR. MACHTAY: (Indicating)

11 CHAIRPERSON SWANSON: Mr. Machtay.

12 MR. MACHTAY: I do believe the best
13 vehicle for coming back with more
14 information is the impact statement.
15 And, no matter how we try to fudge it,
16 one way or another, you just delay the
17 whole thing.

18 It does meet a couple of the
19 criteria that Jim just read for issuance
20 of the Pos. Dec., or significance of the
21 project. And I think we're just kidding
22 ourselves if we send them back and say,
23 well, come back with this, come back
24 with that -- well, he comes back next
25 month, and we're going to send him off

2 to come back with more information
3 again.

4 So, I don't see that we have too
5 many alternatives.

6 CHAIRPERSON SWANSON: I would agree
7 with that. This is something that
8 clearly involves public health, and, you
9 know, that's sufficient for me to
10 (inaudible). In fact, I think there
11 is a big issue here as to what -- you
12 know, the County eventually has to do
13 something with this 202,000 gallons per
14 day. And, to me, I think there's a
15 number of alternatives, besides this
16 one.

17 MR. MACHTAY: When I read the
18 information in the packet, I was
19 surprised that we had so little
20 information on which we were asked to
21 make a decision. You know, why didn't
22 they just come back with an impact
23 statement of their own volition, so to
24 speak, and make it easy on everybody, so
25 to speak?

2 CHAIRPERSON SWANSON: Okay. Any
3 other comments?

4 MS. VILORIA-FISHER: (Indicating)

5 CHAIRPERSON SWANSON: Legislator
6 Viloría-Fisher.

7 MS. VILORIA-FISHER: Yes. I agree
8 with what Mr. Machtay has said, I think
9 we have to take a closer look. But I'd
10 like to ask a question, if I might.

11 Mr. Wright, I wanted to know, at
12 what point in the process would there be
13 neighbor notification. As you know,
14 back in 2000, I introduced, and we
15 passed, a Neighbor Notification Law,
16 which required the County to notify
17 neighbors within at least 150 feet of
18 any change of use in County land. At
19 what point in the process, after --

20 MR. WRIGHT: Well, yeah. I hope
21 that I'm not wasting the Council's time,
22 but we understood by submitting the EAF
23 that additional work would be necessary,
24 and we indicated in the EAF that we had
25 not contacted the homeowners, but we

2 recognized that we had to do that. The
3 funding, the \$500,000 is not for
4 construction. It's for planning and
5 environmental issues, and that's in next
6 year's budget. We were looking for
7 guidance and comments in order to --
8 before we went out and, you know,
9 solicited proposals from consultants to
10 get involved with this project. That's,
11 again, why we didn't put in anything
12 that had to do with the pumping station
13 and force main, because there's no sense
14 going that route until we found out if
15 there's any possibility of using this
16 particular land.

17 So, I haven't answered your
18 questions yet, but it was going to be
19 after this meeting, where we got input,
20 and then we would talk to the
21 appropriate individuals. Which, you
22 know, prior to this meeting, my feeling
23 was that it was going to be three or
24 four homeowners.

25 MS. VILORIA-FISHER: Thank you.

2 MR. MACHTAY: (Indicating)

3 CHAIRPERSON SWANSON: Mr. Machtay.

4 MR. MACHTAY: Well, if the project
5 gets upon aesthetics in the Legislature,
6 would you scope it with the community
7 before you moved ahead and prepared the
8 impact statement?

9 MR. WRIGHT: Yes, and next -- next
10 year, when we had the funding, we would
11 go through that process.

12 MR. MACHTAY: Thank you.

13 CHAIRPERSON SWANSON: Do we have
14 any -- do we have a motion?

15 MR. KAUFMAN: I'll make a motion,
16 Unlisted, Pos. Dec.

17 MR. MACHTAY: I'll second.

18 CHAIRPERSON SWANSON: Motion by
19 Mr. Kaufman, and a second by
20 Mr. Machtay.

21 Any further discussion?

22 MR. BAGG: Can I add one thing to
23 that. That along with that motion and
24 the Pos. Dec., that it be recommend that
25 DEIS be scoped?

2 MR. KAUFMAN: Yeah. That's
3 something that we've been doing at CEQ
4 for quite a long time, and I will adopt
5 that as part of my motion.

6 CHAIRPERSON SWANSON: Okay. So we
7 have a motion and second.

8 MR. PICHNEY: (Indicating)

9 CHAIRPERSON SWANSON: Yes,
10 Mr. Pichney.

11 MR. PICHNEY: I've been sitting
12 here trying to figure out where
13 (inaudible) science and engineering,
14 regarding water quality, and (inaudible)
15 begin. And I think, perhaps, going the
16 Pos. Dec. route might accomplish that.

17 MR. GULBRANSEN: I wanted to just
18 understand whether we've clarified the
19 collaborative review with other
20 agencies. Did we say that they're going
21 to deal with that now, or (inaudible).

22 MR. BAGG: Well, you should state
23 that in your motion.

24 MR. KAUFMAN: I'll adopt that as
25 part of my motion, a coordinated review

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2 required.

3 CHAIRPERSON SWANSON: All right.
4 We have a motion, and a second. Any
5 further discussion?

6 (WHEREUPON, there was no response.)

7 CHAIRPERSON SWANSON: All in favor?

8 (WHEREUPON, the Council members
9 voted.)

10 CHAIRPERSON SWANSON: Opposed?

11 (WHEREUPON, the Council members
12 voted.)

13 CHAIRPERSON SWANSON: Abstentions?

14 (WHEREUPON, the Council members
15 voted.)

16 CHAIRPERSON SWANSON: The motion
17 carries.

18 MR. KENNEDY: Thank you,
19 Mr. Chairman and Members of the Board.
20 Thank you.

21 (WHEREUPON, Mr. Ben Wright and
22 Legislature John M. Kennedy stood down.)

23 CHAIRPERSON SWANSON: I'm going to
24 suggest that we take a break so our
25 stenographer can get her fingers back in

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2 shape. So we've got five minutes, and
3 then we'll return.

4 (WHEREUPON, a brief recess was
5 taken, after which the following
6 transpired:)

7 (Time noted 11:37 a.m.)

8 CHAIRPERSON SWANSON: All right.
9 In order for Ms. Gallagher to be able to
10 attend a meeting she's chairing in
11 25 minutes, we've moved her up on the
12 agenda.

13 (WHEREUPON, ~~Ms.~~ Ms. Carrie
14 Meek-Gallagher approached the podium,
15 and addressed the Council members.)

16 MS. MEEK-GALLAGHER: Thank you, I
17 appreciate that.

18 So I'm here to talk to you about
19 the fertilizer bill, that's currently
20 going to a public hearing. And,
21 essentially, the goal of this bill is
22 very simple. It's to improve water
23 quality throughout Suffolk County, by
24 reducing the amount of nitrogen that
25 enters our waterways, by reducing the

2 amount of fertilizer that is used and
3 gets -- and ends of being misused and
4 misapplied, and then therefore leaches
5 into this -- the water.

6 I handed around a brief packet,
7 that I think I won't go through with you
8 in detail, but it's really more for
9 informational purposes.

10 The first page really captures what
11 all the key components of the bill are:

12 Prohibiting fertilizer applications
13 during cold weather;

14 Making sure that licensed
15 landscapers are trained in the proper
16 application and use of fertilizer;

17 Expanding existing educational
18 campaigns to homeowners, retailers
19 and -- including having an interactive
20 website for people to go onto, and --
21 and learn more about how to properly
22 fertilize;

23 Having signs and brochures in
24 retail establishments wherever
25 fertilizers are sold, to, again, educate

2 them about the proper use and
3 application of fertilizer;

4 And to eliminate any fertilizer use
5 on County property, with the exception
6 of golf courses, athletics fields and
7 the County Farm, or where we need to
8 establish new turf, and -- subject to
9 some additional waivers.

10 Agriculture, as a whole, is exempt
11 from this -- these requirements, and we
12 are working separately with agriculture
13 on implementing best management
14 practices.

15 So, basically, what the other
16 slides show you is just the amount --
17 the percentage of residential total
18 nitrogen loads, it's over 50 percent.
19 These are estimates that come from the
20 Peconic Estuary Program (indicating).

21 A nice, pretty slide that shows you
22 lawn coverage in the U.S. And if you
23 look at Long Island, you can see that
24 we're pretty much 100 percent covered by
25 lawns. This is Noah's Satellite Imagery

2 (indicating).

3 Some facts about over-fertilizing,
4 which most of you are probably familiar
5 with. But -- but really talking about
6 the harms to the ecology and the threats
7 to human health.

8 And then the comparative costs of
9 reducing nitrogen pollution. Looking
10 at, if you reduce the source up front,
11 it's a much more cost effective way than
12 if you have to try to remediate after
13 the fact by installing sewage treatment
14 plants. And you can look at -- you
15 know, look at what the initial cost is
16 of this program. We're looking at about
17 100- -- up to about \$190,000 now, versus
18 say, 25 million. And then the annual
19 cost to maintain this program would be
20 about \$50,000 a year, versus over
21 \$3 million a year. You get the same
22 amount of reduction, which would be
23 about a 25 percent reduction, or 60 tons
24 of nitrogen per year.

25 There's just a draft of what the

2 signs may look like in the stores -- in
3 the retail establishments, we're trying
4 to work on something that will be very
5 simple and user friendly (indicating).

6 And then the very final page gives
7 you a flowchart that really tries to
8 spell out what the prohibitions are,
9 what the requirements are, and what the
10 public education components are.

11 For your purposes today -- I mean,
12 I did want to provide that information,
13 but we really foresee this as having
14 only positive environmental impacts.
15 And, I would just draw your attention to
16 the very last page of the long form, the
17 EAF that you received in your packet,
18 part three. And -- where it talks about
19 part three statements, those three
20 paragraphs, that while there was no
21 coordination required on this, we did
22 pull together -- and it's been a
23 ten month process of working very
24 closely with State, Federal agencies,
25 Cornell Cooperative Extension, Cornell

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2 University's (inaudible) Science
3 Program, the Homestead Assist Task
4 Force, of which Legislator
5 Viloria-Fisher is Chairwoman. And we --
6 the bill has been amended to reflect,
7 more closely, a lot of the findings and
8 recommendations of the Homestead Assist
9 Task Force. The estuary programs -- all
10 three estuary programs on Long Island.
11 Fertilizer representatives, we had
12 Scotts in on conversations. And a wide
13 range of environmental, including
14 citizens campaigns for the environment,
15 (inaudible), nature conservancy, even
16 Peconic Bay Keeper has weighed in on
17 this. Obviously, strongly in support.
18 And we have shared with them the -- the
19 bill itself, and we received some
20 comments back. Even New York State
21 Department of Ag. and Markets, we're
22 now trying to work with them, and
23 they're very supportive of the elements
24 of this bill -- many elements of this
25 bill.

2 So, I just wanted to -- again,
3 we've shared it, we've worked very hard
4 on making this bill workable, feasible,
5 cost effective, and ensuring that any
6 potential adverse environmental impacts
7 have been mitigated, that it will only
8 have positive environmental impacts.

9 Any questions?

10 CHAIRPERSON SWANSON: Thank you.

11 MR. PICHNEY: (Indicating)

12 CHAIRPERSON SWANSON: Mr. Pichney.

13 MR. PICHNEY: Thank you,
14 Mr. Chairman.

15 When I was looking through the
16 bill, it wasn't really clear whether you
17 were talking about specifically for
18 fertilizing lawns, or you were
19 discussing all fertilizers, as related
20 to fertilizing trees, shrubs,
21 perennials, vegetables, you know, things
22 like that.

23 I work at the -- at the Meadow
24 Croft Estate, which is a County Historic
25 Site, and we have a garden there. And,

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2 you know, we use fertilizers there for
3 the roses and -- and perennials. I use,
4 you know, what would be termed organic
5 fertilizers, but if you're prohibiting
6 fertilizer use in -- in County
7 facilities -- you didn't -- you didn't
8 mention that, an Historic Site there.
9 And I know that Sagtikos Manor --
10 they're developing gardens, and also at
11 the Hawkins House -- but that's not a
12 County facility. But, nonetheless,
13 there are situations --

14 MS. MEEK-GALLAGHER: That might
15 require fertilization.

16 MR. PICHNEY: -- that might require
17 fertilization. And I think the law
18 really needs to say that -- if you're
19 really looking just at lawns, I think
20 you need to state lawns. Because the
21 wording in there, just kind of bounces
22 back and forth, and you don't
23 specifically delineate what you're
24 talking about.

25 MS. MEEK-GALLAGHER: If you look at

2 it, it is fertilizer broadly on --

3 MR. PICHNEY: Right.

4 MS. MEEK-GALLAGHER: -- but if you
5 look at the flowchart under
6 prohibitions, you'll see that there is a
7 waiver possible for County properties.
8 So, it would be a similar process to the
9 Pesticides Citizen Advisory Committee,
10 that's already set up, to exempt or
11 provide waivers for pesticide use where
12 necessary. There would be a same
13 process for allowing waivers for use of
14 fertilizers where necessary on County
15 property, such as you're talking about.

16 MR. PICHNEY: But, nonetheless, if
17 you don't mind, I think that, you know,
18 the wording in the Legislation needs to
19 be worked on a little bit more to make
20 those sort of distinctions, even if just
21 in terms of quantities and so forth.

22 And, the other thing I wanted to
23 say is, on the definitions of
24 fertilizers, it says, "The term
25 fertilizer does not include

2 unmanipulated animal and vegetable
3 manure, and agricultural grinding
4 material."

5 One of the fertilizers I use at
6 Meadow Croft is milorginite, which is
7 processed sewage sludge from Milwaukee.
8 Would that be considered manipulated?
9 Obviously, it has to be processed and
10 packaged.

11 In addition, certain animal
12 fertilizers, particularly poultry
13 fertilizers. They're essentially --
14 poultry manure is essentially a solid
15 form of urine, which contains a
16 tremendous amount of soluble nitrogen.
17 So, I think you need to look at that as
18 well.

19 Thank you.

20 MS. MEEK-GALLAGHER: Yeah, we were
21 taking the definitions from State -- New
22 York State, where -- in Ag. and
23 Markets, where they have specific
24 definitions of fertilizers. So we were
25 trying to be consistent.

2 CHAIRPERSON SWANSON: Mr. Machtay,
3 I think you were next.

4 MR. MACHTAY: Yes.

5 I read in your Legislation that
6 enforcement would be done by the Health
7 Department; is that correct?

8 MS. MEEK-GALLAGHER: Correct.

9 MR. MACHTAY: I'd just like to know
10 what the mechanism would be. I mean, if
11 I see my neighbor putting fertilizer
12 down, do I call the Health Department,
13 and somebody comes out and tests the
14 soil to see if they put too much down?
15 Or if a lawn company comes and puts it
16 down, and I suspect that it's overly
17 fertilized, I call the Health Department
18 and have them come out? Or does the
19 Health Department ride around looking
20 for violations? Or -- I mean, this
21 thing really -- it seems to me like a
22 nightmare in terms of enforcement.

23 I mean, I solved the problem at my
24 house. On my lot, I have approximately
25 400 square feet of lawn. I don't put

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2 fertilizer down, I let it grow, I water
3 it once in a while and it stays green.
4 It's got weeds, so what. Most of my
5 garden is trees and shrubs and brick.
6 So -- but I can see where other people
7 would have a problem with it. They feel
8 they have to fertilize X-number of times
9 a year, and follow the instructions on
10 the package.

11 So, my concern would really be with
12 the enforcement thing, and --

13 MS. MEEK-GALLAGHER: Of that --

14 MR. MACHTAY: -- making it --

15 MS. MEEK-GALLAGHER: --
16 particular -- right, of that particular
17 element in the bill. And it would be
18 plain driven, like so many pieces of
19 Legislation are in the County. And
20 Health Services and sanitarians are
21 really the ones that are best able.
22 They have the authority of the
23 administrative code to go out and issue
24 violations. But that's why most of the
25 emphasis on the bill -- and it was

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2 changed, especially with recommendations
3 and input from (inaudible), was to be on
4 education, and trying to educate
5 homeowners and retail salespeople and
6 others about the proper use and
7 application of fertilizers. And by
8 getting the information out there, and
9 getting word out there, hopefully,
10 people will take steps on their own and
11 be more willing to comply with it.

12 CHAIRPERSON SWANSON: Legislator
13 Viloría-Fisher, you're next.

14 MS. VILORIA-FISHER: Yes.

15 I just had two comments, and one
16 was a follow-up to what Dan said
17 regarding lawn care as opposed to tree
18 care and shrubs. And I'm mentioning
19 that -- I'm sure that the -- the minutes
20 of yesterday's Legislative meeting --
21 but during the public hearing, the
22 primary complaints are from arborists,
23 who said that their window is -- you
24 know, it should be broader. When they
25 inject the fertilizer or the nutrients

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2 for -- for tree growth, that it -- if it
3 should be deemed differently, and judged
4 differently.

5 So, I think the Legislation has to
6 clarify the differences between lawn
7 care and tree care.

8 And, I -- I mean, we didn't have
9 anybody with a -- a -- a permanent
10 member of the Homestead Assist Task
11 Force who was an arborist.

12 MS. MEEK-GALLAGHER: Right.

13 MS. VILORIA-FISHER: We had one in
14 the Legislation, but we didn't have --
15 continue depending on arborists. So we
16 didn't have enough feedback from that
17 particular group of people, but I -- I
18 just think that's something that should
19 be pointed out, that it had -- it did
20 come up a few times yesterday at the
21 public hearing.

22 And the second is, in Section 5,
23 where you had the education and
24 reporting. Now, one of the
25 recommendations of the Homestead Assist

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2 Task Force is that we go ahead and put
3 together an MOU, which we mentioned
4 quite a few times. An MOU similar to
5 the one that we put in the Chesapeake
6 Bay area, which included governmental
7 and private and community groups. In
8 fact, many of the entities that are
9 mentioned here, in Roman Numerals I
10 through XI, would be natural members of
11 a consortium that would provide for that
12 kind of broad-based MOU for the
13 protection of our surface and
14 groundwater in Suffolk County.

15 And Michael White said that he
16 would be --

17 MS. MEEK-GALLAGHER: Would be
18 interested.

19 MS. VILORIA-FISHER: -- happy to be
20 a member of that -- that group, as the,
21 you know --

22 MS. MEEK-GALLAGHER: Okay.

23 MS. VILORIA-FISHER: Thank you.

24 MR. GULBRANSEN: Ms. Gallagher,
25 thank you very much for putting this

2 together. Many of us have been looking
3 forward to getting at the source of
4 nitrogen for decades, and at the home
5 and garden centers is where we often go.
6 It's great that you'll be doing this.

7 As we design public education
8 beacons for it, (inaudible) and maybe
9 it's okay for some people who like to
10 read, but a green pond equals a green
11 lawn. Real imagery would be a great way
12 to convince some of the right wing
13 people, but not the left.

14 MS. MEEK-GALLAGHER: I see Vivian
15 shaking -- Legislator Vilorina-Fisher
16 shaking her head.

17 MR. GULBRANSEN: Yes.

18 And, then the other part I'd like
19 to try to help you leverage even more,
20 education and reporting. As you have
21 this big long list, I would point out
22 that the MS-4 municipalities -- we're --
23 we're all faced with force, and required
24 to accept and prove that we're doing
25 something about our contaminants, and

2 nitrogen is at the top of the list. So,
3 we -- I'm speaking on behalf of one
4 village, but I'm sure many of them would
5 love to tag along with this, and perhaps
6 assist in the implementation -- I won't
7 use the word "enforcement," but
8 implementation of this measure for the
9 reduction, right down to the parcel
10 level.

11 MS. MEEK-GALLAGHER: All right,
12 thank you very much. We'll -- we'll get
13 to that.

14 CHAIRPERSON SWANSON: Carrie, I had
15 a couple of comments that I wanted to
16 follow up on.

17 First of all, the plastic law that
18 passed in 1988, in many ways, had some
19 of the same flaws that this does, and
20 one of them was already raised, and that
21 was the issue of enforcement. So I
22 think you need to somehow address that.

23 The other thing is, sometime you
24 and I maybe ought to sit down and talk
25 about the other things that I teach in

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2 my environmental class, and that is what
3 constitutes new environmental law. I've
4 asked a lot of lawyers about that, and
5 they look at me like, "you idiot." But
6 there are elements that I think you
7 ought to look for, and one that I really
8 think you ought to look for here is
9 effectiveness. And, you know, five
10 years out -- perhaps, you should have
11 something in there that says we're going
12 to revisit this law and see if the
13 intentions that were originally thought
14 to be beneficial truly are coming to
15 fruition. And, you know, at that point
16 you might want to strengthen it, or you
17 might want to back off from it. But,
18 review I think is very, very important.

19 You have a lot of statistics here
20 that, you know, look very, very
21 convincing, but in reality, they might
22 not be quite as hard as the impression
23 that one gets from it.

24 So, those are some comments I have.

25 MS. MEEK-GALLAGHER: So, in

2 addition to -- we have a reporting
3 requirement, but maybe in addition we
4 need some type of monitoring on --

5 (WHEREUPON, Mr. Walter Dawydiak
6 approached the podium, and addressed the
7 Council members.)

8 MS. MEEK-GALLAGHER: -- do you want
9 to address that, Walt?

10 MR. DAWYDIK: Again, Dr. Swanson,
11 it's an excellent point, it's not
12 written into the law, but we have
13 thought a lot about that.

14 Over the last couple of years, we
15 have newly found modeling capabilities,
16 as part of the Suffolk County
17 groundwater model. I believe for the
18 first time ever, it will accurately
19 scribe groundwater contributing areas to
20 wells, with a high confidence level.

21 Part of the Comprehensive Water
22 Resources Management Plan is to look at
23 25 monitoring wells and/or public well
24 supply fields, and look at contributing
25 areas, look at the land uses, look at

2 the changes of land uses over time via
3 scanned aerial photos, and look at
4 trends of water quality over time.

5 This is going to be tremendously
6 powerful data base for looking at
7 whether there are very real improvements
8 in those contributing areas, in terms of
9 very real impact on groundwater supply.

10 So, for the first time ever, we are
11 going to be looking -- taking a look at
12 a County, as a County, and actual data
13 of what's actually being used out there
14 as a surrogate for impacts, but we'll
15 also be able to look at actual impacts
16 as well. So --

17 CHAIRPERSON SWANSON: Well, I have
18 no objection of including this
19 (inaudible) effectiveness to (inaudible)
20 to the Legislation.

21 MR. DAWYDIK: It's not my law, but
22 that wouldn't -- objection.

23 MS. MEEK-GALLAGHER: And I -- I
24 mean, I think we can -- I'll -- I'll
25 check with the County Attorney's office,

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2 but I think there should be something --
3 I don't know if we've done that in any
4 laws before, but, I would have no
5 objection to say at a certain, you know,
6 window, five years out, to revisit.
7 Based on the reporting requirement data
8 we've achieved, and what's happening
9 with the groundwater monitoring, where
10 are we? Are we seeing any progress?
11 And what needs to happen? So, it
12 doesn't -- just like -- it doesn't just
13 belong in a book that we're doing so
14 much -- and as the administration
15 changes and the Legislation changes, and
16 -- you know, you don't have the same
17 champions there that someone's required
18 to do something about it.

19 MR. DAWYDIK: If I could just take
20 a moment and clarify the enforcement
21 element of this. We have talked about
22 the passive enforcement, which is going
23 to be with homeowners. We're not going
24 to establish a police force to start
25 sampling people's lawns, it will be on

2 complaint. There will be notices given,
3 rather than fines initially. But there
4 are active enforcement components of
5 this; this law has very real teeth.
6 Consumer affairs will actively enforce
7 any landscapers who do not take the
8 course. The Health Department will send
9 sanitarians out to retail
10 establishments, to make sure the proper
11 signs and advisories are in place. So,
12 this is really a very broad
13 comprehensive plan, with very real
14 enforcement. It's going to take place
15 actively, as well as on complaint. So,
16 I just wanted to clarify that as well.

17 CHAIRPERSON SWANSON: But you know,
18 Walter, that in all likelihood, we're
19 not going to tattle on our neighbors,
20 nor will we have really the -- other
21 than suspicion, perhaps, their lawn
22 looks greener than somebody else's, that
23 there's anything going on with a
24 violation.

25 MR. DAWYDIAK: Actually, you'd be

2 really surprised. AVU (inaudible)
3 handles the pesticide neighbor notice
4 violation laws, and you get a number of
5 complaints every year, or somebody in
6 Health does now. I don't know who's
7 handling that, but there are a pretty
8 good number of complaints.

9 Although, one of the issues that
10 arose during this debate, was whether or
11 not landscapers, for example, are
12 applying after their window.
13 Specifically, they'll contract and put
14 X-number of applications down, if the
15 weather is bad or logistics preclude,
16 they still get that last application in,
17 no matter what the timing is. So,
18 that's one example where between
19 reaching the landscaper, then reaching
20 the homeowner, is just going to be a
21 very real implementation implication, as
22 well. And I just wanted to bring it up.

23 CHAIRPERSON SWANSON: Thank you.

24 MS. MEEK-GALLAGHER: And we do --
25 let me just add to that. Because we had

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2 such a broad coalition of stakeholders
3 at the table, working on this with us
4 over the past ten months -- between that
5 group, and we had, you know, a
6 representative from (inaudible), that's
7 another group. There are people out
8 there, in not-for-profit organizations
9 and other government citizens, who have
10 said they will actively help us try to
11 monitor what's going on out there,
12 because they feel so strongly about this
13 issue, and wanting to make sure that
14 people are complying.

15 It's not a perfect solution, but
16 unless we're going to, again, hire an
17 army of sanitarians to go out and be the
18 police force for this one -- well, for
19 that -- that one prohibition, as opposed
20 to all the other elements. It is a very
21 comprehensive law, we tried to put a lot
22 of pieces together here.

23 CHAIRPERSON SWANSON: I think
24 you can -- you know, you can look at the
25 success of having neighbors apply

2 pressure to implement recycling laws --
3 curbside recycling. And virtually,
4 there is no report of it. So, you know,
5 I just don't think that that's a
6 reliable tool. Not that you have any
7 other alternative.

8 Mr. Kaufman.

9 MR. KAUFMAN: First off, let me
10 preface this by saying, I have
11 18,000 square feet of lawn. Not by
12 choice, I didn't make it that way. And
13 I do fertilize it, unfortunately.
14 Legislator Vilorina-Fisher is very
15 correct, there are wider windows for
16 fertilization of trees. I have, about,
17 two acres of trees. I planted a fair
18 amount of them. I tried to cover my
19 carbon footprint and things like that.
20 There has to be distinctions made for
21 that. I don't want to get -- I don't
22 want to have Walter come over and hand
23 me a ticket, if you can find where I
24 live, for fertilizing my trees,
25 et cetera. Because I do fertilize my

2 trees on a different schedule than I do
3 for my grass.

4 Second off, what Walter said a
5 moment ago about the groundwater
6 assessments in Suffolk County, and the
7 information that we've been receiving,
8 that kind of really negates the letter
9 we received a couple of minutes ago for
10 the -- from the State Lawn Care
11 Association, which says that there's no
12 information out there, and that we're
13 doing a knee-jerk reaction. So, I kind
14 of discount that letter.

15 The third thing is, is there going
16 to be any restriction on sellers of
17 fertilizer? For example, Home Depot,
18 Lowes, whatever -- you know, the garden
19 stores. That's one of your big things
20 to try and deal with. I looked at the
21 Legislation twice, I may have missed it,
22 but I'm not sure. That's one of the
23 ways you can have a control method in
24 there. Admittedly, it will interfere
25 with interstate commerce, and you might

2 have what they call a heart of Atlanta
3 motel problem. That means nothing to
4 you, but to lawyers who deal with this,
5 it does mean something. But have you
6 looked at that issue at all?

7 MS. MEEK-GALLAGHER: That was
8 discussed. Early discussion about, say,
9 prohibiting the sale of certain types of
10 fertilizers, and trying to restrict
11 sales in Suffolk County. But we decided
12 to go this route first, because of a lot
13 of potential legal issues involved
14 there; such as the strict interstate
15 commerce; such as being pre-empted by
16 the State if there's a combo -- any of
17 the combo fertilizers that include
18 pesticides in them. If you're going to
19 now restrict or ban the sale, they would
20 have, you know, preemption over that.
21 So there were concerns about that.

22 As opposed to one of our goals
23 with -- the reporting requirement is to
24 find out, is this bill -- in fact, are
25 these signs and brochures, that have to

2 be posted in the educational campaign --
3 is the fact that there's now a law
4 that's being reported about, going to
5 have an impact on the types of
6 fertilizers people are actually choosing
7 to purchase? Is the marketplace going
8 to change over the next several years,
9 when we naturally see a progression to
10 more slow-released fertilizers and other
11 types of less nitrogen heavy
12 fertilizers, and will we see a switch in
13 the grade and the formulation of
14 fertilizers that are purchased?

15 MR. KAUFMAN: But, basically, you
16 are going to try and deal with the
17 purveyors of fertilizer to, you know,
18 have brochures, whatever, have
19 notices --

20 MS. MEEK-GALLAGHER: They have to
21 have signs up, posted within ten feet of
22 where fertilizers are sold. That will
23 be the sign that we worked on, and this
24 is what we are hearing. We need more of
25 a visual impact, as opposed to just some

2 text. And also put brochures up, that
3 we will also be developing, that talk
4 about the proper use and application of
5 fertilizer. So they're going -- that --
6 that is a requirement on any retail
7 establishment in Suffolk County.

8 MR. KAUFMAN: Frankly, I think
9 that's going to be one of your most
10 effective enforcement tools, if you
11 will. Frankly, I know in my
12 neighborhood, where I live, probably
13 there will be a fair amount of
14 lawbreakers on this. The dates are
15 rather restricted. And given the
16 tendencies of the landscapers to do
17 certain things, the point of purchase
18 sales are maybe the best way to do --
19 try and limit fertilizers.

20 CHAIRPERSON SWANSON: I'd like to
21 encourage you to go back and revisit
22 that. Because the County was quite
23 successful in their non-phosphate
24 detergent law in the late 1960s. And
25 the ultimate benefit of that was that,

2 nationally, the detergent companies
3 changed their formulation. And, you
4 know, this could be, once again, where
5 the County conceivably could take a real
6 national lead in changing the face of
7 the environmental situation.

8 MS. MEEK-GALLAGHER: Larry, I think
9 to get back to what you were saying
10 before about the effectiveness, where if
11 we see that taking this more kind of
12 a -- an educational outreach approach is
13 not being as effective as we had hoped,
14 we could say, well, obviously we need to
15 take a harder step. We need to go --
16 and -- and that -- it -- I think it
17 helps us build a case for that, as
18 opposed to coming out and saying
19 immediately, oh, well, we need to ban
20 all these types of fertilize, they're
21 bad, but without having tried other
22 things first.

23 MR. GULBRANSEN: Did your
24 discussions include consideration of
25 influencing the type of seed that's sold

2 here? It's about demand, and if they
3 keep putting the wrong seed down, it's
4 going to need nutrients weekly.

5 If we could shift the --

6 MS. MEEK-GALLAGHER: Not -- I mean,
7 that --

8 MS. VILORIA-FISHER: Well -- I'm
9 sorry -- yes, Homestead Assist talks a
10 lot about that. About, you know, having
11 lots of types of seed that doesn't
12 require -- everything doesn't have to be
13 blue grass.

14 MS. MEEK-GALLAGHER: Right. And
15 so, part of what we hope to -- to get
16 to -- information we hope to get out
17 there, when you're talking about a
18 low-maintenance lawn, what does that
19 entail? It entails moving to different
20 types of seeds. So instead of having
21 your Kentucky Blue Grass, maybe you move
22 to -- I'm blanking on the name right
23 now, one of the low-maintenance lawn
24 seeds, but I know they do it in --

25 MR. DAWYDIAK: I believe that's rye

2 or fescue.

3 MS. MEEK-GALLAGHER: Fescue, thank
4 you.

5 So, to get that information out
6 there, and then hope to influence that.

7 The other component of this, and
8 this is where Suffolk County Water
9 Authority also comes in, is the
10 irrigation factor and how people are --
11 are they watering properly, too much,
12 not enough. So, it's kind of all those
13 different pieces, it's how -- what type
14 of fertilizer, how you're applying it,
15 how you're watering your lawn, and what
16 type of lawn you're actually producing
17 or using, what type of seed you're
18 putting down.

19 So that -- that is going to be a --
20 a lesser component of this in the
21 educational, to the point that we've
22 been talking with Cornell, the turf
23 (inaudible), and we'll be providing
24 information on that, as well as Cornell
25 Cooperative Extension.

2 CHAIRPERSON SWANSON: Ms. Gallagher
3 is already five minutes late for her
4 meeting, so we probably ought to move
5 the Council.

6 MS. VILORIA-FISHER: I just want to
7 say something very quickly, because I
8 happen -- I'm going to that meeting
9 also, and that is, Carrie, I just asked
10 Jim to put the Homestead Assist Task
11 Force's report on the agenda for next
12 month, and I think that will help
13 clarify a few of the educational
14 questions. And, in fact, the Suffolk
15 County Water Authority, which was a
16 member -- there was a member that
17 resided the Homestead Assist Task Force.
18 The Water Authority had agreed to put
19 our informational brochure in their bill
20 in the spring, to try to get this
21 message out, on choice of seed and
22 watering issues and fertilizing.

23 MR. PICHNEY: (Indicating)

24 MS. MEEK-GALLAGHER: All right. So
25 just --

2 CHAIRPERSON SWANSON: The last
3 comment, Mr. Pichney.

4 MR. PICHNEY: Yeah, I'm sorry.
5 Just a few more things on that,
6 regarding the trees. Bacterial action
7 on the fertilizers, drops significantly
8 after 60 degrees. So that's one of the
9 reasons, you know, not fertilizing
10 (inaudible), the ground also freezing.
11 But commercial people actually inject
12 the fertilizers into the tree roots,
13 which might be below the force line,
14 where there is bacterial action, which
15 would also benefit the trees.

16 The other thing I wanted to comment
17 on is, the Scotts company has their four
18 and five step programs. Okay. Grubs,
19 whatever, and it's always together with
20 the fertilizer. You know, and I think
21 you mentioned it too. They somehow need
22 to unlink a lawn problem with a
23 fertilizer (sic).

24 The third thing I wanted to say,
25 too, is, the northern grasses that we

2 plant, naturally grow dormant during the
3 summer, and you only need an inch of
4 water a week. But people like to see a
5 really green lawn, so they tend to over
6 water. That might be more of an issue,
7 in terms of washing fertilizer into our
8 groundwater.

9 Thank you, and I'm sorry to keep
10 you.

11 MS. MEEK-GALLAGHER: No, thank you.
12 And I did just want to, Larry, take one
13 quick minute to introduce some new staff
14 people in my Department. They just came
15 on board this month, and two of them are
16 going to be working actively on this
17 project.

18 Frank Castelli, who is the new head
19 of the Water Quality Division, and
20 Environmental Projects board leader. We
21 get him from 30 years of experience in
22 the environmental consulting world. And
23 Brian Pederson, who is also going to be
24 working, I believe, on this initiative,
25 and he also comes from the environmental

2 consulting world. And then finally, I
3 did just want to point out Leighann
4 Thomas, who is the new assistant to the
5 commissioner, and -- so you'll be seeing
6 more of her. I'm trying to get her
7 familiar with all of the different types
8 of meetings and committees and things
9 that go on in the County, since so much
10 of my time is spent either preparing for
11 these meetings or committees, or
12 attending them.

13 Thank you very much. I will --
14 will be working on incorporating some of
15 the changes to the bill, while the
16 public hearing is still open, that you
17 recommended, and I do appreciate your
18 comments.

19 CHAIRPERSON SWANSON: I'm glad your
20 Department is more than just a
21 Department of one. Congratulations.

22 MS. MEEK-GALLAGHER: Thank you.

23 MR. KAUFMAN: So, we don't have to
24 do anything, (inaudible).

25 MR. BAGG: No. The recommendation

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2 is a Type I Action, and the County will
3 have to make a determination as to
4 whether this -- will not exceed any of
5 the criteria, and will not have an
6 impact on the environment and Neg. Dec.,
7 or you vote for Pos. Dec. That's the
8 recommendation (inaudible).

9 MR. MACHTAY: I thought we were
10 asking them to go back and sort of
11 sharpen their pencils on a few of the
12 issues in here, before we act on it.

13 CHAIRPERSON SWANSON: I think
14 that's what we want to do, is have you
15 take some of the comments that you've
16 heard, and rewrite it, and bring back --
17 bring it back to address these
18 questions.

19 MS. MEEK-GALLAGHER: I think -- I
20 guess the question at this time is, I
21 don't know if the Legislature can vote
22 on it before it gets CEQ determination.
23 So, as CEQ -- I don't know when CEQ
24 meets in December, do you meet before --

25 MR. KAUFMAN: On the 12th.

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2 MS. VILORIA-FISHER: On the 12th.

3 MS. MEEK-GALLAGHER: Okay. So
4 you'll meet before the final meeting in
5 December.

6 CHAIRPERSON SWANSON: All right. I
7 think it's a thought of law at this
8 point.

9 MS. VILORIA-FISHER: And, Carrie,
10 the public hearing was recessed, and so
11 the --

12 MS. MEEK-GALLAGHER: No, I
13 understand, I'm just trying to time it,
14 because we don't want to have to start
15 all over again next year with the whole
16 process. We'd like to, obviously, bring
17 this to closure this year.

18 MS. VILORIA-FISHER: But if the
19 public hearing was recessed -- the
20 Legislature can't vote on it until the
21 public hearing is closed anyway.

22 MS. MEEK-GALLAGHER: Right, I just
23 wanted to make sure the CEQ was going to
24 meet again -- because sometimes CEQ
25 doesn't meet again before the final

2 meeting. The final meeting of the
3 Legislature is December 20th, so I just
4 wanted to make sure that that was --

5 CHAIRPERSON SWANSON: We meet
6 December 12th.

7 MS. MEEK-GALLAGHER: I just wanted
8 to make sure. Okay.

9 MR. DAWYDIAK: Dr. Swanson, if I
10 could, your statement sounded profound,
11 flawed sounds, bad.

12 The two major concerns that I've
13 heard, if I can summarize, is that we
14 need to differentiate what we need in
15 terms of restrictions on application to
16 turf, versus trees and other sorts of
17 things that might not be appropriate for
18 a ban.

19 The other was accountability and
20 reporting it, some interpretation as to
21 effectiveness, both in terms of sales
22 and actual impact.

23 I mean, other than that, there was
24 a lot of discussion of things we could
25 maybe do, but in terms of changes to the

2 law, those seem to be the two big ones.

3 CHAIRPERSON SWANSON: And there was
4 discussion, I don't know how you would
5 incorporate it, but enforceability.

6 MR. PICHNEY: And defining
7 fertilizer.

8 MR. DAWYDIAK: Right.

9 MS. MEEK-GALLAGHER: Well, I think
10 we -- when defining it, we wanted to be
11 consistent with what the State
12 definition is, which that is the state
13 definition. I'm not sure if those
14 are -- I guess we can try to clarify or
15 see if the State clarifies those types
16 of -- what's -- what's included in those
17 types of products that are -- that don't
18 constitute fertilizer under the law.

19 MR. DAWYDIAK: Yeah, I think that's
20 an excellent point. If I could just
21 come back to the enforcement though, I
22 don't think that there's anything that
23 we're anticipating changing or
24 clarifying. The enforcement doesn't
25 kick in until a year down the road, so

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2 we have time to work out all of the
3 rules, regulations and procedures. But
4 basically, applications that are in the
5 prohibited areas are going to be
6 complaint driven. Other elements, like
7 landscaper training, as well as signs
8 and brochures in stores, there's going
9 to be a very active enforcement program.
10 Other than that, I don't think that
11 there's anything that we can change or
12 clarify, unless I'm missing something.
13 I just want to make sure we give you
14 what you --

15 CHAIRPERSON SWANSON: Basically,
16 all our comments, Mr. Dawydiak.

17 MR. DAWYDIK: Okay.

18 CHAIRPERSON SWANSON: Just think
19 about them.

20 MR. GULBRANSEN: It's just about an
21 MOU to MS-4 municipality, will give you
22 additional enforcement (inaudible).

23 MS. MEEK-GALLAGHER: Okay.

24 CHAIRPERSON SWANSON: Thank you
25 very much.

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2 MR. DAWYDIAK: Thank you.
3 CHAIRPERSON SWANSON: All right.
4 Do we have a motion?
5 MR. KAUFMAN: Motion to table.
6 MS. SPENCER: Second.
7 CHAIRPERSON SWANSON: Okay. All in
8 favor?
9 (WHEREUPON, the Council members
10 voted.)
11 CHAIRPERSON SWANSON: Opposed?
12 (WHEREUPON, the Council members
13 voted.)
14 CHAIRPERSON SWANSON: Abstentions?
15 (WHEREUPON, the Council members
16 voted.)
17 CHAIRPERSON SWANSON: Okay. Motion
18 carries.
19 (WHEREUPON, Ms. Carrie
20 Meek-Gallagher and Mr. Walter Dawydiak
21 stood down.)
22 CHAIRPERSON SWANSON: Suffolk
23 County District 22, Hauppauge
24 Municipal --
25 MR. BAGG: No, the next hearing.

2 CHAIRPERSON SWANSON: -- Recharge
3 Improvement -- no, we did that.

4 (WHEREUPON, Ms. Vivian
5 Viloría-Fisher left the Legislative
6 Auditorium.)

7 CHAIRPERSON SWANSON: County
8 Road 65, Middle Road at Brown Creek
9 Stormwater Remediation.

10 (WHEREUPON, Ms. Joni Rivera and
11 Mr. Victor Keneiby approached the
12 podium, and addressed the Council
13 members.)

14 MS. RIVERA: Good morning. My name
15 is Joni Rivera, I'm with the Department
16 of Environment and Energy, Water Quality
17 Unit. I'll be presenting for Stormwater
18 Remediation to Brown Creek at County
19 Road 65, Middle Road, Town of Islip.

20 Currently, we have untreated
21 stormwater that flows directly to
22 Brown Creek, and it is flowing directly
23 to Brown Creek via the two existing
24 drainage systems. It's both on an east
25 and -- beside the -- of the Creek.

2 Brown Creek is a major tributary to
3 the Great South Bay, which is --
4 according to New York State DEC, it's --
5 it's an impact, due to pathogenic input
6 from urban runoff.

7 This project proposes to install
8 some leaching basins at the lowest point
9 in both sides of the Creek. And, we
10 have to install, also, a stormwater
11 treatment unit that would take out the
12 floatables, sediments and oils from the
13 storm runoff, as opposed to the
14 (inaudible) to the Brown Creek, free
15 from these floatables, oils and
16 sediments.

17 This project also includes a
18 restoration of the disturbed areas
19 that's done during the construction.

20 If you have any questions, Victor
21 Keneiby from DPW-Highway Design and
22 myself would be happy to answer them.

23 MR. KAUFMAN: Just one question.
24 I'm just trying to figure out from the
25 map, and I can't tell for sure. How

2 many basins are you putting in over
3 here? I counted ten, but I'm not
4 100 percent sure.

5 MS. RIVERA: We are putting four in
6 the east side, and four in the other
7 side. And then a big one there as a
8 stormwater treatment unit.

9 MR. KENEIBY: So we have eight in
10 total, leaching basins, and two
11 stormwater units.

12 MR. KAUFMAN: So I guess my ten was
13 correct.

14 The other thing, just for the
15 member, there was a picture on page two
16 of the secondary documentation, and this
17 looks like a WPA bridge. There was some
18 iron plaques or bronze plaques --

19 MR. KENEIBY: Yes, that's Brian's
20 Bridge.

21 MR. KAUFMAN: Brian's Bridge, okay.
22 But it looks like a WPA bridge.
23 You can tell by the construction
24 details, they always put plaques up
25 there, and they also have the side

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2 fencing, if you will. It's a very
3 typical bridge that way.

4 MR. GULBRANSEN: (Indicating)

5 CHAIRPERSON SWANSON:

6 Mr. Gulbransen.

7 MR. GULBRANSEN: Is the technology
8 separation proven out elsewhere? Is
9 this just another implementation in a
10 new location, or is this our first
11 venture into separation?

12 MR. KENEIBY: No, it's actually
13 proven. This is on the New York State
14 DEC Best Management Practices Units. It
15 works. We actually --

16 MR. GULBRANSEN: Does the County
17 have an ongoing maintenance program to
18 fix it or keep it --

19 MR. KENEIBY: That's a good
20 question. Yeah, we do. We have --
21 within the Water Quality Unit, we have a
22 field crew that occasionally, and --
23 actually, quarterly, inspect these units
24 and -- to see if there's any need to
25 provocation of those (sic) -- and

2 maintaining the units.

3 MR. PICHNEY: This is just a minor
4 point, in the -- in your environmental
5 assessment, you don't mention that
6 Middle Road bisects County parkland.
7 The Sansucci Preserve (phonetic) goes
8 through there, the Meadow Croft Estate
9 is there, on the north side, and then
10 the County also owns the land to the
11 south side. So, I'm gathering Brown
12 Creek runs on both sides?

13 MR. KENEIBY: I'm not sure about
14 that.

15 MR. PICHNEY: Yeah.

16 MR. KENEIBY: I'm really not sure
17 about that. And I don't know --

18 MR. PICHNEY: Well, it's --

19 MR. KENEIBY: -- I don't see the
20 relevance to the park.

21 MR. PICHNEY: Well, you know, it's
22 just -- like I said, it's a minor point.
23 It just mentions whether this project is
24 adjacent to County parkland.

25 MR. KENEIBY: It is? Okay.

2 MR. KAUFMAN: It is.

3 Just to let you know, Dan, one of
4 the attachments was a letter to Richard
5 over here, asking for historic impacts.
6 So that issue was covered.

7 CHAIRPERSON SWANSON: Do I have a
8 motion?

9 MR. KAUFMAN: Motion, Unlisted.
10 Neg. Dec.

11 MR. PICHNEY: (Indicating)

12 CHAIRPERSON SWANSON: Second from
13 Mr. Pichney.

14 Any further discussion?

15 (WHEREUPON, there was no response.)

16 CHAIRPERSON SWANSON: All in favor?

17 (WHEREUPON, the Council members
18 voted.)

19 CHAIRPERSON SWANSON: Opposed?

20 (WHEREUPON, the Council members
21 voted.)

22 CHAIRPERSON SWANSON: Abstentions?

23 (WHEREUPON, the Council members
24 voted.)

25 CHAIRPERSON SWANSON: Motion

2 carries.

3 Okay, the next one is County Road
4 85, Green Creek.

5 MS. RIVERA: The next is the
6 Stormwater Remediation to Green Creek at
7 County Road 85, Montauk Highway, Town of
8 Islip.

9 I just have to hand to you the
10 attachment. This is an attachment,
11 there's a minor drafting correction.
12 So -- (handing).

13 Again, this project is the same as
14 a previous one. We have a current
15 extensive positive drainage system
16 that's serving most of downtown
17 Sayville. And it directly discharges
18 into the Green Creek.

19 This is also a tributary to the
20 Great South Bay. And, this system also
21 contributes pollutants associated with
22 stormwater, such as floatables,
23 sediments and pathogens.

24 The Green Creek is a tidal
25 tributary to the Great South Bay at

2 Montauk Highway. And also, the New York
3 State DEC Priority Waterbodies List
4 confirms that stormwater remediation
5 would be -- would be great to -- to
6 remediate the stormwater runoff in this
7 area. And this project also proposes to
8 install a stormwater treatment unit in
9 both sides of Montauk Highway, in north
10 side and south side, before it
11 discharges into Green Creek.

12 This project also includes drainage
13 system cleaning and restoration of any
14 areas disturbed during construction.

15 CHAIRPERSON SWANSON: Any comments?

16 MS. RUSSO: Will you be using the
17 same vortex system for your stormwater
18 treatment system at this site as the
19 previous one you just discussed?

20 MS. RIVERA: Yes, ma'am.

21 MR. GULBRANSEN: One question.

22 I understand floatables and oil and
23 grease separation. I'm not sure I
24 understand the pathogen removal
25 perspective. You're confident that's

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2 the obvious perspective measure for
3 pathogen reduction?

4 MR. KENEIBY: Well, again, it's --
5 it's the same thing as the previous
6 project, it's on the Best Management
7 Practices List from New York DEC. We
8 have it installed on County Road 96, and
9 it's very effective.

10 CHAIRPERSON SWANSON: Let me ask
11 you a question, and that is how does it
12 (inaudible).

13 MR. KENEIBY: How does it separate
14 them?

15 CHAIRPERSON SWANSON: (Inaudible)

16 MR. KENEIBY: We have to maintain
17 it, we have to -- it will collect all
18 the floatables, and the sediments will
19 settle on the bottom of the unit. And,
20 we occasionally open the units up and
21 then clean them.

22 CHAIRPERSON SWANSON: It's just a
23 minor point, but it probably doesn't go
24 into the (inaudible).

25 MR. KENEIBY: As part of the

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2 chemical? No -- I didn't -- I didn't
3 really hear that question. We -- it
4 doesn't treat any chemicals, pathogens
5 or -- you know, bacteria, it doesn't do
6 anything like that.

7 MR. GULBRANSEN: In fact, it might
8 create a -- be creating a culture in the
9 environment for pathogens to continue
10 generation.

11 To the extent that you do removal
12 and maintenance and servicing, that's
13 when something is moved. But, that's
14 mostly for auto grease. And that's
15 good. We want to get that, and -- the
16 material coming out, it's just that you
17 might not want to emphasize the pathogen
18 removal as a primary thing.

19 MR. KENEIBY: No, we didn't really
20 say that. I don't think we indicated
21 that --

22 MS. RUSSO: Yes --

23 MR. KENEIBY: -- because it --

24 MS. RUSSO: -- you do. In at least
25 one of them, you do mention about

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2 pathogens being removed. And it's
3 really just --

4 MR. KENEIBY: Oh --

5 MS. RUSSO: -- oil.

6 MR. KENEIBY: Yeah, and we
7 didn't -- we didn't include that in
8 our --

9 MS. RUSSO: Yeah, it's not
10 clarified, I mean, exactly what the
11 whole point of putting this in, and what
12 it really will be removing. That's what
13 we're discussing right now, because it
14 really --

15 MR. KENEIBY: Okay.

16 MS. RUSSO: -- isn't removing --

17 MR. KENEIBY: It's basically
18 removing all the sediments and the
19 floatables --

20 MR. KAUFMAN: Okay --

21 MR. KENEIBY: -- and the
22 suspended oils.

23 MR. KAUFMAN: -- please don't go
24 too far --

25 MR. KENEIBY: As far as the --

2 MR. KAUFMAN: -- in saying things
3 right now.

4 MR. KENEIBY: -- it's not removing
5 any of the bacteria or anything like
6 that.

7 CHAIRPERSON SWANSON: Do we have a
8 motion?

9 MR. KAUFMAN: Motion, Unlisted,
10 Neg. Dec.

11 CHAIRPERSON SWANSON: Do we have a
12 second?

13 MS. RUSSO: Second.

14 CHAIRPERSON SWANSON: Second,
15 Gloria.

16 Any further discussion?

17 (WHEREUPON, there was no response.)

18 CHAIRPERSON SWANSON: All in favor?

19 (WHEREUPON, the Council members
20 voted.)

21 CHAIRPERSON SWANSON: Opposed?

22 (WHEREUPON, the Council members
23 voted.)

24 CHAIRPERSON SWANSON: Abstentions?

25 (WHEREUPON, the Council members

2 voted.)

3 CHAIRPERSON SWANSON: Motion
4 carries.

5 And now, the last one. County
6 Road 101.

7 MS. RIVERA: Next is the Stormwater
8 Remediation to Mud Creek at County
9 Road 101, Patchogue-Yaphank Road, Town
10 of Brookhaven. That's from Andreano
11 Avenue and Hospital Road.

12 Presently we have a positive
13 drainage system -- you can see it in the
14 drawing, it's a red -- a red line
15 (indicating). And, that directly flows
16 to Mud Creek. And Mud Creek is a
17 tributary to Patchogue Bay, which is
18 also -- according to New York DEC
19 Priority Waterbody List, Patchogue Bay
20 is also impaired, and public bathing and
21 recreation are listed as stressed.

22 This project proposes to construct
23 a retention basin, and we have to
24 redirect the stormwater flow into this
25 new basin.

2 This project will -- will result in
3 reduction of pollutants, such as
4 nitrogen, phosphorus, BOD and sediments.

5 And DEC states that this project
6 and other wetlands are efficient for
7 remediation methods for removal of
8 pathogens.

9 The design also includes removal of
10 existing headwall and pipes, and minor
11 drainage system alterations and cleaning
12 of the system.

13 MR. KAUFMAN: One question on this.
14 You talk about trying to protect the
15 wetlands here. I'm looking at the map,
16 and I don't see where the wetland is on
17 the map, and how it flows into Mud
18 Creek, and where the water for the new
19 basin's going to club.

20 In other words, if you're trying to
21 cleanse a wetland in this area with this
22 design, and I understand the design, I
23 don't see an outlet.

24 MR. KENEIBY: I believe the wetland
25 is -- is adjacent to the location of the

2 HR basin. It's in here and here
3 (indicating).

4 MR. KAUFMAN: All right. If we're
5 looking at the bottom picture, where
6 does the -- you've got micro-pools in
7 here. You've got a four-bay and you've
8 got a micro-pool. Is there any
9 provision for dispersing into that
10 wetland, or are you hoping for
11 groundwater dispersal?

12 MR. KENEIBY: Well --

13 MR. KAUFMAN: Is there a
14 connection?

15 MR. KENEIBY: -- yes. Currently,
16 the water directly goes into the
17 wetlands.

18 MR. KAUFMAN: Yes, I understand
19 that.

20 MR. KENEIBY: And the wetlands are
21 adjacent to this parcel that we
22 acquired -- we acquired already. What
23 we do in this case is, this will act as
24 a tension pond for all the runoff that
25 comes off County Road 101. It will

2 settle in those ponds -- it will settle
3 in this -- the first pond in here
4 (indicating), and will overflow into the
5 next, you know, in case of, you know,
6 additional runoff --

7 MR. KAUFMAN: I understand that.

8 MR. KENEIBY: Yeah.

9 MR. KAUFMAN: Essentially, you're
10 setting that up as groundwater dispersal
11 then. When you get to those
12 micro-pools, at the upper left, is there
13 going to be a connection with the
14 wetlands?

15 MR. KENEIBY: Yes. There will be
16 an overflow structure in case we have an
17 event of a major -- a hundred year
18 storm --

19 MR. KAUFMAN: That's not -- that is
20 not marked, at this point in time, on
21 the map that you gave us. That's my
22 question.

23 MR. KENEIBY: Yes, it was -- yes,
24 it wasn't marked. You are absolutely
25 correct. I just noticed that yesterday

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2 and I -- I changed the drawing --

3 MR. KAUFMAN: So, your drawing up
4 there --

5 MR. KENEIBY: Yes.

6 MR. KAUFMAN: -- shows it, our
7 drawing over here does not?

8 MR. KENEIBY: Right.

9 CHAIRPERSON SWANSON: Any other
10 questions?

11 MR. GULBRANSEN: The proposed
12 four-bay and the proposed micro-pool, do
13 those structures need to have sediment
14 removals every two years or so?

15 MR. KENEIBY: Probably about every
16 two years.

17 MR. GULBRANSEN: Will there be sort
18 of a truck lane where you can get a
19 trucker into --

20 MR. KENEIBY: That's a good
21 question. Good question.

22 Yeah, we're actually thinking about
23 this right now. We're thinking about
24 the perimeter to build a roadway around,
25 to get in here if we have to clean the

2 bottoms to these extension ponds.

3 This is actually a preliminary
4 design. The final design will have all
5 that, and I would think more than two
6 years. It'll probably be five to ten
7 years made for this requirement. (Sic)

8 MR. GULBRANSEN: It would not
9 substantially change the footprint, it
10 would just be some kind of path that's
11 along the way.

12 MR. KENEIBY: Exactly. Around the
13 berm, on the outside.

14 MR. GULBRANSEN: Thank you.

15 MR. KENEIBY: You're welcome.

16 CHAIRPERSON SWANSON: Any other
17 comments?

18 (WHEREUPON, there was no response.)

19 CHAIRPERSON SWANSON: Do we have a
20 motion?

21 MR. KAUFMAN: I'll make the
22 motion -- what is this -- Unlisted, Neg.
23 Dec.

24 CHAIRPERSON SWANSON: A second?

25 MR. PICHNEY: (Indicating)

2 CHAIRPERSON SWANSON: Any other
3 discussion?

4 (WHEREUPON, there was no response.)

5 CHAIRPERSON SWANSON: All in favor?

6 (WHEREUPON, the Council members
7 voted.)

8 CHAIRPERSON SWANSON: Opposed?

9 (WHEREUPON, the Council members
10 voted.)

11 CHAIRPERSON SWANSON: Abstentions?

12 (WHEREUPON, the Council members
13 voted.)

14 CHAIRPERSON SWANSON: Motion
15 carries.

16 (WHEREUPON, Ms. Joni Rivera and
17 Mr. Victor Keneiby stood down.)

18 CHAIRPERSON SWANSON: And there's
19 nobody from the CAC this month.

20 Any other business?

21 (WHEREUPON, there was no response.)

22 CHAIRPERSON SWANSON: So, a motion
23 to adjourn.

24 MR. KAUFMAN: So moved.

25 CHAIRPERSON SWANSON: A second.

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MR. MACHTAY: Second.

CHAIRPERSON SWANSON: Have a good Thanksgiving, see you again on the 12th.

(WHEREUPON, this CEQ meeting was adjourned at 12:28 p.m.)

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C E R T I F I C A T E

I, THERESA PAPE, a Shorthand Reporter and Notary Public of the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth, was duly sworn, and that such examination is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of November, 2007.



THERESA PAPE