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Department of Planning
Council on Environmental Quality



ORIGINAL

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PUBLIC MEETING

-----X

April 16, 2008
9:30 a.m.

H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, New York

APR 16 2008 10:10 AM
PORT JEFFERSON

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

3

R. LAWRENCE SWANSON, Chairperson

4

GLORIA G. RUSSO, CEQ

5

RICHARD MACHTAY, CEQ

6

DANIEL PICHNEY, CEQ

7

MARY ANN SPENCER, CEQ

8

CHRISTINA DE LISI, From Legislator Schneiderman's Office

9

KARA HAHN, CEQ

10

JAMES BAGG, CEQ

11

JOY SQUIRES, CAC

12

RICHARD MARTIN, Historic Society

13

LAURETTA FISCHER.

14

15

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

16

ERIK D. BERGEY, Dept of Public Works

17

WILLIAM J. COLAVITO, Dept of Public Works

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1 Council on Environmental Quality

2 CHAIRMAN SWANSON: I'd like to call
3 the meeting to order, and did anybody check
4 the minutes?

5 MR. BAGG: Larry, if I might mention,
6 the County's Web site the new Web site,
7 which was supposed to be done two weeks ago,
8 is not done, so, therefore, nothing is
9 posted and neither is the CEQ agenda for
10 meetings, and we have no idea when that will
11 be ready to go.

12 MR. MACHTAY: Is that the same
13 address?

14 MR. BAGG: Yes, same address.

15 MR. MARTIN: I keep checking and I
16 don't see minutes, I don't see a schedule, I
17 don't see anything.

18 CHAIRMAN SWANSON: That's a blessing.
19 Okay. Well, thank you for that
20 update.

21 MR. BAGG: Sorry about that.

22 CHAIRMAN SWANSON: I'm going to get
23 out of the chair here, and we have some
24 certificates to honor some of our past
25 members, and it's a real pleasure to have

1 Council on Environmental Quality
2 Tom, Nancy and Terry rejoin us. It's
3 unusual to have you sitting over there.

4 Nancy very kindly brought some fruit,
5 which is behind Dan, so if people are so
6 inclined, please feel free to take advantage
7 of Nancy's wonderful gift.

8 I'm going to start out by asking
9 Nancy to come up. Nancy and Tom were both
10 here at CEQ when I arrived, and they tried
11 to make my life miserable, being a newcomer,
12 but over the years we got to know each other
13 very, very well, and it was a real pleasure
14 to serve with you and Tom and Terry for
15 many, many years. And I just should
16 mention, I'm not going to read the whole
17 thing.

18 Is that the wrong one?

19 Nancy joined the CEQ on August 12th,
20 1980 and served until May 2005. Amazing.
21 25 years. And, Nancy, your input and
22 contribution to the deliberation of the
23 Suffolk County Council on Environmental
24 Quality is sorely missed, and we know that
25 you have moved on to new and more exciting

1 Council on Environmental Quality
2 things, and we respect that, and we
3 certainly want to just say thank you for all
4 the years that you put in here. It was a
5 wonderful experience working with you, and I
6 know the County appreciates your long and
7 loyal service.

8 MS. MANFREDONIA: That is very, very
9 sweet. Thank you so much.

10 CHAIRMAN SWANSON: Thank you, and I'd
11 give you a kiss but she has a cold.

12 MS. MANFREDONIA: Thank you, and
13 thank all of you for all of your hard work.
14 I kind of remember how hard it was, so I
15 really appreciate this.

16 CHAIRMAN SWANSON: And you're still
17 very active in the Greenway Belt?

18 MS. MANFREDONIA: Greenbelt Trail
19 Conference, and I work at the Central Islip
20 Civic Council, so...

21 CHAIRMAN SWANSON: And, actually, I
22 understand you may come back as the Islip...

23 MS. MANFREDONIA: Oh. Well, right
24 now, I am chairing the Islip Town
25 Environmental Council, but probably someone

1 Council on Environmental Quality
2 else will come in.

3 CHAIRMAN SWANSON: Okay. All right.

4 MS. MANFREDONIA: But thank you so
5 much. I appreciate it.

6 CHAIRMAN SWANSON: Next. Tom.

7 Tom served -- he's just a young
8 guy -- 1984 to 2006. And, Tom, once again,
9 we want to acknowledge the insight and
10 expertise that you provided to the Council,
11 and all the contributions that you made to
12 the CEQ over the years, and I thought it was
13 also wonderful the way people would come in
14 here with very difficult questions and you
15 somehow were able to offer a compromise and
16 move the agenda along nice and smoothly and
17 without too much controversy.

18 MR. CRAMER: That's no bullshit.

19 CHAIRMAN SWANSON: No.

20 And we want to thank you for your
21 many years of service and the contributions
22 that you gave to the Council and the County
23 as well. Thank you very much.

24 MR. CRAMER: Thank you.

25 CHAIRMAN SWANSON: And lastly, our

1 Council on Environmental Quality
2 junior member, Terry ~~E~~lkowitz. Terry joined
3 the CEQ in 1990 and served until 2006, but
4 Terry was also the chairperson from 1991 to
5 2005, and that's probably the longest term
6 as chair in the history of the Council.

7 MS. ~~E~~LKOWITZ: Lucky me.

8 CHAIRMAN SWANSON: Yes, lucky you.

9 And, Terry, your counsel and wisdom
10 also is greatly appreciated, I know by the
11 County, by the CEQ, and you knew the ins and
12 outs of SEQRA so well it was really a value
13 to have you here and to be able to just
14 spout out the rule and the Code number and
15 so forth, and your wisdom, as well, is
16 greatly appreciated, and we really
17 appreciate the time that you were with us,
18 and thank you for everything that you've
19 done for CEQ and the County.

20 MS. ELKOWITZ: Thank you very much,
21 and thank you all. And Jim and his staff
22 for all their hard work over the years,
23 because they made our job very, very easy.

24 CHAIRMAN SWANSON: Yes. And they
25 still do.

1 Council on Environmental Quality

2 MS. ELKOWITZ: I'm sure.

3 CHAIRMAN SWANSON: Now, I want to
4 invite you to stay. I know you probably
5 want to reminisce and see how things are
6 being done these days, but it's great to
7 have you here. Have a cup of coffee, have
8 some of Nancy's fruit and welcome home.

9 MS. MANFREDONIA: Thank you.

10 MS. ELKOWITZ: Thanks for inviting
11 us.

12 MR. CRAMER: Appreciate it.

13 CHAIRMAN SWANSON: I don't want to
14 make you feel guilty about leaving.

15 MS. MANFREDONIA: Okay. Thank you.

16 MR. CRAMER: Thank you, everyone.

17 CHAIRMAN SWANSON: Make a note
18 they're leaving, though.

19 MS. ELKOWITZ: Thank you.

20 MR. CRAMER: Thank you for
21 everything.

22 CHAIRMAN SWANSON: All right. Jim,
23 do you have any correspondence that we
24 should be aware of?

25 MR. BAGG: No.

1 Council on Environmental Quality

2 CHAIRMAN SWANSON: Historic Trust.

3 Rich?

4 MR. MARTIN: Okay. Two things to
5 report on. The housing program, the
6 vacancies remain the same at this point. We
7 still have about 13 vacancies in the
8 program, but the County has recognized this
9 problem, and the Commissioner has set up a
10 committee that is reviewing the existing
11 resolution that we're working under for the
12 good possibility now of replacing that
13 specific guideline that we used to work
14 under. And we did have our first meeting
15 that initiated a lot of ideas and
16 information. At that time, we did have a
17 representative from the Department of Public
18 Works and from the County Attorney's office,
19 so we're getting a lot of good ideas of how
20 we can structure this, and, so, we will come
21 back as we move forward. It is in the
22 works.

23 CHAIRMAN SWANSON: I read an article
24 in the newspaper about it.

25 MR. MARTIN: Yes. That helped move

1 Council on Environmental Quality
2 it along.

3 CHAIRMAN SWANSON: It said that I was
4 invited to be part of a meeting, but I never
5 heard anything about it.

6 MR. MARTIN: Well, that was the
7 reporter's, I guess, invitation to you.

8 CHAIRMAN SWANSON: Jim informed me I
9 didn't belong there.

10 MR. BAGG: Well, you're always
11 welcome.

12 MR. MARTIN: You're always welcome,
13 but don't believe everything you read in the
14 paper.

15 CHAIRMAN SWANSON: Mary Ann, are you
16 involved in --

17 MS. SPENCER: Yes. Yes, I think
18 there is movement. And I think the letters
19 helped. Thank you.

20 CHAIRMAN SWANSON: Okay. Rich?

21 MR. MARTIN: Okay. And with the
22 contract update, I'm going to run through
23 the list just so we know where everything's
24 at, and then also review the Montauk
25 Observatory Project. It's an update. It's

1 Council on Environmental Quality
2 not a formal review, at this point.

3 The Farmingville Historical Society
4 contract for the schoolhouse in Farmingville
5 is still in the County Attorney's office.
6 That was sent over January 30th. The Great
7 South Bay Audubon Society contract for
8 Brookside County Park is still in the County
9 Attorney's office. That was sent over
10 January 31st. The Babylon Town Historical
11 Society contract is still in the County
12 Attorney's office. That was sent over
13 December 10th, 2007. That's for Van
14 Bourgondien County Park. The Seatuck
15 contract for the Scully Estate is still not
16 completed, and I don't know the status of
17 that at the moment. It has, I've been told,
18 gone out of the County Attorney's office,
19 but it's being reviewed for their special
20 budget requirement council. I'm not sure
21 where that's at right now, but it has gone
22 through the County Attorney's office.

23 The Montauk Observatory contract,
24 which has to do with their adding a building
25 addition to a cabin at Theodore Roosevelt

1 Council on Environmental Quality
2 County Park, that contract is being
3 negotiated now. It is back in the Parks
4 Department's hands, and part of that
5 negotiation is the design and approval and
6 review of the addition to the bunkhouse
7 cabin, and if you look at the packet I
8 handed out, at the back of the handout
9 there's a resolution that went with the
10 initial resolution that went to the County
11 Legislature to approve going into agreement
12 to provide for the observatory, and that did
13 come to the CEQ, was reviewed here. It was
14 approved in concept that we could add onto
15 this existing cabin at that park, but with
16 the stipulation that the Historic Trust
17 would review the design.

18 Today, the Commissioner asked me to
19 bring this forward. As part of the initial
20 resolution, it states that: "All
21 construction shall be subject to the
22 approval of the Commissioner of Suffolk
23 County Department of Parks," and he would
24 like you to take a look at this as the
25 Historic Trust prior to the final specs and

1 Council on Environmental Quality
2 design of the building, if you have any
3 comments or ideas that you'd like to see
4 included.

5 The first is just the
6 computer-generated view of the building.
7 You can see the existing cabin in the back.
8 There's actually an open breezeway
9 connecting the buildings, and then the
10 single clad gable roof observatory. And
11 that was the request of Parks that it was
12 not a domed observatory, but it was a gable
13 roof, and it would fit in with the design of
14 the existing building.

15 CHAIRMAN SWANSON: And it rotates?

16 MR. MARTIN: And it rotates.

17 Exactly.

18 The next page, you can see the site
19 plan again; the existing cabin with the
20 addition to the breezeway and building.
21 We're just going to have to move the
22 existing road slightly to go around that
23 building. This site was chosen because we
24 thought the view shed, having an addition
25 there would not be too noticeable and also

1 Council on Environmental Quality
2 to separate that use from the main house,
3 Third House, so they can have access to that
4 building when they need to, because they'll
5 have a lot of night programs and we don't
6 have the staff to have all the buildings
7 open, so they'll just have access to that
8 one cabin.

9 CHAIRMAN SWANSON: I don't remember
10 all those little buildings. Are those --

11 MR. MARTIN: Yes. Those are all
12 existing buildings. The one up front is
13 identified as Third House.

14 CHAIRMAN SWANSON: Right.

15 MR. MARTIN: That's the main
16 structure on-site. The rectangular building
17 to the left is a motel unit from the 1950s,
18 and all the structures behind are a group of
19 cabins that were built in the 1930s. And
20 the cabin we're using now was known as the
21 bunkhouse. Cowboys, actually, that ran the
22 dude ranch at the time. And the plan is to
23 renovate the interior of that building. The
24 exterior will remain the same for both
25 classroom use and office use for this

1 Council on Environmental Quality
2 program.

3 CHAIRMAN SWANSON: Now, the contours
4 are not labeled, but I presume that we're
5 going uphill towards what is labeled as
6 "existing cabin"?

7 MR. MARTIN: Yes.

8 MR. BAGG: Yes.

9 MR. MARTIN: We did have a Historic
10 Committee meeting on-site. Mary Ann
11 attended that meeting.

12 Jim, were you at that meeting?

13 MR. BAGG: Yes.

14 MR. MARTIN: Okay. So we did take a
15 good tour of the site.

16 MR. BAGG: It also was presented to
17 CEQ to make a recommendation Type II action,
18 and proposed renovations made the structure
19 consistent with historic preservation.

20 MR. MARTIN: Next is the overview of
21 the positioning of the telescope. Next is a
22 cross-section. You can see a schematic of
23 the existing cabin; again, the walkway.
24 Next is the gable roof swiveling, turning.
25 That's how it moves. And it will also have

1 Council on Environmental Quality
2 a roof that will open up. And finally,
3 another overview showing the placement of
4 the other existing cabin.

5 CHAIRMAN SWANSON: What are you doing
6 about roof runoff?

7 MR. MARTIN: I don't know that that's
8 been addressed. It should be at that point.

9 MR. BAGG: None of the cabins have
10 any kind of gutters that will -- natural
11 standing soils.

12 CHAIRMAN SWANSON: So, it fits with
13 the MM 4 program?

14 MR. BAGG: Yes.

15 MS. RUSSO: The MS 4.

16 CHAIRMAN SWANSON: MS 4, yes.

17 MR. BAGG: Again, it's not large
18 enough to --

19 MR. MARTIN: But we can take a look
20 if that's going to cause any problems with
21 runoff.

22 CHAIRMAN SWANSON: Okay.

23 MR. BAGG: I have a question,
24 Richard. This is being done with private
25 funds?

1 Council on Environmental Quality

2 MR. MARTIN: Yes.

3 MR. BAGG: Okay. And no cost to the
4 County?

5 MR. MARTIN: Right. The breezeway,
6 all the new construction is being completely
7 done with private funds. Like I said, the
8 -- is still in negotiations, but it's moving
9 forward. The cabin work will probably be
10 done with County taxes and possibly some
11 private donations.

12 CHAIRMAN SWANSON: Any questions
13 of...

14 MR. MARTIN: And like I said, what
15 the Commissioner of Parks, John Pavacic, is
16 looking for, he would like to give the green
17 light to the architects to do the final
18 plans. He just wants to make sure CEQ is
19 comfortable with the findings and if they
20 had any input.

21 CHAIRMAN SWANSON: Okay. Before we
22 take comments, I want to remind everybody we
23 do not have microphones today, so if you
24 would please speak up so our stenographer
25 can hear, she would appreciate it.

1 Council on Environmental Quality

2 Yes, Joyce.

3 MS. SQUIRES: I just wanted to say
4 that I received no agenda, neither by mail
5 or online, and if you go to the CEQ Web
6 site, the last notation is 2007. I have
7 been across the other place. Now, I know
8 when the meeting is. It's in my book. I
9 ran into Terry, Tom and Nancy down at the
10 store, talked to them and hugged them and
11 congratulated them. I would have liked to
12 have been here. So, I don't know what's
13 happening to agendas. I don't mean to
14 complain, but it's a frustrating thing not
15 to know where to go.

16 MR. BAGG: I mentioned earlier, okay,
17 the County was supposed to come up with a
18 new Web site two weeks ago and, essentially,
19 two years ago. Haven't done it yet. They
20 said, "Oh, well, we're not ready" --

21 MS. SQUIRES: It's embarrassing. It
22 really is.

23 MR. BAGG: Well, I know, but we're
24 trying to get them to come up with what
25 they're supposed to come up with. I mean, I

1 Council on Environmental Quality
2 can't go over to IT and tell them, "You
3 better get this thing going." We're aware
4 of the problem, and we've been trying to get
5 it solved.

6 CHAIRMAN SWANSON: But you should
7 have gotten something by mail.

8 MS. SQUIRES: I know that you just
9 send things to the towns that are involved,
10 but I come every month.

11 ^{DeSalvo:}
MS. ~~HAHN~~: But I e-mailed the agenda.

12 MS. SQUIRES: I didn't get it.

13 ^{DeSalvo:}
MS. ~~HAHN~~: You didn't get it?

14 MS. SQUIRES: No.

15 ^{DeSalvo:}
MS. ~~HAHN~~: I'll check with you and
16 make sure I have the right address.

17 MS. SQUIRES: Please. It's been the
18 same e-mail address forever. Thank you.

19 CHAIRMAN SWANSON: So you didn't have
20 any comments on the plan?

21 MS. SQUIRES: Honestly, I walked in
22 in the middle of the plan, so I'm not even
23 sure what the plan is for. And I know that
24 shouldn't be recorded.

25 MR. BAGG: It's in Montauk. I heard

1 Council on Environmental Quality
2 the Town was asking for their boundaries to
3 be expanded. Is that included?

4 CHAIRMAN SWANSON: Dan.

5 MR. PICHNEY: Just once more, for
6 information, we were talking about the
7 runoff from the rain before. Looks like we
8 have the two slanted roofs running down onto
9 the breezeway there, which is a flat roof,
10 so they're going to have to accommodate
11 rainwater somehow, in terms of gutters or
12 something like that. Either that or it's
13 going to be -- depending on whatever that
14 pitch of that flat roof is, it's going to be
15 a waterfall somewhere.

16 MR. MARTIN: I'll bring that up to
17 the architects.

18 CHAIRMAN SWANSON: Right. And as a
19 good steward, I suppose, regardless of the
20 size of the acreage, you probably ought to
21 deal with storm water runoff.

22 Any other questions or comments?

23 Yes.

24 MS. RUSSO: Private funds are going
25 to be providing the telescope itself?

1 Council on Environmental Quality

2 MR. MARTIN: Yes.

3 MS. RUSSO: And the County funds the
4 structure?

5 MR. MARTIN: They already have the
6 telescope.

7 MS. RUSSO: Then those private funds
8 are all from the County and the County would
9 own that telescope?

10 MR. MARTIN: Right. The telescope
11 they would own. That's moveable. It's
12 actually on-site already --

13 MS. RUSSO: Okay.

14 MR. MARTIN: -- but the building,
15 yes.

16 MS. RUSSO: Okay. That's what I was
17 curious about. So the County will not
18 technically own the telescope?

19 MR. MARTIN: Right.

20 MS. RUSSO: Okay.

21 CHAIRMAN SWANSON: Who will manage
22 it?

23 MR. MARTIN: They will. The Montauk
24 Observatory will have a contract to manage
25 it and to run the programs on-site. And

1 Council on Environmental Quality
2 they're already running programs there under
3 the permit routine, and they do have the
4 telescope in storage and actually roll it
5 out and use it right now.

6 CHAIRMAN SWANSON: And who pays for
7 the maintenance of the building?

8 MR. MARTIN: Well, their building
9 would be under their contract. The addition
10 here. The existing building would be the
11 County. And they probably -- usually, when
12 we have a contract, it would be for the
13 whole two buildings that the County
14 maintains, the exterior contract portion.

15 CHAIRMAN SWANSON: Mary Ann, are you
16 comfortable with the maintenance program?

17 MS. SPENCER: Yes. And the Trust did
18 meet on-site, and at that time they were
19 considering different places. I think this
20 is a good solution. Better than some of the
21 things that they initially proposed.

22 I would like to make a comment about
23 Scully.

24 MR. BAGG: After this.

25 MS. SPENCER: What?

1 Council on Environmental Quality

2 MR. BAGG: After this.

3 CHAIRMAN SWANSON: When we close on
4 this.

5 MS. SPENCER: Oh, okay.

6 CHAIRMAN SWANSON: No more comments
7 on the observatory?

8 (Whereupon, there was no response.)

9 CHAIRMAN SWANSON: Okay. Go ahead.

10 MS. SPENCER: That Board is about to
11 fold.

12 CHAIRMAN SWANSON: Scully?

13 MS. SPENCER: Oh, you bet.

14 CHAIRMAN SWANSON: And why?

15 MS. SPENCER: Because this has been
16 going on for four to five years. And I
17 think we should all be mindful of the amount
18 of damage that was done on that site when it
19 was vacant. The fact that we have Seatuck
20 in there now is a boon to the County. When
21 the property was purchased Seatuck was part
22 of that. It was an understanding that
23 Seatuck would be part of that. They can't
24 run programs. They are serving without a
25 contract. We've tried to push this. I

1 Council on Environmental Quality
2 don't know what else to do. I really don't
3 know what else to do.

4 MR. BAGG: What appears to be the
5 problem?

6 MR. MARTIN: At this point, they're
7 reviewing --

8 CHAIRMAN SWANSON: Who's "they"?

9 MR. MARTIN: The County.
10 The Scully contract is a unique one
11 of all our historic sites in that they are
12 running the County Environmental Center, the
13 Scully Estate, and they are required by
14 legislative resolution that they have a
15 separate account that is controlled by the
16 County, and that's not been done before at
17 our sites. And that's the hang-up, as I
18 understand it now, as to how that's actually
19 to operate.

20 CHAIRMAN SWANSON: Is this in the law
21 department?

22 MR. MARTIN: I'm not sure, Larry, of
23 who's reviewing it at this point.

24 CHAIRMAN SWANSON: Because when we
25 were going through this kind of thing with

1 Council on Environmental Quality
2 deep wells, the hang-up, I think, was the
3 lawyers weren't --

4 MR. MARTIN: Right. That was the
5 County -- I'm sorry. I've been told out of
6 the County Attorney's office they've signed
7 off on the text of the contract, and now
8 it's either in the County Exec's office for
9 review or in the budget office for review.
10 So I can find out exactly. I tried
11 yesterday and I couldn't find out, to be
12 honest with you, where it is right now.

13 CHAIRMAN SWANSON: If it would be
14 helpful for us to write a letter, I'd be
15 glad to work with Jim to get such a letter
16 off, but we have to know who to send it to.

17 MR. BAGG: Yes, and what the apparent
18 problem appears to be.

19 MR. MARTIN: Okay. So I can talk to
20 the Commissioner about it, on where it's at
21 and where it should be directed.

22 MR. BAGG: I mean, perhaps the CEQ
23 can request the people who appear to be
24 having a problem to come into a CEQ meeting
25 and explain what the problem is.

1 Council on Environmental Quality

2 CHAIRMAN SWANSON: Yes, but didn't
3 we, before, have the lawyers come in and
4 talk to us about deep wells and other --

5 MR. MARTIN: Yes.

6 CHAIRMAN SWANSON: So why don't we
7 invite whoever is the current hang-up to
8 come to the next CEQ meeting?

9 MR. BAGG: And explain the apparent
10 problem and the importance of the issue.

11 MR. MARTIN: Okay.

12 CHAIRMAN SWANSON: Joyce.

13 MS. SQUIRES: The last letter which
14 you wrote last month certainly did make it
15 to the newspaper. Essentially, they quoted
16 the entire letter, so maybe that would help.
17 I don't know.

18 MS. SPENCER: Anything. I understand
19 that this is unique. We've always
20 understood that the Scully Estate is unique.
21 I don't understand why it's not yet
22 resolved, and this has been going on for --
23 and my memory fails me. I think it's five
24 years. Four to five years. And at this
25 point, to lose them would be a tremendous --

1 Council on Environmental Quality
2 so, I would like to find out where the log
3 jam is and see what we can do to break it.

4 CHAIRMAN SWANSON: Okay. So,
5 Richard, you know what you should do and --

6 MR. MARTIN: I'll ask Jim Bagg.
7 We'll go from there.

8 CHAIRMAN SWANSON: Yes.

9 MR. PICHNEY: Is it possible to have
10 interim contracts or a contract that just
11 relates to that portion of our contracts
12 with organizations that are mostly the
13 boilerplate, that exist from organization to
14 organization and that at some point, since
15 it's difficult to amend the contract, to put
16 in this funding mechanism or whatever the
17 heck it is?

18 MR. MARTIN: What we have done in
19 these situations in the past was provide
20 permits for every event, every activity
21 on-site, signed off on. Because the Scully
22 Estate/Seatuck contract is different with
23 the funding. They're not willing to do that
24 by permit. Usually we have, by permit,
25 allowed some programming on-site. So the

1 Council on Environmental Quality
2 uniqueness of the contract is holding that
3 process up.

4 MR. MARTIN: I hate to see a fist
5 fight, but would it pay to have both sides
6 here, people from the County and people from
7 Scully, both sides of the argument, what's
8 going on?

9 CHAIRMAN SWANSON: We could do
10 that -- sometimes it's good to have on the
11 record what the frustration is of the people
12 that are trying to assist.

13 MR. MARTIN: And it's good for the
14 County people to hear, "This is what our
15 problem is. This is what we're trying to
16 do," and it might just light a fire under
17 somebody. You don't know.

18 CHAIRMAN SWANSON: Well, let's see
19 how the County group reacts to our
20 invitation to come and talk about the
21 program. If they seem obstinate, then we
22 can have both parties. I agree we don't
23 want to have a fist fight, and maybe just by
24 inviting them to come to explain what's
25 going on, that will be enough to get the

1 Council on Environmental Quality
2 ball rolling.

3 MS. SPENCER: You know the director.
4 It's Enrique --

5 CHAIRMAN SWANSON: Yes.
6 Okay. Anything else, Richard?

7 MR. MARTIN: No.

8 CHAIRMAN SWANSON: Okay. I'd just
9 like to remind everybody that this is a
10 public meeting, so if you have comments on
11 any of the topics, please feel free to raise
12 your hand, identify yourself and speak. We
13 usually allow people to do that as we go
14 from topic to topic.

15 Recommended Type II actions, Jim.

16 MR. BAGG: The first thing before you
17 is IR Number 1186 of 2008. We were
18 requested by our legislative council to
19 review that. This is amending the two-way
20 capital budget and appropriating funds in
21 connection with the County share of the
22 reconstruction of CR 80/Montauk Highway in
23 the Shirley-Mastic area. It's for the
24 construction of sewer infrastructure. It
25 was submitted by Legislator Browning, and

1 Council on Environmental Quality
2 the CEQ reviewed this project previously and
3 made a recommendation of an unlisted action
4 negative declaration. Under the SEQRA rules
5 and regulations extension, utilities are a
6 Type II action. However, they felt that it
7 would be prudent to amend their program and
8 put the sewers in before the construction of
9 the roadway was complete so that they didn't
10 have to go back and do it in the future.

11 In past projects -- one was Union
12 Boulevard -- the Council reviewed
13 renovations and upgradings to Union
14 Boulevard. The County went in, completed a
15 project, and six months later they came in
16 and dug the whole roadway back up to put
17 sewers in -- sewer system. So it appears
18 that this is fairly coordinated, and it
19 would be nice to get the sewers in as the
20 road is being improved rather than later on.
21 So, it makes sense.

22 MR. MACHTAY: What do you mean?

23 MR. BAGG: It's a Type II action.

24 Confirmation of a Type II action.

25 MR. MACHTAY: Okay.

1 Council on Environmental Quality

2 CHAIRMAN SWANSON: Before we move
3 forward, I think I probably ought to recuse
4 myself on this issue, so I ask Gloria if
5 she'll chair the meeting.

6 Gloria?

7 MR. MACHTAY: I'll make a motion
8 confirming the Type II action.

9 MS. RUSSO: Okay. But because Larry
10 has recused himself, we really don't have a
11 full quorum, so we technically can't make a
12 vote, but we can make a recommendation that
13 we say Type II action.

14 Any discussion?

15 (Whereupon, there was no response.)

16 MS. RUSSO: Does everyone agree that
17 we can recommend that this goes through as
18 a Type II and stated as a recommendation?

19 MR. MACHTAY: I certainly do.

20 MS. RUSSO: Show of hands?

21 (Whereupon, Council members voted.)

22 MS. RUSSO: Yes, we all agree.

23 MR. MACHTAY: So, we take a vote on
24 that and --

25 MS. RUSSO: Unanimous vote that we.

1 Council on Environmental Quality
2 recommend and go through as a Type II.

3 CHAIRMAN SWANSON: Thank you, Gloria.

4 Next, Jim.

5 MR. BAGG: We just got something in
6 last night. This is a proposed temporary
7 Little League field at Gabreski Airport. I
8 guess the Little League are having their
9 fields renovated and upgraded. They don't
10 have a place. They would like to use an
11 area that is currently grass at the
12 Grabreski proposed industrial park in there
13 to make these temporary fields. They'll be
14 playing there for one summer and, basically,
15 I think they want to put in a backstop, a
16 chain link fence on two of the fields, but
17 that would be temporary and they would move
18 that there, and, basically, I would
19 recommend that it's a Type II action
20 pursuant to SEQRA -- I think it's 1521.

21 MR. MACHTAY: There's no removal of
22 trees or anything like that?

23 MR. BAGG: No. Everything's clear.
24 It's grass. At this point in time, this
25 area also is within the proposed Gabreski

1 Council on Environmental Quality
2 industrial park. So ultimately it's going
3 to be developed for industrial use.

4 MR. MACHTAY: And that would become
5 permanent?

6 MR. BAGG: No. It's temporary.

7 MS. SPENCER: Where's the parking?

8 MR. BAGG: Basically, if you look
9 along that thing, that whole area is a
10 parking area, that buildings have been
11 removed and everything else. There's more
12 than enough parking that currently exists.
13 A lot of asphalt areas in there that are
14 vacant on that whole area.

15 MR. MACHTAY: Make a motion it's a
16 Type II action.

17 MS. RUSSO: Second.

18 CHAIRMAN SWANSON: We have a motion
19 and a second.

20 All in favor?

21 (Whereupon, Council members voted.)

22 CHAIRMAN SWANSON: Opposed?

23 (Whereupon, Council members voted.)

24 CHAIRMAN SWANSON: Motion carries.

25 And that's it, Jim?

1 Council on Environmental Quality

2 MR. BAGG: Yes.

3 CHAIRMAN SWANSON: Okay. Proposed or
4 recommended unlisted action. Storm water
5 remediation for the County Road 36, South
6 County Road in Patchogue and Bellport Bays.
7 Anybody here to discuss that?

8 MR. BERGEY: Yes. My name is Erik
9 Bergey. I'm a civil engineer with the
10 Department of Environment & Energy, Division
11 of Water Quality & Improvement. Here with
12 me today is Bill Colavito, Director of
13 Highway Design and Public Works. And I'd
14 like to start off by thanking the Council
15 for its attention in this matter and
16 allowing us to present this important
17 reconstruction and storm water remediation
18 project.

19 Just a brief description of the
20 existing conditions. The project limits
21 extend from Montauk Highway in the west.
22 It's essentially a horseshoe-shaped roadway.
23 The limits extend to Beaver Dam Road, and
24 it's approximately a four and a half mile
25 long stretch of roadway. The project area

1 Council on Environmental Quality
2 consists solely of County right-of-way,
3 which is already cleared and used for
4 strictly highway purposes. There are
5 sidewalks located along the majority of the
6 north side of the road. There are sidewalks
7 along portions of the south side of the
8 road. The area surrounding the roadway
9 consists mainly of residential and some
10 commercial areas. There are nine
11 sub-watersheds which contribute runoff to
12 the roadway on which the roadway collects
13 runoff and discharges at these points, which
14 you can see along the road, and those
15 tributaries are tidal tributaries that
16 eventually discharge to Patchogue Bay on the
17 west side of Hell's Point and Bellport Bay
18 on the east side of Hell's Point.

19 The total drainage area is 240 acres
20 and it's largely impervious due to
21 residential houses, driveways and the
22 County Road 36 itself. Lack of available
23 open space and high groundwater at the
24 discharge points precludes the use of DEC
25 traditional best management practices, which

1 Council on Environmental Quality
2 would be storm water wetlands, storm water
3 ponds, and the Department, in such cases,
4 recommends the use of structural storm water
5 treatment systems, which would be installed
6 upstream of each discharge, and we would
7 propose the use of -- and this is pursuant
8 to DEC recommendations. We would propose
9 the use of infiltrating catch basins in
10 addition to those structural storm water
11 treatment modular units, and that is due to
12 the general lack of ability for the
13 structural units to treat pathogens, which
14 are the main point of concern to these two
15 bays, and in addition, the rest of the Great
16 South Bay. So, DEC recommends using
17 infiltrating catch basins, with a minimum
18 two-foot separation to groundwater in order
19 to provide sufficient contact time for
20 bacterial removal prior to reaching
21 groundwater.

22 A little history on the project.
23 Initially, it was a stand-alone capital
24 improvement project, which included roadway
25 reconstruction, curb, sidewalk and roadside

1 Council on Environmental Quality
2 landscaping and traffic control devices
3 only, and then, since the inception of the
4 water quality protection restoration
5 program, it was recommended that this
6 project, while we are improving the roadway,
7 we also address storm water runoff and can
8 remediate the eight discharge points at the
9 same time that the roadway's reconstructed.
10 The original capital program was 5541. And,
11 again, that was purely the resurfacing
12 roadway reconstruction portion of the
13 project. Those project funds were
14 appropriated by resolution number 603 of
15 2004, and that project did not receive a
16 determination from this Council so, at this
17 point, we would like to receive a
18 determination on both the roadway
19 improvements and the storm water remediation
20 improvements, as we are going for additional
21 funds to pay for the storm water remediation
22 improvements.

23 Currently, we have a consultant on
24 retainer, AJ Debrun Engineering, and they
25 have recently, within the last couple weeks,

1 Council on Environmental Quality
2 submitted 40 percent design drawings, so the
3 wheels are in motion, so to speak, and the
4 project is moving forward.

5 And an additional note on the
6 structural units that I mentioned, DEC
7 recently published a list of approved
8 alternative treatment practices which are
9 going to be used in redevelopment situations
10 such as this where sufficient land doesn't
11 exist or can't be acquired to construct
12 what's known as traditional best management
13 practices. And the Department would require
14 that the units that are installed here do
15 meet DEC's criteria. As they are the higher
16 agency, we defer to them on such matters.

17 Those units will be designed in an
18 inline configuration, meaning that the only
19 bypass for those units during large-volume
20 storms will be internally in the unit
21 themselves. They would be able to bypass
22 the ten-year, 24-hour design storm drain
23 approximately five inches over the watershed
24 area. That's a typical storm sewer design
25 standard. And there would be a design to

1 Council on Environmental Quality
2 treat the 90 percent design storm, which is
3 DEC's criteria for water quality volume
4 treatment, and that's 1.3 inches over the
5 watershed area. And another note on the
6 infiltrating catch basins which we're
7 proposing to use in conjunction with the
8 structural units, we would have those
9 designed to treat the first flush of storm
10 water runoffs, which is the first half inch
11 of rainfall over the watershed area. And we
12 would also leave room in the design -- since
13 technology is constantly evolving in the
14 storm water arena, we would leave room to
15 add additional treatment units that may be
16 more adept at addressing pathogenic
17 concerns, which, again, are the issues at
18 the Great South Bay, and specifically
19 Patchogue and Bellport Bays.

20 As far as permitting is concerned, we
21 would, of course, need a tidal wetlands
22 permit to cover the entire length of the
23 project, as each discharge is to tidal
24 tributaries to the two bays. We would
25 require a construction activity permit, also

1 Council on Environmental Quality
2 from DEC, as the area of disturbance
3 throughout the project exceeds an acre.
4 And, of course, due to the close proximity
5 to the tidal tributaries, we would pay close
6 attention to installing construction
7 controls, which are designed to retain any
8 construction runoff on the site and prevent
9 it from running into the adjacent areas
10 during construction.

11 And that's all I have.

12 Would you like to add anything?

13 Okay. So I'd like to open it up to
14 questions from the Council.

15 CHAIRMAN SWANSON: Dan.

16 MR. PICHNEY: The catch basins in the
17 units, do they have to be maintained on more
18 than a traditional sort of recharge unit,
19 and do you have anything in place to address
20 that? Any additional maintenance?

21 MR. BERGEY: You're talking about the
22 structural treatment units?

23 MR. PICHNEY: Right. Yes.

24 MR. BERGEY: Vortex units, whatever
25 you want to call them.

1 Council on Environmental Quality

2 MR. PICHNEY: Right.

3 MR. BERGEY: Yes, they do need to be
4 maintained more frequently than a typical
5 recharge basin or a traditional best
6 management practice. But that being said,
7 Highway Maintenance is aware of this. DPW
8 is Highway Maintenance and there is staff in
9 place and, actually, we have staff in our
10 Water Quality Improvement Division which
11 would be capable of performing that work on
12 an as-needed basis.

13 MR. PICHNEY: Would there be
14 dedicated -- would this work staff be
15 dedicated to these structures and other
16 structures similar throughout the County,
17 that they might be installing?

18 MR. BERGEY: I don't think they would
19 be dedicated solely to performing that work,
20 as these units typically need to be
21 maintained, what would you say, Bill? 18 or
22 24 months, or thereabouts?

23 MR. COLAVITO: Yes.

24 MR. BERGEY: So it's not a steady --
25 like a weekly task.

1 Council on Environmental Quality

2 MR. PICHNEY: Well, I didn't expect
3 it to be a weekly task, but --

4 MR. BERGEY: Or even a monthly task,
5 for that matter.

6 MR. PICHNEY: Just didn't want it to
7 get away, you know?

8 MR. BERGEY: Yes. But they do
9 contain a fair amount of storage in them.
10 They have fairly deep sumps that are capable
11 of collecting a reasonably large volume of
12 sediment and, also, enough clear space above
13 the end road of the Alpha pipe that would be
14 capable of storing a fair amount of flow,
15 so...

16 MR. PICHNEY: Thank you.

17 MR. BERGEY: Sure.

18 CHAIRMAN SWANSON: Seems to me that
19 we ordinarily practically see the design of
20 the structure before we're asked to approve
21 anything. What's the likelihood that we
22 could actually see a design?

23 MR. BERGEY: Bill, would you like to
24 address that?

25 MR. COLAVITO: Bill Colavito. I'm

1 Council on Environmental Quality
2 with Suffolk County Public Works. We spec
3 out DEC-approved treatment units. Our spec
4 allows the contractor to make a proposal to
5 moving a unit around or to make a suggestion
6 to come back and use a different unit than
7 we have suggested. So, our spec is a little
8 open. It's based on the availability of the
9 units. The vortex units were a very, very
10 good unit, but they were manufactured up in
11 Connecticut, so it was like shipping a house
12 down from Connecticut, so we allowed a
13 little bit of wiggle room right now in our
14 spec. As the technology changes, people are
15 coming to us and they have some really great
16 ideas, and as long as they get onto the DEC
17 Web site and they're an approved structural
18 unit, then we feel very, very comfortable
19 using it as long as it will fit the
20 configuration that we need.

21 MR. BERGEY: And, again, the key
22 there is that the unit that's selected needs
23 to be a DEC-approved unit, and that's the
24 thought, I think, the Departmental function
25 from this point forward, in that DEC is

1 Council on Environmental Quality
2 accepting verification testing from other
3 agencies on these units, but only a select
4 few units. They're kind of short listing
5 the number of units that can be used within
6 New York State. So we would defer to the
7 higher agency. And EPA is also doing the
8 same thing. They have an environmental
9 technology verification, or ETV program,
10 which is kind of the main body for reviewing
11 and testing these new technologies as they
12 become available to the market.

13 MR. PICHNEY: Do you happen to know
14 if the DEC Web site has diagrams of approved
15 units of those, Council members who are
16 qualified to look at those to see?

17 MR. BERGEY: I believe they have
18 links to those units or at least provide the
19 manufacturer of the approved units or --
20 they provide links to the verification
21 testing programs that have verified these,
22 such as the EPA environmental technology
23 verification program which I just
24 referenced. And that Web site is much more
25 involved as far as the actual design of

1 Council on Environmental Quality
2 these units and their capabilities as they
3 were tested.

4 MS. RUSSO: How much physical space
5 do the infiltration basins and your vortex
6 systems actually encompass? Because I'm
7 looking at your preliminary plan and eight
8 locations. You're going to have your
9 infiltration basin catching most of the
10 initial, and then that's going to trickle
11 down to your vortex unit?

12 MR. BERGEY: Yes.

13 MS. RUSSO: Exactly what size of this
14 room are the two units, or what do you
15 perceive?

16 MR. BERGEY: An infiltration basin
17 typical that the Department uses varies in
18 size from -- they're typically round,
19 cross-section, anywhere from six-foot
20 diameter to ten-foot diameter, and due to
21 the high groundwater here, we'd probably
22 choose a four-foot deep unit because, again,
23 we have to maintain that separation between
24 the bottom of the unit and groundwater to
25 allow sufficient contact time before

1 Council on Environmental Quality
2 whatever is in the water reaches
3 groundwater.

4 MS. RUSSO: So then this unit will
5 still infiltrate the groundwater, but the
6 rest of it's going to run off via piping --

7 MR. BERGEY: Yes.

8 MS. RUSSO: -- to your new vortex
9 unit?

10 MR. BERGEY: Yes. And the vortex
11 unit, it's, I'd say, approximately, what,
12 the size of these two tables here?

13 MR. COLAVITO: Yes, yes. They can be
14 quite long and on the flow. The vortex is
15 pretty much a very big box. There are some
16 that are just round but very deep and, so
17 depending upon the utilities that are in the
18 area and configuration, you kind of pick and
19 choose which one would be installed the
20 easiest and work most effective.

21 MS. RUSSO: So, at all these sites
22 that are located on the preliminary plan,
23 something is existing there now. Just a
24 little ditch running off most of them?

25 MR. BERGEY: Yes. These are actually

1 Council on Environmental Quality
2 all direct storm water discharges. So,
3 there is no -- there may be a few leeching
4 catch basins along the way, but as far as
5 the discharge themselves, there's nothing
6 addressing the runoff.

7 MS. RUSSO: So the actual
8 construction acreage involved and digging up
9 and putting these things in is
10 approximately -- is that what you were
11 saying is seven acres, approximately? In
12 the beginning of the plan? It says there's
13 33 acres total.

14 MR. BERGEY: Yes.

15 MS. RUSSO: Seven acres middle field
16 scrub growth, 26 acres paved. So,
17 basically, that seven acres is the total
18 acreage of digging up and putting the new
19 system in.

20 MR. BERGEY: That acreage refers to
21 the roadway itself, which is going to be
22 resurfaced and/or reconstructed where
23 necessary.

24 MS. RUSSO: Okay, but the seven acres
25 says middle field and scrub growth.

1 Council on Environmental Quality

2 MR. BERGEY: That's --

3 MS. RUSSO: Is that the right-of-way?

4 MR. BERGEY: Yes. It's just
5 roadside --

6 MS. RUSSO: So --

7 MR. BERGEY: -- turf and --

8 MS. RUSSO: -- your actual
9 construction acreage is a lot smaller than
10 that just to each of the eight sites?
11 That's what I'm trying to discern.

12 MR. BERGEY: Oh, yes.

13 MS. RUSSO: Okay. Because it wasn't
14 clear here. I was trying to figure out what
15 you were really digging up.

16 MR. COLAVITO: We will be disturbing
17 no new locations. We'll be digging up the
18 existing shoulder of the road, and that's
19 where the piping and these units are going
20 to be installed.

21 MR. BAGG: Could you please clarify,
22 since you're asking the CEQ to review the
23 reconstruction of the roadway, this covers,
24 really, the storm water aspect of it. What
25 is being done in terms of the reconstruction

1 Council on Environmental Quality
2 of roadway?

3 MR. COLAVITO: The portion of the
4 project that was originally thrust upon us
5 under 5541 was primarily just a resurfacing
6 job. That's really where it was going. It
7 was just a resurfacing job. The concrete
8 panels along this stretch of CR 36 are in a
9 very distressed state. We do have an
10 overlay of asphalt over the concrete panels
11 along the western side. Even that is
12 starting to show its age, so we needed to
13 address the infrastructure of this job.
14 Those funds were to the tune of a little
15 over \$3 million.

16 MR. BERGEY: It's three and a half.

17 MR. COLAVITO: Oh, three and a half
18 million dollars.

19 And when we had eight or nine
20 discharge points, the Department thought it
21 would be best to see if we could get some
22 water quality funds, address the funding --
23 address the water quality issues in addition
24 to addressing the infrastructure of the
25 roadway itself. It just didn't make sense,

1 Council on Environmental Quality
2 as Jim alluded to before, to spend all this
3 money and then come back at a later date and
4 start addressing the drainage.

5 MR. BERGEY: So, basically, the
6 reconstruction project is for overlay of
7 pavement and replacement reconstruction of
8 the curbing and others that has
9 deteriorated, so that would be a Type II
10 action?

11 MR. COLAVITO: Basically, it was yes.

12 CHAIRMAN SWANSON: We ordinarily ask
13 that there be three-inch rainfall
14 accommodating by these activities, but I
15 gather, because of the shallow depth of the
16 groundwater, you're not able to accommodate
17 that.

18 MR. COLAVITO: Three inches to try to
19 accommodate in a leeching basin infiltration
20 type of structure is asking a lot. You
21 would need these maybe every 50 feet on the
22 road, and then you would end up with some
23 sub base issues. The shoulder would start
24 ending up like this (indicating), and it
25 wouldn't necessarily be that effective.

1 Council on Environmental Quality

2 MR. BERGEY: And the leeching
3 capability varies on the nature of that
4 three-inch storm. If that three inches
5 falls over an hour, there's no way that it's
6 going to be infiltrated, but if that three
7 inches falls over 24 hours, which is, I want
8 to say, around a two-year storm, that's more
9 realistic. Especially if that's clean sand
10 that's infiltrating ten-plus inches an hour.

11 MR. COLAVITO: In addition, we do
12 know that technologies are rapidly being
13 developed. There's a company just here on
14 Long Island that's really doing a wonderful
15 job and, so, we're holding the structural
16 units that we're going to be installing --
17 we're going to pull them back probably as
18 far back as we can, maybe 40 or 50 feet from
19 the discharge point, because we know
20 sometime in the future somebody's going to
21 come in with a nice technology that we could
22 address inline that will address the
23 pathogen issues. So we're holding
24 everything back so I can get rid of all the
25 trash, all the sediment, all the oils, all

1 Council on Environmental Quality
2 the floatables, and this way I can put
3 another unit inline there when that
4 technology does develop to address the
5 pathogen issues, and then we have a really
6 beautiful system.

7 CHAIRMAN SWANSON: Thank you.

8 Any other questions?

9 (Whereupon, there was no response.)

10 CHAIRMAN SWANSON: Any
11 recommendations?

12 Richard.

13 MR. MACHTAY: This part of it is
14 unlisted.

15 MR. BAGG: The whole project is
16 sitting together. You can't say the whole
17 project would be unlisted, including the
18 resurfacing and the code restoration.

19 CHAIRMAN SWANSON: We have a motion
20 for unlisted -- do we have a second?

21 MS. RUSSO: Second.

22 CHAIRMAN SWANSON: We have a second
23 by Gloria.

24 Any other further discussion?

25 (Whereupon, there was no response.)

1 Council on Environmental Quality

2 CHAIRMAN SWANSON: All in favor?

3 (Whereupon, Council members voted.)

4 CHAIRMAN SWANSON: Opposed?

5 (Whereupon, Council members voted.)

6 CHAIRMAN SWANSON: Motion carries.

7 Before you sit down, I'm looking at
8 photograph 5 of your presentation. That's a
9 WIER?

10 MR. BERGEY: Yes. I think I'm
11 familiar with that.

12 CHAIRMAN SWANSON: Do you have --

13 MR. BERGEY: That's adjacent to, I
14 want to say, Robinson Pond? Yes.

15 CHAIRMAN SWANSON: Do you have an
16 easy way to calculate flow through that
17 structure?

18 MR. BERGEY: Now, you realize this is
19 a culvert going under the road, so it's --

20 CHAIRMAN SWANSON: This is a
21 horizontal thing in which water is
22 flowing --

23 MR. BERGEY: Yes.

24 CHAIRMAN SWANSON: -- over the top on
25 three or four sides.

1 Council on Environmental Quality

2 MR. BERGEY: Yes.

3 CHAIRMAN SWANSON: That's my
4 question. Do you have a formula that you --

5 MR. BERGEY: Sure.

6 CHAIRMAN SWANSON: -- that you find
7 useful?

8 MR. BERGEY: I'd have to look it up.

9 CHAIRMAN SWANSON: Could I get that?

10 MR. COLAVITO: Certainly.

11 MR. BERGEY: Sure. Absolutely.

12 CHAIRMAN SWANSON: Because I've done
13 this with using sort of weird technology,
14 but I think I might be doing it... I might
15 have the friction wrong.

16 MR. BERGEY: Okay.

17 CHAIRMAN SWANSON: If you could
18 e-mail that to Jim I'd really appreciate it.

19 MR. BERGEY: Sure.

20 MR. COLAVITO: Sure.

21 MR. BERGEY: No problem.

22 MR. COLAVITO: Not a problem at all.

23 (Discussion off the record.)

24 CHAIRMAN SWANSON: Proposed
25 acquisition for open space preservation

1 Council on Environmental Quality
2 purposes known as the Lake Ronkonkoma County
3 Park addition.

4 MS. FISCHER: The first one before
5 you is in the Lake Ronkonkoma County Park
6 area. This is on the north side of the
7 lake, near the large wetlands area to the
8 north. It is situated actually right within
9 another piece of property that the County
10 owns. We're looking to acquire this
11 one-third of an acre under the old drinking
12 water program. This is in the town of
13 Smithtown.

14 CHAIRMAN SWANSON: This is open
15 space?

16 MS. FISCHER: Yes. They're open
17 space, passive recreation.

18 CHAIRMAN SWANSON: This is not the
19 restaurant that is --

20 MS. FISCHER: No, the restaurant
21 actually just is situated to the south. But
22 we haven't gotten there yet.

23 CHAIRMAN SWANSON: Any questions?

24 MS. RUSSO: I make a motion it's
25 unlisted --

1 Council on Environmental Quality

2 CHAIRMAN SWANSON: Second?

3 MR. MACHTAY: Second.

4 CHAIRMAN SWANSON: Seconded by

5 Mr. Machtay.

6 Any other questions?

7 (Whereupon, there was no response.)

8 CHAIRMAN SWANSON: All in favor?

9 (Whereupon, Council members voted.)

10 CHAIRMAN SWANSON: Motion carries.

11 MS. FISCHER: Second one before you
12 is an acquisition along the Nissequogue
13 River. This is almost approximately five
14 acres in size, two parcels, which primarily
15 is about half wetland, freshwater wetland
16 and a little tidal wetland in there. We
17 have been trying to acquire a number of
18 pieces, along with the Town of Smithtown,
19 along this green corridor. It's one of the
20 largest that flows north into Long Island
21 Estuary, and it has been involved in a
22 number of studies throughout the years for
23 preservation. This is going to be acquired
24 under a preservation program under the open
25 space preservation component for passive

1 Council on Environmental Quality
2 recreation.

3 CHAIRMAN SWANSON: So people will be
4 able to access it?

5 MS. FISCHER: Well, this piece is
6 difficult in the fact that it's landlocked.
7 There are boat and kayak uses along this
8 river corridor. And we do own property in
9 the green immediately south that does have
10 -- so the view shed will be.

11 CHAIRMAN SWANSON: Richard.

12 MR. MACHTAY: The area depicted in
13 red is what is being acquired; is that
14 correct?

15 MS. FISCHER: Correct.

16 MR. MACHTAY: Now, the area just in
17 front of the -- depicted in yellow, that's a
18 private residence?

19 MS. FISCHER: Correct.

20 MR. MACHTAY: Was this a part of that
21 parcel?

22 MS. FISCHER: No. They were separate
23 parcels from the beginning.

24 MR. MACHTAY: Separate parcels?

25 MS. FISCHER: Yes. At least from

1 Council on Environmental Quality
2 when we started to evaluate this. If it had
3 been subdivided years before we started to
4 look at this to acquire it, I'm not sure.

5 CHAIRMAN SWANSON: Any other
6 questions?

7 (Whereupon, there was response.)

8 CHAIRMAN SWANSON: Do we have a
9 motion?

10 MS. RUSSO: Motion, unlisted --

11 CHAIRMAN SWANSON: Second?

12 MR. MACHTAY: Second.

13 CHAIRMAN SWANSON: Second by Dan.
14 All in favor?

15 (Whereupon, Council members voted.)

16 CHAIRMAN SWANSON: Opposed?

17 (Whereupon, Council members voted.)

18 CHAIRMAN SWANSON: Motion carries.

19 MS. FISCHER: Thank you.

20 CHAIRMAN SWANSON: The next one I
21 have to recuse myself. The next two I have
22 to recuse myself, so, Gloria, if you would
23 please chair the meeting for me, I would
24 appreciate it.

25 MS. FISCHER: The first one before

1 Council on Environmental Quality
2 you is -- it's actually two parts of a
3 property -- two parts of an area that we're
4 acquiring at the head water of Stony Brook
5 Harbor. The first property is 2.2 acres.
6 These both are in the Head of the Harbor
7 Village. We're looking to acquire these
8 under a multi-faceting land preservation
9 program, open space preservation for passive
10 recreational use. We are going to request
11 that a small parking area with trails be
12 provided on this property, as well as the
13 next property that I'm presenting to you
14 today for passive recreational use. It is
15 at the head waters of Stony Brook Harbor.
16 See in blue, the freshwater wetlands. It's
17 a very hilly area and it drops down very
18 significantly into wetlands associated with
19 Stony Brook Harbor, the south side of Stony
20 Brook Harbor. So this is 2.2 acres, one lot
21 is showing in red, and that's where our
22 access will be, off that road.

23 MR. MACHTAY: Did you say there is
24 other County-owned land adjacent?

25 MS. FISCHER: We're proposing to

1 Council on Environmental Quality
2 acquire another piece that I'm going to
3 present to you next that is adjacent to it,
4 in yellow.

5 MR. BAGG: These are two parcels that
6 are next to one another.

7 MS. FISCHER: Right. Exactly.
8 There's different ownership, so we had to
9 present it to you separately.

10 MS. RUSSO: Laretta, your parking
11 area for access is at the end of that
12 cul-de-sac?

13 MS. FISCHER: It will probably be
14 somewhere on the property at the end of that
15 cul-de-sac, because the other access area is
16 Stony Farm Road, which is all wetlands and
17 we don't want to provide the access at that
18 point. So, our only --

19 MS. RUSSO: So you just have the one
20 access point at the end of that cul-de-sac
21 on this first property?

22 MS. FISCHER: Yes. At this point,
23 yes.

24 MS. RUSSO: And so there's no house
25 at the end. I see the house to the

1 Council on Environmental Quality
2 northeast.

3 MS. FISCHER: Correct. There's no
4 house on this lot that we're acquiring.

5 MS. RUSSO: They'll scream, "I have a
6 parking lot now."

7 MS. FISCHER: They might scream. I'm
8 sure there will be some screams, but that's
9 why we buy property for people to provide
10 access.

11 MR. MACHTAY: In other words, them's
12 the vicissitudes of life.

13 MR. BAGG: Laretta, this acquisition
14 does not include any parking, so in the
15 future, parking -- they have to come back to
16 CEQ for review.

17 MS. FISCHER: Correct. We're just
18 putting it in that that would be a
19 possibility here.

20 MS. RUSSO: And we're voting on the
21 property for acquisition?

22 MS. FISCHER: For acquisition,
23 correct.

24 MS. RUSSO: Any discussion or
25 questions?

1 Council on Environmental Quality

2 (Whereupon, there was no response.)

3 MS. RUSSO: Anyone like to make a
4 motion? We don't have a quorum. The
5 recommendation we propose this be put
6 through. Does everyone agree with the
7 recommendation?

8 (Whereupon, Council members voted.)

9 MS. RUSSO: Unanimous recommendation
10 that this -- not enough to vote.

11 MS. FISCHER: Thank you. The next
12 one before you is the adjacent property.
13 This is 12.25 acres in size. This is a part
14 of a larger property where we're cutting out
15 the area with the residence along Harbor
16 Road. So, in the area outlined in the red
17 is what we're acquiring. The area kind of
18 shaded in, like, a light red area, we're
19 submitting that for acquisition. Again,
20 this is going to be considered for
21 acquisition under multi-faceted land
22 preservation for passive recreation.

23 MR. MARTIN: Inasmuch as it's part of
24 another parcel or this is part of a larger
25 piece of property, do you have to go through

1 Council on Environmental Quality
2 a subdivision process or do you just simply
3 file deeds?

4 MS. FISCHER: I believe we simply
5 file the deeds.

6 MS. RUSSO: Does anyone have any
7 questions?

8 (Whereupon, there was no response.)

9 MS. RUSSO: Does anyone want to make
10 a recommendation?

11 (Whereupon, Council members voted.)

12 MS. RUSSO: Does everyone agree with
13 the recommendation that the County acquire
14 this property?

15 (Whereupon, Council members voted.)

16 MS. RUSSO: It's a unanimous
17 recommendation.

18 MS. FISCHER: I have one more before
19 you today. This is a TDR donation in
20 relation to the Suffolk County Department of
21 Health Services Development Act. The
22 properties are located in the town of
23 Brookhaven. The property that will be
24 donated to us is in Miller Place-Yaphank
25 Road nature preserve area along Miller

1 Council on Environmental Quality
2 Place-Yaphank Road, where we own at least
3 98 percent of the lots within this wooded
4 area in the center of the town. The
5 property that the development rights will be
6 transferred to is not far away. It's the
7 same hydrogeologic zone to, actually, an
8 existing developed lot. They're requesting
9 increased flow credits, and this was
10 approved by the County Board of Review, and
11 we're bringing this to finalize the transfer
12 of the donation to the County Parks
13 Department.

14 MR. MACHTAY: You're asking for water
15 review approval?

16 MS. FISCHER: Yes.

17 MR. MACHTAY: Did they do SEQRA?

18 MS. FISCHER: I can't speak on their
19 behalf.

20 MR. MACHTAY: SEQRA on the receiving
21 side of what's being done there?

22 MS. FISCHER: I'm not...

23 MR. BAGG: If I might speak to that.
24 That's before the Board of Health and,
25 basically, they do all the SEQRA reviews on

1 Council on Environmental Quality
2 proposed variances from Health Department
3 Code at the receiving area, so, basically,
4 what this is, is this is a mitigation.
5 Usually if the operation doesn't have --
6 they want to expand a restaurant or whatnot
7 to meet Health Department Codes, and the
8 Health Department says, "Go out and buy
9 another piece of property" --

10 MR. MACHTAY: I know the program, but
11 before anybody can approve it, they have to
12 do SEQRA.

13 MR. BAGG: Yes, but the Health
14 Department does do that. What this is
15 actually before you is a donation of
16 property to the County. The other aspects
17 have already been done or approved through
18 SEQRA.

19 CHAIRMAN SWANSON: For the record,
20 I'm back as chair now.

21 Do you have any other things you want
22 to discuss about this one?

23 MS. RUSSO: Can you just show me on
24 the map where this is?

25 MS. FISCHER: Sure. We own, at this

1 Council on Environmental Quality
2 point, about 95 percent of that area. It's
3 a wooded area actually in-between a sod farm
4 and a sand -- which we basically took most
5 of through tax liens or donations and picked
6 up the remaining pieces on the list.

7 CHAIRMAN SWANSON: Okay. Any other
8 questions?

9 (Whereupon, there was no response.)

10 CHAIRMAN SWANSON: Motion?

11 MS. RUSSO: I make a motion.

12 CHAIRMAN SWANSON: Second?

13 MR. PICHNEY: Second.

14 CHAIRMAN SWANSON: Second by Dan.

15 Any further discussion?

16 (Whereupon, there was no response.)

17 CHAIRMAN SWANSON: All in favor?

18 (Whereupon, Council members voted.)

19 CHAIRMAN SWANSON: Opposed?

20 (Whereupon, Council members voted.)

21 CHAIRMAN SWANSON: Motion carries.

22 MS. FISCHER: Thank you very much.

23 CHAIRMAN SWANSON: Thank you.

24 Other business.

25 Joy?

1 Council on Environmental Quality

2 MS. SQUIRES: I have a question. And
3 maybe you already spoke to this before I
4 came in, but did you get a response -- did
5 you get or did Mary Ann, anybody, get a
6 response to the publicity in Newsday?

7 MS. SPENCER: Yes, and Richard did
8 speak to that.

9 MS. SQUIRES: I'm sorry.

10 MR. MARTIN: We got a response, and a
11 committee was established to review the
12 resolution and to create a new one for the
13 housing program. And regarding Officer
14 Lindsey, who requested that the Department
15 of Public Works work with the Parks
16 Department to come up with new rental
17 guidelines.

18 MS. SQUIRES: Public Works?

19 MR. MARTIN: Yes. They actually have
20 a space management program that reviews
21 County buildings and, so, Tom LaGuardia is
22 now on the committee from Public Works for
23 their input. And that was a direct result
24 of the letter.

25 MS. SPENCER: Yes, the letters, I

1 Council on Environmental Quality
2 think, are marvelous, and this Committee was
3 quite impressive. I think the timing is
4 right now for a real solution to the
5 problem. A lot of good ideas. And, of
6 course, it's not just the historic
7 properties that are problematic here.

8 MS. SQUIRES: Oh, I know.

9 MR. MARTIN: It will be a completely
10 new program that we've proposed and how it's
11 to be administered over time for both the
12 guidelines to at least occupy the building
13 and rental structure.

14 MS. SPENCER: And Michael was a
15 little concerned about the CEQ's
16 representation, but I think we were well
17 represented. Jim was there, Richard was
18 there and I was there. We were included.

19 CHAIRMAN SWANSON: Okay. Question
20 about the Newsday article. It appeared that
21 Nassau County had their act together and
22 read the article and Suffolk County didn't,
23 and is Nassau County's program working as
24 well as they made it seem in Newsday?

25 MR. MARTIN: I don't know. We're

1 Council on Environmental Quality
2 going to investigate that to see how it's
3 run.

4 MS. SPENCER: That was one of the
5 items on their agenda, was to investigate;
6 see what the reporter was talking about; see
7 what they do. It was not clear that the
8 newspaper article that referred to Nassau
9 County included historic properties, but the
10 committee was interested in more than Nassau
11 County. A number of people at the committee
12 level mentioned other programs in other
13 parts of the country, New York City. There
14 are a number of solutions to publicly-owned
15 properties and, so, that was -- the
16 Commissioner was very clear, and he gave
17 people homework: Look into this, look into
18 that. They're going to try to gather ideas
19 as they go forward.

20 MR. BAGG: Larry, in response to what
21 you said, it also might be pointed out that
22 the newspaper intimated that Nassau County
23 had come to some agreement with real estate
24 agents who had put \$600,000 into the
25 restoration of these structures, and that

1 Council on Environmental Quality
2 the rents, a certain agreement went out. A
3 certain portion would be returned to the
4 real estate interests and then the County
5 would do their share. This is similar to
6 what the County had with the Friends of Long
7 Island Heritage before they decided to
8 terminate that agreement. So it's not
9 really the same thing.

10 CHAIRMAN SWANSON: So, to answer your
11 question, we have not had a formal response.
12 I would presume a formal response will come
13 back as some sort of a resolution or a plan
14 for us to consider, which may be next month
15 or months away.

16 MS. SQUIRES: There's certain
17 frustration -- well, I'm being gentle in
18 discussing the frustration. There is the
19 issue of building. There is also an issue
20 of when there's a joint acquisition between
21 the County and the Town -- and I speak to
22 the Fuchs property, which is off waterside
23 in Northport -- and there is a WEIR problem
24 there with water flow from the point, and
25 this has been a long time, and this has to

1 Council on Environmental Quality
2 do with Department of Public Works and, of
3 course, the Parks Department, and everybody
4 has been aware of it for a very long time.
5 It's been a problem for a long time, and you
6 can keep -- as all the other entities that
7 keep referring and asking for help and keep
8 asking, it is the County's problem, but when
9 the public looks at it, they don't worry
10 about the fact that it's a County problem.
11 It is, in fact, the public, the Town, that
12 is not doing the proper thing. So there's a
13 certain frustration, and we face, perhaps, a
14 media discussion of this that we're not very
15 comfortable with.

16 So, I'm just saying that I don't know
17 what the solution is, but it certainly is
18 frustrating. I also know that we have to
19 acquire things when they're available or
20 they're no longer available, and neither the
21 County has the money for maintenance nor the
22 Town has money to properly maintain it.
23 It's a very frustrating situation that I
24 have no solution for.

25 CHAIRMAN SWANSON: Well, Jim and I

1 Council on Environmental Quality
2 have talked about the maintenance issue
3 quite a bit, and he actually has made a
4 suggestion that when these things come
5 before us, that we make a comment with
6 regard to that, so, Jim, why don't you
7 explain what you were thinking in our
8 discussions previously about how we can at
9 least make the County aware that they have
10 to do something about County maintenance
11 dollars available?

12 MR. BAGG: Well, I think that's one
13 of the problems on a County-wide basis is
14 we're acquiring all these parklands and we
15 have only, roughly, about 25 rangers to
16 handle, like, 50,000 acres, and they're
17 spaced pretty far apart. And in addition to
18 that, we concentrate and we act on
19 recreational parks because that's where most
20 of the problems are. With respect to what
21 you're saying, Joy, I mean, this is the
22 first time anybody has said anything to us,
23 per se.

24 MS. SQUIRES: Well, since it was
25 relatively early and we were into other

1 Council on Environmental Quality
2 business and concerns, I thought this is
3 perhaps time.

4 MR. BAGG: Maybe you could write to
5 CEQ and ask them to explore the issue of
6 what the problem is.

7 MS. SQUIRES: I think it's not just
8 us. I think it's, we don't have a solution.
9 If we had a solution -- our Suffolk County
10 Parks trustee is on our Open Space
11 Committee, so we have all the lines of
12 communication, and we certainly know Nick
13 Givens, but there's just one of Nick. We go
14 back to what you're saying, Jim: There
15 aren't enough people, so -- and enough
16 people has to do with money and it has to do
17 with the allocation of funds for more
18 personnel, and this is not the financial
19 time to do a good case. But I guess what
20 I'm saying is, I don't have a solution, but
21 what are we going to do?

22 CHAIRMAN SWANSON: Well, I think the
23 County has to be very conservative in going
24 forward in buying historic property at this
25 point, because they're not doing a good job

1 Council on Environmental Quality
2 keeping what they have up to snuff.

3 MS. SQUIRES: But then we lose them
4 for all time.

5 CHAIRMAN SWANSON: You're going to
6 lose them anyway if they're not maintained.
7 So I think the County's got to do a better
8 job of picking those that are truly
9 important and that they can afford to
10 maintain, rather than continuing to buy
11 everything that seems to come on the market.

12 MR. BAGG: And one of the things,
13 too, going back to the County acquisition
14 programs, a lot of these parcels the County
15 purchases and goes into partnership is
16 because the Town is requesting the County to
17 do it. They feel that it's a very important
18 property to the Town. We went in
19 partnership with the Town because the Town
20 couldn't afford to buy the whole property.

21 MS. SQUIRES: Right. Absolutely.

22 MR. BAGG: And the Town is operating,
23 I believe, a conservation center building
24 there and --

25 MS. SQUIRES: But we're talking about

1 Council on Environmental Quality
2 a WEIR. We're talking about something way
3 down from there.

4 MR. BAGG: I understand that, but we
5 purchased this piece of property for passive
6 recreational purposes on our part to remain
7 in its natural state, for the most part, and
8 now that we've acquired it because the Town
9 asked us to do it and because we helped the
10 Town with monies and we can't afford that
11 property now, now you're saying, "Well, it's
12 a WEIR property. The County should step in
13 and take care of the problem."

14 MS. SQUIRES: No, I'm not saying
15 that. When it was acquired, it was very
16 specifically -- we bought the house and
17 acreage around it. The rest was purchased
18 by the County. The pond is essentially the
19 County's pond.

20 MR. BAGG: I understand that.

21 MS. SQUIRES: I know what you're
22 saying, but we're talking about the
23 breakdown of a system, which, technically,
24 the Town can't correct because it is County
25 land. And I'm taking too much time on this

1 Council on Environmental Quality
2 issue, but it's very clearly defined in how
3 it was purchased.

4 CHAIRMAN SWANSON: Well, what you
5 should do, I think, Joy, is to perhaps write
6 us a letter and say this is --

7 MS. SQUIRES: Is it a proper place
8 for CEQ, though? I'm just bringing it up
9 because Mary Ann and Richard brought it up
10 because we're talking about what we do in
11 regards to this.

12 CHAIRMAN SWANSON: I think it's a
13 proper thing for CEQ, at least to the point
14 of being able to say to the County officials
15 that, "Hey, you got a problem you got to
16 tend to." Otherwise, they might just
17 continue to ignore it because maybe they
18 don't get there often enough.

19 MR. BAGG: I mean, we could put the
20 issue on the agenda and request Parks to
21 address the issue. It's not a legislative
22 issue because the legislature purchased
23 property and placed it in Parks.

24 MS. SQUIRES: I would have to ask the
25 Town before I -- I mean, all I have to do is

1 Council on Environmental Quality
2 get us in more hot water than we're already
3 in.

4 CHAIRMAN SWANSON: The Town or CEQ or
5 both?

6 MS. SQUIRES: No, not CEQ.

7 MS. SPENCER: I have a question, Joy.

8 MS. SQUIRES: Yes.

9 MS. SPENCER: You're saying that the
10 Town of Huntington cannot maintain this
11 because it's County-owned. Is the Town of
12 Huntington willing to maintain it and able
13 to maintain it if they had permission to do
14 so?

15 MS. SQUIRES: Probably not. I'll
16 have to defer to Rich.

17 MR. MACHTAY: I work for them.

18 MS. SQUIRES: I don't work for the
19 Town, either. I just volunteer.

20 MS. SPENCER: Going back to what Jim
21 said, there are these partnerships where the
22 County goes in and helps with the purchase,
23 but the understanding -- the County's fairly
24 good about saying to private groups and
25 towns, "We'll help you buy this, but we

1 Council on Environmental Quality
2 would appreciate it if you would maintain
3 it."

4 MS. SQUIRES: Well, they acknowledge
5 this, but this is not an acknowledgment
6 issue.

7 MR. BAGG: Well, you actually take
8 your site, you conduct environmental
9 education things throughout the entire
10 County and...

11 MS. SQUIRES: Nothing is --

12 MS. SPENCER: But what I'm asking is:
13 If the Town of Huntington is willing and/or
14 able to maintain this or correct this
15 problem, then maybe all they have to do is
16 ask the County, "Is it okay if we go ahead
17 and do this?"

18 MS. SQUIRES: Okay.

19 CHAIRMAN SWANSON: Yes. Dan.

20 MR. PICHNEY: For the future, would
21 it be possible for the County to amend its
22 acquisition programs to build in a trust
23 fund for maintenance? Is that at all
24 possible, that whenever we purchase
25 property, there is a percentage set aside

1 Council on Environmental Quality
2 for that? It might mean that we can
3 purchase fewer pieces of land, but at least
4 the ones that we have, particularly if
5 there's a structure on it, means that we
6 could put on a roof and put heavy-duty
7 boards over the windows and doors so kids
8 can't get inside. So at least we get that
9 much of it nailed down.

10 MS. SPENCER: Stabilized.

11 MR. PICHNEY: Frank Daruba said -- he
12 originally came from Cleveland -- there, all
13 their Public Works projects, whether it's
14 road, buildings or whatever, has that built
15 into it, so there's always some money right
16 off the bat that went for the maintenance of
17 whatever they build so they don't have to
18 mess around with it in the future.

19 CHAIRMAN SWANSON: Jim.

20 MR. BAGG: Well, I mentioned to Larry
21 that in the future, when the County is
22 acquiring property for historic preservation
23 purposes or how they construct everything
24 else, there is a requirement in the
25 legislature that every piece of legislation

1 Council on Environmental Quality
2 is supposed to have a financial statement
3 associated with it of what the true costs of
4 that resolution or acquisition is going to
5 be and that, basically, if they're proposing
6 to acquire a piece of property to preserve a
7 structure on it or that they're going to
8 make a park and have to remove structures,
9 they should really outline the true cost to
10 the County. How much is the restoration of
11 that structure going to be? Do we have
12 people to occupy a historic structure, and
13 do we have monies for renovations for the
14 next ten or 20 years to operate these
15 structures? We spend the money, and then it
16 costs you \$20,000 a year to heat the
17 building and nobody wants to occupy it, but
18 those are expenses that are part of that
19 original acquisition cost that should be
20 identified in that financial statement.

21 MR. MACHTAY: Everybody has a cost.
22 "This is a fantastic piece, the County
23 should buy it, the County should buy it,
24 somebody should buy it." That's all well
25 and good. Back in 1971, I was involved

1 Council on Environmental Quality
2 with -- when the State University turned it
3 over to the Parks Department. The first
4 thing was, the Sheraton said, was, "This is
5 not a park. We don't grow plants and
6 things. Parks have golf courses, baseball
7 fields, so on and so forth." So we're
8 turning the heat off in the greenhouses and
9 we're turning everything off, the water off,
10 everything, and a small group of neighbors
11 got together, "Oh, we don't want that.
12 We're plant lovers. Never mind the house.
13 We like the house, but we're plant lovers."

14 I was making less than \$5,000 a year
15 at that time, and we all chipped in and
16 raised \$58,000 to heat the greenhouse and
17 keep them in repair. That was for the first
18 year, and that organization started in 1971,
19 and it was still -- about five or six years
20 ago was when we disbanded and merged with
21 the Planting Fields Foundation. It was
22 Friends of Planting Field, Planting Fields
23 Foundation. The foundation always gave a
24 million dollars a year just to take care of
25 the house. They never had to worry about

1 Council on Environmental Quality
2 that. Taking care of the grounds, taking
3 care of the plants, buying plants every
4 year, buying a cherry picker. As an
5 example, we bought a cherry picker. If we
6 wanted to use it on the grounds, the State
7 had to own it because it was State-owned
8 property, so we had to donate it to the
9 State. Chainsaws we had to donate to the
10 State. Any kind of tools that we bought,
11 cars, trucks, we had to donate to the State
12 in order to use them on State property.
13 That also meant that if the State needed a
14 cherry picker at Bayard Cutting Arboretum,
15 it went over there, okay? In spite of the
16 fact that the Friends of Planting Fields
17 raised the money.

18 And we operated like that for many,
19 many years, until just a few years ago.
20 People are just not willing to put their
21 money where their mouth is anymore, you
22 know? We want the Fuchs property. That's a
23 marvelous piece of property, it's a very
24 interesting piece of property, but where is
25 the group willing to do these things; that's

1 Council on Environmental Quality
2 willing to clean out that WEIR? I've seen
3 it; I see what's clogged, okay? I see what
4 the problem is. Where are the people that
5 are willing to get their hands dirty and put
6 a day in and dig in the garden or dig in the
7 WEIR and clean it out?

8 MR. PICHNEY: How are they going to
9 get a contract if they are County-owned?

10 MS. SQUIRES: Thank you very much.

11 MR. MACHTAY: That should be
12 addressed; that you have a day where people
13 can go in and do that sort of thing, okay?
14 And have hold harmless agreements, if they
15 get hurt they're not responsible. I used to
16 dig, I used to plant, I used to build. I
17 did all sorts of things when I volunteered.

18 CHAIRMAN SWANSON: Joyce.

19 MS. SQUIRES: I want to go back to
20 what Jim said, and in order to do that, the
21 legislation for acquisition would have to be
22 changed, because what you're talking about
23 is maintenance, and I am pretty sure that
24 all the County legislation, as is our own
25 Town legislation, is for acquisition and

1 Council on Environmental Quality
2 maintenance is not permitted, in terms of
3 the monies, and I think that that would
4 require a new funding stream or new
5 legislation.

6 MR. BAGG: Well, with respect to
7 historic structures, Joy --

8 MS. SQUIRES: I'm sorry, I don't
9 know, either. I deferred to Mary Ann,
10 but --

11 MR. BAGG: With respect to historic
12 structures, if we're buying the property for
13 historic purposes and historic preservation,
14 the CEQ has every right to ask what is the
15 County going to do, and what monies are they
16 going to commit to this structure to
17 maintain it over the next 20 years, and at
18 what cost? It's not just acquiring a piece
19 of property, because if we acquire it and
20 that building remains vacant, that's the
21 kiss of death.

22 CHAIRMAN SWANSON: Well, you might
23 like to ask about that because, as you know,
24 we no longer are even allowed to see what
25 the property costs because we questioned

1 Council on Environmental Quality
2 some of the County actions about paying too
3 much for a piece of property. So, in fact,
4 would we ever be allowed to see what the
5 true cost is?

6 MR. BAGG: Well, basically, I'm not
7 necessarily saying you have to request a
8 cost, but SEQRA requires a review of the
9 historic impact and implications, so as part
10 of the environmental review, the Council
11 could request that that environmental review
12 include what steps the County is going to
13 take to ensure that that property is
14 maintained and that building is occupied
15 before they acquire it. Not acquire it,
16 have it sit vacant for two years, then a
17 bunch of kids get in there and rip the
18 windows out, the radiators out, and holes in
19 the roof and burn it down.

20 MR. MACHTAY: But making that kind of
21 a commitment, there's got to be a liability
22 to it. Because God forbid something
23 happened to the structure or whatever --

24 MR. BAGG: They're going to own it
25 anyway. It's a liability anyway.

1 Council on Environmental Quality

2 MR. MACHTAY: It's in black and
3 white, which means it's written in stone
4 that they're going to maintain it, they're
5 going to have somebody in there, they're
6 going to do all these wonderful things to
7 preserve the structure, and then we let it
8 burn down.

9 MR. BAGG: Yes, but the thing here is
10 it's already acquired by the County for
11 historic preservation, and if that happens
12 and they didn't get somebody in there and
13 they didn't maintain it, then it's already a
14 liability to the County from a public
15 relations point of view anyway. "We bought
16 this property, spent \$4 million to preserve
17 it, and the next thing you know it's burned
18 down."

19 MR. PICHNEY: CEQ can only make
20 recommendations, right? We can only say,
21 "It should be maintained," this, that and
22 the other thing. We can't require that
23 it --

24 MR. BAGG: You can ask or request
25 that it be included in the environmental

1 Council on Environmental Quality
2 review portion under historic preservation.

3 MS. SPENCER: I think more important
4 than -- is what Jim is bringing up is this
5 educational process, and I think it's an
6 important issue. Even if it's just a matter
7 of making the legislature aware when they
8 purchase a historic property, what it would
9 cost to restore it, what it will cost to
10 maintain that, what cost there will be over
11 time in terms of staff.

12 And now I'd like to come back to what
13 Richard was talking about. This Richard
14 over here has been bringing to you for the
15 last two years these contracts with friends
16 groups in some of the historic properties
17 that are owned by the County, and when this
18 works, it helps to mitigate the lack of
19 funding for staff, the lack of funding for
20 restoration, the lack of funding for
21 maintenance. We had an example today with
22 this group in Montauk. They have come
23 forward. They're very interested, and
24 they've gone into partnership. Part of
25 Richard's frustration has been that the

1 Council on Environmental Quality
2 County has been reluctant to -- but now the
3 contracts are moving for some of these
4 friends groups. They seem to be starting to
5 move through, and you're right. Given the
6 lack of staff and financial resources that
7 the County has allocated at the present
8 time, the friends groups are our best hope
9 to maintain and secure some of these
10 structures. Seatuck is right now
11 maintaining and is very willing to help the
12 County with Scully, and, so, we're back to
13 the beginning of the meeting, all right?

14 I think there are a number of things.
15 I think that forging these relationships
16 with friends groups -- and Richard does take
17 us out. We do visit the properties, we do
18 see -- it's impressive to me how many of
19 these groups are in place in County-owned
20 property, and we owe them a great deal.

21 The second is educational. The
22 legislature does need an education. I don't
23 know that they'll ever actually put in with
24 the acquisition the kind of funds or hire
25 the staff and maintain the staff and

1 Council on Environmental Quality
2 maintain the buildings, but if they could at
3 least, in their acquisition statement, be
4 aware of what the cost for those -- they
5 just bought one the other day -- I won't
6 mention it -- and it needs a tremendous
7 amount of money. Legislators just go out
8 and purchase property, and it isn't -- it is
9 an education, and so maybe we should think
10 of some way.

11 MR. MACHTAY: They're satisfying
12 their constituents. It didn't just come out
13 of thin air that "We should buy this piece
14 of property," okay? A constituent or a
15 group of constituents has come forward and
16 said, "This is a great piece of property.
17 We should own it, we should preserve it, we
18 should do something with it," okay? And at
19 which point the legislator has to sit down
20 with these people and the legislator has to
21 sit down with the County Attorney and say,
22 "I want this to happen. What are you doing?
23 And these people can take the burden of
24 whatever it costs us off our backs. I want
25 this to happen." The legislature should be

1 Council on Environmental Quality
2 able to do that with the County Attorney. I
3 mean, I can't believe that the County
4 Attorney -- I don't know who it is -- is so
5 deaf to these people that...

6 MS. SPENCER: Sometimes it's a group
7 of people, sometimes it's an individual.

8 MR. MACHTAY: I understand that.
9 That's what I said, it's a person or
10 persons.

11 MS. SPENCER: Right, person or
12 persons, but the cumulative impact... And
13 then you go back to the public trust. We
14 purchase property and people think, "Well,
15 the County's purchased them, now they will
16 be preserved, but it's certainly worthy of
17 preservation. Now that the County owns it
18 they will be preserved," and the fact of the
19 matter is that that's not what's happening.
20 I mean, were it not for Richard and his
21 staff of two -- I mean, he does a heroic job
22 of trying to preserve the huge inventory
23 that the County owns.

24 MR. MACHTAY: You can never fault the
25 staff.

1 Council on Environmental Quality

2 MS. SPENCER: No. I'm saying we need
3 more staff just to hold the line.

4 CHAIRMAN SWANSON: We're going to
5 have an interesting one coming up, and that
6 is the restaurant on Lake Ronkonkoma. And
7 if that's purchased, there are, I guess,
8 several options, one of which is to try to
9 restore it, and another is to tear it down.
10 But wouldn't the money not be better spent,
11 if they're going to tear it down, to put it
12 into some property that is already owned and
13 not being maintained? And so they're going
14 to have to start making hard decisions
15 because we can't just keep buying stuff and
16 then neglecting it.

17 MS. SPENCER: No. And for the
18 record, the first property the County bought
19 was Blydenburgh; is that correct?

20 MR. MARTIN: Well, one of the earlier
21 ones than that was --

22 MS. SPENCER: First it was dedicated
23 to the Trust, I believe.

24 MR. MARTIN: Yes.

25 MS. SPENCER: And if you look, the

1 Council on Environmental Quality
2 needs of the very first property dedicated
3 to the Trust today are tremendous. Tell
4 them what Kennedy did at the 11th hour to
5 save the mill.

6 MR. MARTIN: Well, the mill was one
7 of the first properties that they had been
8 trying to restore for a number of years but
9 never got the capital funds, and the Parks
10 Department requested the funds. Legislator
11 Kennedy put into our capital budget 500,000
12 for the restoration of the building, which
13 will now allow us the first phase of the
14 stabilization and restoration of the --
15 that's moving forward and, again, after a
16 number of years of asking for the funds.
17 And that's really coming at a point that if
18 we don't do it now we'll lose the building.
19 So it came very late to the need that we had
20 over there.

21 MS. SPENCER: Right. And if you walk
22 the park, there are other structures that
23 are also in need of restoration and
24 stabilization.

25 MR. PICHNEY: But I think Richard is

1 Council on Environmental Quality
2 absolutely right here. I think as it stands
3 now, a legislator will meet with a community
4 group, have a few pictures taken. He'll
5 champion them and have the property
6 purchased or the house purchased, shepherd
7 it through the legislature, and he thinks
8 that his job is over. We really need him to
9 keep on it and start making sure the
10 contract -- my own department, when I worked
11 with the County, if a legislator was
12 interested in something, his aide would call
13 you at least once a week, "Where is it
14 going? Where is it going?" And that's what
15 we need until everything is kind of
16 finalized. If a legislator is going to take
17 on the responsibility of obtaining this
18 property or this house, he should follow it
19 through. And they have staff to do it.
20 They have quite a number of aides who are
21 able to do this leg work and follow up.

22 MR. BAGG: Well, you can't blame the
23 legislature. I mean, they're doing
24 everything they can to preserve properties.
25 Technically, the Parks Department has to

1 Council on Environmental Quality
2 apply every year for budget approval and
3 some other things, but a lot of these
4 contracts are going to the County Attorney's
5 office and a lot of these things are not
6 coordinated. I mean, we don't even have a
7 regular attorney that handles these types of
8 things. It gets thrown onto the other
9 attorney's table. He's got to then have a
10 new learning curve. He has no idea what the
11 County's policies, priorities or anything
12 else are. He's got his own specific set of
13 what he thinks is needed legally to help
14 protect the County. With respect to Scully,
15 I guess the County Attorney's office, now
16 it's in the budget. Now somebody in budget
17 has this thing; he has no idea what the high
18 priorities are. We're in the capital
19 program process. I mean, I have no idea
20 what is going on there, but, basically, it's
21 an educational process, and perhaps some
22 type of hierarchal review has to take place
23 at the County level in order to expedite
24 some of these things, and what the CEQ is
25 serving now is to call attention to

1 Council on Environmental Quality
2 properties, and then they ask the County
3 Attorney to come to a meeting and then all
4 of a sudden it dawns on them, "Well, maybe
5 we better take this out from the bottom of
6 the pile and put it on the top in order to
7 get somebody into these structures, because
8 we incurred \$500,000 in damage."

9 MR. PICHNEY: Jim, I thought this
10 stuff was addressed. Last year, the County
11 attorney came here and made us all kinds of
12 promises and everything like that, and what
13 happened? We're still discussing the same
14 thing?

15 MR. BAGG: No, no, no, no. Mr. Brown
16 came and said, "We have a whole caseload of
17 property and a very large caseload," and
18 that, basically, the CEQ said they're going
19 to meet with the County Attorney's office
20 when Richard said we got some type of
21 boilerplate contract to discuss how to
22 expedite things. We haven't even gotten to
23 that point yet, because Richard didn't
24 provide to me what is this boilerplate
25 contract where the committee and the CEQ can

1 Council on Environmental Quality
2 meet with the County Attorney's office and
3 say, "Look, we'd like one attorney assigned
4 to these things. These are a boilerplate
5 and it's really important to get these
6 groups in these buildings. What are you
7 going to do to expedite these contracts?"

8 MR. MARTIN: Just to respond to the
9 boilerplate, the last contract that did go
10 through was the deep wells contract. Since
11 that time, I was just informed two months
12 ago the boilerplate changed again. And
13 that's part of the problem with the County
14 Attorney's office. We get a boilerplate
15 established, the Parks -- the contract
16 division is huge and I get changed and they
17 have to go back and revise all the contracts
18 that are in the pipeline with new
19 boilerplates and that, of course, delays all
20 the contracts.

21 MR. BAGG: Well, that's the Historic
22 Trust. The County Attorney said, "We'll
23 have a meeting, and then maybe we better get
24 that boilerplate," and then say, "Why are
25 these things being revised? This is slowing

1 Council on Environmental Quality
2 up things and what can be done to expedite
3 these contracts?" You have to be face to
4 face. You just can't -- you know.

5 MR. MACHTAY: Suppose I was a citizen
6 group, okay? And I raised a certain amount
7 of money for a particular house, structure,
8 park or what have you, can I donate that to
9 the County for the purpose of whatever?

10 MR. BAGG: Well, usually, that's what
11 happens through these agreements. They
12 spend their money and --

13 MR. MACHTAY: I don't want an
14 agreement. I want to just donate the money
15 to the County to maintain the building.

16 MR. MARTIN: There is now a park
17 foundation that's newly established, and
18 that's where the money can be donated to.

19 MR. MACHTAY: 501-C3?

20 MR. MARTIN: Yes. And where the
21 money can be earmarked for the historic
22 site. Before it could have been through the
23 Friends for Long Island's Heritage. When
24 the County canceled that contract, it went
25 forward -- Owen Foundation and it does

1 Council on Environmental Quality
2 exist.

3 MR. MACHTAY: Okay, so there's a
4 vehicle.

5 MS. SQUIRES: And it's called?

6 MR. MARTIN: Park Foundation. There
7 might be a more formal name, but that's
8 the...

9 CHAIRMAN SWANSON: We probably ought
10 to draw this conversation to a close. I'm
11 sure it will come up again.

12 But, Mary Ann, I do think that Jim
13 has made a suggestion that maybe the
14 Historic Trust, when a property comes
15 forward, should just always be routinely
16 prepared to be asking questions.

17 MS. SPENCER: Okay.

18 CHAIRMAN SWANSON: What is the
19 procedure for maintaining this place and how
20 are we going to assure that, in fact, it is?

21 MS. SPENCER: Good. I think that's
22 good.

23 CHAIRMAN SWANSON: It could take
24 years to get something through the
25 legislature that would address that.

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MS. SPENCER: Right, but it won't
take years to start educating them.

CHAIRMAN SWANSON: Right.

Okay. Any other business?
(Whereupon, there was no response.)

CHAIRMAN SWANSON: Do we have a
motion?

(Whereupon, Council members voted.)

CHAIRMAN SWANSON: Motion.
Second?

MS. SPENCER: Second.

CHAIRMAN SWANSON: Okay. Let's
adjourn. Thank you very much.

(Whereupon, the proceeding concluded
at 11:24 a.m.)

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Council on Environmental Quality

C E R T I F I C A T E

I, MICHELLE SCOTTI, a Notary Public in
and for the State of New York, do hereby certify:

THAT the witness whose testimony is
hereinbefore set forth, was duly sworn by me; and

THAT the within transcript is a true
record of the testimony given by said witness.

I further certify that I am not
related, either by blood or marriage, to any of
the parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 16th day of April, 2008.



MICHELLE SCOTTI