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-----X

DEPARTMENT OF PLANNING

COUNCIL ON ENVIRONMENTAL QUALITY

-----X

June 18, 2008
9:30 a.m.

Arthur Kunz Library
H. Lee Dennison Building
Hauppauge, New York

BEFORE:

R. Lawrence Swanson, Chairperson.

James Bagg, Chief Environmental Analyst.

Amy Eberhart
Court Reporter

1

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

3 Michael Kaufman, Vice Chairperson

4 Eva Growney

5 Thomas Gulbransen

6 Richard Machtay

7 Daniel Pichney

8 Gloria G. Russo

9 Mary Ann Spencer

10 Richard Martin

11

12 Speakers:

13 Lauretta Fischer

14 Bill Hillman

15

16

17

18

19

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22

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CHAIRPERSON SWANSON: I'd

3

like to call the meeting to order.

4

MR. MARTIN: You may.

5

CHAIRPERSON SWANSON: Any

6

comments on the minutes that were

7

posted?

8

MR. MACHTAY: Mr. Bagg, any

9

comments on the February minutes,

10

and I presume you checked it out?

11

MR. BAGG: Chris, comments

12

on the February minutes?

13

MS. De SALVO: They were put

14

into the minutes, the original

15

minutes.

16

MR. MACHTAY: They were

17

accurate?

18

MS. De SALVO: Yes.

19

MR. MACHTAY: Thank you.

20

CHAIRPERSON SWANSON: Any

21

other comments?

22

MR. MACHTAY: I'll move the

23

February minutes.

24

CHAIRPERSON SWANSON: Motion

25

has been made to approve the

1

2

February minutes. Do we have a

3

second?

4

MS. RUSSO: I second.

5

CHAIRPERSON SWANSON: We

6

have a second.

7

Any discussion?

8

All in favor?

9

(All Aye.)

10

Opposed?

11

Motion carries.

12

Correspondence, Jim?

13

MR. BAGG: You will note in

14

your folders there are two

15

letters, one's from Legislator

16

Beedenbender concerning CR 4 and

17

the tabling last month, and there

18

is another letter from Supervisor

19

Petrone, the Town of Huntington,

20

concerning CR 4 thanking the

21

council for sending the committee

22

the information and the

23

opportunity^{x0} comment, and he has no

24

comments with respect to the

25

project.

1

2

CHAIRPERSON SWANSON: But

3

apparently the County had not

4

contacted them before June 4th; is

5

that correct?

6

MR. MACHTAY: 14th.

7

CHAIRPERSON SWANSON: 14th?

8

MR. MACHTAY: It was logged

9

into his office on June 14th.

10

CHAIRPERSON SWANSON: Okay.

11

Very good.

12

MR. MACHTAY: It does say in

13

his memo that he is concerned that

14

the road be maintained as one lane

15

in either direction and not be

16

expanded to a four-lane road.

17

VICE CHAIRPERSON KAUFMAN:

18

May I add something to that?

19

MR. MACHTAY: Sure.

20

VICE CHAIRPERSON KAUFMAN: I

21

ran into the engineers who did the

22

Tanger studies on the traffic

23

analysis for Tanger, and they were

24

also familiar with Jerry Wilcox's

25

project over at Pilgrim, and they

1
2 both stated -- they stated to me
3 that neither project contemplated
4 expansion of CR 4 to four lanes.
5 They were not looking at it as a
6 relief valve or anything like
7 that. And there were no, shall we
8 say, pushes, or anything like
9 that, in the Town of Babylon or, I
10 guess, Town of Babylon's analysis,
11 and I would guess the Town of
12 Huntington's also. But, again,
13 they were not pushing for four
14 lanes.

15 MR. MACHTAY: That's fine.

16 VICE CHAIRPERSON KAUFMAN:

17 Just telling you.

18 MR. MACHTAY: The fact of
19 the matter is, at last month's
20 meeting, and I have the minutes
21 here, the County representative, I
22 forget what his name was,
23 indicated that yes, in the future
24 it could be made into a four-lane
25 road, okay. And what's indicative

1

2

of that is that the shoulders are being made travel-worthy; no. 1.

3

4

We don't know how wide -- they're

5

not telling us how wide the actual

6

right-of-way is, whether they have

7

to be takings or they can just do

8

it. And, No. 3, they're not

9

putting in curbs, which would be

10

an expense to remove, substantial

11

expense to remove if they were

12

going to make it wider. It's like

13

they're setting it up.

14

The question is: If they

15

are setting it up for a four-lane

16

road at some point in the future,

17

because of whatever need may come

18

around, whether it's safety,

19

capacity or what have you, okay,

20

shouldn't we know that now? And,

21

as a matter of fact, someplace in

22

the minutes he does say it can be

23

made into a four-lane road, okay.

24

Now, shouldn't we know that

25

now for the purposes of our SEQRA

1

2

review?

3

VICE CHAIRPERSON KAUFMAN:

4

You're talking essentially

5

segmentation. I understand where

6

you're going with that.

7

MR. MACHTAY: That thing

8

doesn't pop out at us some, you

9

know, two years from now, oh, gee,

10

we forgot and we should have made

11

it --

12

VICE CHAIRPERSON KAUFMAN: I

13

do know the chief engineer of the

14

county DPW is here and he is going

15

to be talking about some of this.

16

We might want to halt a little

17

bit.

18

Jim?

19

MR. BAGG: I just want to

20

say something. I mean, the

21

project is being presented because

22

there is a safety concern on that

23

road.

24

MR. MACHTAY: Absolutely.

25

MR. BAGG: If the County

1

2

were to consider expansion because

3

of increased traffic congestion

4

and pressure, that's a ten-year

5

project down the road. You're not

6

talking about they're going to

7

come up to you in two years and

8

say, well, we're going to make it

9

a four-lane highway. That's not

10

doable.

11

MR. MACHTAY: And, Jim, if

12

it even borders on segmentation,

13

SEQRA is the only thing we should

14

be concerned with, right? If it

15

even borders on segmentation,

16

shouldn't they, for their own

17

protection, okay, use the section

18

of SEQRA that says, yes, you can

19

segment if, and here's the reasons

20

why; am I right?

21

MR. BAGG: You're absolutely

22

right. The question here is:

23

This project is not -- I don't

24

think anybody contemplates a

25

four-lane road in this section of

1

2

Commack Road now or in the future.

3

Now, if the towns in the future

4

say we have all kinds of traffic

5

congestion, we have to move the

6

traffic, that's a whole new

7

project, Rich, and that's, as I

8

said, ten years in the making. It

9

has nothing to do with this

10

project at all.

11

MR. MACHTAY: Okay.

12

Well, once again, I'd like

13

to ask him some questions.

14

CHAIRPERSON SWANSON: Let's

15

move on.

16

Historic trust update.

17

MR. MARTIN: Okay.

18

The housing issue, we have

19

one additional house at Prosser

20

Pines, which is occupied by a

21

county employee at this point, but

22

we still have a number of

23

vacancies and we're still working

24

on the legislative resolution that

25

would change the formula for the

1

2

rent and for the people that can

3

occupy this building. I haven't

4

seen a lot of movement since last

5

meeting on that, to be honest.

6

But that's still in the works.

7

We also worked with public

8

works over the past month on a

9

pilot project from National Grid

10

to install a new gas

11

furnace/electric generator in two

12

of our buildings; the St. James

13

Store and Isaac Mills House, which

14

is -- will be put into the

15

residential program. And this

16

will, hopefully, reduce the energy

17

costs at these buildings and also

18

provide some electric, creation of

19

electric for use in the buildings

20

itself. And if you produce

21

additional electric you can sell

22

that back to the company.

23

CHAIRPERSON SWANSON: How

24

are you going to generate this

25

electricity?

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MR. MARTIN: From a new furnace. We're just learning about it now, DPW got wind of this pilot program. They're only installing three furnaces, and they picked Suffolk County Parks as a place to try this out. And then they'll be monitoring them for, I think, over a course of a year to see how they function and what the benefits are.

The St. James Store we thought was a good one because it's opened year-round, so it will be switched over from oil heat to this gas furnace. And National Grid will pay for all the costs to do the switchover, and same with the Isaac Mills House. We think that will help out in the renting of that facility.

We tried, also, for the house in West Hills, the Smith House, which has high energy

1

2

bills, but we were not able, with

3

the heating system there, to

4

convert. We're looking for one

5

more additional house within the

6

county parks, the housing program,

7

that can be switched over to this.

8

And, obviously, if it's

9

successful we might look to do

10

some additional buildings. And,

11

so, this is twofold; this is

12

energy conservation for the County

13

and, also, I think it would be

14

helpful in renting these

15

facilities, because that's been

16

one of the problems, high energy

17

costs, that we have in these

18

direct buildings.

19

VICE CHAIRPERSON KAUFMAN:

20

What kind of boilers are you

21

talking about?

22

MR. MARTIN: They're new.

23

I'd have to have public works step

24

in, they're actually educating

25

themselves now. They were looking

1
2 to install them this summer,
3 they'll be up and running by
4 September. So, there was a
5 timeframe -- there was a window of
6 opportunity that this program was
7 available. So, we're really
8 learning as we're going. I can
9 learn more about it and report
10 back to you.

11 MR. BAGG: These boilers
12 serve double-duty, they generate
13 heat as well as electricity?

14 MR. MARTIN: Yes.

15 MS. GROWNEY: They're
16 furnaces?

17 MR. MARTIN: Have you heard
18 anything?

19 MS. GROWNEY: No, I haven't.

20 Do you know who the
21 manufacturer is?

22 MR. MARTIN: No, I don't
23 have all the specifics. We
24 brought National Grid on-site.
25 You need to have^a gas line close to

1

2

the house, they're paying for the
new underground line to the house.

3

4

So they surveyed the store and the

5

Isaac Mills House, those are a

6

definite go, and we're looking for

7

one more house.

8

So, three out of three of

9

the pilot project will be in the

10

parks.

11

MS. GROWNEY: What about

12

Hubbard?

13

MR. MARTIN: There's no gas

14

-- you'd have to have a gas line

15

going out, and there's probably

16

not one in the street at that

17

location, for this pilot project.

18

CHAIRPERSON SWANSON:

19

Anything else, Richard?

20

MR. MARTIN: Under the

21

grants, we're still working on

22

them. We have the Babylon Town

23

Historic Society contract has been

24

returned from the county

25

attorney's office, that's still

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being reviewed by the parks.

There's a number of changes that the county attorney's office put into that contract.

And we also met with the county attorney's office and the Town of Huntington together, to iron out all the clauses for the contract that the town is going in, the parks department, on the Coindre Boathouse. And this relates to the \$600,000 that the town has promised to give the county towards that restoration. As part of that they plan to go into contract with parks to manage that building, run programs from there, work with Sagamore Rowing as part of that contract, and they also asked to, possibly, add the fishing pier, which is directly opposite the boathouse, to that contract. They would like to have some fishing program available

1

2

also. So that's, I think, moving forward now.

3

4

There's a lot of confusion as to what this contract was to cover at that site. I think we ironed that out so they can move forward; otherwise, there's no movement with the other contracts that we have in our department.

5

6

7

8

9

10

11

And I have not heard any updates on Scully Estate Seatuck contract.

12

13

14

CHAIRPERSON SWANSON: Thank you.

15

16

Anybody here from the public?

17

18

Recommended Type II actions?

19

MR. BAGG: Basically, in your folder is the June 10, 2008 legislative packet. I've reviewed it in terms of SEQRA classifications and recommendations, nothing stands out. A lot of the items complete

20

21

22

23

24

25

1

2

SEQRA that you've already passed

3

on, or at future dates have passed

4

on, and mostly Type II actions.

5

CHAIRPERSON SWANSON: Okay.

6

Any questions?

7

MR. GULBRANSEN: Question on

8

No. 15, Amending the Leads

9

Program, Type II Action. Do you

10

recall what kind of an amendment

11

that is?

12

MR. BAGG: I don't recall.

13

Simply, I think, they're moving up

14

to the later leads contracts; in

15

other words, what they're going to

16

do is, any renovations of

17

buildings that involve more than a

18

million dollars, they want to

19

confirm to leads as well.

20

VICE CHAIRPERSON KAUFMAN:

21

They're tightening up the

22

standards basically, and trying to

23

encompass more buildings.

24

CHAIRPERSON SWANSON: Any

25

other comments?

1

2

Motion to accept staff

3

recommendations?

4

VICE CHAIRPERSON KAUFMAN:

5

Motion to accept.

6

CHAIRPERSON SWANSON:

7

Second?

8

MR. PICHNEY: Second.

9

CHAIRPERSON SWANSON: Second

10

by Mr. Pichney.

11

All in favor?

12

(All Aye).

13

All opposed?

14

Motion carries.

15

CHAIRPERSON SWANSON: Is

16

there anybody here to speak about

17

County Road 4?

18

MR. BAGG: Chris, let them

19

know they're up.

20

CHAIRPERSON SWANSON:

21

Proposed acquisition for open

22

space.

23

MS. FISCHER: I have four

24

properties before you today, three

25

of which are in the Overton

1

2

Preserve.

3

You want me to go on?

4

CHAIRPERSON SWANSON: Yes.

5

MS. FISCHER: Overton

6

Preserve area, Coram Town of

7

Brookhaven.

8

The first one is Beechwood

9

Horseblock Building Corporation

10

property. This is a 16-acre lot

11

situated on the easterly side of

12

the preserve area. The preserve

13

is approximately 400 acres in

14

total. We've been picking up a

15

number of pieces, as well as the

16

Town of Brookhaven.

17

A piece that's outlined in

18

red is the proposed acquisition

19

before you. Other properties

20

acquired by the County are in

21

green, Town of Brookhaven is in

22

purple and the other two before

23

you are in orange color, that

24

we'll get to in a moment.

25

It's predominantly oak

1

2

forest habitat and undisturbed

3

vegetation.

4

VICE CHAIRPERSON KAUFMAN:

5

Lauretta, basically, if I'm

6

looking at this, we're picking up

7

three or four different properties

8

in this area. Apparently, they

9

were owned by Fairfield or

10

contract vendees associated with

11

Fairfield, but we're picking up

12

basically properties in this area,

13

about 70 acres or so, is that

14

about what we're looking at?

15

MS. FISCHER: Approximately.

16

VICE CHAIRPERSON KAUFMAN:

17

They all link together --

18

MS. FISCHER: This is the

19

first one, this is 16 acres. This

20

is a Beechwood, not a Fairfield.

21

VICE CHAIRPERSON KAUFMAN:

22

So I was wrong on that one. But

23

these properties link together in

24

a coherent hole, from what I'm

25

seeing from the --

1

2

MS. FISCHER: Well, our

3

intention with the Town of

4

Brookhaven is to acquire this area

5

called Overton Preserve.

6

As I stated, it's

7

approximately 400 acres in total.

8

Some of it has been developed, but

9

remaining the areas we're trying

10

to pick up. So, this is some

11

significant acreage in this area

12

to move that agenda forward.

13

VICE CHAIRPERSON KAUFMAN:

14

Is this land mostly cleared, I'm

15

just curious?

16

MS. FISCHER: No, it's

17

wooded.

18

VICE CHAIRPERSON KAUFMAN:

19

Can't fully tell from the aerials.

20

CHAIRPERSON SWANSON: Any

21

other comment?

22

MS. GROWNEY: Are there

23

trails that are specific to this

24

area?

25

MS. FISCHER: There are

1

2

trails that are in here, but --

3

MS. GROWNEY: Any county

4

trails?

5

MS. FISCHER: -- there are

6

no designated trails. At this

7

point they're informal trails used

8

just locally.

9

MS. GROWNEY: Okay.

10

MS. FISCHER: Hopefully

11

there will be a trail system

12

created once we connect all the

13

pieces, hopefully.

14

MR. GULBRANSEN: Was there

15

an attempt to address that long,

16

thin parcel right to the west of

17

it, which was wooded?

18

MS. FISCHER: Yes. As you

19

can see, all the pieces, either in

20

the crosshatch or the diagonal,

21

are properties that we're looking

22

to acquire --

23

MR. GULBRANSEN: Okay.

24

MS. FISCHER: -- as part of

25

this, as part of this whole

1

2

acquisition area.

3

CHAIRPERSON SWANSON: Have a

4

motion?

5

MS. SPENCER: I have a

6

question.

7

CHAIRPERSON SWANSON: I'm

8

sorry.

9

MS. SPENCER: On the

10

northwest top, is that a filed

11

subdivision map, all that yellow

12

grid?

13

MS. FISCHER: Yes, that's an

14

old filed subdivision; however,

15

it's owned primarily by one owner

16

so we are trying to acquire that

17

as well, that area.

18

MS. SPENCER: Okay.

19

MS. FISCHER: Luckily, it's

20

owned by one person.

21

CHAIRPERSON SWANSON:

22

Motion?

23

MR. MACHTAY: Unlisted neg.

24

dec.

25

VICE CHAIRPERSON KAUFMAN:

1

2

Second.

3

CHAIRPERSON SWANSON: We

4

have a second by Mr. Kaufman.

5

Any other discussion?

6

All in favor?

7

(All Aye).

8

CHAIRPERSON SWANSON:

9

Opposed?

10

Abstention?

11

Motion carries.

12

MS. FISCHER: The next one

13

before you is Fairfield Coram 112,

14

LLC Property. This property is 23

15

acres in size and it's located on

16

the westerly side, actually

17

adjacent, the roadway to the west

18

of the property is County Road 112

19

in Coram.

20

Again, a wooded piece of

21

property primarily, and it's

22

outlined in red on the westerly

23

side on this map.

24

VICE CHAIRPERSON KAUFMAN:

25

Motion unlisted.

1

2

MS. RUSSO: I second the
motion.

3

4

CHAIRPERSON SWANSON: Motion
is second.

5

6

Any other comments;
questions?

7

8

All in favor?

9

(All Aye).

10

CHAIRPERSON SWANSON:

11

Opposed?

12

Abstentions?

13

Motion carries.

14

MS. FISCHER: Thank you.

15

16

And the third piece in the
Overton Preserve is the Fairfield
Mills Estates LLC Property. This
is a 48-acre lot to the north
along the northern Mill Road area
outlined in red on your third map.
It's just directly north of the
property that was acquired by the
Town of Brookhaven.

17

18

19

20

21

22

23

24

VICE CHAIRPERSON KAUFMAN:

25

Motion unlisted neg. dec.

1

2

Are there any questions?

3

MR. GULBRANSEN: Is there

4

anything with -- about that

5

property adjoining it which we

6

need to know about with regard to

7

-- you said there was excavation

8

of some kind?

9

MS. FISCHER: Yes, but we

10

didn't look at it specifically in

11

any detail.

12

CHAIRPERSON SWANSON: Do you

13

know what the operation was?

14

MS. FISCHER: I don't know

15

offhand.

16

VICE CHAIRPERSON KAUFMAN: I

17

have a little bit of a memory of

18

the property. I believe it was

19

just a sand excavation. I know

20

they scraped off some of the

21

vegetation about 20 years ago or

22

so, I had friend who lived to the

23

west of there. I know that -- it

24

was not an industrial lot

25

excavation in terms of, you know,

1

2

just knocking it down 30 feet or

3

anything like that. There was

4

some material moved from the area.

5

I also have a memory that there

6

was not industrial activities to

7

any great degree on there.

8

Again, that's my memory,

9

but, if I remember correctly,

10

before we purchase all this land

11

we have to do an enviro review

12

anyway.

13

MR. BAGG: Yes.

14

MS. FISCHER: And any

15

encroachments will be dealt with.

16

MR. BAGG: According to the

17

County, when you run an assessment

18

for toxic and hazardous substances

19

it has to be free and clear of any

20

contamination and, if anything is

21

found, it has to be remediated

22

prior to the County taking it or

23

we can back out of it.

24

CHAIRPERSON SWANSON: Okay.

25

Any other comments?

1

2

Have a motion?

3

MR. BAGG: Unlisted.

4

CHAIRPERSON SWANSON: We

5

have a second?

6

MS. RUSSO: I second.

7

CHAIRPERSON SWANSON: All in

8

favor?

9

(All Aye).

10

Opposed?

11

Abstentions?

12

Motion carries.

13

MS. FISCHER: The last one

14

is a property in the Long Pond

15

Greenbelt area, Town of

16

Southampton. This is another

17

piece of the puzzle within this

18

area, a 10-acre, 10.3-acre site

19

consisting of two lots outlined in

20

red. To the west is a large

21

town-owned property, which

22

consists of some, you know, kettle

23

hole, wetland ponds. This area is

24

very well-connected in a very

25

strange topographic formation with

1

2

Long Pond to the east, which

3

actually starts in Sag Harbor to

4

the north, and goes all the way

5

down to the Poxapogue (phonetic)

6

Pond near the southern portion of

7

the town and then east as well.

8

This is all within the south fork

9

SGPA, and that is one of the areas

10

we're highlighting to acquire.

11

CHAIRPERSON SWANSON: Why is

12

it not on the master list?

13

MS. FISCHER: These were

14

actually considered separately by

15

Legislator Schneiderman, and we

16

helped him actually put this list

17

together. Although it was done

18

after we had completed our master

19

list there were other pieces that

20

we didn't prioritize, but he had

21

indicated wanted to move them

22

forward. There's no reason, other

23

than the fact that we had other

24

ones, that we had prioritized

25

closer to the Long Pond Greenbelt

1

2

formation. We had no problem with regard to adding these on as well.

3

4

CHAIRPERSON SWANSON: That would meet the criteria of your master list?

5

6

7

MS. FISCHER: Yes.

8

9

MS. RUSSO: Laretta, what are the rectangles that are all clustered together there?

10

11

MS. SPENCER: It looks like asphalt.

12

13

MS. FISCHER: Oh, that's a -- actually, it's a chicken farm.

14

15

16

MS. RUSSO: Really?

17

MS. FISCHER: Yes.

18

CHAIRPERSON SWANSON: What is she talking about?

19

20

VICE CHAIRPERSON KAUFMAN:

21

To the south and west.

22

MS. FISCHER: To the south and west you're looking at, yes.

23

24

MR. BAGG: Actually, that

25

was -- is it a chicken farm or is

1

2

it a quail --

3

MS. FISCHER: Chicken or
quail, something like that.

4

MR. BAGG: Quail.

5

MS. FISCHER: Yeah, it's
some fowl.

6

7

MR. BAGG: It's actually a
quail and pheasants that are
produced for hunting clubs and
they sell something like 250,000
birds a year.

8

9

10

11

VICE CHAIRPERSON KAUFMAN:

12

With not many survivors.

13

MS. FISCHER: Poor things.

14

VICE CHAIRPERSON KAUFMAN:

15

Don't blame me. I'm a bad shot.

16

I never hit anything.

17

CHAIRPERSON SWANSON: We
have a motion?

18

19

VICE CHAIRPERSON KAUFMAN: A
motion unlisted make that.

20

21

MR. MACHTAY: Second.

22

CHAIRPERSON SWANSON: Any

23

other discussion?

1

2

All in favor?

3

(All Aye).

4

CHAIRPERSON SWANSON:

5

Opposed?

6

Abstentions?

7

Motion carries.

8

MS. FISCHER: Thank you.

9

CHAIRPERSON SWANSON: Now

10

we'll go back to County Road 4 as

11

they relate. Anybody here to make

12

a presentation on that?

13

MR. HILLMAN: Yes. Bill

14

Hillman, Chief Engineer, Suffolk

15

County DPW.

16

CHAIRPERSON SWANSON: Yes.

17

MR. HILLMAN: Okay. I'm

18

going to group my comments into

19

two sections; first, on the

20

roadway job and then on the bridge

21

that's in question.

22

As was explained last

23

session, the Department intends to

24

construct one 11-foot lane in each

25

direction, with an eight-foot

1

2

center median and six to

3

seven-foot shoulders. This will

4

dramatically improve safety. It's

5

been shown that when you improve a

6

center median it reduces the

7

accidents up to 44 percent. The

8

shoulders also will reduce

9

accident dramatically.

10

In addition, they will

11

provide an area for bicyclists to

12

travel on. So, we have existing

13

right-of-way of 49 and a half

14

feet. I know it was questioned

15

last time, I'm not sure where the

16

comment came from, could we go out

17

to 48 feet, widen the road to 48

18

feet, and that doesn't provide

19

sufficient right-of-way for us to

20

come back and put a sidewalk in.

21

So, we did look at that, but

22

it just -- within -- this project

23

is within the existing

24

right-of-way. So we need to come

25

up with a roadway section that

1

2

works to improve safety, and also

3

to allow for a sidewalk to be

4

constructed in the future.

5

As far as coordination goes,

6

I've met with Legislator Sterns'

7

office numerous times, I think you

8

probably heard, another meeting

9

with the community that we've had

10

on this project. We've reached

11

out. We've had numerous meetings

12

with the community on this road,

13

other roads, all the developments

14

that's going on in the area.

15

I've been involved

16

personally with PJ Ventures,

17

Tanger, Heartland Industrial Park

18

Expansion, Commack Cinemas, Forest

19

Labs, New York State DOT,

20

Intermodal (phonetic), Heartland

21

Town Center, the Town of

22

Smithtown's desire to increase

23

their properties on County Road

24

67, rezone them to allow highrises

25

in front of the industrial park.

1

2

So, the County is intimately

3

aware, with all the development

4

that is going on in the area, we

5

do not make these decisions in a

6

vacuum. We coordinate with the

7

towns when necessary, but I would

8

like to stress that this is a

9

county road. We make the decision

10

solely with the -- the decisions

11

on how to improve county roads are

12

solely within the rights of the

13

County. We do coordinate with the

14

towns frequently and on numerous

15

occasions, but we cannot, and will

16

not, ask for approval of a project

17

from towns within a county

18

right-of-way. We do coordinate

19

with them, as I said extensively,

20

but --

21

CHAIRPERSON SWANSON: I

22

think that's all we ask, that you

23

show us some evidence that that

24

was -- we don't need a lecture.

25

MR. HILLMAN: Okay.

1

2

CHAIRPERSON SWANSON: We're doing our job, and one of our jobs is, in fact, to make sure you do that coordination. When it's not evident then it's our job to remind you.

3

4

5

6

7

8

MR. HILLMAN: Well --

9

CHAIRPERSON SWANSON: Enough said.

10

11

You have any other technical comments?

12

13

MR. HILLMAN: No, but I'd like to expand upon that, if I could.

14

15

16

We have schedules that we must keep, and when something is delayed --

17

18

19

CHAIRPERSON SWANSON: Part of the schedule is to come to this meeting.

20

21

22

MR. HILLMAN: Correct.

23

24

CHAIRPERSON SWANSON: And when you come to this meeting there is a chance that, in fact,

25

1

2

something might not be quite

3

correct in the view of the

4

committee, that is something that

5

you should take into your

6

planning.

7

MR. HILLMAN: Without a

8

doubt we do; however, I have

9

strong objections to delays from

10

non-environmental issues,

11

coordination issues --

12

CHAIRPERSON SWANSON:

13

Coordination is environmental.

14

MR. HILLMAN: How do we

15

stretch environmental into

16

coordination?

17

CHAIRPERSON SWANSON: Very

18

simply, the towns and the County

19

are sharing one environment.

20

MR. HILLMAN: I'd like a

21

little bit further explanation, if

22

I could, because I just don't see

23

the connection.

24

CHAIRPERSON SWANSON: You

25

don't see any connection between

1

2

the town's view of their town and

3

the County's view and that there

4

should be some attempt to try and

5

come to an agreement, rational

6

approach?

7

MR. HILLMAN: I don't

8

disagree with that, but I don't

9

see how that the environmental

10

aspect, particular environmental

11

aspects of this project lead to

12

coordination between Suffolk

13

County and the towns.

14

VICE CHAIRPERSON KAUFMAN:

15

There is -- if I may, Mr. Chairman

16

for a second.

17

There is, for example, one

18

area where coordination is

19

important. For example, the CEA,

20

this -- part of Commack goes

21

through critical environmental

22

area, that's the old multi-town

23

project, also known as the

24

Edgewood Brush Plains. You have

25

to coordinate, sometimes, with

1

2

whoever the owner is. I believe

3

it's New York State right now. I

4

believe that DOT has a piece of

5

the action in coordination, et

6

cetera.

7

These are the kinds of

8

things we need to look at,

9

excluding what Larry was saying,

10

and I'm not saying Larry is wrong.

11

This is an additional area.

12

Coordination has to be done on

13

certain areas. We had specific

14

questions on CEAs and, also, it's

15

well within our purview at CEQ.

16

And, if you look at the

17

SEQRA regulations themselves,

18

we're allowed to look at traffic

19

impacts and things like that.

20

That forms part of what our job

21

here is today.

22

MR. HILLMAN: I agree,

23

traffic impacts.

24

VICE CHAIRPERSON KAUFMAN:

25

We were not seeing all of that.

1

2

That is one of the issues that we had at the previous meeting.

3

4

MR. HILLMAN: When I read the minutes, it seemed like this body was asking for concurrence from the four towns.

5

6

7

8

CHAIRPERSON SWANSON: No, just acknowledgement that you, in fact, had been part of the process. They had been part of the process.

9

10

11

12

13

Rich?

14

15

16

17

18

19

20

21

22

23

24

MR. MACHTAY: As far as environmental issues are concerned, if a road is being improved, and it may contribute to more volume on that road, and you have people's homes which are to the west, and a few to the east, that back up to this road, you have air quality issues, you have traffic issues, there's your environmental issues.

25

And I think some of the

1

2

questions that I asked had to do

3

with, is there a plan here to,

4

sometime in the future, increase

5

the capacity of this road, and I

6

got a non-answer. If you look at

7

the minutes, that was never

8

answered, okay. And except to the

9

extent that somebody said, "Well,

10

you know, maybe."

11

MR. HILLMAN: That is still

12

in the planning stage.

13

MR. MACHTAY: It's not an

14

answerable question. I agree with

15

you.

16

MR. HILLMAN: Correct.

17

MR. MACHTAY: I agree with

18

you, but the way it's being set up

19

with shoulders that are being

20

paved to the extent of the travel

21

lanes, according to what they

22

said, with no curbs, it almost

23

makes it look like it's imminent.

24

MR. HILLMAN: No.

25

MR. MACHTAY: All I asked

1

2

was for clarification, and nobody gave me that answer.

3

4

MR. HILLMAN: Well --

5

MR. PICHNEY: Mr. Chairman?

6

CHAIRPERSON SWANSON: Yes.

7

MR. PICHNEY: I just wanted

8

to make a point.

9

How many times do towns

10

require right-of-way in the

11

process of a subdivision

12

development or commercial

13

development for a widening that

14

never takes place or takes place

15

30 years in the future?

16

MR. MACHTAY: Frequently.

17

MR. PICHNEY: I think this

18

is a similar issue. That I would

19

call it good planning if, in fact,

20

they did something like that and

21

maybe it will happen, maybe it

22

won't.

23

MR. MACHTAY: But the fact

24

of the matter is, we always

25

require -- the town required

1

2

curbing to contain runoff, to

3

direct runoff, and here they're

4

telling us the runoff is just

5

going to run off the road.

6

MR. HILLMAN: That's

7

correct. Because when you --

8

VICE CHAIRPERSON KAUFMAN:

9

There's good drainage over there.

10

MR. HILLMAN: A common

11

drainage practice is to allow, if

12

you have good clean sand along the

13

edge of the road, is to allow the

14

runoff to go off to the road.

15

When you put curb in, you now must

16

put a positive drainage system in,

17

or a leaching system in, and it

18

dramatically increases the cost.

19

Drainage is very expensive. So if

20

we were to put curb in we're now

21

forced to put extensive drainage

22

in and the budget does not allow

23

that.

24

MR. MACHTAY: That's a good

25

explanation, which I did not get

1

2

last time. And the fact of the

3

matter is, you have people's homes

4

that either back up or they're on

5

the marginal road to this road and

6

I don't want to see them get

7

flooded out, because the water is

8

going to run off the road into the

9

right-of-way, or what you consider

10

the right-of-way, and then where

11

is it going to go? If it doesn't

12

go down --

13

MR. HILLMAN: There's 150

14

foot buffer on the west side, 150

15

foot buffer. We're not going to

16

be generating sufficient water to

17

travel over 150 feet from that

18

road, I can guarantee that.

19

MR. MACHTAY: Good

20

explanation.

21

MR. GULBRANSEN: If I can

22

just extend the runoff

23

conversation.

24

From your explanation for

25

the need to coordinate or the

1
2 spirit of coordination and,
3 perhaps, the lack of environmental
4 imperative to that coordination,
5 that doesn't seem consistent with
6 the County's permit for storm
7 water runoff, and each of the
8 town's permits with the state for
9 MS4 permits are all about
10 inter-municipal coordination.

11 So, it seems to me, and by
12 the way, it's all about the
13 conveyance into the roads. But if
14 you're putting a road in and you
15 have the autonomy to do this as
16 you see fit, I don't see how
17 coordination with all of the towns
18 wouldn't have to occur anyway and,
19 therefore, we wouldn't be asking
20 for some burdensome delay because
21 I don't think you can do anything
22 with regard to road operations
23 unless, and until, you talk to
24 those connected parties; is that
25 not true?

1

2

MR. HILLMAN: I don't see

3

the connection between the MS4 and

4

that requiring us to coordinate

5

with the town on a specific

6

roadway improvement job.

7

Again, we need to keep in

8

mind that this is a safety

9

improvement project.

10

MR. GULBRANSEN: I'm not

11

talking about safety, I'm talking

12

about a road plan, but I would

13

expect to be, de rigueur. It

14

would be common practice for you

15

to check across with those runoff

16

considerations. And, often as you

17

say, if there's no curbs there's

18

going to be a non-issue. But it

19

seems to me there would be a

20

checkpoint where you would touch

21

base with the other adjoining

22

municipalities. If not, then

23

we're into another one of those

24

environmental related things that

25

just happens while you're doing

1

2

the safety measure.

3

MR. HILLMAN: I'm not seeing

4

the -- if we went to -- this

5

section of this road is within the

6

Town of Babylon, or Town of Islip,

7

it's right on the border, it's

8

either Islip or Babylon. If we

9

went to the Town of Islip -- south

10

of the expressway is either

11

Babylon or Islip, but let's

12

assume --

13

MR. GULBRANSEN: It's

14

Huntington, actually, and Babylon.

15

Doesn't touch Islip at all.

16

MR. HILLMAN: If we were to

17

go to the Town of Babylon and tell

18

them, we're going to improve this

19

road by putting medians and

20

shoulders on and we're going to

21

allow road runoff to -- without

22

curb and without a positive or

23

without a leaching system, what is

24

their -- I don't see what their

25

responsibility with MS4 is within

1

2

our roadway jurisdiction?

3

4

5

6

7

8

9

10

11

MR. GULBRANSEN: You put the two ifs in the preamble, which would make it a non-issue. If and if, then it's a non-issue. If either of those were not met then it would be an issue, and I was just trying to understand why it would seem so foreign of a concept for you to do?

12

13

14

15

16

17

18

19

20

21

VICE CHAIRPERSON KAUFMAN: I read the MS4 regs and I don't necessarily see that the coordination issue is always required. In certain situations, yeah, it probably is, I don't see it as being an overall imperative where there is a checkpoint system. In that sense, I'm agreeing with Bill, but I --

22

23

24

25

MR. GULBRANSEN: My question was to understand whether Bill's statement about the environmental issues being someplace else,

1

2

because it's a safety matter, it didn't seem to me that it was that problematic.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

VICE CHAIRPERSON KAUFMAN:

18

No, but in this sense I see the situation as being as follows:

19

20

Basically, it's a road

21

improvement. I understand the

22

shoulders are being hardened, I

23

understand that there's a concern

24

about segmentation and a possible

25

expansion of four lanes, but if

1

2

they're fundamentally not changing

3

the drainage, which is what it

4

appears to be in this situation,

5

and if they're fundamentally just

6

doing a couple of safety

7

improvements, I don't see the

8

necessity to check each and every

9

little item.

10

For example, you create a

11

little island or something like

12

that, put a traffic light, I don't

13

see that as requiring massive

14

coordination and double-checking

15

with each individual municipality

16

in the area. It does happen under

17

law, it's not required under law.

18

And, again, under the MS4s, I'm

19

not seeing that.

20

MR. GULBRANSEN: Because of

21

this project?

22

VICE CHAIRPERSON KAUFMAN:

23

Yes.

24

MR. GULBRANSEN: I'm not

25

talking about this project only.

1
2 My question to Bill was along the
3 lines of, generally his statements
4 seem to treat these environment
5 considerations, and there was no
6 statement about runoff as -- apart
7 from safety. And my simple point
8 is: I think it is part of it
9 until you find reasons to say, oh,
10 never mind.

11 MR. HILLMAN: Can I try to
12 clarify what I mean first?

13 VICE CHAIRPERSON KAUFMAN:
14 Wait a second.

15 There's actually a more
16 fundamental issue. You're not on
17 the Board long enough to know
18 this. It used to be that there
19 was never any coordination between
20 DPW and the various towns, and
21 they were very, very independent
22 agencies. Over the years the
23 concerns of CEQ have been made
24 clear to the Department, and they
25 really have become a lot more

1
2 responsive and they have done a
3 lot more coordination over the
4 years; everything, again, from the
5 runoff, drainage, et cetera. They
6 really do check this stuff out.
7 I'm not saying necessarily it
8 happened here, or whatever, I'm
9 just saying, as a general rule,
10 they have become much more
11 responsive.

12 CHAIRPERSON SWANSON: Jim.

13 MR. BAGG: Over the years,
14 DPW has been coordinating with the
15 towns and all the local
16 governments thoroughly, and one of
17 the problems in the past that CEQ
18 had is that the DPW didn't really
19 point out what had gone before a
20 project. As Bill had mentioned,
21 you know, they talked to people in
22 Tanger, they talked to all kinds
23 of people here with respect to
24 this project and, possibly, a need
25 for expansion in the future. And

1
2 this particular project, and other
3 projects, we're starting to get
4 away with, is the CEQ doesn't
5 understand what has gone before
6 and DPW should bring that to the
7 table and say, look, we thoroughly
8 invented this thing and we've been
9 to X, Y and Z to get to this
10 point. It's not like the council
11 is the first stop. CEQ is one of
12 the later stops that is further
13 down the road; however, DPW has to
14 make it clear to the CEQ, as in
15 the past they had, you know, what
16 is gone or transpired to get to
17 this point. It's not a question
18 that you have to go to the town to
19 get their approval, but I think in
20 most projects DPW does try to
21 coordinate and get input from
22 local groups and local civics and
23 everything else, and they've done
24 a very good job. I think you have
25 to point that out here that we're

1

2

just not starting from square one,
we've already been there.

3

4

5

6

7

8

9

10

So, now it's the end of the
line. And in the past council has
requested further input with
respect to the interaction among
the different groups so they can
be brought up to speed when they
get a proposal.

11

12

13

14

CHAIRPERSON SWANSON: So DPW
was not properly prepared to make
a presentation last month, that's
basically the issue.

15

Eva.

16

17

18

19

20

MS. GROWNEY: My question
has to do with creating more hard
surfaces that impacts runoff and
they're contaminants involved.
And that is an environment point.

21

22

MR. HILLMAN: Without a
doubt.

23

24

Let me make a couple of
clarifications.

25

I'm not saying that this

1
2 project has no environmental
3 impact, it does. Every project
4 has some environmental impact,
5 without a doubt, and that's a very
6 valid point. My only point I was
7 trying to make was that this is a
8 safety improvement project, not a
9 drainage project. We're putting
10 in spot drainage where necessary.

11 Getting back to your MS4,
12 let me give you an example where
13 we would coordinate extensively
14 with the town, and we are.

15 On Montauk Highway in
16 Southampton, the Town recently
17 allowed development, and there's
18 excessive road runoff coming from
19 town roads onto a county road and
20 flooding out homes now, which ten
21 years ago never happened because
22 those developments weren't there.
23 They hardened those surfaces. The
24 water is now coming down the hill
25 and onto the county road. We're

1

2

in extensive coordination with
them on those drainage issues.

3

4

5

6

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18

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21

22

23

24

25

Even on a standard roadway
job, if we were to come through,
and during the course of our
drainage survey we've identified a
drainage issue at an intersection
with a town road, and it's sort
of, is it their's, is it ours, who
is going take care of it; well, we
would coordinate with the town on
those issues.

As we go through the
planning process we evaluate the
entire scope of the project and
coordinate where necessary.

The last point I'd like to
make is that, quite often what
happens in the legislature is that
they discharge without
recommendation. The only thing
I'm asking for is for some
consideration. Instead of tabling
a matter, approve it pending we

1

2

provide additional information,

3

and then we could provide that;

4

and let me explain why I'm just

5

asking for that consideration.

6

You might think I have an

7

army of engineers sitting back in

8

DPW; I wish I did, I have don't.

9

I have one, one in-house designer

10

for 1,500 miles of road, one. I

11

have four consultant managers who

12

are engineers. The majority of

13

our work gets done by consultants.

14

So that, when you say, is it such

15

an inconvenience to come back here

16

to CEQ, quite honestly, when I

17

have five people doing roadway

18

design, four of them managing

19

consultants, one doing in-house

20

design, it is. We don't have the

21

staff to continuously come back

22

and forth.

23

We came, maybe we were

24

slightly unprepared to answer

25

certain questions about

1
2 coordination, and maybe in the
3 future that same thing will
4 happen. The only thing I'm asking
5 for is some consideration to say,
6 you've answered all the general
7 environmental questions, looks
8 likes it's a good project from an
9 environmental standpoint, because
10 every project has an impact on the
11 environment; however, we just want
12 you to get back to us, make sure
13 you -- we're going to approve this
14 pending you confirm to us that
15 you've coordinated with X, Y and
16 Z. We'd be more than happy to do
17 that.

18 We've had an excellent
19 working relationship with CEQ for
20 a number of years, we want to
21 continue to have that. We're just
22 looking for a little cooperation
23 on our end.

24 CHAIRPERSON SWANSON: I
25 think you've had plenty of

1

2

cooperation.

3

MR. MACHTAY: Going back to what Jim Bagg was saying. You've made a very good presentation, okay.

4

5

6

7

I think what you said, that last week your people were not quite prepared, your consultant was not quite prepared, maybe it's true, maybe it's not.

8

9

10

11

12

When I asked the question: Is this improvement being done in conjunction with the major projects that are going on down on Grand Boulevard and on Commack Road they said, "What projects?" And it was -- it suddenly --

13

14

15

16

17

18

19

MR. HILLMAN: Sure.

20

MR. MACHTAY: -- you know, sparks started flying in my mind, right?

21

22

23

MR. HILLMAN: Yep.

24

MR. MACHTAY: Because everybody knows about what's going

25

1

2

on and what the future holds for

3

other lands down in that area,

4

okay.

5

So, the answer was -- they

6

should have been better briefed on

7

all the things that you just went

8

through that -- you talked to the

9

consultants, you talked to the

10

towns, you talked to, and so on

11

and so forth.

12

I think one last thing,

13

Mr. Petrone's letter from

14

Huntington indicated what he

15

thought what his staff had said to

16

him, and I know when I met with

17

him he was concerned that you were

18

contacting the highway department

19

and not the town engineering

20

department or the supervisor's

21

office, okay, and it wasn't until

22

CEQ sent something to the

23

supervisor's office, the

24

engineer's department and the

25

planning department that they were

1

2

able to formulate, and that

3

happened six days before the CEO

4

meeting.

5

So, if they were going to

6

send some comments in, okay, it

7

would have taken them a few days

8

to put that altogether.

9

So, having said that, I

10

think someone from his office has

11

contacted you or contacted DPW?

12

MR. HILLMAN: Not to my

13

knowledge. I haven't heard. He

14

might have spoken to the

15

commissioner's office.

16

MR. MACHTAY: And said,

17

please contact, not the highway

18

department, but rather the

19

engineering department and

20

supervisor's office.

21

MR. HILLMAN: Sure.

22

And, again, I'll go back to

23

my original statement, that we

24

make decisions on that

25

coordination on an as-need basis.

1

2

If we're going to be doing a job

3

and we feel that the town can

4

provide substantial input and

5

positive input towards our project

6

we'll be more than happy to do

7

that; however, this is a fairly

8

simple project.

9

We have 49 feet of

10

right-of-way, it's a safety

11

improvement project. And even if

12

we wanted to go to 48 feet and

13

make it a capacity project, we

14

can't. We don't have the

15

right-of-way to do that, and that

16

would take years. Quite honestly,

17

if DEC land is on either side,

18

that's not going to happen.

19

So, in a normal roadway

20

job where there's consideration

21

for capacity improvements and

22

things like that; County Road 39,

23

County Road 58, I'm sure you've

24

all heard of those on the east

25

end, extensive coordination with

1

2

the towns on those matters. This

3

was a fairly cut and dry project.

4

Safety improvement within the

5

existing right-of-way, can't

6

really do much more because we

7

don't have the right-of-way to do

8

it, we're never going to get

9

the right-of-way to do anything

10

anyway.

11

Again, the coordination with

12

the towns, to be quite honest, was

13

not all that necessary.

14

VICE CHAIRPERSON KAUFMAN:

15

Bill, it may be, to my mind, at

16

any rate, that this was one of

17

those projects that looked

18

relatively innocuous from your

19

standpoint, but to our standpoint,

20

knowing certain things and being

21

aware of certain, shall we say,

22

wider purviews, it looked a bit --

23

little bit different to us. There

24

were a lot of questions;

25

segmentation, we had the CEA

1

2

issues, et cetera. That's why I think lot of the questions started coming out.

3

4

5

Again, it looked like this might be potential expansion of the road from two to four lanes, et cetera. So our questions very, very legitimate. This may be, again, a situation where you saw it one way, we saw it another way.

6

7

8

9

10

11

12

MR. HILLMAN: Okay.

13

VICE CHAIRPERSON KAUFMAN:

14

And in terms of preparation, et cetera, it might be that you guys maybe need to be a little bit aware of that, sometimes we will see certain things. And, you know, you can always call up Jim Bagg beforehand and just see, you know, does everything look okay to his eye, does he see anything out there.

15

16

17

18

19

20

21

22

23

24

MR. HILLMAN: Sure.

25

VICE CHAIRPERSON KAUFMAN: I

1

2

mean, frankly, that's what I do a

3

day or two days before a meeting,

4

I will call Jim up, I did it

5

yesterday, and I will ask: Is

6

there anything on the agenda that

7

we need to really focus in on?

8

Are there any questions? Are

9

there any issues or anything like

10

that? That sometimes can defuse

11

problems.

12

MR. MACHTAY: I've only been

13

on this board a little over a

14

year, and it's been my experience

15

that any time the DPW came before

16

this board, okay, they pretty much

17

got what they asked for almost

18

immediately. This is the first

19

time I've ever seen something

20

really get delayed.

21

You know, I think the Board

22

has a very good relationship with

23

DPW, as you said before. And I

24

think, you know, what you said

25

before about not having -- not

1

2

being on good terms with the CEO

3

and causing you to come back

4

because you don't have the staff,

5

this the first time in a year and

6

a half --

7

MR. HILLMAN: I'm not

8

saying we're --

9

MR. MACHTAY: -- a year and

10

a couple of months.

11

MR. HILLMAN: I'm not saying

12

we're on bad terms. My whole

13

reason for coming today was to

14

express my concern about requiring

15

the county to coordinate, do

16

extensive coordination with the

17

towns when we have done so.

18

Again, if --

19

MR. MACHTAY: We were not

20

aware of that.

21

MR. HILLMAN: But, for

22

example, if my engineers came back

23

to me and said, they have concerns

24

over the road runoff and we're now

25

hardening the shoulders, as you

1

2

said, and it's going to provide

3

additional runoff and how is that

4

going to be addressed, I would

5

have no problem coming back.

6

My only reason to come here

7

is that, if it's what I consider a

8

non-environmental issue,

9

hardcore -- let's say that --

10

hardcore environmental issue, then

11

please try and give us the

12

consideration to say, this project

13

seems to meet all the

14

environmental issues that we've

15

discussed; however, we have some

16

concerns that you may not have

17

coordinated with the towns, could

18

you just get back to us on that.

19

VICE CHAIRPERSON KAUFMAN:

20

This really comes back to what I

21

said a minute ago. To your eyes

22

it looked one way, to our eyes

23

there was something different

24

about the project.

25

Let me put it in a different

1
2 context. If this was entirely,
3 say, within the Town of Smithtown
4 and there were two industrial
5 developments, say in Commack and
6 then in Smithtown, and you had
7 Jericho Turnpike, which was
8 suddenly going to face
9 overcapacities -- I can't say the
10 word properly -- in a zoning
11 context, just look at it in terms
12 of how a town operates, there
13 would be a lot of questions. And
14 if somebody said, oh, we're just
15 going to keep Jericho Turnpike at
16 four lanes, when it maybe should
17 be six, that would cause a lot of
18 issues, that would cause a lot of
19 the traffic reviews, et cetera.

20 In terms of a larger area
21 where this is straddling several
22 towns, it looked funny to us,
23 there was something odd about it.
24 And that's why I'm saying, it bore
25 a little bit more review.

1

2

Again, you have Tanger, you have Jerry Wilcox up there with 9,000 units, you have Smithtown up there at the four corners by Crooked Hill, et cetera. There potentially could be issues.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I saw the traffic engineers yesterday, I mean, I just ran into them, and they said that those issues have been looked at and they weren't going to be expanding the road, there was no consideration towards that. Fine.

We looked to the issue, we didn't see that. And, given the locations, et cetera, it could look as if something, you know, it needs a little bit more review; is there going to be extra capacity dumped onto that road and stuff like that.

So, this is one of those funny projects where something -- you saw it one way, we saw it a

1

different way.

2

3

MR. HILLMAN: Okay.

4

VICE CHAIRPERSON KAUFMAN:

5

And it's not us trying to be an

6

impediment or anything, we had

7

legitimate questions.

8

MR. HILLMAN: Okay.

9

CHAIRPERSON SWANSON: I

10

just, in closing, coming before

11

the CEQ is not a pro forma

12

operation, and if you are bringing

13

a project here you should realize

14

that there is the potential that

15

there will be questions and that

16

there could be a delay, and you

17

should incorporate that into your

18

planning process.

19

MR. HILLMAN: We do.

20

CHAIRPERSON SWANSON: As, I

21

think Michael suggested, calling

22

up Jim in advance and saying, do

23

you see any issues that we should

24

be concerned about and addressed?

25

I should also point out, if

1

2

I recall correctly, the project

3

dealing with the bridge on this

4

road came before the CEQ in 2000,

5

2001, and still nothing has gone

6

forward. So, you know, what you

7

bring forward is not always crisis

8

either.

9

MR. HILLMAN: Without a

10

doubt.

11

And the previous chief

12

engineer, Bill Shannon -- I'll

13

just give some history on the

14

bridge -- had the desire to remove

15

the bridge due to safety concerns.

16

When he moved forward on that it

17

came to his attention that the

18

bridge was utilized by walking

19

groups, biking groups, and some

20

pedestrians, bicyclists, actively

21

use the bridge. He started the

22

initiative to evaluate that bridge

23

to determine if it could be

24

brought up to modern safety

25

standards so that it could

1

2

continue to be a benefit to the

3

community.

4

Shortly after, I took over,

5

I had a conversation with him and

6

he expressed, you know, what's the

7

harm if that bridge stays if we

8

can bring it up to modern safety

9

standards and protect the

10

motorists on the road, and I

11

agreed with him 100 percent.

12

So, during that time period,

13

we do move quite slow on certain

14

things, I agree 100 percent. I

15

wish I had more staff to focus on

16

things better, but during that

17

time period we've been evaluating

18

whether we modify that bridge to

19

bring it up to modern safety

20

standards.

21

Just recently, last year,

22

late last year, it was determined

23

it would cost about \$3 million to

24

do that. And what it requires is

25

to lower the road at the bridge by

1
2 about three feet. You're now
3 creating a bathtub. We would have
4 to put a positive drainage system
5 in along that, and I think it goes
6 back about a half a mile on either
7 side of the bridge that we would
8 have to start to lower the road
9 and a positive drainage system
10 throughout to protect the
11 abutments, and that totaled about
12 \$3 million.

13 You can build -- we also
14 estimate you can build a
15 pedestrian bridge for about \$2
16 million. So, from a cost
17 standpoint, to rehab that bridge
18 and bring it up to standards
19 doesn't work well.

20 So, the intent is to remove
21 the bridge, and I'm sure you heard
22 the conversation we just had with
23 the community. We've looked at it
24 numerous way from Sunday to try
25 and make it a -- try and keep the

1

2

bridge because it is a goal -- was

3

a goal of the Department, but

4

safety has to come first in our

5

eyes.

6

So, the game plan, as I see

7

it, again, I don't make policy and

8

I don't control the capital

9

program, but my recommendation for

10

this project will be to come in

11

with a safety improvement project,

12

remove the bridge, do the

13

shoulders and the medians, leave

14

room for sidewalks. At some later

15

date come back, hopefully get

16

those sidewalks in and -- so that

17

people can walk down and get to

18

the park and get to the preserve.

19

And, also, at some point put a

20

pedestrian bridge back in.

21

. I can't make any

22

commitments to that because I

23

don't control the budget.

24

CHAIRPERSON SWANSON: Thank

25

you.

1

2

Rich.

3

MR. MACHTAY: Just for the

4

purposes of SEQRA, in 2001 CEQ,

5

and I was not here, passed a

6

resolution recommending that the

7

legislature remove the bridge,

8

okay. In 2006 funding for your

9

project was amended to include

10

\$100,000 to rehab the bridge.

11

Does that mean that the project --

12

and Jim has tried to explain this

13

to me and I'm just posing it to

14

you: Does that mean that the

15

project was already funded or was

16

it just in the capital program?

17

MR. HILLMAN: The -- which

18

project?

19

MR. MACHTAY: The road

20

improvement project.

21

MR. HILLMAN: Well, the

22

\$100,000 was for, as you

23

indicated, was to improve the

24

bridge. Again, 2001 -- I wasn't

25

with the County at that point

1

2

either, but between -- somewhere

3

in that time period, and just

4

recently, late 2007, we were in an

5

evaluation stage. It was not

6

determined whether the bridge was

7

going to stay or be removed.

8

MR. MACHTAY: That's not

9

what I'm asking.

10

MR. HILLMAN: But it leads

11

to the answer.

12

MR. MACHTAY: Was the road

13

improvement project already

14

funded?

15

MR. HILLMAN: It was always

16

in the capital program.

17

MR. MACHTAY: In the capital

18

program --

19

MR. HILLMAN: Right.

20

MR. MACHTAY: -- but it was

21

not appropriated?

22

MR. HILLMAN: Correct.

23

MR. MACHTAY: So the

24

amendment in 2006 was simply to

25

amend the capital program; because

1

2

I never saw that resolution?

3

MR. HILLMAN: Yeah, it
provided \$80,000.

5

MR. MACHTAY: Because I'm
concerned where the SEQRA was done
or when the SEQRA was done,
because your people came before us
last week asking for a
recommendation on SEQRA and the
thing couldn't be funded without
SEQRA.

10

11

12

13

MR. HILLMAN: I agree;
however, if a legislator -- when
DPW puts its resolutions in, we
always come before SEQRA, always;
however, at certain times
legislators put their own
legislation in and then they put a
clause in that it's pursuant to
the SEQRA. And I wouldn't -- I
don't -- don't want to --

14

15

16

17

18

19

20

21

22

23

MR. MACHTAY: Don't comment.

24

MR. HILLMAN: -- comment on

25

that practice, but DPW, when it

1

2

puts forward a resolution, DPW

3

always comes before SEQRA.

4

Needless to say, we did not put

5

forward that resolution. If we

6

had we would have come before

7

SEQRA.

8

Let me just say that, again,

9

it was in the evaluation stage and

10

the powers that be thought it

11

would be appropriate to acquire a

12

grant from New York State to

13

possibly improve the bridge if it

14

was going to be maintained.

15

VICE CHAIRPERSON KAUFMAN:

16

I'm going to make a motion to move

17

this forward.

18

Let's see. I think this is

19

an unlisted action and I think at

20

this point in time it's a negative

21

declaration, so that's what I'm

22

going to recommend, unlisted neg.

23

dec. for Commack Road CR 4.

24

CHAIRPERSON SWANSON:

25

Second? We have a second?

1

2

MR. PICHNEY: Second.

3

CHAIRPERSON SWANSON: We

4

have any further discussion?

5

MR. BAGG: Who was the

6

second?

7

CHAIRPERSON SWANSON: Dan.

8

All in favor of the motion?

9

(All Aye).

10

Opposed?

11

Abstentions?

12

Motion carries.

13

MR. HILLMAN: Thank you.

14

CHAIRPERSON SWANSON: I just

15

want to assure you, we want to

16

work with you, but we also have

17

our own responsibilities that we

18

have to make sure that we feel are

19

done adequately and completely.

20

MR. HILLMAN: And I fully

21

understand that and I agree with

22

that. My sole purpose to come

23

today was just to try and have

24

this body understand some of the

25

problems that the Department faces

1

2

in accomplishing jobs and to just

3

try and explain and open up a

4

dialogue.

5

Again, I'm not looking to be

6

controversial. I think, as you've

7

indicated, CEQ has been very good

8

to the Department. And I think

9

that's a testament also to our

10

coordination with Jim, prior to

11

every job we do that extensively,

12

but we do intend to come prepared

13

to answer all the questions.

14

CHAIRPERSON SWANSON: Thank

15

you.

16

MR. HILLMAN: Thank you.

17

MR. MACHTAY: Mr. Chairman,

18

May minutes, are we ready to vote

19

on those?

20

CHAIRPERSON SWANSON: I

21

guess we can.

22

MR. MACHTAY: I second

23

Mr. Bagg's comments.

24

CHAIRPERSON SWANSON: You

25

want to tell us what those

1

2

comments were?

3

MR. MACHTAY: There were

4

just a few minor things where

5

Mr. Martin and I were mixed up.

6

CHAIRPERSON SWANSON: The

7

names were confused?

8

MR. MACHTAY: Yes. It's

9

happened a couple times, but other

10

than that I would move the minutes

11

for May.

12

CHAIRPERSON SWANSON: Okay.

13

We have a motion?

14

VICE CHAIRPERSON KAUFMAN:

15

Second.

16

CHAIRPERSON SWANSON: Any

17

further discussion?

18

All in favor?

19

(All Aye).

20

Opposed?

21

Motion carries.

22

All right.

23

We have anything else;

24

anything with the CAC?

25

I guess that's it. We have

1

2

a motion to --

3

VICE CHAIRPERSON KAUFMAN:

4

Motion to adjourn?

5

MR. PICHNEY: One more

6

comment I brought up last time

7

about the trees being removed on

8

Nicholls Road, and you very

9

generously offered to write a --

10

sign a letter, if I wrote a

11

letter, regarding that issue and

12

possible civil violations.

13

Since that time I had some

14

discussion with people in the

15

community and I discovered that

16

the request to remove those trees

17

was made by the presiding officer

18

of the legislature. And he,

19

unfortunately, did not realize

20

that problems may ensue.

21

CHAIRPERSON SWANSON: Okay.

22

MR. PICHNEY: I also found

23

out that the presiding officer had

24

offered \$10,000 towards replanting

25

that area, and it was a grant to

1

2

the Chamber of Commerce, the

3

Blueport Chamber of Commerce, and

4

they're currently evaluating that.

5

I also put in a call to

6

Marion Cohen, who is the presiding

7

officer's, I think, main

8

assistant, she's also a personal

9

friend of mine. She didn't return

10

the call, and I also put in a call

11

to Mike to explain some of the

12

issues. This is all, by way, of

13

saying that I did not write the

14

letter and I thought that based on

15

some of these complications or

16

other issues that I should defer

17

to higher authorities here.

18

VICE CHAIRPERSON KAUFMAN:

19

We're going to put a \$10,000

20

bounty out on you now.

21

MR. PICHNEY: I know, for

22

opening my mouth.

23

CHAIRPERSON SWANSON: You

24

think it's best that we just move

25

our heels at this point and --

1

2

MR. PICHNEY: Yeah. We

3

can't bring back the trees and

4

there were, you know -- I -- going

5

into it I understand there were

6

safety issues. I thought that

7

they could be addressed by

8

eliminating part of the shrubbery

9

and limbing up the trees, but it

10

went beyond that, unfortunately.

11

It would have meant topping the

12

trees, which is even worse.

13

CHAIRPERSON SWANSON: But

14

there is a potential replanting

15

plan?

16

MR. PICHNEY: Yes, there is

17

a potential replanting. You can't

18

do a lot with \$10,000, but there

19

is.

20

CHAIRPERSON SWANSON: Okay.

21

MR. PICHNEY: There is some

22

existing plantings there that were

23

done either with previous grants

24

or pre-volunteer efforts.

25

So, maybe the \$10,000 will

1

2

clean it up a little bit --

3

CHAIRPERSON SWANSON: Okay.

4

MR. PICHNEY: -- and

5

everybody will be happy.

6

CHAIRPERSON SWANSON: Okay.

7

Good.

8

MR. PICHNEY: And, thank

9

you.

10

MS. RUSSO: Even you?

11

MR. PICHNEY: Believe it or

12

not, even me. You can wave to me

13

when I'm out there with my truck.

14

CHAIRPERSON SWANSON:

15

Clarify, some years we don't have

16

an August meeting, in recent years

17

I think we have, and it will

18

depend largely upon the agenda and

19

whether or not there are important

20

issues and so forth. But there's

21

a potential that we, at least

22

historically, have not had an

23

August meeting, but we will have

24

one in July.

25

MR. BAGG: As I pointed out,

1

2

Larry, last week, we said we might

3

move the meetings here, but

4

because of potential conflicts

5

with the other conference room and

6

noise issues, we'll continue to

7

meet across the street when we

8

can, because that's a large open

9

forum. They have recorders for

10

the stenographer and other things.

11

So, I think we'll keep the

12

schedule the way it is.

13

14

(Continued on following page.)

15

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25

CHAIRPERSON SWANSON: Okay.

All right.

We have a motion to adjourn?

VICE CHAIRPERSON KAUFMAN:

Motion.

MR. MACHTAY: Second.

CHAIRPERSON SWANSON: All in
favor?

(All Aye).

Opposed?

See you in July.

(Hearing concluded at 10:50 a.m.)

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C E R T I F I C A T I O N

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

THAT the foregoing is a true
and accurate transcript of my
stenographic notes.

IN WITNESS WHEREOF, I have
hereunto set my hand this ____ day
of _____, 2008.

Amy Eberhart

AMY EBERHART

\$			
\$10,000 [4] 83:24 84:19 85:18,25	able [2] 13:2 62:2	among [1] 55:7	bad [2] 32:17 67:12
\$100,000 [2] 76:10,22	absolutely [2] 8:24 9:21	amy [3] 1:24 89:5,17	bagg [22] 1:16 3:8,11 4:13 8:19,
\$2 [1] 74:15	abstention [1] 25:10	analysis [2] 5:23 6:10	25 9:21 14:11 17:19 18:12 19:18
\$3 [2] 73:23 74:12	abstentions [4] 26:12 29:11 33:	analyst [1] 1:16	28:13,16 29:3 31:24 32:5,8 53:
\$600,000 [1] 16:13	6 80:11	ann [1] 2:9	13 60:4 65:20 80:5 86:25
\$80,000 [1] 78:4	abutments [1] 74:11	another [5] 4:18 29:16 35:8 47:	bagg's [1] 81:23
1	accept [2] 19:2,5	23 65:11	base [1] 47:21
1 [1] 7:3	accident [1] 34:9	answer [5] 43:3 58:24 61:5 77:	based [1] 84:14
1,500 [1] 58:10	accidents [1] 34:7	11 81:13	basically [6] 17:19 18:22 21:5,12
10 [1] 17:20	accomplishing [1] 81:2	answerable [1] 42:14	50:20 55:14
10-acre [1] 29:18	according [2] 28:16 42:21	answered [2] 42:8 59:6	basis [1] 62:25
10.3-acre [1] 29:18	accurate [2] 3:17 89:9	anybody [4] 9:24 17:16 19:16 33:	bathtub [1] 74:3
10:50 [1] 88:14	acknowledgement [1] 41:9	11	become [2] 52:25 53:10
100 [2] 73:11,14	acquire [5] 22:4 23:22 24:16 30:	anyway [3] 28:12 46:18 64:10	beechwood [2] 20:8 21:20
11-foot [1] 33:24	10 79:11	apart [1] 52:6	beedenbender [1] 4:16
112 [2] 25:13,18	acquired [2] 20:20 26:22	apparently [2] 5:3 21:8	beforehand [1] 65:20
14th [3] 5:6,7,9	acquisition [3] 19:21 20:18 24:2	appears [1] 51:4	beginning [1] 50:10
15 [1] 18:8	acreage [1] 22:11	applicable [1] 50:13	believe [4] 27:18 40:2,4 86:11
150 [3] 45:13,14,17	acres [5] 20:13 21:13,19 22:7 25:	applies [1] 50:8	benefit [1] 73:2
16 [1] 21:19	15	apply [1] 50:5	benefits [1] 12:12
16-acre [1] 20:10	across [2] 47:15 87:7	approach [1] 39:6	best [1] 84:24
18 [1] 1:8	action [3] 18:9 40:5 79:19	appropriate [1] 79:11	better [2] 61:6 73:16
2	actions [2] 17:18 18:4	appropriated [1] 77:21	between [5] 38:25 39:12 47:3 52:
20 [1] 27:21	actively [1] 72:20	approval [2] 36:16 54:19	19 77:2
2000 [1] 72:4	activities [1] 28:6	approve [3] 3:25 57:25 59:13	beyond [1] 85:10
2001 [3] 72:5 76:4,24	actual [1] 7:5	approximately [3] 20:13 21:15	bicyclists [2] 34:11 72:20
2006 [2] 76:8 77:24	actually [10] 13:24 25:16 30:3,14,	22:7	biking [1] 72:19
2007 [1] 77:4	16 31:14,24 32:8 48:14 52:15	area [24] 20:6,12 21:8,12 22:4,11,	bill [7] 2:14 33:13 49:21 52:2 53:
2008 [2] 1:8 17:20	add [2] 5:18 16:21	24 24:2,17 26:19 28:4 29:15,18,	20 64:15 72:12
23 [1] 25:14	adding [1] 31:3	23 34:11 35:14 36:4 39:18,22 40:	bill's [1] 49:23
250,000 [1] 32:11	addition [1] 34:10	11 51:16 61:3 69:20 83:25	bills [1] 13:2
3	additional [7] 10:19 11:21 13:5,	areas [3] 22:9 30:9 40:13	birds [1] 32:12
3 [1] 7:8	10 40:11 58:2 68:3	army [1] 58:7	bit [8] 8:17 27:17 38:21 64:22,23
30 [2] 28:2 43:15	address [1] 23:15	around [1] 7:18	65:16 69:25 70:19 86:2
39 [1] 63:22	addressed [3] 68:4 71:24 85:7	as-need [1] 62:25	blame [1] 32:17
4	adequately [1] 80:19	aspect [1] 39:10	blueport [1] 84:3
4 [6] 4:16,20 6:4 19:17 33:10 79:	adjacent [1] 25:17	aspects [1] 39:11	board [4] 52:17 66:13,16,21
23	adjoining [2] 27:5 47:21	asphalt [1] 31:12	boathouse [2] 16:12,23
400 [2] 20:13 22:7	adjourn [2] 83:4 88:4	assessment [1] 28:17	body [2] 41:6 80:24
44 [1] 34:7	advance [1] 71:22	assistant [1] 84:8	boilers [2] 13:20 14:11
48 [3] 34:17,17 63:12	aerials [1] 22:19	associated [1] 21:10	border [1] 48:7
48-acre [1] 26:18	agencies [1] 52:22	assume [1] 48:12	borders [2] 9:12,15
49 [2] 34:13 63:9	agenda [3] 22:12 66:6 86:18	assure [1] 80:15	bore [1] 69:24
4th [1] 5:4	ago [3] 27:21 56:21 68:21	attempt [2] 23:15 39:4	both [1] 6:2
5	agree [6] 40:22 42:14,17 73:14	attention [1] 72:17	boulevard [1] 60:16
58 [1] 63:23	78:13 80:21	attorney's [3] 15:25 16:4,7	bounty [1] 84:20
6	agreed [1] 73:11	august [2] 86:16,23	bridge [22] 33:20 72:3,14,15,18,
67 [1] 35:24	agreeing [1] 49:21	authorities [1] 84:17	21,22 73:7,18,25 74:7,15,17,21
7	agreement [1] 39:5	autonomy [1] 46:15	75:2,12,20 76:7,10,24 77:6 79:
70 [1] 21:13	air [1] 41:22	available [2] 14:7 16:25	13
9	allow [6] 35:3,24 44:11,13,22 48:	aware [4] 36:3 64:21 65:17 67:20	briefed [1] 61:6
9,000 [1] 70:4	21	away [2] 50:13 54:4	bring [8] 54:6 72:7 73:8,19 74:18
A	allowed [2] 40:18 56:17	aye [9] 4:9 19:12 25:7 26:9 29:9	85:3
a.m [1] 88:14	almost [2] 42:22 66:17	33:3 80:9 82:19 88:10	bringing [1] 71:12
	already [4] 18:2 55:3 76:15 77:	B	brookhaven [5] 20:7,16,21 22:4
	13	babylon [7] 6:9 15:22 48:6,8,11,	26:23
	although [1] 30:17	14,17	brought [4] 14:24 55:9 72:24 83:
	altogether [1] 62:8	babylon's [1] 6:10	6
	amend [1] 77:25	back [23] 11:22 14:10 28:23 33:	brush [1] 39:24
	amended [1] 76:9	10 34:20 41:21 45:4 56:11 58:7,	budget [2] 44:22 75:23
	amending [1] 18:8	15,21 59:12 60:3 62:22 67:3,22	buffer [2] 45:14,15
	amendment [2] 18:10 77:24	68:5,18,20 74:6 75:15,20 85:3	build [2] 74:13,14

Five Star Reporting, Inc.
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<p>building ^[4] 1:10 11:3 16:18 20:9 buildings ^[7] 11:12,17,19 13:10, 18 18:17,23 burdensome ^[1] 46:20 buster ^[1] 50:15</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>cac ^[1] 82:24 call ^[7] 3:3 43:19 65:19 66:4 84:5, 10,10 called ^[1] 22:5 calling ^[1] 71:21 came ^[7] 34:16 58:23 66:15 67: 22 72:4,17 78:8 cannot ^[1] 36:15 capacity ^[5] 7:19 42:5 63:13,21 70:20 capital ^[9] 75:8 76:16 77:16,17, 25 care ^[1] 57:11 carries ^[8] 4:11 19:14 25:11 26: 13 29:12 33:7 80:12 82:21 cases ^[2] 50:5,6 cause ^[2] 69:17,18 causing ^[1] 67:3 cea ^[2] 39:19 64:25 ceas ^[1] 40:14 center ^[3] 34:2,6 35:21 ceq ^[15] 40:15 52:23 53:17 54:4, 11,14 58:16 59:19 61:22 62:3 67: 2 71:11 72:4 76:4 81:7 certain ^[8] 40:13 49:16 58:25 64: 20,21 65:18 73:13 78:17 certify ^[1] 89:7 cetera ^[8] 40:6 53:5 65:2,8,15 69: 19 70:6,17 chairman ^[3] 39:15 43:5 81:17 chamber ^[2] 84:2,3 chance ^[1] 37:25 change ^[1] 10:25 changes ^[1] 16:3 changing ^[1] 51:2 check ^[4] 47:15 50:15 51:8 53:6 checked ^[1] 3:10 checkpoint ^[2] 47:20 49:19 chicken ^[3] 31:14,25 32:3 chief ^[4] 1:16 8:13 33:14 72:11 chris ^[2] 3:11 19:18 cinemas ^[1] 35:18 civics ^[1] 54:22 civil ^[1] 83:12 clarification ^[2] 43:2 50:12 clarifications ^[1] 55:24 clarify ^[2] 52:12 86:15 classifications ^[1] 17:23 clause ^[1] 78:20 clauses ^[1] 16:9 clean ^[2] 44:12 86:2 clear ^[3] 28:19 52:24 54:14 cleared ^[1] 22:14 close ^[1] 14:25 closer ^[1] 30:25 closing ^[1] 71:10</p>	<p>clubs ^[1] 32:10 clustered ^[1] 31:10 cohen ^[1] 84:6 coherent ^[1] 21:24 coindre ^[1] 16:12 color ^[1] 20:23 come ^[19] 7:17 9:7 34:20,24 37: 20,24 39:5 57:5 58:15,21 67:3 68:6 75:4,10,15 78:16 79:6 80: 22 81:12 comes ^[2] 68:20 79:3 coming ^[6] 56:18,24 65:4 67:13 68:5 71:10 commack ^[6] 10:2 35:18 39:20 60:16 69:5 79:23 comment ^[6] 4:23 22:21 34:16 78:23,24 83:6 comments ^[13] 3:6,9,11,21 4:24 18:25 26:6 28:25 33:18 37:12 62: 6 81:23 82:2 commerce ^[2] 84:2,3 commercial ^[1] 43:12 commissioner's ^[1] 62:15 commitments ^[1] 75:22 committee ^[2] 4:21 38:4 common ^[2] 44:10 47:14 community ^[5] 35:9,12 73:3 74: 23 83:15 company ^[1] 11:22 complete ^[1] 17:25 completed ^[1] 30:18 completely ^[1] 80:19 complications ^[1] 84:15 concept ^[1] 49:10 concern ^[3] 8:22 50:23 67:14 concerned ^[6] 5:13 9:14 41:16 61:17 71:24 78:6 concerning ^[2] 4:16,20 concerns ^[4] 52:23 67:23 68:16 72:15 concluded ^[1] 88:14 concurrence ^[1] 41:6 conditions ^[1] 50:7 conference ^[1] 87:5 confirm ^[2] 18:19 59:14 conflicts ^[1] 87:4 confused ^[1] 82:7 confusion ^[1] 17:4 congestion ^[2] 9:3 10:5 conjunction ^[1] 60:14 connect ^[1] 23:12 connected ^[1] 46:24 connection ^[3] 38:23,25 47:3 conservation ^[1] 13:12 consider ^[9] 9:2 45:9 68:7 consideration ^[6] 57:24 58:5 59: 5 63:20 68:12 70:14 considerations ^[2] 47:16 52:5 considered ^[1] 30:14 consistent ^[1] 46:5 consisting ^[1] 29:19 consists ^[1] 29:22</p>	<p>construct ^[1] 33:24 constructed ^[1] 35:4 consultant ^[2] 58:11 60:9 consultants ^[3] 58:13,19 61:9 contact ^[1] 62:17 contacted ^[3] 5:4 62:11,11 contacting ^[1] 61:18 contain ^[1] 44:2 contaminants ^[1] 55:19 contamination ^[1] 28:20 contemplated ^[1] 6:3 contemplates ^[1] 9:24 context ^[2] 69:2,11 continue ^[3] 59:21 73:2 87:6 continued ^[1] 87:14 continuously ^[1] 58:21 contract ^[9] 15:23 16:5,10,17,20, 24 17:5,13 21:10 contracts ^[2] 17:9 18:14 contribute ^[1] 41:17 control ^[2] 75:8,23 controversial ^[1] 81:6 conversation ^[3] 45:23 73:5 74: 22 convert ^[1] 13:4 conveyance ^[1] 46:13 cooperation ^[2] 59:22 60:2 coordinate ^[11] 36:6,13,18 39:25 45:25 47:4 54:21 56:13 57:12,17 67:15 coordinated ^[2] 59:15 68:17 coordinating ^[1] 53:14 coordination ^[24] 35:5 37:5 38: 11,13,16 39:12,18 40:5,12 46:2, 4,10,17 49:15 51:14 52:19 53:3 57:2 59:2 62:25 63:25 64:11 67: 16 81:10 coram ^[3] 20:6 25:13,19 corners ^[1] 70:5 corporation ^[1] 20:9 correct ^[6] 5:5 37:22 38:3 42:16 44:7 77:22 correctly ^[2] 28:9 72:2 correspondence ^[1] 4:12 cost ^[3] 44:18 73:23 74:16 costs ^[3] 11:17 12:18 13:17 couldn't ^[1] 78:11 council ^[4] 1:5 4:21 54:10 55:5 county ^[34] 5:3 6:21 8:14,25 10: 21 12:7 13:6,12 15:24 16:4,7,15 19:17 20:20 23:3 25:18 28:17,22 33:10,15 35:23 36:2,9,11,13,17 38:18 39:13 56:19,25 63:22,23 67:15 76:25 county's ^[2] 39:3 46:6 couple ^[4] 51:6 55:23 67:10 82:9 course ^[2] 12:10 57:6 cover ^[1] 17:6 cr ^[4] 4:16,20 6:4 79:23 create ^[1] 51:10 created ^[1] 23:12 creating ^[2] 55:17 74:3</p>	<p>creation ^[1] 11:18 crisis ^[1] 72:7 criteria ^[1] 31:5 critical ^[1] 39:21 crooked ^[1] 70:6 crosshatch ^[1] 23:20 curb ^[3] 44:15,20 48:22 curbing ^[1] 44:2 curbs ^[3] 7:9 42:22 47:17 curious ^[1] 22:15 currently ^[1] 84:4 cut ^[1] 64:3</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dan ^[1] 80:7 daniel ^[1] 2:7 date ^[1] 75:15 dates ^[1] 18:3 day ^[1] 66:3 days ^[9] 62:3,7 66:3 de ^[3] 3:13,18 47:13 dealing ^[1] 72:3 dealt ^[1] 28:15 dec ^[4] 24:24 26:25 63:17 79:23 decision ^[1] 36:9 decisions ^[3] 36:5,10 62:24 declaration ^[1] 79:21 defer ^[1] 84:16 definite ^[1] 15:6 defuse ^[1] 66:10 degree ^[1] 28:7 delay ^[2] 46:20 71:16 delayed ^[2] 37:18 66:20 delays ^[1] 38:9 dennison ^[1] 1:10 department ^[13] 16:11 17:10 33: 23 52:24 61:18,20,24,25 62:18, 19 75:3 80:25 81:8 depend ^[1] 86:18 design ^[2] 58:18,20 designated ^[1] 23:6 designer ^[1] 58:9 desire ^[2] 35:22 72:14 detail ^[1] 27:11 determine ^[1] 72:23 determined ^[2] 73:22 77:6 developed ^[1] 22:8 development ^[4] 36:3 43:12,13 56:17 developments ^[3] 35:13 56:22 69:5 diagonal ^[1] 23:20 dialogue ^[1] 81:4 different ^[6] 21:7 55:8 64:23 68: 23,25 71:2 direct ^[2] 13:18 44:3 direction ^[2] 5:15 33:25 directly ^[2] 16:22 26:21 disagree ^[1] 39:8 discharge ^[1] 57:21 discovered ^[1] 83:15 discussed ^[1] 68:15 discussion ^[6] 4:7 25:5 32:25</p>
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80:4 82:17 83:14
doable [1] 9:10
doing [6] 37:3 47:25 51:6 58:17, 19 63:2
dollars [1] 18:18
done [11] 30:17 40:12 53:2 54:23 58:13 60:13 67:17 78:6,7 80:19 85:23
dot [2] 35:19 40:4
double-checking [1] 51:14
double-duty [1] 14:12
doubt [4] 38:8 55:22 56:5 72:10
down [9] 9:5 28:2 30:5 45:12 54:13 56:24 60:15 61:3 75:17
dpw [17] 8:14 12:4 33:15 52:20 53:14,18 54:6,13,20 55:11 58:8 62:11 66:15,23 78:15,25 79:2
drainage [14] 44:9,11,16,19,21 51:3 53:5 56:9,10 57:3,7,8 74:4, 9
dramatically [3] 34:4,9 44:18
dry [1] 64:3
due [1] 72:15
dumped [1] 70:21
during [3] 57:6 73:12,16

E

each [4] 33:24 46:7 51:8,15
east [4] 30:2,7 41:20 63:24
easterly [1] 20:11
eberhart [3] 1:24 89:5,17
edge [1] 44:13
edgewood [1] 39:24
educating [1] 13:24
efforts [1] 85:24
eight-foot [1] 33:25
either [11] 5:15 23:19 45:4 48:8, 10 49:7 63:17 72:8 74:6 77:2 85: 23
electric [3] 11:18,19,21
electricity [2] 11:25 14:13
eliminating [1] 85:8
employee [1] 10:21
encompass [1] 18:23
encroachments [1] 28:15
end [3] 55:4 59:23 63:25
energy [4] 11:16 12:25 13:12,16
engineer [3] 8:13 33:14 72:12
engineer's [1] 61:24
engineering [2] 61:19 62:19
engineers [5] 5:21 58:7,12 67: 22 70:8
enough [2] 37:9 52:17
ensue [1] 83:20
entire [1] 57:16
entirely [1] 69:2
enviro [1] 28:11
environment [4] 38:19 52:4 55: 20 59:11
environmental [18] 1:5,16 38:13, 15 39:9,10,21 41:15,24 46:3 47: 24 49:24 56:2,4 59:7,9 68:10,14
essentially [1] 8:4

estate [1] 17:12
estates [1] 26:17
estimate [1] 74:14
et [8] 40:5 53:5 65:2,8,14 69:19 70:6,17
eva [2] 2:4 55:15
evaluate [2] 57:15 72:22
evaluating [2] 73:17 84:4
evaluation [2] 77:5 79:9
even [7] 9:12,15 57:4 63:11 85: 12 86:10,12
everybody [2] 60:25 86:5
everything [3] 53:4 54:23 65:21
evidence [1] 36:23
evident [1] 37:6
example [5] 39:17,19 51:10 56: 12 67:22
excavation [3] 27:7,19,25
excellent [1] 59:18
except [1] 42:8
excessive [1] 56:18
excluding [1] 40:9
existing [4] 34:12,23 64:5 85:22
expand [1] 37:14
expanded [1] 5:16
expanding [1] 70:12
expansion [6] 6:4 9:2 35:18 50: 25 53:25 65:6
expect [1] 47:13
expense [2] 7:10,11
expensive [1] 44:19
experience [1] 66:14
explain [4] 58:4 76:12 81:3 84: 11
explained [1] 33:22
explanation [4] 38:21 44:25 45: 20,24
express [1] 67:14
expressed [1] 73:6
expressway [1] 48:10
extend [1] 45:22
extensive [4] 44:21 57:2 63:25 67:16
extensively [3] 36:19 56:13 81: 11
extent [2] 42:9,20
extra [1] 70:20
eye [1] 65:22
eyes [3] 68:21,22 75:5

F

face [1] 69:8
faces [1] 80:25
facilities [1] 13:15
facility [1] 12:22
fact [9] 6:18 7:21 30:23 37:4,25 41:10 43:19,23 45:2
fairfield [5] 21:9,11,20 25:13 26: 16
fairly [2] 63:7 64:3
familiar [1] 5:24
far [2] 35:5 41:14
farm [2] 31:15,25

favor [9] 4:8 19:11 25:6 26:8 29: 8 33:2 80:8 82:18 88:9
february [4] 3:9,12,23 4:2
feel [2] 63:3 80:18
feet [8] 28:2 34:14,17,18 45:17 63:9,12 74:2
few [3] 41:20 62:7 82:4
filed [2] 24:10,14
find [1] 52:9
fine [2] 6:15 70:14
first [8] 20:8 21:19 33:19 52:12 54:11 66:18 67:5 75:4
fischer [29] 2:13 19:23 20:5 21: 15,18 22:2,16,25 23:5,10,18,24 24:13,19 25:12 26:14 27:9,14 28: 14 29:13 30:13 31:7,13,17,22 32: 3,6,15 33:8
fishing [2] 16:22,25
fit [1] 46:16
five [1] 58:17
flooded [1] 45:7
flooding [1] 56:20
flying [1] 60:21
focus [2] 66:7 73:15
folder [1] 17:20
folders [1] 4:14
following [1] 87:14
follows [1] 50:19
foot [2] 45:14,15
forced [1] 44:21
foregoing [1] 89:8
foreign [1] 49:10
forest [2] 21:2 35:18
forget [1] 6:22
forgot [1] 8:10
fork [1] 30:8
form [1] 55:2
forma [1] 71:11
formation [2] 29:25 31:2
forms [1] 40:20
formula [1] 10:25
formulate [1] 62:2
forth [3] 58:22 61:11 86:20
forum [1] 87:9
forward [10] 17:3,8 22:12 30:22 72:6,7,16 79:2,5,17
found [2] 28:21 83:22
four [11] 6:4,13 19:23 21:7 41:7 50:25 58:11,18 65:7 69:16 70:5
four-lane [6] 5:16 6:24 7:15,23 9: 9,25
fowl [1] 32:7
frankly [1] 66:2
free [1] 28:19
frequently [2] 36:14 43:16
friend [2] 27:22 84:9
front [1] 35:25
fully [2] 22:19 80:20
function [1] 12:11
fundamental [1] 52:16
fundamentally [3] 50:9 51:2,5
funded [3] 76:15 77:14 78:11

funding [1] 76:8
funny [2] 69:22 70:24
furnace [2] 12:3,17
furnace/electric [1] 11:11
furnaces [2] 12:6 14:16
further [5] 38:21 54:12 55:6 80:4 82:17
future [11] 6:23 7:16 10:2,3 18:3 35:4 42:4 43:15 53:25 59:3 61:2

G

game [1] 75:6
gas [4] 11:10 12:17 15:13,14
gasoline [1] 14:25
gave [1] 43:3
gee [1] 8:9
general [2] 53:9 59:6
generally [1] 52:3
generate [2] 11:24 14:12
generating [1] 45:16
generator [1] 11:11
generously [1] 83:9
gets [1] 58:13
getting [1] 56:11
give [4] 16:14 56:12 68:11 72:13
given [1] 70:16
gloria [1] 2:8
goal [2] 75:2,3
got [3] 12:4 42:6 66:17
governments [1] 53:16
grand [1] 60:16
grant [2] 79:12 83:25
grants [2] 15:21 85:23
great [1] 28:7
green [1] 20:21
greenbelt [2] 29:15 30:25
grid [4] 11:9 12:18 14:24 24:12
group [1] 33:18
groups [4] 54:22 55:8 72:19,19
growney [8] 2:4 14:15,19 15:11 22:22 23:3,9 55:16
guarantee [1] 45:18
guess [4] 6:10,11 81:21 82:25
gulbransen [12] 2:5 18:7 23:14, 22 51:20,24
guys [1] 65:15

H

habitat [1] 21:2
half [3] 34:13 67:6 74:6
halt [1] 8:16
hand [1] 89:12
happen [4] 43:21 51:16 59:4 63: 18
happened [4] 53:8 56:21 62:3 82:9
happens [2] 47:25 57:20
happy [3] 59:16 63:6 86:5
harbor [1] 30:3
hard [1] 55:17
hardcore [2] 68:9,10
hardened [2] 50:22 56:23

<p>hardening ^[1] 67:25 harm ^[1] 73:7 hazardous ^[1] 28:18 heard ^[6] 14:17 17:11 35:8 62:13 63:24 74:21 hearing ^[1] 88:14 heartland ^[2] 35:17,20 heat ^[2] 12:16 14:13 heating ^[1] 13:3 heels ^[1] 84:25 help ^[1] 12:21 helped ^[1] 30:16 helpful ^[1] 13:14 hereby ^[1] 89:7 hereunto ^[1] 89:12 high ^[2] 12:25 13:16 higher ^[1] 84:17 highlighting ^[1] 30:10 highrises ^[1] 35:24 highway ^[4] 9:9 56:15 61:18 62:17 hill ^[2] 56:24 70:6 hillman ^[5] 2:14 33:13,14,17 36:25 37:8,13,22 38:7,14,20 39:7 40:22 41:4 42:11,16,24 43:4 44:6,10 45:13 47:2 48:3,16 52:11 55:21 60:19,23 62:12,21 65:12,24 67:7,11,21 71:3,8,19 72:9 76:17,21 77:10,15,19,22 78:3,13,24 80:13,20 81:16 hills ^[1] 12:24 historic ^[2] 10:16 15:23 historically ^[1] 86:22 history ^[1] 72:13 hit ^[1] 32:18 holds ^[1] 61:2 hole ^[2] 21:24 29:23 homes ^[3] 41:19 45:3 56:20 honest ^[2] 11:5 64:12 honestly ^[2] 58:16 63:16 hopefully ^[4] 11:16 23:10,13 75:15 horseblock ^[1] 20:9 house ^[10] 10:19 11:13 12:20,24,25 13:5 15:2,3,5,7 housing ^[2] 10:18 13:6 however ^[8] 24:14 38:8 54:13 59:11 63:7 68:15 78:14,17 hubbard ^[1] 15:12 hunting ^[1] 32:10 huntington ^[4] 4:19 16:8 48:14 61:14 huntington's ^[1] 6:12</p> <hr/> <p>I</p> <p>identified ^[1] 57:7 ifs ^[1] 49:4 ii ^[3] 17:18 18:4,9 immediately ^[1] 66:18 imminent ^[1] 42:23 impact ^[3] 56:3,4 59:10 impacts ^[3] 40:19,23 55:18 impediment ^[1] 71:6</p>	<p>imperative ^[2] 46:4 49:18 important ^[2] 39:19 86:19 imposition ^[1] 50:14 improve ^[7] 34:4,5 35:2 36:11 48:18 76:23 79:13 improved ^[1] 41:17 improvement ^[10] 47:6,9 50:21 56:8 60:13 63:11 64:4 75:11 76:20 77:13 improvements ^[2] 51:7 63:21 in-house ^[2] 58:9,19 include ^[1] 76:9 inconvenience ^[1] 58:15 incorporate ^[1] 71:17 increase ^[2] 35:22 42:4 increased ^[1] 9:3 increases ^[1] 44:18 independent ^[1] 52:21 indicated ^[5] 6:23 30:21 61:14 76:23 81:7 indicative ^[1] 6:25 individual ^[1] 51:15 industrial ^[5] 27:24 28:6 35:17,25 69:4 informal ^[1] 23:7 information ^[2] 4:22 58:2 initiative ^[1] 72:22 innocuous ^[1] 64:18 input ^[4] 54:21 55:6 63:4,5 install ^[2] 11:10 14:2 installing ^[1] 12:6 instead ^[1] 57:24 intend ^[1] 81:12 intends ^[1] 33:23 intent ^[1] 74:20 intention ^[1] 22:3 inter-municipal ^[1] 46:10 interaction ^[1] 55:7 intermoral ^[1] 35:20 intersection ^[1] 57:8 intimately ^[1] 36:2 invented ^[1] 54:8 involve ^[1] 18:17 involved ^[2] 35:15 55:19 iron ^[1] 16:9 ironed ^[1] 17:7 isaac ^[3] 11:13 12:20 15:5 island ^[1] 51:11 islip ^[5] 48:6,8,9,11,15 issue ^[11] 10:18 43:18 49:8,15 52:16 55:14 57:8 68:8,10 70:15 83:11 issues ^[22] 38:10,11 41:2,15,22,23,24 49:25 57:3,13 65:2 66:9 68:14 69:18 70:7,11 71:23 84:12,16 85:6 86:20 87:6 item ^[1] 51:9 items ^[1] 17:25 itself ^[1] 11:20</p> <hr/> <p>J</p> <p>james ^[3] 1:16 11:12 12:13 jericho ^[2] 69:7,15</p>	<p>jerry ^[2] 5:24 70:3 jim ^[10] 4:12 8:18 9:11 53:12 60:4 65:19 66:4 71:22 76:12 81:10 job ^[10] 33:20 37:3,6 40:20 47:6 54:24 57:5 63:2,20 81:11 jobs ^[2] 37:3 81:2 july ^[2] 86:24 88:12 june ^[4] 1:8 5:4,9 17:20 jurisdiction ^[1] 49:2</p> <hr/> <p>K</p> <p>kaufman ^[40] 2:3 5:17,20 6:16 8:3,12 13:19 18:20 19:4 21:4,16,21 22:13,18 24:25 25:4,24 26:24 27:16 31:20 32:13,16,21 39:14 40:24 44:8 49:12 50:17 51:22 52:13 64:14 65:13,25 68:19 71:4 79:15 82:14 83:3 84:18 88:5 keep ^[5] 37:17 47:7 69:15 74:25 87:11 kettle ^[1] 29:22 kind ^[3] 13:20 18:10 27:8 kinds ^[3] 10:4 40:7 53:22 knocking ^[1] 28:2 knowing ^[1] 64:20 knowledge ^[1] 62:13 known ^[1] 39:23 knows ^[1] 60:25</p> <hr/> <p>L</p> <p>labs ^[1] 35:19 lack ^[1] 46:3 land ^[3] 22:14 28:10 63:17 lands ^[1] 61:3 lane ^[2] 5:14 33:24 lanes ^[6] 6:4,14 42:21 50:25 65:7 69:16 large ^[2] 29:20 87:8 largely ^[1] 86:18 larger ^[1] 69:20 larry ^[3] 40:9,10 87:2 last ^[16] 4:17 6:19 11:4 29:13 33:22 34:15 45:2 55:13 57:18 60:8 61:12 73:21,22 78:9 83:6 87:2 late ^[2] 73:22 77:4 later ^[3] 18:14 54:12 75:14 lauretta ^[3] 2:13 21:5 31:8 law ^[2] 51:17,17 lawrence ^[1] 1:15 leaching ^[2] 44:17 48:23 lead ^[1] 39:11 leads ^[4] 18:8,14,19 77:10 learn ^[1] 14:9 learning ^[2] 12:3 14:8 least ^[1] 86:21 leave ^[1] 75:13 lecture ^[1] 36:24 lee ^[1] 1:10 legislation ^[1] 78:19 legislative ^[2] 10:24 17:21 legislator ^[4] 4:15 30:15 35:6 78:14 legislators ^[1] 78:18</p>	<p>legislature ^[3] 57:20 76:7 83:18 legitimate ^[2] 65:9 71:7 letter ^[5] 4:18 61:13 83:10,11 84:14 letters ^[1] 4:15 light ^[1] 51:12 likes ^[1] 59:8 limbing ^[1] 85:9 line ^[3] 15:3,14 55:5 lines ^[1] 52:3 link ^[2] 21:17,23 list ^[4] 30:12,16,19 31:6 little ^[12] 8:16 27:17 38:21 51:9,11 59:22 64:23 65:16 66:13 69:25 70:19 86:2 lived ^[1] 27:22 llc ^[2] 25:14 26:17 local ^[3] 53:15 54:22,22 locally ^[1] 23:8 located ^[1] 25:15 location ^[1] 15:17 locations ^[1] 70:17 logged ^[1] 5:8 long ^[5] 23:15 29:14 30:2,25 52:17 longer ^[2] 50:7,12 look ^[12] 13:9 27:10 34:21 40:8,16,18 42:6,23 54:7 65:21 69:11 70:18 looked ^[8] 64:17,22 65:5 68:22 69:22 70:11,15 74:23 looking ^[10] 6:5 13:4,25 15:6 21:6,14 23:21 31:23 59:22 81:5 looks ^[2] 31:11 59:7 lot ^[14] 11:4 17:4,25 20:10 26:18 27:24 52:25 53:3 64:24 65:3 69:13,17,18 85:18 lots ^[1] 29:19 lower ^[2] 73:25 74:8 luckily ^[1] 24:19</p> <hr/> <p>M</p> <p>machtay ^[46] 2:6 3:8,16,19,22 5:6,8,12,19 6:15,18 8:7,24 9:11 10:11 24:23 32:23 41:14 42:13,17,25 43:16,23 44:24 45:19 60:3,20,24 62:16 66:12 67:9,19 76:3,19 77:8,12,17,20,23 78:5,23 81:17,22 82:3,8 88:7 made ^[8] 3:25 6:24 7:3,23 8:10 52:23 60:5 83:17 main ^[1] 84:7 maintained ^[2] 5:14 79:14 major ^[1] 60:14 majority ^[1] 58:12 manage ^[1] 16:17 managers ^[1] 58:11 managing ^[1] 58:18 manufacturer ^[1] 14:21 many ^[2] 32:14 43:9 map ^[3] 24:11 25:23 26:20 marginal ^[1] 45:5 marion ^[1] 84:6</p>
---	---	---	--

martin [1] 2:10 3:4 10:17 12:2
 13:22 14:14,17,22 15:13,20 82:5
mary [1] 2:9
massive [1] 51:13
master [3] 30:12,18 31:6
material [1] 28:4
matter [6] 6:19 7:21 43:24 45:3
 50:2 57:25
matters [1] 64:2
mean [6] 8:20 52:12 66:2 70:9 76:
 11,14
meant [1] 85:11
measure [1] 48:2
median [2] 34:2,6
medians [2] 48:19 75:13
meet [3] 31:5 68:13 87:7
meeting [1] 3:3 6:20 11:5 35:8
 37:21,24 41:3 62:4 66:3 86:16,
 23
meetings [2] 35:11 87:3
memo [1] 5:13
memory [3] 27:17 28:5,8
mentioned [1] 53:20
met [4] 16:6 35:6 49:7 61:16
michael [2] 2:3 71:21
might [8] 8:16 13:9 38:2 58:6 62:
 14 65:6,15 87:2
mike [1] 84:11
mile [1] 74:6
miles [1] 58:10
mill [1] 26:19
million [4] 18:18 73:23 74:12,16
mills [4] 11:13 12:20 15:5 26:17
mind [4] 47:8 52:10 60:21 64:15
mine [1] 84:9
minor [1] 82:4
minute [1] 68:21
minutes [13] 3:6,9,12,14,15,23 4:
 2 6:20 7:22 41:5 42:7 81:18 82:
 10
mixed [1] 82:5
modern [3] 72:24 73:8,19
modify [1] 73:18
moment [1] 20:24
monitoring [1] 12:9
montauk [1] 56:15
month [3] 4:17 11:8 55:13
month's [1] 6:19
months [1] 67:10
most [1] 54:20
mostly [2] 18:4 22:14
motion [27] 3:24 4:11 19:2,5,14
 24:4,22 25:11,25 26:3,4,13,25
 29:2,12 32:20,22 33:7 79:16 80:
 8,12 82:13,21 83:2,4 88:4,6
motorists [1] 73:10
mouth [1] 84:22
move [1] 3:22 10:5,15 17:7 22:
 12 30:21 73:13 79:16 82:10 84:
 24 87:3
moved [2] 28:4 72:16
movement [2] 11:4 17:9

moving [2] 17:2 18:13
ms [47] 3:13,18 4:4 14:15,19 15:
 11 19:23 20:5 21:15,18 22:2,16,
 22,25 23:3,5,9,10,18,24 24:5,9,
 13,18,19 25:12 26:2,14 27:9,14
 28:14 29:6,13 30:13 31:7,8,11,
 13,16,17,22 32:3,6,15 33:8 55:
 16 86:10
ms4 [5] 46:9 47:3 48:25 49:13 56:
 11
ms4s [1] 51:18
much [3] 53:10 64:6 66:16
multi-town [1] 39:22
municipalities [1] 47:22
municipality [1] 51:15
must [2] 37:17 44:15

N

name [1] 6:22
names [1] 82:7
national [3] 11:9 12:17 14:24
near [1] 30:6
necessarily [2] 49:14 53:7
necessary [4] 36:7 56:10 57:17
 64:13
necessity [1] 51:8
need [1] 7:17 14:25 27:6 34:24
 36:24 40:8 45:25 47:7 53:24 65:
 16 66:7
needless [1] 79:4
needs [1] 70:19
neg [3] 24:23 26:25 79:22
negative [1] 79:20
neither [1] 6:3
never [8] 32:18 42:7 43:14 52:10,
 19 56:21 64:8 78:2
new [9] 10:6 11:10 12:2 13:22 15:
 3 35:19 40:3 79:12 89:6
next [1] 25:12
nicholls [1] 83:8
nobody [1] 43:2
noise [1] 87:6
non-answer [1] 42:6
non-environmental [2] 38:10
 68:8
non-issue [3] 47:18 49:5,6
normal [1] 63:19
north [3] 26:18,21 30:4
northern [1] 26:19
northwest [1] 24:10
notary [1] 89:5
note [1] 4:13
notes [1] 89:10
nothing [3] 10:9 17:24 72:5
number [4] 10:22 16:3 20:15 59:
 20
numerous [4] 35:7,11 36:14 74:
 24

O

oak [1] 20:25
objections [1] 38:9
obviously [1] 13:8

occasions [1] 36:15
occupied [1] 10:20
occupy [1] 11:3
occur [1] 46:18
odd [1] 69:23
of _____,2008 [1] 89:13
offered [2] 83:9,24
offhand [1] 27:15
office [10] 5:9 15:25 16:4,7 35:7
 61:21,23 62:10,15,20
officer [2] 83:17,23
officer's [1] 84:7
often [2] 47:16 57:19
oil [1] 12:16
okay [3] 5:10 6:25 7:19,23 9:17
 10:11,17 18:5 23:9,23 24:18 28:
 24 33:17 36:25 42:8 60:6 61:4,
 21 62:6 65:12,21 66:16 71:3,8
 76:8 82:12 83:21 85:20 86:3,6
 88:2
old [2] 24:14 39:22
on-site [1] 14:24
once [2] 10:12 23:12
one [36] 5:14 10:19 12:14 13:4,16
 15:7,16 20:8 21:19,22 24:15,20
 25:12 29:13 30:9 33:24 37:3 38:
 19 39:17 41:2 47:23 53:16 54:11
 55:2 58:9,9,10,19 61:12 64:16
 65:11 68:22 70:23,25 83:5 86:24
one's [1] 4:15
ones [1] 30:24
only [8] 9:13 12:5 51:25 56:6 57:
 22 59:4 66:12 68:6
open [3] 19:21 81:3 87:8
opened [1] 12:15
opening [1] 84:22
operates [1] 69:12
operation [2] 27:13 71:12
operations [1] 46:22
opportunity [2] 4:23 14:6
opposed [9] 4:10 19:13 25:9 26:
 11 29:10 33:5 80:10 82:20 88:11
opposite [1] 16:23
orange [1] 20:23
order [1] 3:3
original [2] 3:14 62:23
other [24] 3:21 17:9 18:15,25 20:
 19,22 22:21 25:5 26:6 28:25 30:
 19,22,23 32:25 35:13 37:11 47:
 21 50:6 54:2 61:3 82:9 84:16 87:
 5,10
otherwise [1] 17:8
out [24] 3:10 8:8 12:8,21 15:8,15
 16:9 17:7,25 28:23 34:16 35:11
 45:7 53:6,19 54:25 56:20 65:4,
 22 71:25 83:23 84:20 86:13,25
outlined [4] 20:17 25:22 26:20
 29:19
over [13] 5:25 11:8 12:10,16 13:7
 44:9 45:17 52:22 53:3,13 66:13
 67:24 73:4
overall [1] 49:18

overcapacities [1] 69:9
overton [4] 19:25 20:5 22:5 26:
 16
own [3] 9:16 78:18 80:17
owned [3] 21:9 24:15,20
owner [2] 24:15 40:2

P

packet [1] 17:21
page [1] 87:14
parcel [2] 23:16 50:9
park [3] 35:17,25 75:18
parks [6] 12:7 13:6 15:10 16:2,11,
 17
part [12] 16:16,20 23:24,25 37:19
 39:20 40:20 41:10,11 50:9 52:8
 85:8
particular [2] 39:10 54:2
parties [1] 46:24
passed [3] 18:2,3 76:5
past [4] 11:8 53:17 54:15 55:5
paved [1] 42:20
pay [1] 12:18
paying [1] 15:2
pedestrian [2] 74:15 75:20
pedestrians [1] 72:20
pending [2] 57:25 59:14
people [8] 11:2 53:21,23 58:17
 60:8 75:17 78:8 83:14
people's [2] 41:19 45:3
percent [3] 34:7 73:11,14
perhaps [1] 46:3
period [3] 73:12,17 77:3
permit [1] 46:6
permits [2] 46:8,9
person [1] 24:20
personal [1] 84:8
personally [1] 35:16
petrone [1] 4:19
petrone's [1] 61:13
pheasants [1] 32:9
phonetic [2] 30:5 35:20
pichney [16] 2:7 19:8,10 43:5,7,
 17 80:2 83:5,22 84:21 85:2,16,
 21 86:4,8,11
pick [1] 22:10
picked [1] 12:7
picking [3] 20:14 21:6,11
piece [5] 20:17 25:20 26:15 29:
 17 40:4
pieces [4] 20:15 23:13,19 30:19
pier [1] 16:22
pilgrim [1] 5:25
pilot [4] 11:9 12:5 15:9,17
pin [1] 10:20
pj [1] 35:16
place [3] 12:8 43:14,14
plains [1] 39:24
plan [5] 16:16 42:3 47:12 75:6 85:
 15
planning [6] 38:6 42:12 43:19
 57:15 61:25 71:18
plantings [1] 85:22

<p>please [2] 62:17 68:11 plenty [1] 59:25 point [18] 7:16 10:21 23:7 43:8 52:7 53:19 54:10,17,25 55:20 56:6,6 57:18 71:25 75:19 76:25 79:20 84:25 pointed [1] 86:25 policy [1] 75:7 pond [4] 29:14 30:2,6,25 ponds [1] 29:23 poor [1] 32:15 pop [1] 8:8 portion [1] 30:6 posing [1] 76:13 positive [5] 44:16 48:22 63:5 74:4,9 possible [2] 50:24 83:12 possibly [3] 16:21 53:24 79:13 posted [1] 3:7 potential [6] 65:6 71:14 85:14,17 86:21 87:4 potentially [1] 70:7 powers [1] 79:10 poxapogue [1] 30:5 practice [3] 44:11 47:14 78:25 pre-volunteer [1] 85:24 preamble [1] 49:4 predominantly [1] 20:25 preparation [1] 65:14 prepared [4] 55:12 60:9,10 81:12 presentation [3] 33:12 55:13 60:5 presented [1] 8:21 preserve [7] 20:2,6,12,12 22:5 26:16 75:18 presiding [3] 83:17,23 84:6 pressure [1] 9:4 presume [1] 3:10 pretty [1] 66:16 previous [3] 41:3 72:11 85:23 primarily [2] 24:15 25:21 prior [2] 28:22 81:10 prioritize [1] 30:20 prioritized [1] 30:24 pro [1] 71:11 probably [3] 15:15 35:8 49:17 problem [2] 31:2 68:5 problematic [1] 50:4 problems [5] 13:16 53:17 66:11 80:25 83:20 process [5] 41:11,12 43:11 57:15 71:18 produce [1] 11:20 produced [1] 32:10 program [11] 11:15 12:5 13:6 14:6 16:25 18:9 75:9 76:16 77:16,18,25 programs [1] 16:18 project [46] 4:25 5:25 6:3 8:21 9:5,23 10:7,10 11:9 15:9,17 34:22 35:10 36:16 39:11,23 47:9 51:21,</p>	<p>25 53:20,24 54:2 56:2,3,8,9 57:16 59:8,10 63:5,8,11,13 64:3 68:12,24 71:13 72:2 75:10,11 76:9,11,15,18,20 77:13 projects [6] 54:3,20 60:15,17 64:17 70:24 promised [1] 16:14 properly [2] 55:12 69:10 properties [7] 19:24 20:19 21:7,12,23 23:21 35:23 property [11] 20:10 25:14,14,18,21 26:17,22 27:5,18 29:14,21 proposal [1] 55:10 proposed [2] 19:21 20:18 prosser [1] 10:19 protect [2] 73:9 74:10 protection [1] 9:17 provide [7] 11:18 34:11,18 58:2,3 63:4 68:2 provided [1] 78:4 public [4] 11:7 13:23 17:17 89:6 purchase [1] 28:10 purple [1] 20:22 purpose [1] 80:22 purposes [2] 7:25 76:4 pursuant [1] 78:20 purview [1] 40:15 purviews [1] 64:22 pushes [1] 6:8 pushing [1] 6:13 put [2] 3:13 11:14 16:4 30:16 34:20 44:15,16,20,21 49:3 51:12 62:8 68:25 74:4 75:19 78:18,19 79:4 84:5,10,19 puts [2] 78:15 79:2 putting [4] 7:9 46:14 48:19 56:9 puzzle [1] 29:17</p>	<p>18 64:6 66:7,20 68:20 reason [3] 30:22 67:13 68:6 reasons [2] 9:19 52:9 recall [3] 18:10,12 72:2 recent [1] 86:16 recently [3] 56:16 73:21 77:4 recommend [1] 79:22 recommendation [3] 57:22 75:9 78:10 recommendations [2] 17:24 19:3 recommended [1] 17:18 recommending [1] 76:6 recorders [1] 87:9 rectangles [1] 31:9 red [4] 20:18 25:22 26:20 29:20 reduce [2] 11:16 34:8 reduces [1] 34:6 regard [3] 27:6 31:3 46:22 regarding [1] 83:11 regs [1] 49:13 regulations [1] 40:17 rehab [2] 74:17 76:10 relate [1] 33:11 related [1] 47:24 relates [1] 16:13 relationship [2] 59:19 66:22 relatively [1] 64:18 relief [1] 6:6 remaining [1] 22:9 remediated [1] 28:21 remember [1] 28:9 remind [1] 37:7 remove [7] 7:10,11 72:14 74:20 75:12 76:7 83:16 removed [2] 77:7 83:7 renovations [1] 18:16 rent [1] 11:2 renting [2] 12:21 13:14 replanting [3] 83:24 85:14,17 report [1] 14:9 representative [1] 6:21 request [1] 83:16 requested [1] 55:6 require [2] 43:10,25 required [3] 43:25 49:16 51:17 requires [1] 73:24 requiring [3] 47:4 51:13 67:14 residential [1] 11:15 resolution [5] 10:24 76:6 78:2 79:2,5 resolutions [1] 78:15 respect [3] 4:24 53:23 55:7 responsibilities [1] 80:17 responsibility [1] 48:25 responsive [2] 53:2,11 restoration [1] 16:15 return [1] 84:9 returned [1] 15:24 review [4] 8:2 28:11 69:25 70:19 reviewed [2] 16:2 17:21 reviews [1] 69:19</p>	<p>rezone [1] 35:24 rich [3] 10:7 41:13 76:2 richard [3] 2:6,10 15:19 right-of-way [13] 7:6 34:13,19,24 36:18 43:10 45:9,10 63:10,15 64:5,7,9 rights [1] 36:12 rigueur [1] 47:13 road [56] 5:14,16 6:25 7:16,23 8:23 9:5,25 10:2 19:17 25:18 26:19 33:10 34:17 35:12,23 36:9 41:16,18,21 42:5 44:5,13,14 45:5,5,8,18 46:14,22 47:12 48:5,19,21 50:20 54:13 56:18,19,25 57:9 58:10 60:17 63:22,23 65:7 67:24 70:13,21 72:4 73:10,25 74:8 76:19 77:12 79:23 83:8 roads [4] 35:13 36:11 46:13 56:19 roadway [8] 25:17 33:20 34:25 47:6 49:2 57:4 58:17 63:19 room [2] 75:14 87:5 rowing [1] 16:19 rule [1] 53:9 run [4] 16:18 28:17 44:5 45:8 running [1] 14:3 runoff [14] 44:2,3,4,14 45:22 46:7 47:15 48:21 52:6 53:5 55:18 56:18 67:24 68:3 russo [7] 2:8 4:4 26:2 29:6 31:8,16 86:10</p>
S			
<p>quail [4] 32:2,4,5,9 quality [2] 1:5 41:22 question [11] 7:14 9:22 18:7 24:6 33:21 42:14 49:22 52:2 54:17 55:16 60:12 questioned [1] 34:14 questions [16] 10:13 18:6 26:7 27:2 40:14 42:2 58:25 59:7 64:24 65:3,8 66:8 69:13 71:7,15 81:13 quite [8] 38:2 57:19 58:16 60:9,10 63:16 64:12 73:13</p>	Q		
<p>ran [2] 5:21 70:9 rate [1] 64:16 rather [1] 62:18 rational [1] 39:5 reached [1] 35:10 reaches [1] 50:11 read [2] 41:4 49:13 ready [1] 81:18 realize [2] 71:13 83:19 really [9] 14:7 31:16 52:25 53:6,</p>	R		
<p>safety [20] 7:18 8:22 34:4 35:2 47:8,11 48:2 50:2 51:6 52:7 56:8 63:10 64:4 72:15,24 73:8,19 75:4,11 85:6 sag [1] 30:3 sagamore [1] 16:19 salvo [2] 3:13,18 same [2] 12:19 59:3 sand [2] 27:19 44:12 saw [6] 65:10,11 70:8,25,25 78:2 saying [11] 40:9,10 53:7,9 55:25 60:4 67:8,11 69:24 71:22 84:13 says [1] 9:18 schedule [3] 37:20 50:15 87:12 schedules [1] 37:16 schneiderman [1] 30:15 scope [1] 57:16 scraped [1] 27:20 scully [1] 17:12 seatuck [1] 17:12 second [22] 4:3,4,6 19:7,8,9 25:2,4 26:2,5 29:5,6 32:23 39:16 52:14 79:25,25 80:2,6 81:22 82:15 88:7 section [4] 9:17,25 34:25 48:5 sections [1] 33:19 see [23] 12:11 23:19 38:22,25 39:9 45:6 46:16,16 47:2 48:24 49:14,17 50:18 51:7,13 65:18,20,22 70:16 71:23 75:6 79:18 88:12</p>			

<p>seeing [4] 21:25 40:25 48:3 51:19</p> <p>seem [5] 46:5 50:3,8,14 52:4</p> <p>seemed [1] 41:5</p> <p>seems [3] 46:11 47:19 68:13</p> <p>seen [3] 11:4 49:10 66:19</p> <p>segment [1] 9:19</p> <p>segmentation [5] 8:5 9:12,15 50:24 64:25</p> <p>sell [2] 11:21 32:11</p> <p>send [1] 62:6</p> <p>sending [1] 4:21</p> <p>sense [2] 49:20 50:18</p> <p>sent [1] 61:22</p> <p>separately [1] 30:14</p> <p>september [1] 14:4</p> <p>seqra [15] 7:25 9:13,18 17:22 18:2 40:17 76:4 78:6,7,10,12,16,21 79:3,7</p> <p>serve [1] 14:12</p> <p>session [1] 33:23</p> <p>set [2] 42:18 89:12</p> <p>setting [2] 7:13,15</p> <p>seven-foot [1] 34:3</p> <p>several [1] 69:21</p> <p>sgpa [1] 30:9</p> <p>shall [2] 6:7 64:21</p> <p>shannon [1] 72:12</p> <p>sharing [1] 38:19</p> <p>she's [1] 84:8</p> <p>shortly [1] 73:4</p> <p>shot [1] 32:17</p> <p>shoulders [8] 7:2 34:3,8 42:19 48:20 50:22 67:25 75:13</p> <p>shouldn't [3] 7:20,24 9:16</p> <p>show [1] 36:23</p> <p>shown [1] 34:5</p> <p>shrubbery [1] 85:8</p> <p>side [6] 20:11 25:16,23 45:14 63:17 74:7</p> <p>sidewalk [2] 34:20 35:3</p> <p>sidewalks [2] 75:14,16</p> <p>sign [1] 83:10</p> <p>significant [1] 22:11</p> <p>similar [1] 43:18</p> <p>simple [2] 52:7 63:8</p> <p>simply [3] 18:13 38:18 77:24</p> <p>since [2] 11:4 83:13</p> <p>site [2] 17:6 29:18</p> <p>sitting [1] 58:7</p> <p>situated [1] 20:11</p> <p>situation [3] 50:19 51:4 65:10</p> <p>situations [1] 49:16</p> <p>six [3] 34:2 62:3 69:17</p> <p>size [1] 25:15</p> <p>slightly [1] 58:24</p> <p>slow [1] 73:13</p> <p>smith [1] 12:24</p> <p>smithtown [3] 69:3,6 70:4</p> <p>smithtown's [1] 35:22</p> <p>society [1] 15:23</p> <p>sole [1] 80:22</p>	<p>solely [2] 36:10,12</p> <p>somebody [2] 42:9 69:14</p> <p>someone [1] 62:10</p> <p>someplace [2] 7:21 49:25</p> <p>sometime [1] 42:4</p> <p>sometimes [3] 39:25 65:17 66:10</p> <p>somewhere [1] 77:2</p> <p>sorry [1] 24:8</p> <p>sort [1] 57:9</p> <p>south [4] 30:8 31:21,22 48:9</p> <p>southampton [2] 29:16 56:16</p> <p>southern [1] 30:6</p> <p>space [1] 19:22</p> <p>sparks [1] 60:21</p> <p>speakers [1] 2:12</p> <p>specific [3] 22:23 40:13 47:5</p> <p>specifically [1] 27:10</p> <p>specifics [1] 14:23</p> <p>speed [1] 55:9</p> <p>spencer [5] 2:9 24:5,9,18 31:11</p> <p>spirit [1] 46:2</p> <p>spoken [1] 62:14</p> <p>spot [1] 56:10</p> <p>square [1] 55:2</p> <p>st [2] 11:12 12:13</p> <p>staff [5] 19:2 58:21 61:15 67:4 73:15</p> <p>stage [3] 42:12 77:5 79:9</p> <p>standard [1] 57:4</p> <p>standards [5] 18:22 72:25 73:9,20 74:18</p> <p>standpoint [4] 59:9 64:19,19 74:17</p> <p>stands [1] 17:24</p> <p>start [1] 74:8</p> <p>started [3] 60:21 65:3 72:21</p> <p>starting [2] 54:3 55:2</p> <p>starts [1] 30:3</p> <p>state [5] 35:19 40:3 46:8 79:12 89:6</p> <p>stated [3] 6:2,2 22:6</p> <p>statement [3] 49:24 52:6 62:23</p> <p>statements [1] 52:3</p> <p>stay [1] 77:7</p> <p>stays [1] 73:7</p> <p>stenographer [1] 87:10</p> <p>stenographic [1] 89:10</p> <p>step [1] 13:23</p> <p>sterns' [1] 35:6</p> <p>still [7] 10:22,23 11:6 15:21,25 42:11 72:5</p> <p>stop [1] 54:11</p> <p>stops [1] 54:12</p> <p>store [3] 11:13 12:13 15:4</p> <p>storm [1] 46:6</p> <p>straddling [1] 69:21</p> <p>strange [1] 29:25</p> <p>street [2] 15:16 87:7</p> <p>stress [1] 36:8</p> <p>stretch [1] 38:15</p> <p>strong [1] 38:9</p>	<p>studies [1] 5:22</p> <p>stuff [2] 53:6 70:21</p> <p>subdivision [3] 24:11,14 43:11</p> <p>substances [1] 28:18</p> <p>substantial [3] 7:10 50:11 63:4</p> <p>successful [1] 13:9</p> <p>suddenly [2] 60:18 69:8</p> <p>sufficient [2] 34:19 45:16</p> <p>suffolk [3] 12:7 33:14 39:12</p> <p>suggested [1] 71:21</p> <p>summer [1] 14:2</p> <p>sunday [1] 74:24</p> <p>supervisor [1] 4:18</p> <p>supervisor's [3] 61:20,23 62:20</p> <p>surfaces [2] 55:18 56:23</p> <p>survey [1] 57:7</p> <p>surveyed [1] 15:4</p> <p>survivors [1] 32:14</p> <p>swanson [75] 1:15 3:2,5,20,24 4:5 5:2,7,10 10:14 11:23 15:18 17:14 18:5,24 19:6,9,15,20 20:4 22:20 24:3,7,21 25:3,8 26:4,10 27:12 28:24 29:4,7 30:11 31:4,18 32:19,24 33:4,9,16 36:21 37:2,9,19,23 38:12,17,24 41:8 43:6 53:12 55:11 59:24 71:9,20 75:24 79:24 80:3,7,14 81:14,20,24 82:6,12,16 83:21 84:23 85:13,20 86:3,6,14 88:2,8</p> <p>switched [2] 12:16 13:7</p> <p>switchover [1] 12:19</p> <p>system [8] 13:3 23:11 44:16,17 48:23 49:20 74:4,9</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table [1] 54:7</p> <p>tabling [2] 4:17 57:24</p> <p>takings [1] 7:7</p> <p>talked [5] 53:21,22 61:8,9,10</p> <p>tanger [5] 5:22,23 35:17 53:22 70:2</p> <p>technical [1] 37:11</p> <p>ten [2] 10:8 56:20</p> <p>ten-year [1] 9:4</p> <p>terms [7] 17:22 27:25 65:14 67:2,12 69:11,20</p> <p>testament [1] 81:9</p> <p>thanking [1] 4:20</p> <p>their's [1] 57:10</p> <p>themselves [2] 13:25 40:17</p> <p>there's [16] 15:13,15 16:3 17:4,8 30:22 41:23 44:9 45:13 47:17,17 50:23 52:15 56:17 63:20 86:20</p> <p>therefore [1] 46:19</p> <p>they'll [2] 12:9 14:3</p> <p>they've [1] 54:23</p> <p>thin [1] 23:16</p> <p>third [2] 26:15,20</p> <p>this ___ day [1] 89:12</p> <p>thomas [1] 2:5</p> <p>thoroughly [2] 53:16 54:7</p> <p>three [6] 12:6 15:8,8 19:24 21:7 74:2</p>	<p>throughout [1] 74:10</p> <p>tightening [1] 18:21</p> <p>timeframe [1] 14:5</p> <p>today [4] 19:24 40:21 67:13 80:23</p> <p>together [5] 16:8 21:17,23 30:17 31:10</p> <p>took [1] 73:4</p> <p>top [1] 24:10</p> <p>topographic [1] 29:25</p> <p>topping [1] 85:11</p> <p>total [2] 20:14 22:7</p> <p>totaled [1] 74:11</p> <p>touch [2] 47:20 48:15</p> <p>towards [4] 16:15 63:5 70:14 83:24</p> <p>town [34] 4:19 6:9,10,11 15:22 16:8,10,14 20:6,16,21 22:3 26:23 29:15 30:7 35:21,21 39:2 43:25 47:5 48:6,6,9,17 54:18 56:14,16,19 57:9,12 61:19 63:3 69:3,12</p> <p>town's [2] 39:2 46:8</p> <p>town-owned [1] 29:21</p> <p>towns [17] 10:3 36:7,14,17 38:18 39:13 41:7 43:9 46:17 52:20 53:15 61:10 64:2,12 67:17 68:17 69:22</p> <p>toxic [1] 28:18</p> <p>traffic [10] 5:22 9:3 10:4,6 40:18,23 41:23 51:12 69:19 70:8</p> <p>trail [1] 23:11</p> <p>trails [5] 22:23 23:2,4,6,7</p> <p>transcript [1] 89:9</p> <p>transpired [1] 54:16</p> <p>travel [3] 34:12 42:20 45:17</p> <p>travel-worthy [1] 7:3</p> <p>treat [1] 52:4</p> <p>trees [5] 83:7,16 85:3,9,12</p> <p>tried [2] 12:23 76:12</p> <p>truck [1] 86:13</p> <p>true [3] 46:25 60:11 89:8</p> <p>trust [1] 10:16</p> <p>try [9] 12:8 39:4 52:11 54:20 68:11 74:24,25 80:23 81:3</p> <p>trying [6] 18:22 22:9 24:16 49:9 56:7 71:5</p> <p>turnpike [2] 69:7,15</p> <p>two [11] 4:14 8:9 9:7 11:11 20:22 29:19 33:19 49:4 65:7 66:3 69:4</p> <p>twofold [1] 13:11</p> <p>type [3] 17:18 18:4,9</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>under [4] 15:20 51:16,17,18</p> <p>underground [1] 15:3</p> <p>understand [9] 8:5 49:9,23 50:21,23 54:5 80:21,24 85:5</p> <p>undisturbed [1] 21:2</p> <p>unfortunately [2] 83:19 85:10</p> <p>units [1] 70:4</p> <p>unless [1] 46:23</p> <p>unlisted [7] 24:23 25:25 26:25</p>
---	---	---	---

Five Star Reporting, Inc.
 ***** Suites in all Boroughs *****
 (631) 224-5054

29:3 32:22 79:19,22
unprepared [1] 58:24
until [3] 46:23 52:9 61:21
up [31] 7:13,15 9:7 14:3 18:13,21
19:19 20:14 21:6,11 22:10 34:7,
25 41:21 42:18 45:4 55:9 65:19
66:4 70:3,4 71:22 72:24 73:8,19
74:18 81:3 82:5 83:6 85:9 86:2
update [1] 10:16
updates [1] 17:12
utilized [1] 72:18

V

vacancies [1] 10:23
vacuum [1] 36:6
valid [1] 56:6
valve [1] 6:6
various [1] 52:20
vegetation [2] 21:3 27:21
vendees [1] 21:10
ventures [1] 35:16
vice [39] 2:3 5:17,20 6:16 8:3,12
13:19 18:20 19:4 21:4,16,21 22:
13,18 24:25 25:24 26:24 27:16
31:20 32:13,16,21 39:14 40:24
44:8 49:12 50:17 51:22 52:13 64:
14 65:13,25 68:19 71:4 79:15 82:
14 83:3 84:18 88:5
view [3] 38:3 39:2,3
violations [1] 83:12
volume [1] 41:18
vote [1] 81:18

W

wait [1] 52:14
walk [1] 75:17
walking [1] 72:18
wanted [3] 30:21 43:7 63:12
water [4] 45:7,16 46:7 56:24
wave [1] 86:12
way [11] 30:4 42:18 46:12 65:11,
11 68:22 70:25 71:2 74:24 84:12
87:12
week [3] 60:8 78:9 87:2
well-connected [1] 29:24
west [9] 12:24 23:16 25:17 27:23
29:20 31:21,23 41:20 45:14
westerly [2] 25:16,22
wetland [1] 29:23
whatever [2] 7:17 53:8
whereof [1] 89:11
whether [6] 7:6,18 49:23 73:18
77:6 86:19
whoever [1] 40:2
whole [3] 10:6 23:25 67:12
wide [2] 7:4,5
widen [1] 34:17
widening [1] 43:13
wider [2] 7:12 64:22
wilcox [1] 70:3
wilcox's [1] 5:24
will [26] 4:13 11:14,16 12:15,18,
21 15:9 23:11 28:15 34:3,8,10

36:15 43:21 50:5,6 59:3 65:17
66:4,5 71:15 75:10 85:25 86:5,
17,23
wind [1] 12:4
window [1] 14:5
wish [2] 58:8 73:15
within [12] 13:5 29:17 30:8 34:22,
23 36:12,17 40:15 48:5,25 64:4
69:3
without [9] 38:7 48:21,22,23 55:
21 56:5 57:21 72:9 78:11
witness [1] 89:11
wooded [3] 22:17 23:17 25:20
word [1] 69:10
words [1] 18:15
work [4] 16:19 58:13 74:19 80:16
worked [1] 11:7
working [3] 10:23 15:21 59:19
works [4] 11:6,8 13:23 35:2
worse [1] 85:12
write [2] 83:9 84:13
wrote [1] 83:10

Y

year [7] 12:11 32:12 66:14 67:5,9
73:21,22
year-round [1] 12:15
years [13] 8:9 9:7 10:8 27:21 43:
15 52:22 53:4,13 56:21 59:20 63:
16 86:15,16
yellow [1] 24:11
yep [1] 60:23
yesterday [2] 66:5 70:9
york [4] 35:19 40:3 79:12 89:7

Z

zoning [1] 69:10

Five Star Reporting, Inc.

***** Suites in all Boroughs *****

(631) 224-5054