

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

Michael Mulé
SENIOR PLANNER

NOTICE OF PUBLIC MEETING

Notice is hereby given that the Council on Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday, December 8th, 2010 at Sagtikos Manor, Montauk Highway and Manor Lane, West Bay Shore, NY 11706. Pursuant to the Citizens Public Participation Act, all citizens are invited to submit testimony, either orally or in writing at the meeting. Written comments can also be submitted prior to the meeting to the attention of:

Michael P. Mulé
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788

Council of Environmental Quality
R. Lawrence Swanson, Chairperson

COUNTY OF SUFFOLK



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AGENDA

MEETING NOTIFICATION

Wednesday, December 8, 2010 9:30 a.m.

Sagtikos Manor
Montauk Highway & Manor Lane
West Bay Shore

Call to Order:

Minutes: check the web at

<http://www.co.suffolk.ny.us/departments/planning/minutes.aspx#ceg>

Correspondence:

Vector Triennial Report

Public Portion:

Historic Trust Docket:

Director's Report:

Updates on Housing Program for Historic Trust Sites

Updates on Historic Trust Custodial Agreements

LOCATION

H. LEE DENNISON BLDG. – 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS

P.O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5191
fax (631) 853-4044

Project Review:

Recommended TYPE I Actions:

Recommended TYPE II Actions:

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table December 7, 2010.

Recommended Unlisted Actions:

- A. Proposed Declaration of 95.3 acres of Industrial/Commercial Zoned Property surplus/offer for sale, Town of Brookhaven. Tabled from November 18th, 2010.
- B. Proposed Stormwater Remediation to the Yaphank Lakes and Carman's River at CR 21, Main Street/Yaphank Middle Island Road, Town of Brookhaven.

Other Business:

CEQ Meeting Schedule for 2011
Going Digital with the Minutes

CAC Concerns:

***CAC MEMBERS:** The above information has been forwarded to your local Legislators, Supervisors and DEC personnel. Please check with them prior to the meeting to see if they have any comments or concerns regarding these projects that they would like brought to the CEQ's attention.

****CEQ MEMBERS:** PLEASE NOTIFY THIS OFFICE AS SOON AS POSSIBLE IF YOU WILL BE UNABLE TO ATTEND.

*****FOLLOWING THE MEETING PLEASE LEAVE BEHIND ALL PROJECT MATERIAL THAT YOU DO NOT WANT OR NEED AS WE CAN RECYCLE THESE MATERIALS LATER ON.**

-----X

DEPARTMENT OF PLANNING.
COUNCIL ON ENVIRONMENTAL QUALITY

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December 8, 2010
9:30 a.m.

Sagtikos Manor Historical Society
Montauk Highway & Manor Lane
P.O. Box 5344
West Bayshore New York 11706

B E F O R E:

R. Lawrence Swanson, Chairperson
Michael Kaufman, Vice Chairperson

2010 DEC 22 PM 12:16
S.O. PLANNING DEPT.

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James Bagg, Suffolk County Planning Department

Mike Mule', Suffolk County Planning Department

Richard Martin, Historic Society

Gloria R. Russo, Council Member

Mary Ann Spencer, Council Member

Daniel Pichney, Council Member

Thomas Gulbransen, Council Member

Eva Growney, Council Member

Gloria Russo, Council Member

Legislator Vivian Viloría-Fisher

A L S O P R E S E N T

Dominic Ninivaggi, Vector Control

Bob Steele,

Mary Dempsey, Department of Energy

Russ Mackey,

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2 (Time Noted: 9:44 a.m.)

3 CHAIRMAN SWANSON: We will call the
4 December meeting to order.

5 First of all, I would like to thank
6 Richard and Maryann and our host -- who
7 are our hosts?

8 MR. MARTIN: Jim McDaniel
9 (Phonetic) is our host.

10 CHAIRMAN SWANSON: Thank you all
11 for making this meeting possible.

12 As you all know, I think it's
13 important for us to visit the properties
14 that we have some responsibility for
15 overseeing. So, as we continue to make
16 our way around the County, I think we'll
17 all be educated and have learned some of
18 the fascinating history not only of the
19 buildings, but how these buildings act
20 as contacts of the County as a whole.

21 I was here a little early and
22 Richard came in, and it just blew my
23 mind with regard to what I thought I
24 understood about this particular house
25 and its role in Suffolk County -- the

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2 history and I hope, Richard, that when
3 we go around for a tour, that you will
4 be able to enlighten -- well, first,
5 maybe everybody else knows, but I think
6 -- you certainly enlightened me, as well
7 as others as to the context of this
8 house.

9 Alright, anybody review the
10 minutes?

11 MR. MULE: There were none
12 available.

13 CHAIRMAN SWANSON: None available?
14 That's good news.

15 (WHEREUPON, there was laughter.)

16 CHAIRMAN SWANSON: Correspondence?

17 We have a letter concerning vector
18 control. Basically, the letter is
19 asking that we allow the timeline for
20 the reports for vector control to slip
21 until February 16th. For those that
22 were not here when that all took place,
23 we require that there be a Triennial
24 Report and that report is now due --
25 perhaps it is even overdue, but this is

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2 explaining that they're having a little
3 difficulty completing it, and they would
4 like to have an extension.

5 MR. BAGG: Can I have
6 clarification, Larry, on what the
7 purpose of the Triennial Report is as
8 opposed to -- there's another evaluation
9 coming in terms of the Best Management
10 Practices, I believe, and what the
11 potential impacts are. How is this
12 dealing with that, and what is the
13 status of the secondary steps?

14 MR. NINIVAGGI: My name is Dominic
15 Ninivaggi and I am with Vector Control.
16 This is Mary Dempsey from the Department
17 of Energy.

18 MS. DEMPSEY: The Triennial Report
19 is three departments with processes of
20 vector control. I just wanted to
21 clarify that.

22 MR. NINIVAGGI: The Triennial
23 Report is due three years after the EIS,
24 which was signed in March of 2007. We
25 realized that we weren't going to be

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2 able to get it done very easily in 2010
3 because preparation would have fallen
4 right in the middle of the busy mosquito
5 season; also, we had to compile data
6 from previous years.

7 CHAIRMAN SWANSON: Just to clarify
8 that. My recollection is that as part
9 of the legislation, this Triennial
10 Report is a requirement.

11 MR. NINIVAGGI: Yes, it's a
12 progress report.

13 MS. DEMPSEY: It's contained within
14 the Statement of Findings, Appendix 1
15 which outlines what kind of information
16 that they're requesting.

17 MR. NINIVAGGI: The Wetland
18 Stewardship Plan is in progress. There
19 were some delays initially years after
20 the EIS was approved as to who was going
21 to do it and then it had to put out to
22 BID. A contractor was hired relatively
23 late in the process, and they're working
24 on that now.

25 Mary, what information do you have

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on what their timeline is right now?

MS. DEMPSEY: That's being handled by my Department and Camilo Salazar is the contact. I am not really sure what the timeline is for that. I can find out and report back. It's my understanding that the consultant on that project, LKB has gotten -- they're trying to renegotiate their contract as if they were, at this point, supposed to have completed the project.

CHAIRMAN SWANSON: Michael?

MR. KAUFMAN: Michael Kaufman.

Adding to what Mary is stating, the Wetland Stewardship Plan, as she stated, kind of fell behind with the contract problems. There has also been a lot of work done on it by some sub-consultants. Part of the plan, if you will, has been developed into a draft stage. The people on the Wetland Stewardship Committee, for example, I am one of them, but we have been reviewing them. We've had a number of comments and there

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2 may be little bit of change in focus and
3 strategies on how they're doing it.
4 That may have an impact upon its
5 timeline. It's an extremely complex
6 situation -- how you basically assess
7 the Wetlands. There's a lot of
8 scientific debate about it. We're
9 trying to come up with a working plan as
10 opposed to a perfect plan so that we can
11 get underway and start utilizing some of
12 the technics that were proved in the EIS
13 and actually start getting some work
14 done.

15 Coincidentally, there's a project
16 down at Indian Island. Indian Island,
17 which is a dredge spoil site -- County
18 owned out in Riverhead -- and it might
19 be a perfect site to do an actual pilot
20 project on wetlands restoration.
21 Everything is kind of in flux right now.
22 We're approaching a draft version, if
23 you will, on all of this stuff so that
24 we kind of know where we're going, but
25 it's not there yet. It may be

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2 Summertime that you might actually see
3 something. That's just a guesstimate of
4 mine.

5 MS. DEMPSEY: I just wanted to add
6 that at our last -- we have a work group
7 and then we have The Wetlands
8 Stewardship Committee. The work group
9 is made up of technical individuals and
10 it's Chaired by John Tanatredi from
11 Dowling.

12 At the last meeting of November
13 30th, we did make some progress in
14 discussing not only the BMP's that are
15 in the long term plan, but some
16 additional BMP's that could be of use in
17 terms of assessing the wetlands and
18 doing the monitoring.

19 CHAIRMAN SWANSON: Eva?

20 MS. GROWNEY: I have a question.
21 What are BMP's?

22 MS. DEMPSEY: **Best Management**
23 Practices. They were categorized by
24 simple activities that would not require
25 DC permits to fill in ditches, create

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2 new ponds, and as I said, at our last
3 meeting, we really did make some
4 progress in opening it up and looking at
5 some other ideas. Also, the Indian
6 Island Restoration Project is a grant
7 that we got from the DEC. It's on
8 Suffolk County property, and it will be
9 done in conjunction with the Department
10 of Environment and Energy, as well as
11 the Department of Public Works. We're
12 looking forward to beginning that plan
13 process.

14 CHAIRMAN SWANSON: Jim, does that
15 answer your question?

16 MR. BAGG: Yes.

17 CHAIRMAN SWANSON: We need to have
18 a motion if the group is willing to let
19 the Triennial Report slip until February
20 16th.

21 MR. KAUFMAN: I will make the
22 motion that the Triennial Report
23 acceptance be delayed until February
24 16th.

25 MS. GROWNEY: Second.

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2 CHAIRMAN SWANSON: I have a
3 question?

4 From your group, is there anybody
5 in particular knocking the door down
6 saying, "We want this report?" Has the
7 Legislature said, "We want this report?"

8 MR. NINIVAGGI: No, we haven't
9 heard anything from them. It has been
10 extremely quiet in the last couple of
11 years. As a matter of fact, on many of
12 the committees that were set up such as
13 the Pesticide Management Committee, the
14 Wetlands Stewardship Committee, and some
15 of the original interest groups -- they
16 asked for these committees to be set up
17 such as the Nature Conservancy and
18 Citizens Campaign for the Environment,
19 and they had basically bowed down in the
20 process. I'm taking that as a vote of
21 confidence that we're doing things the
22 right away. It doesn't seem like
23 there's any urgency to getting this done
24 other than from -- as from my agencies
25 point of view, I would certainly like to

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2 get the Wetlands Stewardship up and
3 running and these Best Management
4 Practices -- get our tool kit because we
5 have been asked to reduce the amount
6 pesticides we put out particularly for
7 mosquito larva and the only way we can
8 reduce that use of pesticides without
9 having more mosquitos, is to do more
10 wetlands management work. I am
11 certainly anxious to see this be put
12 into play so that we can get back some
13 good wetlands management.

14 CHAIRMAN SWANSON: Jim?

15 MR. BAGG: If I recollect
16 correctly, before the Wetlands
17 Stewardship Plan can go any further, it
18 needs a supplemental for the original
19 environmental documents.

20 It was originally approved for Best
21 Management Practices which is not
22 required to have a permit from DEC;
23 however, some of those practices that
24 were supposed to be implemented were
25 supposed to have further environmental

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2 review, thresholds, and potential
3 impacts depending on the wetlands.

4 MR. KAUFMAN: I think it's five
5 through nine and ten through fourteen.

6 MR. NINIVAGGI: There are
7 provisions already in the EIS for
8 additional review on Management
9 Practices that are more likely to have
10 an adverse impact. This Wetlands
11 Stewardship Plan will flush that out and
12 clarify what the risks and benefits are
13 for the various management plans and
14 that will have to go to CEQ for
15 approval.

16 CHAIRMAN SWANSON: Vivian?

17 MS. VILORIA-FISHER: Dominic, when
18 we talk about going through the nine
19 through the fifteen -- well, I think
20 we're moving to the area of more
21 machines working rather than hands and
22 maintenance and -- well, we're doing
23 more heavily with the ditching, and we
24 want to proceed very cautiously. Where
25 are you in regards to moving in that

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2 direction at this point?

3 MR. NINIVAGGI: Basically, the
4 Management Practices are grouped in
5 rough order of their likelihood of
6 changing the existing conditions of the
7 marsh. Remember that those changes
8 could be positive or negative. The
9 middle level of the Best Management
10 Practices are unlikely to change the
11 basic hydrology of the marsh -- you
12 know, they're not likely to change water
13 levels or degrees of tidal flooding.
14 Primarily from a mosquito patrol point
15 of view, it would be primarily directed
16 towards improving fish habitat, but also
17 improve tidal circulation which is
18 important from a natural resources point
19 of view. These are changes from the
20 existing -- right now, the management
21 practices we use are basically
22 maintaining the status quo. The low
23 level management practices will change
24 the status quo, but it should not be a
25 very large change because you're not

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2 changing the hydrology; that would be
3 different for higher level management
4 practices because you're intentionally
5 changing the hydrology or the basic
6 function of the marsh with the idea that
7 you're restoring values that have been
8 lost. So, basically, that's the way the
9 hierarchy has been set up.

10 MS. VILORIA-FISHER: I just had a
11 follow up to that.

12 We had done some evaluations of the
13 -- I guess, it was a pilot program at
14 one time. Dominic, what subsequent
15 evaluations or reviews has been done as
16 to what is happening at Wertheim? What
17 kind of results have we seen? At the
18 time that we were working on the plan,
19 there had only been -- how much time?
20 Maybe a year and at this point, we're a
21 few years out so what kind of results
22 have we seen?

23 MR. NINIVAGGI: Well, we have five
24 years results through 2009. What we
25 found was that the project did not

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2 succeed in its goal of reducing the need
3 to use pesticides. It did reduce
4 mosquito production in the marsh.

5 MS. VILORIA-FISHER: Did you say it
6 did not?

7 MR. NINIVAGGI: It did reduce the
8 production. So, in terms of mosquito
9 control goals, they have been met and
10 they could be even better with some
11 tweaks to the system. We can get to the
12 total elimination of pesticides, but we
13 have definitely reduced it by about 75
14 percent which was the original goal. We
15 have seen a reduction in the invasive
16 vegetation. We have seen good
17 re-vegetation of the area by native
18 species of wetland plants. We have seen
19 increases in population to native fish,
20 particularly, in parts of the marsh that
21 were most heavily impacted. So, the
22 results so far have been very good in
23 terms of meeting our goals from both the
24 mosquito and the natural resources point
25 of view.

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2 At this point, after five years
3 out, the marsh is pretty stable at this
4 point. We're not expecting very rapid
5 or significant changes from here on out;
6 so we're pretty positive that the
7 positive results we have seen will be
8 maintained.

9 CHAIRMAN SWANSON: Dominic, with
10 regard to that, who is the chief
11 scientist, if you will, for that
12 project?

13 MR. NINIVAGGI: At this point, the
14 County is managing and monitoring the
15 efforts of this project, so ultimately
16 that would be me.

17 MS. DEMPSEY: It's the Department
18 of Public Works and the Department of
19 Environment and Energy. We were all out
20 there throughout the Summer. We will
21 also be out there through 2014. The CEC
22 added an additional year of monitoring.

23 CHAIRMAN SWANSON: Can we plan on
24 having a scientific presentation some
25 time in the Spring when we can review

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2 some of the questions that Vivian just
3 asked in a more substantial way?

4 MR. NINIVAGGI: Yes, we can do
5 that. We already have the 2009 updates
6 on the monitoring. We already had some
7 discussions in terms of what we found so
8 far. By the Spring, we may have --
9 actually, as for 2010, we should have
10 those results in by now.

11 The other thing that we have done
12 is we have published some of the
13 mosquito results and they now appear in
14 the Journal of International Geographic.
15 That now has become open literature.

16 MS. VILORIA-FISHER: Can you site
17 that again, Dominic?

18 MS. DEMPSEY: Journal of
19 International Geographic. It probably
20 was -- I have to get back to you on
21 that.

22 CHAIRMAN SWANSON: Christine can
23 probably perhaps forward that reference
24 to the --

25 MR. NINIVAGGI: The other thing

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2 that we're working on now, as far as the
3 natural resources data is concerned, is
4 that we're actively working to try to
5 publish that in the open literature, as
6 well as working with some of the
7 scientific staff at the U.S. Fish and
8 Wildlife Service and the U.S.G.S. --
9 some of whom were involved in the
10 original design of the project and some
11 of them who have already published
12 information on this general subject.

13 We're working on getting this into
14 the open literature in cooperation with
15 some well-established scientists in the
16 field.

17 CHAIRMAN SWANSON: Jim, Mike, and
18 then Tom?

19 MR. BAGG: Dominic, East Hampton
20 had a program, I believe, running
21 jointly with the Nature Conservancy to
22 plug the mosquito control ditches. I
23 don't think they did any environmental
24 review; is anybody evaluating that
25 program?

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2 MR. NINIVAGGI: We haven't
3 evaluated any of that. You would have
4 to talk to East Hampton and the Nature
5 Conservancy about that. I understand
6 that they did do some measurements, and
7 I actually did work with Nicole Marr
8 (Phonetic) from the Nature Conservancy
9 and showed her a little bit about
10 mosquito dipping. I don't know if they
11 received any mosquito results on that.
12 At one point, that project had been
13 independent of us.

14 MR. BAGG: I understand that, but I
15 think somebody should really kind of
16 evaluate something like that. It might
17 increase the mosquito population.

18 MR. NINIVAGGI: Well, from our own
19 monitoring of the area, we're not seeing
20 an increase like we've seen in New
21 Jersey with samples of adult mosquito
22 populations in that area. They have
23 been relatively low for the last few
24 years. As a matter of fact, in many of
25 the marshes, in that system, we needed

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2 to do very little larviciding. From the
3 information we have, we can't tell
4 whether that's a result of what East
5 Hampton did or it's just part of the
6 nature cycle of the marsh, but certainly
7 there's no evidence that whatever
8 they're doing has made the situation
9 worse.

10 CHAIRMAN SWANSON: Mike?

11 MR. KAUFMAN: First off, just to
12 follow up on what Jim's talking about, I
13 find it curious that the County was
14 placed in the position of having to do
15 very, very heavy monitoring and having
16 data collecting in order to justify any
17 permits that were undertook to deal with
18 the mosquito situation; yet in East
19 Hampton, that seems to have gone by the
20 Board. There's really no data coming
21 out that I have seen, and they're doing
22 a lot of the practices that they accuse
23 the County of doing. They said they
24 were wrong, for example, for plugging
25 ditches and we're opening up ditches

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2 depending upon where it is and actually
3 doing some catching. They've opened up
4 some culverts and things like that yet
5 we're not seeing any of that data, and
6 we're not exactly sure where it is
7 going, so I find that very curious.

8 The second thing is regarding
9 Wertheim. The interesting thing to me
10 is -- and I review a fair amount of the
11 data on that, but a lot of people
12 predicted destruction of that particular
13 marsh if the project was undertaken by
14 the County did go forward and they
15 predicted that the actual construction,
16 once they saw it, would be catastrophic
17 and would never recover yet I seem to
18 recall about a year or so ago, there was
19 a presentation made to this group and to
20 others showing the scars from the
21 construction work which, apparently,
22 have not been permanent and that they
23 have been filled in with spartina and
24 other native vegetation; however, the
25 catastrophic results that were

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2 predicted, apparently, have not occurred
3 at least going out four or five years.
4 Now, the DEC is saying they want to have
5 a sixth year, so it will be good to see
6 that data when it comes out. My point
7 is that the catastrophic results that
8 were predicted have not occurred. There
9 have been other projects like this --
10 Mary, where is that other place that the
11 DEC is doing?

12 MS. DEMPSEY: Namkee Creek.

13 MR. KAUFMAN: Yes, Namkee Creek.

14 They have been doing something very
15 similar to that, and they're not seeing
16 catastrophic results the way some people
17 have been predicting them.

18 Indian Island is going to be
19 designed the same way to avoid those
20 types of catastrophic results. My
21 point, basically, is that the plan that
22 was adopted by the CEQ and by the
23 Legislature back in 2007, appears not to
24 have -- either place seem to be
25 substantive and the work that has been

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2 authorized by it and a lot of the work
3 that composes the basis of the study has
4 proven to be a positive net gain. In my
5 opinion, I am just not seeing the
6 catastrophic results that some people
7 had predicted.

8 CHAIRMAN SWANSON: I think we need
9 to have the members review the report
10 and so forth to show that conclusion.

11 MR. NINIVAGGI: The other thing I
12 wanted to point out is that the work
13 that was done by the Town of East
14 Hampton and **Accabonac** actually was done
15 back in the 90's in cooperation with
16 vector control. But, what the Town did
17 there is very, very different than what
18 was done at Wertheim and indeed it's
19 very, very different than what is done
20 anywhere else in the northeast in terms
21 of what's called Open Marsh Water
22 Management. That project was never
23 designed to reduce mosquitos, in fact,
24 that project was intended primarily to
25 maintain water in the marshes in the

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2 hopes of keeping coliform bacteria out
3 of the shellfish beds. So you can't
4 really compare what was done by the Town
5 of Aquaponic to what we did at Wertheim
6 or what's been done really anywhere else
7 in the northeast. It's a very different
8 type of project using very different
9 technics with very different goals. The
10 other thing you have to keep in mind is
11 that **Accabonac** also installed a large
12 culvert in the road enclosing the marsh
13 with the intent of improving tidal
14 action. So whatever effect that
15 increase in tidal flow had on the marsh,
16 that is going to obscure the effects of
17 the things like ditch plugging
18 especially when you have two things
19 going on at the same time; so it's kind
20 of hard to know what caused what. Not
21 that it wasn't a good idea to do that,
22 it just makes it harder to know what is
23 causing what changes.

24 I also wanted to mention that we
25 had done some work in cooperation with

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2 the DEC last Winter in terms of
3 restoring tidal flow to a couple of
4 their heavily impacted marshes. We were
5 able to do some follow up -- our
6 consultant did some follow up at Namkee
7 Creek and they believe that they have
8 seen positive changes in the vegetation.
9 I am gratified to see that but on the
10 other hand, what was done there was very
11 low key. It was just a very simple
12 reopening of the marsh and tidal flow.
13 It was not a full-scale wetlands
14 restoration project. So, our goals was
15 very modest, and we've have seen a
16 modest improvement in one year. I am
17 gratified to see that, but it's very
18 early.

19 The same thing happened with the
20 Lime and Marsh Project. That marsh was
21 totally cut off from tidal flow. We
22 have some decent tidal flow, but it's
23 far too early to know whether there is
24 positive or negative changes.

25 The other thing I wanted to point

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2 out about the Terry Creek Project is
3 that, that's also very different from
4 what we have done at Wertheim. The
5 Terry Creek Project at Indian Island is
6 basically taking an old dredge spoil
7 site and restoring tidal flow and
8 restoring proper elevations to basically
9 allow the marshes to rebuild.

10 Again, that's a worthwhile thing to
11 do but it's very, very different from
12 what we did at Wertheim where we took an
13 existing ditched marsh and basically
14 tried to remove the effects of the
15 ditching and restore a marsh that was
16 already functioning. Basically, we were
17 looking to rehabilitate and improve a
18 marsh that was already a marsh and
19 already had some basic marsh functions.

20 So when we look at these projects,
21 we have to keep in mind that they're
22 very different from one another.

23 CHAIRMAN SWANSON: Tom?

24 MR. GULBRANSEN: Dominic, I see
25 your point earlier about having two or

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2 three things going on at the same time.
3 It's hard to figure out what the
4 causality is in whatever condition we
5 see in any given month. Do you
6 anticipate that maybe next Spring we can
7 have something on the science and the
8 process and how you assess the progress?

9 MR. NINIVAGGI: Yes.

10 MR. GULBRANSEN: Could you add to
11 that agenda how you consider sea level
12 rise or how you juggle it? You
13 mentioned in today's discussion that
14 your goal is, by mandate, to address
15 status quo and keep things as they are.
16 You also said that the marshes seem to
17 be maintaining themselves as you monitor
18 them, but that's a different story than
19 I hear from other marshes. They're
20 pretty sensitive places and the sea
21 level rise seems to be one of the
22 factors that people are worried more
23 about.

24 MR. NINIVAGGI: Well, also, you
25 have to remember that we're lucky --

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2 MR. GULBRANSEN: In the Spring,
3 could we add that layer if it was
4 already discussed to see how you juggle
5 things that aren't changing with the
6 need to juggle hydrology? It is such a
7 tough thing to --

8 MR. NINIVAGGI: Well, you have to
9 remember, what we did at Wertheim was
10 something we were looking at over a five
11 year term and the sea level rise over a
12 shorter period of time and that's not a
13 major issue.

14 The other thing that was found
15 during the course of the EIS Project was
16 that different marshes are in a
17 different statuses relative to sea level
18 rise. Some marshes on the island such
19 as the Wertheim Marsh seems to be
20 keeping pace with sea level rise
21 relatively well, while others are not.
22 So that's a little bit outside the scope
23 of the Wertheim Project.

24 One of our mandates in terms of the
25 Wetland Stewardship Program is to

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2 consider the long term impact of the sea
3 level rising depending on what the
4 County would like to do. I think that,
5 that's going to have more to do with
6 things like buffers and allowing areas
7 from the marsh to migrate than what you
8 did within the marsh itself.

9 MS. DEMPSEY: Tom, the Nature
10 Conservancy, I think, in conjunction
11 with U.S.G.S has set up what we call
12 S.E.T. which stands for sediment
13 elevation tables throughout Long Island.
14 They would have more data on that kind
15 of thing, but we're not collecting that
16 kind of information.

17 MR. GULBRANSEN: I didn't mean to
18 add it to your menu. It's not our scope
19 to do that. I just wanted to help you
20 rational and help you with the progress
21 and that it be expressed mindful of the
22 other stuff that's going on out there.
23 As you juggle it this way, it might be
24 helpful in some cases or it might be a
25 counterbalance. We can always talk

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2 about it in the Spring.

3 MR. NINIVAGGI: One of the things
4 that seems to be key is if you have a
5 marsh where you have healthy growth of
6 vegetation and where you would think
7 they would be more able to resist the
8 effects of sea level rising. Certainly,
9 we're trying to get good healthy
10 vegetation for that.

11 CHAIRMAN SWANSON: Eva?

12 MS. GROWNEY: In terms of your
13 program, can you just give us a very
14 brief idea of what kind of things we're
15 going to see and how often you -- how
16 often do you check the various places
17 and what kind of recordation system do
18 you use? You mentioned earlier that
19 there are different agencies that do
20 different things. If you can just
21 briefly --

22 MS. DEMPSEY: With the Wertheim
23 Project, we looked at the biological
24 factors of fish, birds, and vegetation
25 changes. Every year we take photos and

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2 we also have a bit of a permit
3 modification because we're going out
4 there and collecting data every year and
5 there wasn't any change in -- every year
6 you don't see these kinds of changes.
7 Currently, every year, we go out and
8 check to see where all the population is
9 and that is done every year.

10 MS. GROWNEY: At the same time?

11 MS. DEMPSEY: That's right. We do
12 vegetation at set locations and we call
13 them transects. We do a vegetation
14 analysis, as well. We have fish
15 stations. We have bird stations, and we
16 also measure things like salinity, poor
17 water salinity, and we try to assess if
18 there are any changes to hydrology and
19 water tables heights, as well.

20 MS. GROWNEY: Are there any
21 endangered species that are also looked
22 at to see -- you kind of touched on that
23 a little bit in terms of the active
24 marsh lands and you were saying that
25 there is healthy -- to see if there is

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2 healthy growths over there; is there
3 anything that you noted as an endangered
4 species that is problematic?

5 MR. NINIVAGGI: There weren't any
6 listed species present regularly in the
7 marsh. The marsh is visited by bald
8 eagles, osprey, and those sorts of
9 animals. I know there are some marsh
10 sparrows that utilize the salt marshes.
11 We haven't seen anything specific as
12 listed species. I think one of the
13 things you should also keep in mind is
14 that the Wertheim Project was intended,
15 among other things, to give us an idea
16 of what sort of follow up monitoring is
17 appropriate and worth doing.

18 In the initial couple of years, a
19 very large number of things were looked
20 very intensively at, and over time what
21 we found was that some of the things we
22 were looking at didn't seem to give us
23 much useful information. In conjunction
24 with Fish and Wildlife Service, we have
25 changed some of the monitoring. There

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2 are some things that we look at every
3 other year or every two to three years
4 because that's the timeframe that you
5 can expect to see changes. We are a
6 mosquito control agency, and we do look
7 at the mosquitos very intensively.
8 We're out there once a week because it
9 is part of our regular program. At
10 Wertheim, we look at it a little more
11 intensively than our regular program
12 because of the follow up to the project,
13 but that's going to be an interesting
14 issue.

15 As we go forward, we need to see
16 how much monitoring we can reasonably do
17 as we go operational with some of these
18 practices.

19 MS. GROWNEY: Thank you.

20 CHAIRMAN SWANSON: Dominic, just a
21 couple of comments to clarify the
22 record.

23 When would be it best so that we
24 can do some planning to have a
25 scientific presentation?

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2 MR. NINIVAGGI: I would say April
3 would probably be worthwhile because at
4 that time we should have some of the
5 2010 data in, and it's before we get
6 into the busy season in terms of our
7 mosquito control program.

8 CHAIRMAN SWANSON: Christine, would
9 you tentatively make sure that we try to
10 get on April's meeting?

11 MS. DE SALVO: Yes.

12 CHAIRMAN SWANSON: The other thing,
13 Dominic, that I wanted to comment on is
14 that, while nobody is knocking your door
15 down or our door down for this report, I
16 think it's imperative that it be done by
17 February 16th, because this is exactly
18 the kind of thing that some day somebody
19 might be knocking our door down on. I
20 don't think we want the CEQ or the
21 County hounding us for it -- hounding us
22 for not having it done when we're
23 required to have it done by the EIS
24 process.

25 MR. NINIVAGGI: I agree.

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2 Also, from my program's point of
3 view, I would like to see this process
4 be pushed forward especially the Wetland
5 Stewardship part of it because
6 operationally, it will be very helpful
7 for us to meet our goals.

8 CHAIRMAN SWANSON: So we have a
9 motion and a second.

10 Any further comments?

11 (WHEREUPON, there was no response
12 from the Council.)

13 CHAIRMAN SWANSON: All in favor?

14 (WHEREUPON, the Council voted.)

15 CHAIRMAN SWANSON: Opposed?

16 (WHEREUPON, there was no response
17 from the Council.)

18 CHAIRMAN SWANSON: Motion carries.

19 Thank you very much for coming.

20 MS. DEMPSEY: We're doing this
21 report with the help of Sal Scarfutti
22 (Phonetic) who did the tick report. He
23 is the one that is going to be
24 formatting it. He is familiar with
25 getting different departments together

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2 to write such a report, and then we have
3 a shared drive and we do appreciate this
4 because we definitely need the
5 extension.

6 CHAIRMAN SWANSON: Vivian?

7 MS. VILORIA-FISHER: I will be
8 inviting you, although I don't know
9 whether or I will be Chair of the
10 Environment Committee, but the
11 likelihood is that I will be, and I will
12 invite you to do a short presentation at
13 the Environment Committee meeting and
14 that will be after you come to the CEQ.

15 CHAIRMAN SWANSON: Your welcome to
16 stay. Eventually, we're going to have a
17 tour of this house. If you have the
18 time or the inclination, you're
19 certainly welcome to stay and be part of
20 that.

21 Anybody here from the public that
22 wants an opportunity to speak?
23 Ordinarily, we speak as particular
24 issues come up on the agenda, but if
25 there is anybody that wants to speak,

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they may do it now.

(WHEREUPON, there was no response from the Public to speak.)

CHAIRMAN SWANSON: Historic Trust?

MR. MARTIN: The Housing Meeting is scheduled for December 16th, and that is the committee that reviews all of our housing for rent, the amounts, and also concerns that we have.

We do have a concern right now. We've had vacancies for a long time at the West Oaks County Park which has two houses there. The Simpson House has been vacant since the rent was increased a number of years ago. We need to take a serious look at that house. We need to look and see how we can get those properties rented.

We're also going to be reviewing the Lindley House out at Theodore Roosevelt County Park. That is a house within the Park that came with the original County purchase in the 1970's. The owners were given until this coming

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2 February of 2011 to use the property.
3 That's coming up, so we need to review
4 that property and see how the County
5 wants to go forward with occupancy on
6 that. That's also on the agenda.

7 As for the Custodial Agreement,
8 we're still working on the agreement
9 with the Long Island Chapter and U.S
10 Lighthouse Society. That's for the
11 Cedar Point Lighthouse, and we're also
12 working on the Long Island Maritime
13 Museum agreement. We have a museum site
14 at West Sayville County Park.

15 MS. VILORIA-FISHER: We just voted
16 on that, didn't we?

17 MR. MARTIN: It was voted on to
18 approve, but the paperwork is not
19 complete. The reason it's not complete
20 is because it has been approved, but the
21 contract itself has not been completed.
22 That's all I have.

23 MR. KAUFMAN: Rich, as for the
24 Simpson House, which I familiar with,
25 the rent is rather high on there. I

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2 know the group that you're part of has
3 the authority to, after proper review,
4 lower that possibly. The house is
5 incredibly hard to heat. The windows
6 are single paned. If you want to have
7 somebody in there, and West Sayville is
8 a heavily used park, you have to try and
9 find some justification for radically
10 dropping that rent. The house itself is
11 not the easiest place to heat. It's not
12 well-layed out for a family or whatever.
13 It's not a easy house to live in, and
14 that comes from speaking with some of
15 the tenants that live over there. I
16 remember a Suffolk County police park
17 woman was the last one to live there.
18 If you want to get somebody in there,
19 you really have to drop the rent.

20 MR. MARTIN: You're right. My
21 understanding is that the Committee does
22 have the authority to take all those
23 conditions into account and that's what
24 we will look at.

25 MR. KAUFMAN: I really think that

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2 an appraiser -- I have been dealing with
3 appraisers on another issue, but if
4 justification is needed for that -- for
5 that particular house, the age of the
6 house and the heating and -- I mean
7 there's no insulation. There's nothing.
8 It has single paned windows, so you have
9 every justification in the world to drop
10 that rent radically and the more
11 important ones need to be rented.

12 MR. MARTIN: The Committee reviews
13 more so than the appraiser. The
14 appraiser gets it done at market rate by
15 looking at comparable houses in that
16 area. It is a very nice neighborhood,
17 but the Committee can look at the
18 immediate environment within the Park
19 and the activities within the Park so
20 maybe the appraiser can take that into
21 account.

22 MR. KAUFMAN: Just as part of the
23 appraisal process because I am dealing
24 with appraisers with another historic
25 house myself right now, but when you

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2 look at comps, that's always a problem
3 because it tends to drive the prices
4 higher than you would normally see with
5 a regular house. For example, let's say
6 you have three houses in a row and the
7 middle one is the historic house and the
8 two on either side of it are more
9 contemporary -- more of a 1950's house.
10 The comp method seems to drive the price
11 higher on the middle house as opposed to
12 the historic house and as opposed to the
13 two houses on either side. Again, using
14 that approach without factoring in and
15 decreasing, if you will, some of the
16 issues that apply to historic houses in
17 terms of value, you really get a higher
18 rate and you may need to have an
19 historic appraiser in there -- if such a
20 thing exists because I am looking for
21 one right now.

22 MR. MARTIN: I think the Committee
23 can play that role.

24 MR. KAUFMAN: That's what I am
25 basically driving at. You guys have to

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2 exercise some sort of judgment on this
3 and go beyond what the appraiser is
4 saying. The appraiser is always going
5 to have a higher price. They're not
6 equipped to factor in certain things.
7 Realistically, a lot of appraisers have
8 problems dealing with asbestos and
9 contamination. They're not able to
10 knock down prices that way without
11 specialized addendums to the report
12 which they're usually not able to do and
13 that's why the appraisers are somewhat
14 high. That's where I am going with
15 that.

16 MS. VILORIA-FISHER: Mike, that's
17 exactly why we have the Committee. We
18 begin with the appraiser to do the
19 appraisal and then we go through -- we
20 have set up a grid of different
21 criteria, and we have somebody from the
22 Department of Public Works who sits on
23 the committee to help us with precisely
24 these kind of issues you're talking
25 about regarding utilities and the cost

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2 of the utilities. I don't know how far
3 they're going to go with this home. I
4 know it has been an issue because we
5 have had letters from former tenants
6 about the inability to heat the house;
7 so everything you're saying is something
8 that the committee is already doing. We
9 can only go so far with the relief
10 without tipping the scale and having to
11 hear the cries that we heard a few years
12 ago. It becomes very political, and it
13 can hurt the whole program.

14 One of the things that we looked at
15 -- I don't know because I am not Chair
16 of Parks anymore so I am not sitting on
17 the committee anymore, but it was having
18 some kind of straight utility
19 forgiveness or help with the utilities.
20 I know these houses are so expensive to
21 heat.

22 MR. KAUFMAN: Once, a long time
23 ago, I saw an approach to establishing a
24 fair market value wherein the cost of
25 the utilities was factored in on a

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2 square footage basis, and it was
3 compared with more modern housing and
4 there was an equalization process that
5 was brought in to account for that
6 justification for the lower rent. All I
7 am saying is --

8 MS. VILORIA-FISHER: I think
9 they're doing that.

10 MR. MARTIN: We haven't done it to
11 that extreme -- you know, a formula but
12 we're capable.

13 MR. KAUFMAN: What I am trying to
14 do is push you at least with the Simpson
15 House to really look at this house, and
16 its rental value. I am well aware of
17 the Committee and how it was founded and
18 the parameters of it. I just want to
19 see that house rented somehow, but it's
20 a liability otherwise and that's a big
21 problem.

22 CHAIRMAN SWANSON: Jim?

23 MR. BAGG: I have a question about
24 the heating issue on some of these
25 structures.

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I know the County has purchased contracts for fuel oil and everything else. I assume that the prices are down and the people that are moving into these structures are certainly negotiating a price where they can have a reduction, but do these houses utilize the County's system in terms of the cost of the heating oil?

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MR. MARTIN: I can tell you in the past, that was possible. I don't know what they're doing now. I would have to check on that. We did do it, but I just don't know what is happening now.

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MR. KAUFMAN: You should look at the legalities of it.

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MR. MARTIN: I got your point, yes.

CHAIRMAN SWANSON: Eva?

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MS. GROWNEY: The only other thing that I am just underlying is that those houses need to be heated any way, so it's really a benefit to having somebody in there with reasonable numbers who is also overseeing things.

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2 MR. MARTIN: Also, just within the
3 Parks Department and we haven't brought
4 this over to the committee yet, but we
5 always have the option of using it for
6 another activity such as a park office
7 or a historical group or things like
8 that. We need to open it up and look at
9 all the possibilities.

10 CHAIRMAN SWANSON: Thank you,
11 Richard.

12 Any Type One Actions this month?

13 (WHEREUPON, there was no response
14 from the Council.)

15 CHAIRMAN SWANSON: Maryann, would
16 you introduce the topic that you
17 introduced, I think, originally last
18 month?

19 MS. SPENCER: Yes. We talked about
20 -- there was a motion asking the CEQ to
21 approach the attorneys for both the
22 Legislature and the County Executive for
23 an opinion. I have been thinking about
24 that, and I am a little concerned with
25 that but that's not our purview and so,

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2 respectfully, Vivian, I would like to
3 revisit that motion.

4 MS. VILORIA-FISHER: I agree with
5 you. I would be happy to take that on
6 and ask the District Attorney and
7 Legislature's Counsel for an opinion
8 rather than having it come from the CEQ
9 because the CEQ advises the Legislature;
10 so I would be happy to do that.

11 CHAIRMAN SWANSON: Do you want to
12 withdraw the motion?

13 MS. SPENCER: May I?

14 MR. KAUFMAN: There's a big problem
15 here.

16 MR. YOUNG: If I can, for the
17 record just -- I don't know if it was
18 clear, but you said "district attorney."

19 MS. VILORIA-FISHER: I meant the
20 County Attorney.

21 CHAIRMAN SWANSON: So we have this
22 action before us that we are to write a
23 letter and --

24 MS. SPENCER: May I make a motion
25 to not write the letter?

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2 MR. KAUFMAN: You want to make a
3 motion to rescind.

4 MS. SPENCER: I would like to make
5 a motion to rescind.

6 CHAIRMAN SWANSON: Do we have a
7 second?

8 MR. KAUFMAN: I'll second.

9 CHAIRMAN SWANSON: Michael has
10 seconded the motion.

11 Any discussions?

12 (WHEREUPON, there was no response
13 from the Council.)

14 CHAIRMAN SWANSON: All in favor of
15 the motion?

16 (WHEREUPON, the Council voted.)

17 CHAIRMAN SWANSON: Motion carries.
18 Michael, Ratification of
19 Recommendations for Legislative
20 Resolutions Laid on the Table?

21 MR. MULE: It is pretty straight
22 forward. There is nothing out of the
23 ordinary with this.

24 I did want to mention that 2171, I
25 believe, Appropriate Funds in Connection

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2 with County Water -- as is normally done
3 with any County dredging projects, the
4 State being the permitting authority,
5 will be the lead agency and take care of
6 the SEQRA compliance for this.

7 CHAIRMAN SWANSON: Anything else?

8 MR. MULE: It's pretty straight
9 forward.

10 CHAIRMAN SWANSON: I just had a
11 question that you may or may not know.
12 Where do we stand in the status of
13 completing the dredging at Stony Brook
14 Harbor?

15 MR. MULE: That I do not know.

16 MS. VILORIA-FISHER: The dredging
17 was just finished.

18 CHAIRMAN SWANSON: It's gone?

19 MS. VILORIA-FISHER: It's gone. I
20 have gotten calls on it.

21 CHAIRMAN SWANSON: You have?

22 MS. VILORIA-FISHER: Yes, calls
23 about midnight noise and the smell of
24 diesel, so I had a very long talk
25 regarding this situation. My

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2 legislation, which calls for diesel, has
3 a very strong smell. They work as much
4 as can be done economically, so we're
5 reviewing what the dredging company has
6 done and there's going to be talks about
7 that when we come back with that
8 information.

9 CHAIRMAN SWANSON: One of things,
10 if you could inquire, is I got a call on
11 Monday saying that there were boons
12 (Phonetic) placed out over some of the
13 wetlands over in the vicinity of where
14 the Mercer property is -- over at Stony
15 Brook Harbor and the question was what
16 was going on that would require that?
17 Did they spill something or was there
18 hydrologic --

19 MS. VILORIA-FISHER: I have not
20 gotten any information about that.

21 CHAIRMAN SWANSON: Can you ask what
22 they were trying to do? Maybe it was
23 totally unrelated. I don't know.

24 Mike?

25 MR. KAUFMAN: We need a motion.

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2 I will make the motion to accept
3 staff recommendations.

4 MS. GROWNEY: Second.

5 CHAIRMAN SWANSON: Anything
6 further?

7 (WHEREUPON, there was no response
8 from the Council.)

9 CHAIRMAN SWANSON: All in favor?

10 (WHEREUPON the Council voted.)

11 CHAIRMAN SWANSON: Opposed?

12 (WHEREUPON, there was no response
13 from the Council.)

14 CHAIRMAN SWANSON: Motion carries.

15 Unlisted Actions: Proposed
16 Declaration of 95.3 acres of Commercial
17 Zoned Property surplus/offer for sale,
18 Town of Brookhaven. This is a tabled
19 project.

20 Is there anything new?

21 MR. KAUFMAN: I spoke to
22 Legislature Kennedy a couple of days ago
23 as to what was going on with this. As
24 you know, all legislative resolutions
25 that are not passed basically expire at

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2 the end of the year, if I remember
3 correctly.

4 MS. VILORIA-FISHER: Not this year.
5 It's not an election year.

6 MR. KAUFMAN: Not this year? It's
7 not an election year? So they're still
8 out there?

9 MS. VILORIA-FISHER: Yes.

10 MR. KAUFMAN: He's not doing
11 anything on it right now. We would like
12 to have it tabled.

13 CHAIRMAN SWANSON: Do we need a
14 motion to continue tabling it or does it
15 just stay on the table?

16 MR. BAGG: Just stays on the table.

17 CHAIRMAN SWANSON: Thank you,
18 Michael.

19 Now, Proposed Storm Water
20 Remediation to the Yaphank Lakes and
21 Carman's River at County Road 21.

22 MR. MACKEY: Good morning,
23 everyone. My name is Russ Mackey,
24 M-A-C-K-E-Y. I am Senior Civil Engineer
25 with the Department of Public Works.

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2 Here today to present this is the
3 County's consultant, Bob Steel from LKMA
4 who will further describe the project.

5 MR. STEELE: MY name is Bob **Steele** .

6 The purpose of this project is to
7 address three direct stormwater
8 discharges that are occurring along the
9 corridor of CR 21. I will start by
10 describing the first one that occurs at
11 the Mill Road culvert just down stream
12 of the upper lake -- upper Yaphank Lake.
13 The existing condition in this watershed
14 is that water from Main Street -- County
15 Road 21 and water from Yaphank Middle
16 Island Road come down and get collected
17 by a few catch basins near the Mill Road
18 culvert and get directly discharged into
19 the abutment just down stream of the
20 culvert. So, what we did is we
21 calculated the water quality volume
22 which is 1.2 inches of rainfall that
23 would fall on the roadway, and what
24 we're proposing is to provide enough
25 leaching basins located throughout the

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2 corridor and capture the water quality
3 volume as much as we can and then to
4 retrofit the existing drainage system,
5 which consists of catch basins and pipes
6 with a Best Management Practice called a
7 snout device. What this snout device
8 does is it acts like a baffle (Phonetic)
9 so water goes into the catch basins.
10 Any floatable or debris that fall into
11 it, will be protected or prevented from
12 going into the drainage system and will
13 be stored inside the catch basins for
14 removal. So this is the first location
15 that we --

16 CHAIRMAN SWANSON: May I ask you
17 why only 1.2 inches of rainfall?

18 MR. STEELE: Well, 1.2 inches of
19 rainfall is the water quality volume as
20 described by the New York State DEC from
21 the New York State Stormwater Manual to
22 provide -- that's the amount of rainfall
23 for 90 percent of the storms on Long
24 Island are less than. So what we're
25 doing is trying to find a budgetary

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2 number for the amount of rainfall that
3 would occur for 90 percent of the
4 rainfalls. This system that we're
5 providing is going to capture and treat.
6 It is cost prohibited to provide storage
7 in leaching basins at least for a system
8 that's bigger.

9 MR. GULBRANSEN: Isn't it also true
10 that with the first half inch or inches
11 of rain with stuff is what we're trying
12 to get?

13 MR. STEELE: Yes. The first flush
14 over of rainfall over time collects most
15 of the oils and the pollutants and the
16 sediment which carries the pollutants.
17 That's where the biggest concentration
18 of pollutants are located.

19 CHAIRMAN SWANSON: Vivian has a
20 question.

21 MS. VILORIA-FISHER: How much
22 maintenance is required? How often does
23 it have to be cleared?

24 MR. STEELE: Each --

25 MS. VILORIA-FISHER: I guess it

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2 depends on how much rain occurs.

3 **MR. STEELE:** Each location --
4 whenever you put a best management
5 practice like vortechnic system or a
6 snout, it depends on the decided cells.
7 Monitoring of the system to see how fast
8 it fills up with floatables and debris,
9 is always needed because every site
10 collects a different amount of trash.
11 It is really hard to say how long it
12 would be until it needs to be cleaned,
13 but the best thing we can do is have the
14 maintenance crews keep an eye on it and
15 get a feel for when it needs to be
16 cleaned -- every six months and if they
17 go every six months, and they notice it
18 is already filled up, then they need to
19 go every three months.

20 **CHAIRMAN SWANSON:** Rich?

21 **MR. MARTIN:** Historic information
22 wasn't complete in the application. The
23 whole project runs through the Town of
24 Brookhaven's Historic District and the
25 east end of Yaphank Avenue. The corner

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2 of Main Street and Yaphank Avenue is the
3 Suffolk County Historic District.

4 There's an additional national register
5 property which is called the Hawkins
6 House. That was not identified yet.

7 Also, the Historic Society is aware of
8 this project. We support it, but at
9 some point it would be good if they
10 could take a look at this project. The
11 president wanted to be here today, but
12 couldn't make it. They wanted to see
13 how this is impacting their property
14 because the right-of-way especially at
15 the east end of this project is actually
16 on the County -- the County ownership is
17 actually on people's front lawn so they
18 might have some comments.

19 MR. KAUFMAN: The format should be
20 corrected -- the EAF. I think it should
21 be corrected to reflect that information
22 about the existing historical corridors.

23 CHAIRMAN SWANSON: Gloria?

24 MS. RUSSO: Bob, I know the County
25 has used the Vortechnic system for other

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2 stormwater projects brought forth by
3 DPW. As for the new snout one, have you
4 used this one before?

5 MR. STEELE: Yes. It's basically a
6 more cost efficient way to provide some
7 treatment to the smaller areas. The
8 vortechnic system would be used when
9 you're providing treatment for a whole
10 watershed or any other \$75,000
11 vortechnic system verses a \$500 snout.

12 CHAIRMAN SWANSON: Michael?

13 MR. KAUFMAN: Lower lake and upper
14 lake are both subject to pollution and
15 evasive species. There's a lot of it
16 out there right now to do some
17 restoration work out there. I know
18 speaking with Charlie Guthrie (Phonetic)
19 at the DEC, basically, it comes down to
20 poisoning the lake to get rid of the
21 evasive species and dredging it to a
22 fair degree because there has been a lot
23 of infiltration of storm sediments or
24 sediments brought in by the stormwater,
25 et cetera. The plan that you have

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2 before us looks, to my eye, like it's
3 trying to address those particular
4 issues and may be moving forward to plug
5 up the gaps, if you will, which causes
6 stormwater sediments to go into the
7 lake. Is that part of the planning that
8 you guys have been trying to do? Have
9 you been coordinating basically with DEC
10 to try and eliminate some of the past
11 problems?

12 MR. MACKEY: That is more of a
13 question for the Department of Water
14 Quality and the projects that the DPW is
15 bringing forward. I am going to assume
16 that they're coordinating this with that
17 project which has come down through
18 them. The Department of Water Quality
19 has overlooked this project and was
20 approved as far as the Department of
21 Public Works is concerned.

22 MR. KAUFMAN: So you don't know
23 then if these are the primarily points
24 for stormwater sediment?

25 MR. MACKEY: I am going to assume

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2 that -- part of this is that this is the
3 County's area. There are other areas
4 which are the Town of Brookhaven's which
5 we don't have jurisdiction over, and we
6 can't do anything from what I have seen.
7 From the plans coming through, these are
8 the major points of discharge from the
9 county road system into the lake and
10 that's what we're trying to take care
11 of.

12 MR. BAGG: I might point out that
13 the CEQ, as well as the County
14 Legislature probably about 15 years ago
15 came out with a policy to eliminate
16 direct discharge of run-off surface
17 water and the Department of Public Works
18 has been trying to do that. This is in
19 line with that original directive.

20 MR. KAUFMAN: They're trying to do
21 the same thing at Peconic right now to
22 eliminate the discharge coming off the
23 County roads.

24 So, this is well in keeping with
25 that. I guess my basic question is how

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2 closely was this coordinated, I guess,
3 with water quality to make sure that
4 these are County impacts upon lower and
5 upper lakes whether these are the best
6 locations for catching what they can?

7 MR. MACKEY: They do an engineer
8 inspection within the Water Quality
9 Department. They found a direct
10 discharge into the lake area and they're
11 -- you know, putting these systems to
12 prevent further discharge.

13 MR. GULBRANSEN: So to finish the
14 overall process, we're trying to
15 eliminate or decrease the amount of
16 stuff that gets into the lake such as
17 sediments and floatables and high
18 carbons in the water. So the two
19 questions I have about a major
20 elimination taking place is that one of
21 them is the MS-4 Program. We heard from
22 them and we heard from their -- they
23 have a lot of trucks that can do the
24 suck out but they're limited on staff.
25 So they actually talked about how they

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2 couldn't get to all these places that
3 already wanted to monitor.

4 MR. MACKEY: I believe so. To my
5 knowledge, we have three trucks. As far
6 who is monitoring that program, I
7 believe it is the Division of Highways.
8 I am unfamiliar with it so I can't speak
9 for them because I haven't -- anything I
10 say is speculative.

11 MR. GULBRANSEN: So we will go back
12 to them and see if -- see if it comes
13 down to the fisher's point. It is all
14 about maintenance. We can put it in but
15 unless you yank the stuff out, it is
16 going to get in there.

17 The second part of eliminating it
18 is for the stuff that dissolves, if it
19 goes into a catch basin, it's all sandy
20 there. Does it actually get all the way
21 down? Does it go down a little bit and
22 then come out into the lake through
23 groundwater? Do we know what the
24 groundwater --

25 MR. STEELE: Well, the leaching

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basins will leach into the sand.

MR. GULBRANSEN: Will it keep going down or will it hit a clay area and turn left and come out?

MR. STEELE: It eventually hits the groundwater.

MR. KAUFMAN: Tom, that's why we have depth of sand in there a couple of feet down to catch those particles and add absorption whenever possible as opposed to the upper layers and that's why you scrap out basins like that every once in a while.

MS. VILORIA-FISHER: Tom, to answer your question, we don't have enough staff and that's why it is a concern. Staff levels are very low due to budgetary issues, so that's definitely a concern.

As far as the water quality provision, this being funded through 477; isn't it?

MR. MACKEY: I don't know what 477 is.

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2 MS. VILORIA-FISHER: It comes
3 before the Water Quality Commission.

4 MR. MACKEY: Yes, this has to go
5 before the Water Quality Commission to
6 get them to accept it.

7 MS. VILORIA-FISHER: So then it
8 will -- there will be the interaction
9 between DPW and the Water Quality
10 Division. Gill sits on the Water
11 Quality Review Committee. So if you're
12 at this point and the planning has been
13 done, then so has the water quality
14 project.

15 MR. MACKEY: Yes, as far as the
16 capital project, the numbers are done,
17 yes.

18 MS. VILORIA-FISHER: So it is under
19 477.

20 CHAIRMAN SWANSON: Just a follow up
21 on that.

22 In your section, Page 13, under
23 Impact on Water it says, "List other
24 impacts" and then it says "Beneficial
25 impacts of water quality and wetlands

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2 associated with Carman's River and upper
3 and lower lakes will be achieved," but
4 then you only say it's going to be a
5 small to moderate impact. So I am
6 wondering if some of these other issues
7 of -- can you keep things clean? Is
8 that groundwater going to go into the
9 lake and so forth? If you're only
10 anticipating a small impact, why are you
11 doing it?

12 MR. MACKEY: Well, again, we don't
13 know where all the other discharges come
14 into the watershed area. We can only
15 talk about the County roads that are
16 doing it. So we're making it a benefit
17 to the County roads to say that what
18 we're doing is going to make a huge
19 impact. It could be false not knowing
20 where all the other watersheds that come
21 in off of the town roads or further up.
22 So if we made that a statement a large
23 impact, I think, that would be kind of
24 inappropriate to say. We're making the
25 best impact that we can.

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2 CHAIRMAN SWANSON: This is one of
3 many small contributing areas?

4 MR. MACKEY: Yes, exactly. We have
5 two other locations.

6 MR. BAGG: Larry, I live just north
7 of there and that particular area
8 receives a lot of runoff because it goes
9 all the -- the sediment from the road
10 comes right down into there and runs
11 right into that bridge.

12 MR. STEELE: This project not only
13 provides stormwater quality treatment.
14 It's also improving the safety of
15 transportation because a lot of water
16 from Main Street and County Road 21 was
17 rushing across the roadway where a super
18 elevated roadway occurs. So this will
19 knock down the amount of water that's
20 actually forcing across the roadway from
21 the storms. It has others reason for
22 doing it, as well.

23 The second location is further east
24 on the project near the Hawkins.

25 MR. MARTIN: I just want to point

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2 out that it is the County's property.
3 That is someone's front lawn. The
4 County purchased that right-of-way years
5 ago. It is an access road to the
6 Expressway. The Hawkins House and the
7 Police Museum on the corner was also
8 dedicated as a historical trust
9 property. So, the Hawkins House just
10 north of that is the Police Museum Annex
11 which is also a dedicated property.
12 They're all within this right-of-way of
13 the road, but many people don't realize
14 that it extends upon people's front
15 lawns.

16 MR. MACKEY: I believe this here is
17 the blue line. (Indicating.)

18 CHAIRMAN SWANSON: The concern is
19 that the neighbors don't really
20 appreciate the fact that the County owns
21 the property.

22 MR. MARTIN: You can say that
23 again.

24 Also, as we review this, and I
25 didn't bring it up last time and I

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2 should have, but I wasn't aware that
3 when the Road Widening Project review
4 said this was an existing right-of-way,
5 they were including this right-of-way on
6 people's front lawns. The County
7 purchased this years ago. They weren't
8 purchasing any new property, but the
9 existing does extend to people's front
10 lawns, and they have since met with the
11 Historic Community and modified that and
12 pulled it back a little bit from our
13 initial review.

14 CHAIRMAN SWANSON: So the County is
15 trying to be good citizens?

16 MR. MARTIN: Yes. The historic
17 site is also the site of a strong
18 support group that will advocate for
19 this property. I think the people just
20 need to know about the design.

21 MS. GROWNEY: Approximately, how
22 much does the County go in? They go in
23 20 feet or 30 feet?

24 MR. MARTIN: It varies.

25 MR. STEELE: It looks to be about

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30 feet.

MR. MARTIN: The Road Widening Project, as we reviewed it, was going right over people's stoops and that's what was modified and pulled back.

MS. VILORIA-FISHER: Wow, so these people have been living in theses houses yet they're not paying taxes on their whole front lawn.

(WHEREUPON, there was laughter.)

MS. VILORIA-FISHER: Yet they're claiming rights on it.

MR. KAUFMAN: Thank you, Ms. Levy.

(WHEREUPON, there was laughter.)

MS. GROWNEY: That's very perkily.

CHAIRMAN SWANSON: Just to follow up a little bit, how does the Road Widening Project intersect with what we're seeing here? Are they coordinated?

MR. MACKEY: They're pretty much coordinated. This here is the road widening. This is the curb that goes right into here. (Indicating.) You can

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see we're not really touching anything
that they're doing or what we're doing.

MR. MARTIN: Were you involved with
the meeting with the committee?

MR. MACKEY: No, that was Highway
Design that is doing that.

CHAIRMAN SWANSON: Sorry to keep
interrupting you.

MR. MACKEY: That's okay.

CHAIRMAN SWANSON: Gloria?

MS. RUSSO: So the homeowner that
lives there really their front lawn
belongs to the County and not to them;
are they aware that this project is
coming along?

MR. MACKEY: I don't know. I
wasn't at the meeting to be honest with
you. This is actually in separate
locations. We're not really in front of
anybody houses.

MS. RUSSO: Well this one is; isn't
it?

MR. MACKEY: We haven't notified
this person here. (Indicating.) I

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haven't -- I don't know what was said at the meeting. I was not there.

MS. VILORIA-FISHER: I didn't go to the meeting.

MR. MARTIN: I don't think they're aware.

CHAIRMAN SWANSON: It's important that they be notified. At least if they're notified, they can react. So, whatever we agree to do, we have to somehow establish communications with these people.

MR. BAGG: They did that with the realignment of the road, and we can do the same thing with this specific project and we can suggest that the historic society and the adjacent property owners be informed of the project -- the one's that are going to be impacted.

MR. GULBRANSEN: The fact of the matter is, if they were sitting right here, you have to put that structure where the pipes are. Pretty much,

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2 you're already where it needs to be.
3 You're not doing something which can't
4 be backed over. It has to take
5 presence.

6 MR. MACKEY: It will be buried.

7 MR. GULBRANSEN: You have to
8 maintain it.

9 MR. MACKEY: They maintain it with
10 manholes.

11 MR. GULBRANSEN: So it will be
12 capped?

13 MR. MACKEY: Yes.

14 MR. KAUFMAN: You're not going to
15 see it?

16 MR. GULBRANSEN: They have to be
17 informed. What would you do if it were
18 your own house?

19 MR. MARTIN: It just needs to be
20 explained to them so they know.

21 CHAIRMAN SWANSON: Okay. Let's
22 move on.

23 MR. STEELE: In this case, this is
24 a little bit bigger watershed. So using
25 the leaching basin approach would have

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been a lot more extensive, and over here is where the pipe drainage system will go along. (Indicating.)

MS. RUSSO: That's feeding your new unit?

MR. STEELE: Yes. So, in this case, let's just this is the extended positive drainage system that eventually goes down the side of this person's property and discharges into the lake. So, in this case, we're proposing to provide we talked about before the vortechnic stormwater treatment system.

MS. GROWNEY: So as I understand it, this discharge system is going to go down into the lake, is that County property also at that point or is that permission from the homeowner?

MR. STEELE: We believe there is an easement there.

MS. GROWNEY: Okay, so there is easement there?

MR. MACKEY: Yes, there is.

We're not touching the pipe. We're

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not doing anything. This is a system that you tap into the pipe and it's already there.

MS. GROWNEY: Oh, it's already there?

MR. STEELE: Yes, the yellow piping is already there. We're just retrofitting the existing system and providing stormwater treatment.

MS. GROWNEY: How old is the pipe?

MR. STEELE: It's probably -- we didn't inspect the structure and the pipes.

MS. GROWNEY: All the way through?

MR. STEELE: Not all the way through, but we didn't video inspect it. We did inspect the concrete catch basins and the opening of the pipe and they're actually in very good condition.

MS. GROWNEY: So we don't know if that pipe actually goes all the way, do we?

MR. STEELE: It's not flooding so --

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MR. KAUFMAN: The real trick is, is there water coming out of it? If it storms, that's how you judge it.

CHAIRMAN SWANSON: Exactly.

MS. GROWNEY: I was just asking.

MR. STEELE: So that's basically -- I could describe what the vortechnic system is, if you'd like?

MS. GROWNEY: Yes, please.

MR. MARTIN: Is that your last panel?

MR. STEELE: No, there's one more.

MR. MACKEY: This vortex system is being used currently in many other locations throughout the County. It is nothing new. It is just one of those practices that the County uses.

MR. STEELE: What the vortechnic system is very good at, is it removes a lot of sediment that is in the water. The sediment, that it's capable of removing based on the test that they do is 80 percent of the total suspended solids in the water. The vortechnic

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2 system -- all these systems work a
3 little bit differently, but this system
4 uses a swirl chamber so the water comes
5 in and swirls around the first
6 compartment of the chamber and the
7 sediment collects on the bottom. So if
8 you ever swirled sand around in a glass,
9 you can see how it collects around the
10 bottom.

11 After the water swirls around the
12 first chamber, it goes through a baffle
13 system where the snout keeps the
14 floatables and oils inside the
15 stormwater treatment system and then the
16 clean water will come out and continue
17 down stream.

18 MS. GROWNEY: The third chamber is
19 to be clean water?

20 MR. STEELE: Hopefully.

21 This is the last location which is
22 on Yaphank Avenue just north of the Long
23 Island Expressway. At this location,
24 there is no drainage system. There is
25 no pipe that directly discharges into

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2 the lakes. In several of the areas,
3 going towards the lakes, water will just
4 sheet flow into the grass; so it is not
5 a direct flow on the northern sections.

6 On the southwest section of the
7 roadway, it is already fitted with
8 leaching basins which collect the water
9 before it goes any further towards the
10 lake. What we're proposing here is the
11 remaining sediments -- the remaining
12 shoulder of the roadway, we've found
13 that the existing shoulder because of
14 heavy flow that comes down towards the
15 Long Island Expressway is being eroded
16 and you can see that from the pictures.
17 People park here when they go fishing
18 and the sediment, when it rains heavily,
19 is taken out onto the shoulder and down
20 towards Carman's River. A solution that
21 we have proposed would involve
22 installing two leach basins in the
23 roadway which would capture a percentage
24 of water and then constructing a
25 pervious pavement treatment which they

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2 call grass creek to provide both a place
3 for cars to park when they use the
4 fishing area, and also to provide a
5 system that would infiltrate the rain
6 water before it goes any further.

7 This system is interesting because
8 it allows the grass to grow through the
9 concrete voids -- the voids in the
10 concrete but it will also allow the
11 grass to live when the cars are park on
12 it. So it doesn't allow the grass to
13 get crushed. It will almost be
14 invisible once we get it established.

15 MS. RUSSO: How wide is that?

16 MR. STEELE: This parking area?

17 MS. RUSSO: Yes.

18 MR. STEELE: I think it is eight
19 feet.

20 MS. RUSSO: Has the County used the
21 grass product before?

22 MR. STEELE: New York State has.

23 MS. RUSSO: What were the results?

24 MR. STEELE: I think they're happy
25 with the results of it. They used it

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2 for parking lots initially.

3 MS. RUSSO: How many inches of
4 sediment goes on --

5 MR. STEELE: It is built on crush
6 stone and infiltration of water.

7 MS. RUSSO: Ideally, to use such a
8 product and how it works, optimally,
9 what is the typical depth of groundwater
10 that we should have before we put this
11 in?

12 MR. STEELE: About two feet but we
13 have a lot more than two feet. We have
14 a lake on one side and then by Carman's
15 River, there is a big drop off on this
16 side of the creek.

17 MS. RUSSO: So there is enough
18 room?

19 MR. STEELE: Yes, definitely.

20 MS. GROWNEY: So there's no issue
21 with speed or anything seeing we go
22 full --

23 MR. STEELE: Well, one reason why
24 we collect this over a lot of other
25 pervious pavement systems is because it

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2 is articulated concrete and there are
3 some plastic products out there, but
4 this is actually poured into place and
5 it's reinforced. Our main concern was
6 with snowplows and preventing --
7 providing something stronger enough to
8 withstand the impact of the snowplow and
9 this will.

10 MR. MARTIN: Has this been reviewed
11 by the Department of Public Works and
12 submitted to Gill Anderson because this
13 concern with the traffic and the
14 fisherman crossing the road at that
15 point; is that something everyone is
16 comfortable with?

17 MR. MACKEY: I believe so. It's
18 not just -- even if we don't want people
19 parking, people will park there. This
20 is a way to stabilize the area as
21 opposed to people parking and cars
22 ripping up any grass or anything else we
23 plant there. Whether they do or don't,
24 obviously, it is an enforcement issue
25 and people are going to keep doing it

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whether we say do it or don't do and at their own risk, obviously.

MR. MARTIN: There's been no discussions of putting a guardrail there and blocking the parking there?

MR. MACKEY: We usually don't put guardrails up because guardrails are not warranted because of -- we were asked not to do because -- I am trying to think of the words off the top of my head -- it is actually a roadside hazard.

MR. MARTIN: I just want to bring up the fact that there is traffic there and it is extreme -- the truck traffic now is extreme. I just want to know if that's all been reviewed.

MR. MACKEY: It's been thought about. As far as what other measures that they are going to do, I am unfamiliar with it but I am sure if Gill was involved, it would come down and have been spoken of.

CHAIRMAN SWANSON: What is the cost

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2 of the square footage of the grass
3 creek? I guess that's what you called
4 it.

5 MR. STEELE: The total cost of this
6 was \$18,0000.

7 CHAIRMAN SWANSON: For how many?

8 MS. GROWNEY: For that strip?

9 MR. STEEL: Yes. I have with me --

10 MS. SPENCER: 190 by 80 feet.

11 CHAIRMAN SWANSON: What did he say
12 the cost was?

13 MS. GROWNEY: \$18,000.

14 CHAIRMAN SWANSON: \$18,000 for a
15 couple of hundred feet?

16 MS. GROWNEY: 1500 square feet.

17 MR. MACKEY: New York State prices
18 are usually a lot more higher than what
19 we get just because the State has
20 different --

21 MS. GROWNEY: Is there any signage
22 planned such as "Park at your own risk?"

23 MR. MACKEY: The County can't --
24 it's a local enforcement. The County,
25 to my knowledge, doesn't have the

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2 authority make parking enforcement
3 rules.

4 CHAIRMAN SWANSON: Thank you.

5 Unlisted Action -- we have a motion
6 --

7 MR. KAUFMAN: I shall make the
8 motion for an Unlisted Negative
9 Declaration.

10 MS. GROWNEY: I will second it.

11 CHAIRMAN SWANSON: We have a motion
12 and a second.

13 Gloria?

14 MS. RUSSO: I think we should just
15 say -- you know, it was a good point
16 that Rich brought up as far as the
17 Historic District and the homeowner's
18 property that will be damaged when they
19 put that in, but I think they should
20 notify the homeowner and notify the
21 Historic District and any property
22 owners before we get started.

23 MR. KAUFMAN: I accept.

24 CHAIRMAN SWANSON: I got it. So we
25 had a motion and a --

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MS. VILORIA-FISHER: I just want to clarify that. You were adding that we should --

MS. RUSSO: Notify the Historic District and the homeowner's, who think it's their property but it's really the County's, where the vortechnic system will be put in.

MS. VILORIA-FISHER: I just wanted to make sure I had that.

MR. MARTIN: Yes, the Yaphank Historical Society, as well.

MS. VILORIA-FISHER: Okay, so there is three that should be notified.

MR. KAUFMAN: As amended, that's my motion.

MS. GROWNEY: I second it.

CHAIRMAN SWANSON: Any further discussion?

(WHEREUPON, there was no response.)

CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted.)

CHAIRMAN SWANSON: Motion carries.
We have the CEQ meeting schedule

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2 which has been proposed. I presumed
3 that it is every third Wednesday with
4 the exception of December.

5 Do you want to vote on that now?

6 MR. MULE: May as well.

7 CHAIRMAN SWANSON: Do we have a
8 motion to accept the proposed schedule?

9 MS. SPENCER: Motion.

10 MS. RUSSO: I will second it.

11 CHAIRMAN SWANSON: All in favor?

12 (WHEREUPON, the Council voted.)

13 CHAIRMAN SWANSON: Opposed?

14 (WHEREUPON, there was no response
15 from the Council.)

16 CHAIRMAN SWANSON: Motion carries.

17 Now we have to talk about going
18 digital with the Minutes.

19 MS. VILORIA-FISHER: Motion to
20 accept that.

21 (WHEREUPON, there was laughter.)

22 MR. BAGG: Let's look into that.

23 MS. VILORIA-FISHER: We already
24 talked about this.

25 MR. MULE: Right now the charter

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states that we need to keep verbatim minutes. You were going to look into --

MS. VILORIA-FISHER: Oh, that's right. I didn't do my homework, did I?

MR. MULE: Christine and I spoke to the clerk over at the Legislature. Apparently, they're using some digital recording for their minutes. I am still trying to check and see if we will be able to post the minutes on our website. Our minutes shouldn't be a problem, but I haven't heard back from IT yet. We can still go ahead and -- for this meeting, instead of moving forward with the meeting summary for you guys to review and vote on it. But as far as the verbatim minutes goes, it's still up in the air if we're going to continue with transcripts -- written transcripts or go with a digital version which we can transcribe as needed.

CHAIRMAN SWANSON: Explain how that works?

MR. MULE: Basically, it is a

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2 digital tape recorder. We would have to
3 be more conscious of speaking over each
4 other and identifying ourselves before
5 we speak. It would be up to you guys if
6 you wanted to do that.

7 CHAIRMAN SWANSON: We would still
8 have somebody from your office that
9 would --

10 MR. MULE: Do a meeting summary,
11 correct.

12 CHAIRMAN SWANSON: (Continuing) --
13 try and clarify the confusion on the
14 tape?

15 MR. MULE: Yes, but --

16 CHAIRMAN SWANSON: We still need
17 them.

18 MR. YOUNG: I went back and looked
19 at the resolution from 2002. The
20 reasons, which I gave, are that you may
21 need legislative action to do away with
22 verbatim minutes. The verbatim has
23 always meant or taken to mean
24 "word-by-word" transcripts. It was a
25 policy decision when the Legislature did

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2 what they did, and they gave reasons in
3 the original bill, but they may or may
4 not hold true today. That's something
5 that the Legislature has to address.

6 MR. GULBRANSEN: When you have
7 digital recording, you feed that into a
8 listening piece of software and it turns
9 into a typeable translation of that --
10 it's not perfect but what is verbatim?
11 Is that legally verbatim?

12 MR. YOUNG: Verbatim is defined as
13 "word-by-word" and it always has been
14 taken to be transcribed or written. Now
15 policy decisions have to be made -- you
16 know, if you have it on a recording,
17 it's obviously going to be harder for
18 the public to really go through because
19 instead of being able to pick out
20 something that they're interested in and
21 go right to it, you now have a tape
22 that's going to be there.

23 MS. RUSSO: Tom, you just said --

24 MR. GULBRANSEN: Our current
25 transcription is not always surgical.

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2 If you type in word, it doesn't
3 necessarily find that word. You can
4 make it do that, but I don't know what
5 verbatim means from a legal perspective.
6 I am just pointing out that you can take
7 up digital sound tracking and turn it
8 into words.

9 CHAIRMAN SWANSON: Vivian?

10 MS. VILORIA-FISHER: Tom, actually
11 at the public hearings when we were
12 running low on our budget particularly
13 with the Task Force, we used a digital
14 recorder. It satisfied the verbatim
15 components of the public hearing because
16 it was digitally transcribed. You have
17 the tape record, you hook it up into the
18 computer, and you upload to the website
19 -- the County website. To tell you the
20 truth, the transcribable minutes -- the
21 steno minutes here are something that we
22 do review and when we review the
23 minutes, they don't always give the
24 names correctly or the words that were
25 said; so there could be mistakes here

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2 and there. I thought it satisfied
3 verbatim because it's actually recording
4 the voices and uploading them digitally.
5 It's just different technology.

6 MR. YOUNG: An issue we have to
7 look to oversee accessibility. I mean,
8 if you're going to say you're going to
9 use a machine that's going to print it
10 out word-for-word and that word-for-word
11 is going to be available at all times,
12 then that may be a different story.

13 MS. VILORIA-FISHER: It's the same
14 availability.

15 MR. YOUNG: Yes, but the
16 availability is that you're supposed to
17 get the minutes passed on a motion. The
18 public -- if someone wants the minutes
19 -- there's a difference between the
20 verbatim in writing because if someone
21 was interested in one issue that was
22 discussed at the meeting, it's accepted
23 and accessible to them without listening
24 to a two hour tape. That would be
25 another issue.

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2 MS. GROWNEY: I think what you're
3 saying is transcribed means it still can
4 be transcribed into a written format
5 from the digital thing and that then can
6 be posted or printed. So, I think, it's
7 the transcribing thing that's kind of --

8 MR. KAUFMAN: I have a problem in
9 two respects:

10 One, how accurate are these
11 systems? When I used them or I have
12 seen them used in court, I have actually
13 found them not to be all that accurate.
14 In terms of spelling, they're useless.
15 In terms of complicated words, they're
16 useless. If you have more than three to
17 four syllables, forget it. They're not
18 necessarily that accurate. Now, we
19 don't always talk in three or four
20 syllables but the question of accuracy
21 does come up.

22 MR. GULBRANSEN: It starts with a
23 microphone.

24 MR. KAUFMAN: Right, we each have
25 to wear a microphone -- nine of us, et

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cetera.

MR. MULE: I think we're looking more into keeping it as an audio file and posting the audio file and should we need the written transcript for one reason or another, we can go back and manually listen to it.

MR. KAUFMAN: I hear what you're saying, and it would be nice to have the digital system so we can see something. The second question is the approval process. I mean memories do fade after a while sometimes and if we don't -- if we have it on a tape and if we don't necessarily have it in a format that we can see it -- let's just say the digital only goes so far -- I actually do read the minutes. I actually will print them out occasionally, and I am not sure how we can approve what happened especially if we start going by memory without having some sort of a written transcript. I have no problem with it being on the computer, but I am very

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2 concerned in terms of the approval
3 process.

4 CHAIRMAN SWANSON: For 2,000 years
5 and probably longer we were able to do
6 this without transcriptionist. People
7 kept records of meetings and what went
8 and probably better than what we're
9 doing with the transcribed stuff. My
10 problem with what we're doing today with
11 transcription is that people around this
12 table do not have the time or the
13 inclination to sit down and read 102
14 pages of meetings and as a consequence,
15 we're essentially not telling the truth
16 when we sit and say we approve the
17 minutes because most of us have not read
18 them. To me, it is not an accurate
19 reflection of what went on at the
20 meeting. I want to see that we get
21 something that is efficient and the
22 people that are here who are volunteers
23 have the time to read and understand and
24 get the essence of the meeting.

25 MR. MULE: Which we will do. We

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will be doing a meeting summary for now
on.

MS. GROWNEY: Okay.

MR. MULE: But the only other
question is are we going to continue
with the verbatim transcripts or are we
going to continue with audio?

CHAIRMAN SWANSON: I think it's not
up to us. It's up to -- I think it is
up to the Legislature and what they
want.

MR. YOUNG: In all due respect, in
2002 the Legislature passed a bill and
they voiced concerns about the minutes
and whether they were predated minutes
or whether they were accurate or not.
They went to the verbatim format for
that reason. It's policy. Just as we
listen here -- as we're talking --
between the two Mike's were talking and
that's not going to be very decipherable
off of a tape as to who said what. So I
think we have concerns there.

Also, I know as Larry said that it

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2 is difficult to read all of these things
3 but it's our obligation to read them --
4 you know, and to be sure that they are
5 certified minutes.

6 CHAIRMAN SWANSON: Jim?

7 MR. BAGG: In the past before the
8 Legislature passed that resolution for
9 verbatim minutes, the CEQ used to
10 prepare a summary of minutes which was
11 required by Robert's School of Order.
12 It doesn't state verbatim. The minutes
13 are supposed to be a summary of business
14 transacting; not every word and that we
15 used to keep a copy of the audio tape of
16 the meeting, and if we ever had a court
17 case or a litigation case or anybody
18 questioning the minutes, then those
19 audio tapes would be transcribed and
20 given to the County Attorneys Office for
21 entrance into the Court or given to
22 anybody else for clarification. It
23 wasn't done for every meeting and every
24 time at the cost of thousands and
25 thousands of dollars. I think the

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2 policy to be able to clarify minutes or
3 find out what was said, if that is
4 retained then, in essence, we're
5 fulfilling the nature of the law and the
6 policy of that law rather than go
7 through all this expense.

8 MR. GULBRANSEN: Coming back to
9 Larry's point, there is a requirement
10 that the body retain a verbatim ability
11 to recall what happened; correct?

12 MR. BAGG: Right.

13 MR. GULBRANSEN: Larry's point is
14 that the way we're doing it now, we're
15 explicitly -- one of us is agreeing that
16 the record is accurate. I try and go
17 back and read the "Gulbransen" quotes to
18 make sure whatever I tried to say gets
19 un-jumbled because it never comes out
20 the way I am speaking. I definitely can
21 say that I buy off on it and approve
22 those pieces of the minutes that I get
23 to reread. I wonder if this is causing
24 us buy into this and approve this
25 process and that's more than what we

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think we can each do.

MR. BAGG: You're probably right.

MR. GULBRANSEN: Keeping a record is different from all of us doubling stamping it as verbatim -- I checked it and I'm buying into every letter of translation.

MR. BAGG: I think you're right.

MR. GULBRANSEN: Do we have that obligation to certify that document or that it was produced and can be revisited on demand?

MR. BAGG: You would have to ask about the law.

MR. KAUFMAN: It's not affidavit that you're signing. You're not swearing to anything. You're simply making an approval and that has a lesser burden of standard -- lesser burden or standard of review and accuracy. Again, if we were putting an affidavit down, I don't know if I could do it because I would be seeing something maybe a month later and trying to go on my own memory.

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2 What we're doing here is basically
3 approving a general sense, if you will,
4 of the meeting even though we're having
5 every word taken down and hopefully
6 they're accurate and we try and correct
7 what we can. Frankly, you can make the
8 statement that, "Yes, this reflects
9 whatever the general sense is of what's
10 going on" even if Gulbransen spoke in
11 there and it isn't coherent or in my
12 case, definitely not coherent. It's
13 acceptance.

14 MS. VILORIA-FISHER: It's
15 acceptance of the minutes, not
16 verification of the minutes.

17 CHAIRMAN SWANSON: Maryann?

18 MS. SPENCER: I agree with Jim that
19 in the interest of prudent fiduciary
20 responsibility that we certainly examine
21 any legal hurdles, but what I would like
22 to see is way it used to be.

23 MS. VILORIA-FISHER: Tom, what's
24 that IR Resolution Number?

25 MR. YOUNG: It's 142202. What

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2 concerns me is the Legislative Intent
3 because the Legislation also finds and
4 determines that the official minutes of
5 the Suffolk County Council of
6 Environmental Quality did not represent
7 what's been decided by that agency
8 because apparently failure to use
9 verbatim minutes has resulted in
10 inaccurate records as to what has
11 occurred at such meetings. The
12 Legislature finally finds and determines
13 the formal accurate records of the CEQ
14 proceedings should be maintained to
15 allow informed and intelligent public
16 debate of issues of such minutes. They
17 preface that not only flattering remarks
18 before by saying that they're doing this
19 because what you guys are doing is so
20 important that they want to have a clear
21 record of it.

22 MS. VILORIA-FISHER: Just to make
23 it very clear, that was a very political
24 piece legislation by a particular
25 legislator attacking a particular

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2 decision and it's unfortunate but that's
3 the same particular legislature who has
4 burdened us with the whole issue that
5 we're dealing with the rental properties
6 and some times that's a shooting from
7 the hip. Paul Sabatino forwarded the
8 hyperbole wrote that piece of
9 legislation and I will go back and speak
10 with my colleagues about changing it to
11 the kind of more common sense practices
12 that I served on CEQ for three years
13 before that legislation occurred. There
14 was no various timing of what has
15 happened and it was just -- you know, it
16 was political.

17 CHAIRMAN SWANSON: Michael?

18 MR. KAUFMAN: I would like to say
19 one thing. Larry and I have the
20 greatest length of service on CEQ and I
21 know that when we went to verbatim
22 minutes, there was a certain essence
23 lost at CEQ. Before that, we were a
24 little more freewheeling in our
25 discussions, and I think a lot more

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2 business transacting. We were able to
3 go into things in a little bit more
4 depth. I always found the requirements
5 to have Larry point out whoever wants to
6 speak and recognize them to be a little
7 bit restricting to put it very, very
8 bluntly. I also felt that we lost
9 something from what we once had.
10 Admittedly, most of group except for
11 Larry and myself post date that
12 particular decision, but if it comes
13 down to a choice of how the group
14 functions, I think that as opposed to
15 having verbatim minutes to the extent
16 that we can have some sort of a record
17 to satisfy the intent of that prior
18 legislation but to regain something that
19 we lost to some degree, I would come
20 down on that side. Frankly, for me, the
21 choice is very, very stark. It's either
22 have the verbatim minutes because I
23 don't trust the accuracy and some of the
24 other stuff going digital or go back to
25 the way we once were which, frankly,

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2 would be my preference. I think, again,
3 it may restore something we once had and
4 help us out a little bit.

5 MS. GROWNEY: Coming from somebody
6 post time, I completely agree with -- I
7 don't feel restricted all. I think
8 everyone can see that.

9 MR. KAUFMAN: Compared to the way

10 --

11 MS. GROWNEY: But I don't know the
12 way it was before.

13 CHAIRMAN SWANSON: Well, I don't
14 totally agree with Michael. Everybody
15 has to be recognized, otherwise, it is
16 complete chaos. So just to --

17 MS. VILORIA-FISHER: Just so I have
18 my direction here and my sense --
19 Michael, I think if we work to go back
20 to what it had been, we can satisfy that
21 particular desire; however, we're in new
22 age where people are accustom to going
23 onto the web and being able to find the
24 minutes there, as flawed as they may be
25 because even the stenographic -- when

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2 you go read back, you will find names
3 that are miswritten and misspelled and
4 the scientific names are completely out
5 of control but this satisfies both of
6 them. If we have a digital recording,
7 we have a recording that we can save and
8 review. We have the digital transcript
9 and we have the official summary which
10 is what is required by law which is rule
11 of order. So, if we can amend the
12 legislation 2002, which I think has a
13 negative spin to it -- I mean that's
14 passed language and I think that
15 would -- is there some kind of sense
16 that, that would satisfy what role we're
17 looking for to have digital recording
18 which would -- you know, put it on the
19 computer and we have a digital
20 transcript but we have -- I don't know
21 -- remember that it is a sort of
22 freewheeling --

23 (WHEREUPON, there was laughter.)

24 MR. GULBRANSEN: It would probably
25 help me to know how to do that summation

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2 because therein lies a moment in time
3 when you can either picture at length
4 what the Chairman Kaufmann says or
5 cutback on one sentence which I'm trying
6 to say correctly or you can say, "this
7 is the topic," and "these are the people
8 who spoke to it," and not have the
9 running commentary of that.

10 CHAIRMAN SWANSON: I can tell you
11 that the minutes that we used to get
12 from CEQ were superb, and they reflected
13 the nature of the meeting, as well as
14 what the important decisions were, and
15 also the essence of what the debate was.
16 You get none of that in transcripts.
17 You just get the boring sentences that
18 we all speak.

19 The last thing that I would like to
20 say is that this has no reflection on
21 our Stenographer. Sometimes we're not
22 seeing the stenographic minutes for
23 months and months and if you say we're
24 supposed to recall what happened in
25 August and December -- you know, you all

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2 have to be a lot better than I am to
3 recall that kind of debate went on, and
4 I just think it's sort of bogus.

5 Vivian, you have your homework, are
6 you going to do it this time?

7 (WHEREUPON, there was laughter.)

8 MS. VILORIA-FISHER: You know what?
9 We can go back to what I proposed at the
10 meeting, so I did my homework in class.

11 CHAIRMAN SWANSON: We will waive
12 your advice; is that okay?

13 MS. VILORIA-FISHER: I will talk to
14 Counsel.

15 CHAIRMAN SWANSON: Any other
16 business?

17 MR. YOUNG: One other thing is that
18 when you look into that which it may be
19 difficult and one reason it might be
20 hard to make those changes is that the
21 current legislation says you have to get
22 it back in 30 days after the meeting.
23 The official minutes provide copies of
24 such verbatim minutes to the County
25 Executive and to the County Legislature

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within 30 days of such proceedings.

MS. VILORIA-FISHER: But we haven't been adhering to that in ten years.

MR. YOUNG: I know so we should say, "We know the difficulty in what you require us to do under that law." If you want to do that.

CHAIRMAN SWANSON: So it's the Legislature that has been providing the stenographic proceedings?

MR. BAGG: It's all paid for out of budget. It is probably \$25,000 to \$30,000 a year for verbatim minutes for all their commissions.

CHAIRMAN SWANSON: Any other business?

MR. GULBRANSEN: Happy Holidays.

CHAIRMAN SWANSON: We are going to have a tour of the house starting now.

MR. MARTIN: Do we want to officially adjourn?

CHAIRMAN SWANSON: Yes.

MR. KAUFMAN: Motion to adjourn.

MS. RUSSO: Second.

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CHAIRMAN SWANSON: All in favor?

(WHEREUPON, the Council voted to
adjourn.)

CHAIRMAN SWANSON: We're adjourned.

(WHEREUPON, the CEQ meeting of
December 8, 2010, was adjourned at 11:29
a.m.)

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

STATE OF NEW YORK)

:ss

COUNTY OF SUFFOLK)

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

That the within transcript was prepared by me and is
a true and accurate record of this hearing, to the best
of my ability.

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

IN WITNESS WHEREOF, I have hereunto set my hand this
_____ 21 _____ day of December _____ 2010.

Melissa Powell

MELISSA POWELL