

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

NOTICE OF PUBLIC MEETING

Notice is hereby given that the Council of Environmental Quality will convene a regular public meeting at 9:30 a.m. on Wednesday, July 15th, 2009 in the Arthur Kunz Library, H. Lee Dennison Building, Fourth Floor, Veterans Memorial Highway, Hauppauge, NY 11788. 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:

**James Bagg, Chief Environmental Analyst
Council on Environmental Quality
Suffolk County Planning Department
P.O. Box 6100
Hauppauge, NY 11788**

**Council of Environmental Quality
R. Lawrence Swanson, Chairperson**

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REVISED AGENDA

MEETING NOTIFICATION

Wednesday, July 15th, 2009 9:30 a.m.
Arthur Kunz Library
H. Lee Dennison Bldg. - 4th Floor
Veterans Memorial Highway, Hauppauge

Call to Order:

Minutes - check the web at

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

Correspondence:

Revised Meeting Schedule – Change of location.

Public Portion:

Historic Trust Docket:

Director's Report:

Updates on Housing Program for Historic Trust Sites
Updates on Historic Trust Custodial Agreements

Project Review:

Recommended TYPE II Actions:

- A. Ratification of Recommendations for Legislative Resolutions Laid on the Table for June 23rd, 2009.

Project Review:

Recommended Unlisted Actions:

- A. Proposed Interceptor Replacement CP 8122, Sewer District # 1 – Port Jefferson, Village of Port Jefferson.
- B. Amendment of Introductory Resolution 1609-09 – Acquisition of the partial interest in the John P. Cohalan Court Complex, constituting the portion of facility not currently owned by the County.

Other Business:

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.

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

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

ORIGINAL

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

Arthur Kunz Library
H. Lee Dennison Building
4th Floor
100 Veterans Memorial Highway
Hauppauge, New York

July 15, 2009
9:30 a.m.

RECEIVED
S.C. PLANNING DEPT.
2009 AUG 11 AM 11:28

BEFORE:

R. LAWRENCE SWANSON, Chairperson

MICHAEL KAUFMAN, Vice Chairperson

REPORTED BY:

THERESA PAPE, Court Reporter/Notary Public

1

2

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

3

4 EVA GROWNEY

5 RICHARD MACHTAY

6 DANIEL PICHNEY

7 GLORIA G. RUSSO

8 MARY ANN SPENCER

9

10 HISTORIC SOCIETY MEMBERS:

11

12 RICHARD MARTIN

13

14 CAC REPRESENTATIVES:

15

16 JOY SQUIRES

17

18 ALSO PRESENT:

19

20 JAMES BAGG, Chief Environmental Analyst

21 CHRISTINE DESALVO, CEQ Staff

22

23

24

25

2 (WHEREUPON, this proceeding
3 convened at 9:30 a.m. Off-the-record
4 discussions ensued, after which the
5 following transpired:)

6 (Time noted: 9:35 a.m.)

7 CHAIRMAN SWANSON: Okay. I call
8 the meeting to order.

9 All right. Did anybody look at the
10 minutes?

11 MS. SPENCER: Yes.

12 CHAIRMAN SWANSON: Anybody have any
13 comments?

14 MS. SPENCER: No.

15 MR. MACHTAY: No comments.

16 CHAIRMAN SWANSON: No comments.

17 Is there a motion to approve the
18 minutes?

19 MS. SPENCER: So moved.

20 MR. MACHTAY: Second.

21 CHAIRMAN SWANSON: Okay. We have a
22 motion and a second.

23 All in favor?

24 (WHEREUPON, the members voted.)

25 CHAIRMAN SWANSON: Motion carries.

2 VICE CHAIRMAN KAUFMAN: And one
3 abstain, I wasn't here.

4 CHAIRMAN SWANSON: That was
5 pleasant.

6 MS. GROWNEY: Actually, I abstain,
7 too.

8 CHAIRMAN SWANSON: Jim, you want to
9 tell us about the revised meeting
10 schedules, or make note of it at least.

11 MR. BAGG: Yes. We have decided to
12 hold all the meetings here instead of
13 across the street. Since we don't have
14 large agendas and we don't anticipate
15 crowds storming the meetings, we think
16 it's a little bit more relaxing and we
17 can have coffee and donuts here where
18 across the street we can't. So we
19 decided to hold them here.

20 That was Christine's idea.

21 MS. DESALVO: Oh, sure.

22 CHAIRMAN SWANSON: Hooray,
23 Christine.

24 MS. SPENCER: Yeah.

25 MR. KAUFMAN: Let the record

2 reflect clapping occurred.

3 (Laughter)

4 CHAIRMAN SWANSON: Okay. I have a
5 piece of correspondence, I'll just pass
6 it around. This is -- was to me, I'm
7 not sure exactly why, but it's
8 concerning the American Recovery and
9 Reinvestment Act and the opportunity to
10 do LEED building.

11 That's L-E-E-D.

12 And I'll pass it around. I know
13 you'll -- you'll be interested.

14 MS. GROWNEY: Thank you.

15 Oh, through the USGBC?

16 CHAIRMAN SWANSON: (Head gesture)

17 Okay. Historic Trust.

18 Richard.

19 MR. MARTIN: Good morning.

20 I have some good news with our
21 housing review. The committee has
22 completed a review on 21 of the
23 buildings that are rented out by the
24 Parks Department, and a resolution was
25 prepared and submitted at the request of

2 the county executive to the legislature
3 and was approved. And this gives some
4 reduction to some of the rents from the
5 appraisals, but others stayed the same
6 if the committee didn't see any reason
7 to reduce them.

8 Usually they were reduced if the
9 buildings had some deficiencies in the
10 sense of a historic building that
11 couldn't be updated, or the need to have
12 someone there that the person was the
13 right person as a caretaker for that
14 site. So we wanted to make some
15 adjustments for that reason.

16 (WHEREUPON, Mr. Daniel Pichney
17 joined the proceeding in progress.)

18 (Time noted: 9:39 a.m.)

19 MR. MARTIN: But the resolution was
20 passed and will -- the new rents will be
21 implemented August 1st. So that's the
22 first group that we covered. It's
23 actually about two-thirds of the
24 properties. There are nine still that
25 need to be appraised. That's what

2 slowed us down, because the new
3 appraisals were not -- are not
4 completed, but we do plan to have a
5 meeting in August to review what have
6 been appraised at that time and to move
7 forward.

8 VICE CHAIRMAN KAUFMAN: I'd like to
9 ask Rich a question.

10 CHAIRMAN SWANSON: Yes.

11 VICE CHAIRMAN KAUFMAN: Rich,
12 question.

13 Aside from the units that have not
14 had reductions in rentals, is there a
15 percentage figure out there? Just an
16 approximation, a guesstimation, of what
17 reductions of rents have been.

18 MR. MARTIN: I mean, we could do an
19 average, you know, in a sense, but
20 there's really -- there is a -- a list
21 of criteria in that -- where -- can
22 judge the rents on, I guess, or
23 reappraise the rents according to the
24 needs of the Parks Department, and
25 especially the needs of the -- of the

2 historic sites. So, you know, it's --
3 it's hard to give you a percentage in a
4 sense. Because some were -- we really,
5 you know, differed, you know, with the
6 market rate appraisal and what were the
7 needs of the parks and the Parks
8 Department and that historic site.

9 MR. KAUFMAN: Gotcha. Okay.

10 MR. MARTIN: You know, and the
11 locations, you know, within the parks.
12 It could be on a highway, or being
13 isolated, there were different variables
14 that were taken in place when we
15 reviewed it.

16 MR. KAUFMAN: Okay. Good enough.
17 Thank you.

18 MR. MARTIN: So it wasn't an
19 across-the-board reduction.

20 CHAIRMAN SWANSON: What percentage
21 of the rentable houses are actually
22 rented?

23 MR. MARTIN: I'll say majority are
24 rented. We still have -- I'd say, you
25 know, three-quarters are rented at this

2 point. We have one, two, three, four,
3 five -- seven vacancies.

4 MS. SPENCER: And of those
5 vacancies, how many are historic
6 structures that need to be secured?

7 MR. MARTIN: Actually, it's -- it's
8 not seven, it would be six. And out of
9 the six, I would say four are historic.

10 CHAIRMAN SWANSON: Okay.

11 MS. SPENCER: That's -- that's the
12 focus, is -- is to secure these historic
13 properties, not to leave them vacant.
14 And that was -- I thought -- my opinion
15 is that that is what is driving this
16 to -- to make sure that -- that we do
17 not leave historic structures vacant if
18 possible.

19 MS. GROWNEY: (Indicating)

20 CHAIRMAN SWANSON: Eva.

21 MS. GROWNEY: And what is the
22 reason why they aren't -- those last few
23 are not?

24 MR. MARTIN: The rents are either
25 too high we feel, usually the ones in

Huntington Town are the problem,
buildings to rent, and also, just -- we
need to advertise again once we have the
reduced rents. And we haven't completed
those appraisals, so it's just a lag
time with getting what we're considering
a reasonable rent and then getting the
letters out to the people again.

MS. GROWNEY: And is there -- and
do you think it will be done in the next
month or two, or something like that,
or --

MR. MARTIN: Well --

MS. GROWNEY: -- you don't know how
long?

MR. MARTIN: -- I'm hoping we can
get some done in the next month, because
Tracy Bellone, who's the chair of the
committee, is going out on maternity
leave in September. So she does want to
wrap up as much as she can before she
leaves, and we'll have a meeting in
August before she leaves. And then
we'll have to see how that -- how we

2 work on it when she's away.

3 MS. GROWNEY: Thank you.

4 CHAIRMAN SWANSON: Anything else,
5 Richard?

6 MR. MARTIN: Just, basically, an
7 update on the contracts. We're still
8 negotiating with the Town of Huntington
9 for the \$600,000 funding for the
10 Coindre Hall Boathouse. And that's --
11 we're looking for the -- specific spaces
12 on the -- at the park that the town can
13 use in order to bond that fund and give
14 the money to the county. That's still
15 being negotiated.

16 CHAIRMAN SWANSON: I had a couple
17 of questions for you.

18 One is, we were talking about
19 having a future meeting at a -- one of
20 the facilities.

21 How are we moving with that?

22 MR. MARTIN: Mary Ann has an idea
23 for Isaac Mills --

24 MS. SPENCER: Yeah.

25 MR. MARTIN: -- that we can meet

2 there, there's enough space to meet
3 there as a new acquisition, so you can
4 see that building before we've done any
5 work to it.

6 CHAIRMAN SWANSON: Okay. And the
7 issue that, since this is a public
8 meeting and it doesn't have all the
9 accouterments that are needed for access
10 now, that's not a hindrance?

11 MR. MARTIN: Well, we can just move
12 tables and chairs into the meeting.
13 There is a kitchen so we can have our
14 coffee.

15 CHAIRMAN SWANSON: Okay.

16 (Laughter)

17 CHAIRMAN SWANSON: Okay. So I'd
18 like to move ahead with that before it
19 gets too cold, because I'm not sure
20 there's heat in that building.

21 MR. MARTIN: We do have a new
22 heating system, actually.

23 CHAIRMAN SWANSON: Oh, you do.
24 Okay.

25 MR. MARTIN: Yeah.

2 CHAIRMAN SWANSON: And then the
3 other thing that I was curious about,
4 Jim and I were talking about before the
5 meeting, is, can you give us an update
6 of what's going on at Montauk? I mean,
7 that park seemed to me to have such
8 great promise, and it seems to me like
9 it's totally dropped off the radar.

10 MR. MARTIN: In the sense of Third
11 House as the historic building?

12 CHAIRMAN SWANSON: Well, I
13 understand Third House has been
14 completed, but there was also the mo- --

15 MR. MARTIN: It actually hasn't.

16 CHAIRMAN SWANSON: It hasn't?

17 MR. MARTIN: No.

18 CHAIRMAN SWANSON: Oh, okay.

19 MR. MARTIN: I can give an update
20 on that, and also --

21 CHAIRMAN SWANSON: And the motel,
22 and what the property's being used for,
23 and --

24 MR. MARTIN: Okay. I have a good
25 sense of Third House in the complex

2 that's there. Majority of the work has
3 been completed, but we still need to do
4 additional work on the dining room and
5 bar area to complete the interior --

6 CHAIRMAN SWANSON: This is of the
7 ex- -- of the motel?

8 MR. MARTIN: The large third house.
9 The main --

10 MS. SPENCER: The main house.

11 MR. MARTIN: -- the main building.

12 CHAIRMAN SWANSON: Okay.

13 MR. MARTIN: And the basement area
14 needs some more structural work in order
15 to get the CO for public assembly.

16 CHAIRMAN SWANSON: Uh-huh.

17 MR. MARTIN: We only have a partial
18 CO for that building for the west wing
19 for office use. So we have moved the
20 park office back into the building, and
21 that first floor of that wing is
22 completed. But the second floor is not,
23 and the majority of the building on the
24 east end, the interior's not completed,
25 it needs some structural work in order

1
2 to get the public assembly CO. And so
3 we need to go ahead with the plans for
4 that with DPW. We do have some funds in
5 place to complete that.

6 Right now, the project at that
7 park that's being worked on at the
8 moment is being -- people are calling
9 it the "gator site," and that is the
10 maintenance building, converting
11 this -- the storage building there to
12 the park's maintenance building for the
13 whole park. And we need to complete
14 that first, because we can't get the CO
15 for public assembly at the Third House
16 until we move the maintenance operations
17 out of the basement, because you can't
18 have gasoline and lawn mowers and all
19 this machinery stored below a public
20 assembly space.

21 CHAIRMAN SWANSON: Uh-huh.

22 MR. MARTIN: So that needs to get
23 done first, then we could come back to
24 Third House to complete that. And then
25 I'm not -- there's been a lot of talk

and meetings with the community on what activities or programs can be run out of Third House, but there's nothing set at this moment.

CHAIRMAN SWANSON: Uh-huh.

MR. MARTIN: Then also on the site is -- it's going on, it's going to come forward to -- fairly soon, is the observatory project for the Montauk Observatory. And we're reviewing their plans now, and we're trying to see how we can mesh their need for the observatory tower with our need to restore and renovate the bunkhouse cabin, which is at the top of the hill. And that's -- we've been negotiating that back and forth how we can accomplish that goal, which is how it was reviewed here at the CEQ a while ago.

MR. BAGG: Yeah, it was reviewed here already.

CHAIRMAN SWANSON: Uh-huh.

MR. MARTIN: Well, our initial --

1
2 and that -- that -- the concept was
3 approved that, yes, you can do this, but
4 the design and the plans need to come
5 back for a final review.

6 And we're working with the
7 architect for the Montauk Observatory,
8 which the plans will then have to be
9 reviewed by DPW. And we're -- we're
10 going back and forth a bit on the design
11 right now, how that can fit into the
12 park.

13 And then, otherwise, the other
14 cabins are in fairly good shape. And I
15 don't think Shakespeare -- I'm not sure
16 if Shakespeare in the park is scheduled
17 to be back or not, because, again, we
18 don't have the CO to use Third House,
19 which they needed for their program. So
20 that's kind of holding up moving forward
21 on different programs at the park.

22 CHAIRMAN SWANSON: Okay. That was
23 one of the things I was wondering about,
24 because --

25 MR. MARTIN: Right.

2 CHAIRMAN SWANSON: -- that used to
3 be a big event --

4 MR. MARTIN: Yes.

5 CHAIRMAN SWANSON: -- Shakespeare
6 there.

7 MR. MARTIN: I haven't heard
8 anything, I could check for you. My
9 guess is that they're not coming back
10 this year, but I'd have to check on
11 that.

12 MS. GROWNEY: I don't think so.

13 CHAIRMAN SWANSON: Okay.

14 MR. MARTIN: Have you heard?

15 MS. GROWNEY: I don't -- I don't
16 believe they are coming back. I'm not
17 definitive about that, but I --

18 MR. MARTIN: Right.

19 MS. GROWNEY: -- had heard the
20 rumor they weren't coming back.

21 MR. MARTIN: I can check. I think
22 we would have heard if they were coming
23 back.

24 MS. GROWNEY: Yeah.

25 CHAIRMAN SWANSON: And what about

our relationship with Rusty Lever
(phonetic)?

MR. MARTIN: Well --

MS. GROWNEY: Oh, boy.

MR. MARTIN: -- that I'm not up to
speed on. Because that's in -- our
contracts division mainly deals with
that, they just call me in if it's
anything to do with the buildings at
that site. So I really would have to
check that and report back.

CHAIRMAN SWANSON: So he's still
leasing the *house* --

MR. MARTIN: Yes.

CHAIRMAN SWANSON: Okay. And is
the property getting terribly overgrown?

MR. MARTIN: That's another thing
I'd have to check on for you. Because
I'd have to talk with Nick Gibbons and
the park supervisor to -- I don't -- I
don't know the status of that.

CHAIRMAN SWANSON: Okay. And, I
guess, I'm curious. Are we going to
allow it to continue to just con- -- get

2 overgrown, or what -- what is the plan
3 for the park that's not in building?

4 MR. MARTIN: Okay. So I'll talk to
5 the commissioner, talk to Nick Gibbons.
6 And I can give the report next meeting,
7 or ask Nick to give the report.

8 CHAIRMAN SWANSON: Okay. Because
9 if -- if -- I guess I'm concerned that
10 the whole character of the park can
11 change if it is, in fact, not maintained
12 in terms of mowing or --

13 MR. MARTIN: Right.

14 Well, I understand your point
15 because I know that the trails were
16 maintained early on on a regular basis
17 for access throughout the park. And I,
18 you know, looked -- looked at those
19 trails myself years ago, but I haven't
20 been on those recently.

21 CHAIRMAN SWANSON: Okay.

22 MR. BAGG: Also, what is the status
23 of the burning for nature conservancy
24 out there, too? Because, technically,
25 that was supposed to be kept in fields

1 and pastures. I mean, that's -- they --
2 they renamed the park the Theodore
3 Roosevelt County Park because of the
4 roughriders and everything, when you
5 take those pictures, was open.
6

7 MR. MARTIN: Right.

8 Well, it sounds like there's enough
9 questions, and I think Nick Gibbons
10 should comment. You know, we'll talk
11 about it in the office and -- and
12 explain --

13 CHAIRMAN SWANSON: Okay.

14 MR. MARTIN: -- what the status is.

15 CHAIRMAN SWANSON: This was
16 supposed to be really one of our prides
17 and joys, and I think it might behove us
18 to check on it and maybe even go out and
19 see what's actually going on.

20 MR. MARTIN: Well, with that kind
21 of interest, would you like to have a
22 meeting out there?

23 CHAIRMAN SWANSON: Yeah, I would
24 like to at least pursue somehow getting
25 out there. I don't -- not necessarily

1 have a meeting, but --

2 VICE CHAIRMAN KAUFMAN: Maybe a
3 group.

4 CHAIRMAN SWANSON: -- a group, or
5 if everybody wants to go, we can have a
6 meeting. But I think it's -- we ought
7 to look into what's going on out there,
8 because, like I say, this was really to
9 be the centerpiece, and I'm not sure
10 that it's -- of what it's -- it's just
11 dropping off the edge.

12 MS. GROWNEY: (Indicating)

13 CHAIRMAN SWANSON: Yes.

14 MS. GROWNEY: One of the things I
15 know that has been happening is they are
16 doing some observatory activities
17 intermittently out there. They're doing
18 them in conjunction with the library.

19 So if, you know, things could move
20 along, then they don't have to do them
21 at the library, they could be doing them
22 at Third House. That's one of the
23 problems, because I guess this assembly
24 thing is not established.
25

1 But I do know that -- that
2
3 they're -- I get the -- because I'm on
4 the advisory board, I get the notices
5 every --

6 CHAIRMAN SWANSON: You're on the
7 advisory board of Third House?

8 MS. GROWNEY: Of -- of the Montauk
9 Observatory.

10 CHAIRMAN SWANSON: Oh, okay.

11 MS. GROWNEY: And so they are
12 having activities every month, but they
13 can't have assembly indoors. So they
14 are doing lectures and things that --
15 that would be happening in Third House
16 if their assembly had been worked out.
17 And I believe they are doing some actual
18 sky observing from time to time.

19 CHAIRMAN SWANSON: Uh-huh. Okay.

20 VICE CHAIRMAN KAUFMAN:
21 (Indicating)

22 CHAIRMAN SWANSON: Mike.

23 VICE CHAIRMAN KAUFMAN: One of the
24 issues that came up a few years ago was
25 about the burning, and I know you and I

2 worked on the EIS with John Turner and
3 the rest of the TNC crew. And one of
4 the things I think that Nick might be
5 asked is what is the status at this
6 point in time.

7 At the time, I think it was four or
8 five years ago, the concept was to burn
9 selected portions of the park and try
10 and reestablish certain habitats and
11 certain plant species. And we've
12 actually not heard back on any of that
13 stuff. We actually don't know, at least
14 at this council, what the status is with
15 the burns.

16 It may not be theoretically
17 inappropriate activity to continue with,
18 the objective is not being met, if it is
19 being met, that's something else, I'd
20 like to see the -- the results --

21 MR. MARTIN: Well --

22 VICE CHAIRMAN KAUFMAN: -- one way
23 or the other.

24 MR. MARTIN: -- I'll definitely,
25 you know, request that Nick Gibbons come

and explain --

THE REPORTER: Please speak up.

MR. MARTIN: Nick Gibbons from the
Parks Department, I'll ask him to come
to the next meeting.

VICE CHAIRMAN KAUFMAN: Just give
us an update on what's happening. I
mean, again, we had an EIS done that we
were fairly insistent upon. We really
did need to have it, and the question
now is whether it -- whether the burning
has been successful or not.

CHAIRMAN SWANSON: Would you and
Mary Ann think about, and maybe next
month give -- give me an answer,
could -- would it be possible to get a
review of one park per meeting and sort
of go around the loop and see --

MR. MARTIN: In the sense of an
historic park or --

CHAIRMAN SWANSON: No --

MR. MARTIN: -- just as the
county --

CHAIRMAN SWANSON: -- the parks in

general, so we know how they're doing.

MR. MARTIN: Okay. Do you --

MS. GROWNEY: Good idea. I like that, too.

MR. MARTIN: Yes. And just how would you want to create a list?

CHAIRMAN SWANSON: I don't want to -- I don't want to create a lot of work, I just would like to --

MR. MARTIN: Uh-huh.

CHAIRMAN SWANSON: -- sort of a five-minute refresher on what's going on at our parks, what's -- are they being maintained, what are -- what are the issues, what should this board be concerned about, whether buildings are falling down or if there's -- whatever. Just -- nothing elaborate, just --

MR. MARTIN: An update.

CHAIRMAN SWANSON: -- an update. So that we, as a group, understand the parks, because a lot of times we don't hear about what's going on until there's some sort of a crisis.

2 MR. MARTIN: Okay. So I'll meet
3 with the commissioner on it, I'll come
4 up with a set of priorities, things that
5 he probably would think would be good
6 for the CEQ to know about, and we can
7 start from there.

8 CHAIRMAN SWANSON: I don't want to
9 create paperwork --

10 MR. MARTIN: I understand.

11 CHAIRMAN SWANSON: -- no reports,
12 no formal reports, no -- just --

13 VICE CHAIRMAN KAUFMAN: Just a
14 status update.

15 CHAIRMAN SWANSON: -- status.

16 VICE CHAIRMAN KAUFMAN: Just like
17 you do with the Historic Trust --

18 MS. SPENCER: Yeah, well --

19 VICE CHAIRMAN KAUFMAN: -- stuff --

20 MS. SPENCER: Well --

21 VICE CHAIRMAN KAUFMAN: -- that
22 we're dealing with right now.

23 MS. SPENCER: -- the -- the
24 agreements will all be settled and we
25 can replace updates on Historic Trust

2 custodial agreements with updates on
3 county parks.

4 VICE CHAIRMAN KAUFMAN: For
5 example, with Skully --

6 MR. MARTIN: If you'd like, you
7 could add that as a standing item on my
8 report. And then I could gather some
9 basic information for each meeting. And
10 then I could ask Nick to also come for
11 some -- like Montauk things that I
12 wouldn't have all the specifics on.

13 CHAIRMAN SWANSON: Okay.

14 MR. PICHNEY: Larry.

15 CHAIRMAN SWANSON: Yes.

16 MR. PICHNEY: For the first thing,
17 would you -- wouldn't you want like an
18 overview first? Like, let's say, if
19 they -- if they had a policy now of not
20 mowing anywhere, wouldn't you want to
21 know that first, or --

22 CHAIRMAN SWANSON: Well, that's
23 fine. Let them --

24 MR. PICHNEY: (Laughter)

25 CHAIRMAN SWANSON: You know, if

2 that's the sense of the board, that's
3 fine, too. General status, first
4 report --

5 MR. MARTIN: Yeah.

6 Like I said, I'll talk to the
7 commissioner about the request. And I'm
8 sure he will have his own ideas of
9 things that are going on, things that
10 I'm -- I'm not aware of because I don't
11 go to all the parks trustees' meetings,
12 so I'm not sure of all the -- the
13 issues, but some of them are like with
14 dog runs. Of course, that's going to be
15 a big issue throughout the Parks
16 Department. That could be a general
17 issue to report on. The burning status,
18 you know, the programming aspects of the
19 Parks Department.

20 CHAIRMAN SWANSON: Okay. Good.

21 Anything else?

22 (WHEREUPON, there was no response.)

23 CHAIRMAN SWANSON: All right. Is
24 that all?

25 MR. MARTIN: Yes.

2 CHAIRMAN SWANSON: Okay. So moving
3 right along.

4 Recommended Type II Actions.

5 Jim, you want to tell us about
6 recommendations laid on the table?

7 MR. BAGG: Yes. Well, that's
8 before you with the recommendations.

9 There's two things in the -- in the
10 packet that I want to bring to your
11 attention.

12 One is Number 1603 of '09, which
13 Legislator Kennedy has proposed
14 condemning or -- or commencing Eminent
15 Domain Proceedings for acquisition of
16 the Bavarian Inn. This is actually the
17 acquisition of property. Cannot be
18 considered a Type II Action under SEQRA.
19 It has to be considered at least an
20 Unlisted Action. So that resolution
21 needs an environmental assessment form
22 prepared and submitted to CEQ.

23 The other action which is befo- --
24 in here is 1609 of '09, which is the
25 acquisition of remaining interest in the

2 Cohalan Court Complex. There is an EAF
3 in here. They -- they were trying to
4 say that was a Type II Action as well,
5 but it is the acquisition --

6 MR. MACHTAY: What resolution is
7 this?

8 MR. BAGG: -- of property --

9 CHAIRMAN SWANSON: 1609.

10 VICE CHAIRMAN KAUFMAN: It's a
11 separate item.

12 MR. BAGG: Yeah, a separate item on
13 the agenda.

14 So Budget prepared an EAF, and
15 they're proposing an Unlisted Action
16 within Neg Dec. Simply, we're acquiring
17 the property to save money, supposedly
18 \$12 million, over the next ten years
19 because we pay rent to the state.

20 MR. PICHNEY: Jim.

21 MR. BAGG: Yeah.

22 MR. PICHNEY: With the Bavarian,
23 that's basically to get the -- the
24 waterfront property; isn't it? There's
25 not an interest in the -- the building

1 itself; is there?

2 VICE CHAIRMAN KAUFMAN: No, that's
3 a demo.

4 MR. BAGG: Well, you know, the guy
5 has lost his COs. It's not operational.
6 And I understand he's in tax default.
7 Legislator Kennedy put a -- a resolution
8 in to acquire the property. It didn't
9 go anywhere in the legislature. So now
10 he has a resolution in to condemn it.

11 I mean, this is akin also for the
12 Bavarian Inn for the resolution passed
13 last month with respect to the review of
14 county properties and acquisitions,
15 because --

16 CHAIRMAN SWANSON: Exactly why we
17 have it.

18 MR. BAGG: -- this particular
19 thing, it should be pointed out, that
20 the building is not going to be
21 utilized, it can't be utilized, and
22 they're going to have to demo it, and
23 they're going to have to review the
24 sep- -- remove the septic systems at
25

2 a -- at a certain cost. I mean, that --
3 that's additional costs than what would
4 be to actually acquire it. It could be
5 millions.

6 MR. PICHNEY: Do you know how many
7 feet of lakefront they have there?

8 MR. BAGG: No.

9 MR. PICHNEY: No.

10 VICE CHAIRMAN KAUFMAN: Several
11 hundred.

12 MR. PICHNEY: Several hundred?
13 Wow.

14 VICE CHAIRMAN KAUFMAN: If I may
15 for a second, this -- John won't like me
16 saying this, but I have issues with this
17 particular resolution from the ledge.

18 I know a little bit about the
19 situation. If the property were clear
20 and no buildings on there, and it were
21 remediated, it would be a nice
22 acquisition. But it is right now
23 subject to a lot of politics.
24 Legislator Kennedy originally wanted to
25 try and purchase it. There's been

2 questions raised as to the purchase
3 price, whether -- what it should be
4 because it's lost its CO, it's got
5 problems with the septic systems, which,
6 basically, it shut down because of
7 water table rises, things like that.

8 What it boils down to is there's a
9 possibility that this thing is so far
10 back in terms of tax arrears that the
11 county could take it for tax arrears and
12 not have to pay anything.

13 Legislator Kennedy has brought in
14 1603 as an eminent domain. That's an
15 expenditure by the county. Whereas, the
16 county essentially could get it for
17 free, if you would, if the tax liens are
18 foreclosed upon.

19 That leaves me, basically, to the
20 following, the financial impact. We've
21 required financial impact statements now
22 for a lot of historic structures. We're
23 seeing it, for example, with 1609. It
24 raises a concern in my mind when we know
25 what the financial impacts could be.

2 This is -- could be a million dollar
3 property. I don't know where the
4 appraisals might go. The fact that the
5 CO has been lost and the sewers -- the
6 septic system can't be used might lower
7 the prices. But there is a financial
8 impact here, and it should be looked at.
9 And I think under SEQRA we're allowed to
10 look at something like that.

11 I'm not saying to say -- I'm not
12 saying that we should Pos Dec this or
13 anything, but it is something that we
14 should at least think about before we
15 make any kind of environmental
16 recommendation.

17 Again, financial impacts are
18 something under SEQRA that we are
19 supposed to take into account. It may
20 not be a decisive element. I think it
21 would be a good purchase or a good
22 taking by the county if the county was
23 able to get it. But it's, you know,
24 interesting.

25 And, again, we've got the 1609 with

the Cohalan Court Complex, and they've got the financials in here, and there's a financial impact that we're looking at. So it just raises questions in my mind.

CHAIRMAN SWANSON: Well, if I understand it from what Jim said, he's going to be telling us, but we'll have to have an impact statement on it, so --

MR. BAGG: Well, an EAF, yeah.

CHAIRMAN SWANSON: An EAF, so --

VICE CHAIRMAN KAUFMAN: Yeah, I -- I agree with that that -- I think we should recommend that this one be reclassified -- what is it now -- as a Type II, it should be reclassified, as Jim said, a III, and maybe some guidance on the financials.

I mean, again, an eminent domain, if it's cheap, is one thing. If it's expensive, the way the value was maybe three or four years ago, that's going to be something else. I'm not qualified to say what the value is, but I'd like to

2 see that as part of the EAF.

3 CHAIRMAN SWANSON: Isn't eminent
4 domain fair market value?

5 MR. BAGG: No.

6 VICE CHAIRMAN KAUFMAN: Supposedly,
7 but it never gets there. Eminent domain
8 usually is somewhat less than --

9 MR. BAGG: (Head gesture)

10 VICE CHAIRMAN KAUFMAN: -- in
11 practical terms, somewhat less than fair
12 market value, as it turns out. But,
13 again, right now, it can spin all over
14 the place because of the other issues.

15 MS. GROWNEY: (Indicating)

16 CHAIRMAN SWANSON: Okay.

17 Eva.

18 MS. GROWNEY: Well, the -- the tax
19 arrears, I mean, if you -- you know, if
20 you're just buying it for the tax
21 arrears --

22 VICE CHAIRMAN KAUFMAN: No, you
23 don't buy it, you just take it.

24 MS. GROWNEY: Oh, just take --

25 VICE CHAIRMAN KAUFMAN: It's a

1 taking --

2 MS. GROWNEY: Okay.

3 VICE CHAIRMAN KAUFMAN: -- there's
4 no actual money going out.

5 MS. GROWNEY: Oh, there isn't.
6 Okay. So that --

7 VICE CHAIRMAN KAUFMAN: Okay.

8 MS. GROWNEY: -- makes it --

9 VICE CHAIRMAN KAUFMAN: That makes
10 it a revenue neutral --

11 MS. GROWNEY: Right.

12 VICE CHAIRMAN KAUFMAN: -- in that
13 sense. Whereas, an eminent domain,
14 again, it could go all over the place,
15 depends upon what happens.

16 CHAIRMAN SWANSON: I mean, even
17 if -- though, if you take it for tax
18 arrears, then you'd still have the cost
19 of remediation -- a separate
20 remediation.

21 VICE CHAIRMAN KAUFMAN: That may be
22 worth it in terms of environmental
23 impact upon the lake itself --

24 MS. GROWNEY: Uh-huh.

2 VICE CHAIRMAN KAUFMAN: -- which I
3 think would be a good thing. Frankly,
4 it's a high water table in that area.
5 There is groundwater flow going into the
6 lake, and if there are septic wastes and
7 other types of wastes, et cetera, I
8 think it would be an appropriate thing
9 for the county to -- if it was going to
10 take the property, to do a cleanup. I
11 think it would be beneficial to the
12 lake. They'd probably do -- there's
13 storm drains in the area, et cetera,
14 beyond the septic. So I think it would
15 be a good thing, environmentally, a
16 friendly thing. But I'm just
17 concerned --

18 MR. MACHTAY: (Indicating)

19 VICE CHAIRMAN KAUFMAN: -- about
20 the impact.

21 CHAIRMAN SWANSON: Rich.

22 MR. MACHTAY: Two things.

23 It's been my experience with
24 eminent domain and whatever you appraise
25 the property at and give the owner, it

2 always ends up costing you more if the
3 lawsuits are settled. Whether it's just
4 in defense of a lawsuit or if it's
5 losing in court, number one.

6 Number two, as far as tax arrears
7 is concerned, it's not as simple as,
8 Oh, he's behind two years in taxes,
9 we're going to take a property. I think
10 the owner of the property has a certain
11 amount of time to --

12 VICE CHAIRMAN KAUFMAN: Redeem.

13 MR. MACHTAY: -- redeem the
14 property.

15 VICE CHAIRMAN KAUFMAN: Three
16 years.

17 MR. MACHTAY: Three years.

18 So he would have to be in arrears
19 for three years.

20 VICE CHAIRMAN KAUFMAN: I believe
21 he is actually very close to that or --
22 or already is at that point.

23 MR. MACHTAY: Well, it would have
24 to, you know, build itself up to that,
25 otherwise, it's -- it doesn't actually

work.

MR. BAGG: (Indicating)

CHAIRMAN SWANSON: Jim.

MR. MACHTAY: And what's the reviews in Huntington -- what was it, 52H? The law that -- that let's you transfer it, if it's in tax arrears, to the local municipality.

VICE CHAIRMAN KAUFMAN: The Town of Smithtown, I could pretty much guarantee, would not take it. This would be a county purchase. There's also county land in the -- adjacent to or contig- -- very, very close to that particular property.

CHAIRMAN SWANSON: Jim.

MR. BAGG: Yeah, I'd like to point out that, basically, years ago, the county did acquire parkland through eminent domain and paid three and four times the appraised values. So the county backed away from acquiring parkland through eminent domain, and only acquires parkland today with an

2 agreement between the property owner and
3 the county on the appraised price. They
4 don't go to eminent domain. The only
5 parcels that we have really acquired
6 through eminent domain are for road
7 projects and -- and county projects,
8 construction projects.

9 MR. MACHTAY: That -- that happened
10 in Centerport with the Mill Pond.

11 VICE CHAIRMAN KAUFMAN: Yeah.

12 MR. MACHTAY: They could have --
13 the Town of Huntington, when I first
14 started with the town, could have bought
15 it for \$32,000 from the owner. Okay.
16 They ended up paying a million dollars
17 and was sued --

18 VICE CHAIRMAN KAUFMAN: Yes.

19 (Laughter)

20 MR. MACHTAY: -- and had to pay
21 more money after -- after the lawsuit.

22 VICE CHAIRMAN KAUFMAN: I'm a
23 lawyer.

24 MR. GROWNEY: (Indicating)

25 CHAIRMAN SWANSON: Eva.

2 MS. GROWNEY: When there's tax
3 arrears and there possibly are other
4 leans on the property, how does that
5 work?

6 VICE CHAIRMAN KAUFMAN: The tax
7 arrears -- when a tax arrear has
8 accumulated for three years, the county
9 is entitled, under county and, I believe
10 also, state law, to cease the property
11 for the back taxes. They don't have to,
12 but generally they do, especially if
13 it's environmentally sensitive. And
14 they have a -- they have two options
15 once that happens.

16 They can either sell it off,
17 which -- and you do see those types of
18 sales occur, or else they will take it.
19 And the county has a policy, if it's
20 environmentally sensitive, to keep the
21 property in the county's possession.
22 And, essentially, it becomes revenue
23 neutral. You know, there was money owed
24 but the county's not laying out any
25 money for it.

2 So in the actual transactions,
3 revenue neutral in terms of overall
4 taxation --

5 MS. GROWNEY: Uh-huh.

6 VICE CHAIRMAN KAUFMAN:
7 -- obviously, you know, because the
8 county has taken a loss on it, but we're
9 not going to be looking at that portion
10 of it, we're just looking at the --

11 MS. GROWNEY: But what about the
12 other -- if there's other leans, though?

13 VICE CHAIRMAN KAUFMAN: That's
14 something else. The count- --

15 MS. GROWNEY: So then --

16 VICE CHAIRMAN KAUFMAN: Other leans
17 are generally satisfied in a different
18 way. They would not become the county's
19 responsibility.

20 MS. GROWNEY: That's what I want to
21 know, is it county's responsibility --

22 VICE CHAIRMAN KAUFMAN: No, those
23 are private --

24 MS. GROWNEY: Okay. So --

25 VICE CHAIRMAN KAUFMAN: -- those

are private leans against --

MS. GROWNEY: -- it doesn't
transfer --

VICE CHAIRMAN KAUFMAN: -- private
people.

MS. GROWNEY: -- with the --

VICE CHAIRMAN KAUFMAN: No.

MS. GROWNEY: Okay.

VICE CHAIRMAN KAUFMAN: The
county's only taking four. I mean,
it -- it -- the county still ends up
possibly in a lawsuit, as Rich pointed
out.

MS. GROWNEY: Right.

VICE CHAIRMAN KAUFMAN: This is
just a funny property where
Legislator Kennedy has been fighting
tooth and nail to try and acquire it one
way or the other. And environmentally,
again, I see nothing wrong with that.
It's -- it's just I'd like to see it --
the impacts, as required under SEQRA,
analyzed.

MS. GROWNEY: Uh-huh.

MR. PICHNEY: (Indicating)

MS. GROWNEY: I agree.

CHAIRMAN SWANSON: Dan.

MS. GROWNEY: I agree.

MR. PICHNEY: Michael, you might have answered my question in context there.

Does Legislator Kennedy have any -- any problem or issue with the property being taken for tax arrears?

VICE CHAIRMAN KAUFMAN: That's one place I'm not going to get into. I am very much aware -- there's -- there's a lot of politics swirling around this one, and I am aware of what they are, and I'd rather not go into it.

MR. PICHNEY: Okay. Sure.

VICE CHAIRMAN KAUFMAN: To put it very bluntly --

MR. PICHNEY: Well, yeah, well --

VICE CHAIRMAN KAUFMAN: -- it's not my place.

MR. PICHNEY: I know. Right. Just want it to be out there.

2 MS. GROWNEY: Okay.

3 CHAIRMAN SWANSON: This raises the
4 question, what happened to our
5 resolution last month?

6 MR. BAGG: Oh, it was sent across
7 the street to all the legislators;
8 however, the legislature --

9 CHAIRMAN SWANSON: And promptly
10 ignored.

11 MR. BAGG: No, the legislature was
12 on vacation during July --

13 CHAIRMAN SWANSON: Okay.

14 MR. BAGG: -- so that will be
15 presented before the Environmental
16 Committee next Monday.

17 CHAIRMAN SWANSON: Okay.

18 MR. BAGG: I will present it.

19 CHAIRMAN SWANSON: And do you have
20 any sense of what the reaction will be?

21 MR. BAGG: No. I know that when --

22 CHAIRMAN SWANSON: Expand --

23 MR. BAGG: -- the council discussed
24 it, the representative from
25 Mr. Lindsey's office picked up on it and

1
2 said that a lot of people were asking
3 those same questions across the street
4 at the legislature as to what the total
5 cost --

6 CHAIRMAN SWANSON: Okay.

7 MR. BAGG: -- of acquisition is
8 that should be considered up front.

9 CHAIRMAN SWANSON: Good.

10 Mary Ann, with regard to this
11 property, would you take it upon your
12 group to sort of keep an eye out on it?
13 What I'm concerned about it is one of
14 these days we'll get something coming
15 over here that'll require an
16 instantaneous answer because this, that,
17 or the other thing is going to occur,
18 not going to occur unless we vote on it
19 right now, and without due process --

20 MR. BAGG: Well, is the property
21 historic?

22 VICE CHAIRMAN KAUFMAN: No.

23 MS. SPENCER: Are you asking me to
24 watch --

25 CHAIRMAN SWANSON: Just --

2 MS. SPENCER: -- the Bavarian Inn?

3 CHAIRMAN SWANSON: Just watch
4 what's going on and make sure we're --
5 we're aware that -- so that something
6 doesn't come in here all of a sudden.

7 MS. SPENCER: On the Bavarian Inn?

8 CHAIRMAN SWANSON: Yeah.

9 MS. SPENCER: Okay.

10 MR. BAGG: Is that property
11 historic?

12 VICE CHAIRMAN KAUFMAN: No.

13 MS. SPENCER: No.

14 MR. BAGG: Has somebody determined
15 that and put it in writing?

16 MS. SPENCER: No.

17 MR. MARTIN: I -- I don't -- I
18 haven't seen anything formal, but no
19 one's brought that up and I wouldn't
20 recommend it.

21 VICE CHAIRMAN KAUFMAN: Jim, it's
22 not on any of the Town of Smithtown's
23 historical lists. It's a post- --
24 postwar building, heavily modified,
25 falling down. But, again, there's no

1 historic aspects to it. I've been
2 there. I'm aware of the Town of
3 Smithtown's balances, there's nothing
4 there.

5
6 MR. BAGG: Well, I -- I understand
7 that, but that hasn't stopped
8 legislators in the past from saying a
9 structure is historic --

10 MR. MARTIN: Well, I don't think --

11 MR. BAGG: -- and we go out and
12 purchase it, to find out that, later on,
13 it really isn't.

14 MR. MARTIN: I understand your
15 point, but I don't think there's -- I
16 think the point of this purchase is to
17 take it down. I think that's --

18 VICE CHAIRMAN KAUFMAN: Yeah,
19 it's --

20 MR. MARTIN: -- always --

21 VICE CHAIRMAN KAUFMAN: -- it's --

22 MR. MARTIN: -- been the point.

23 VICE CHAIRMAN KAUFMAN: It's rotted
24 inside, essentially. The foundations
25 are pretty much shot. The ground's

1 saturated with the waste from burst
2 cesspools and things like that, and
3 migration. It's a horror.

4
5 There's kids getting into it right
6 now. There's -- I believe there's been
7 some -- actually I know there's been a
8 lot of vandalism. It's secured heavily
9 right now because of that, but it's not
10 in the greatest of shape that anyone's
11 ever seen.

12 CHAIRMAN SWANSON: So if you
13 just -- sort of just keep us informed
14 what's going on under the table.

15 MS. SPENCER: Okay.

16 CHAIRMAN SWANSON: All right.

17 Okay. Let's see.

18 Next we have the highlight of the
19 day.

20 MR. BAGG: You have to do a -- you
21 have to do a --

22 MS. SPENCER: We need a motion.

23 MS. GROWNEY: Yeah.

24 CHAIRMAN SWANSON: Oh, we have to
25 have a motion, yes.

2 VICE CHAIRMAN KAUFMAN: I make a
3 motion to accept staff recommendations
4 set for 160- --

5 MS. GROWNEY: -3.

6 VICE CHAIRMAN KAUFMAN: -- -03,
7 which should be --

8 MR. BAGG: That's --

9 VICE CHAIRMAN KAUFMAN: -- an
10 Unlisted.

11 MR. BAGG: No, but that's what it
12 says --

13 VICE CHAIRMAN KAUFMAN: Okay.

14 MR. BAGG: -- Michael.

15 VICE CHAIRMAN KAUFMAN: Okay.

16 Then, motion to accept.

17 By the way, I don't know that we
18 had a second --

19 MS. GROWNEY: I'll second.

20 CHAIRMAN SWANSON: We have a second
21 from Eva.

22 Any other comments?

23 VICE CHAIRMAN KAUFMAN: Just
24 quickly, did anyone look at 1609, the
25 acquisition of the partial interest in

1 Council on Environmental Quality 7/15/09 53
2 the Cohalan --
3 CHAIRMAN SWANSON: It's on the
4 agenda.
5 VICE CHAIRMAN KAUFMAN: Oh, okay.
6 Sorry. Never mind.
7 CHAIRMAN SWANSON: We have a motion
8 and a second.
9 All in favor?
10 (WHEREUPON, the members voted.)
11 CHAIRMAN SWANSON: Opposed?
12 (WHEREUPON, there was no response.)
13 CHAIRMAN SWANSON: And the motion
14 carries.
15 MR. BAGG: And the motion is
16 approved as per staff recommendation.
17 CHAIRMAN SWANSON: All right. So
18 the highlight of today's meeting is a
19 discussion of sewage in Port Jefferson.
20 So, Ben.
21 VICE CHAIRMAN KAUFMAN: By the way,
22 Ben, you really are the highlight of the
23 meeting today. We love talking about
24 this technical stuff.
25 MR. WRIGHT: Good morning. Ben

2 Wright with Public Works, and Greg
3 Greene from Cashin Associates
4 (indicating), he's the engineer for the
5 project.

6 And I appreciate you having it on
7 the agenda, I realize it was a light
8 agenda. And it is really essential for
9 us to keep this project moving because
10 in all the steps we have to go through,
11 the public hearing after SEQRA's
12 complete, the findings, resolutions,
13 going to the state comptroller, we have
14 to appropriate the funds this year. And
15 looking at the schedule, you know, we
16 should be able to do that sometime in
17 December with the legislative agenda.

18 The focus of the project is really
19 an existing gravity sewer that is at a
20 poor slope and the potential for
21 infiltration. There is some grease
22 issues when the pipe is not sloped
23 properly with the restaurants that are
24 in the area, and we've had to very
25 frequently perform preventive

2 maintenance and respond in some cases to
3 emergency situations in the parking lot
4 where it's -- it's contained. So the
5 focus is to replace this line. And Greg
6 is going to explain, you know, the
7 details of the project.

8 CHAIRMAN SWANSON: Welcome, Greg.

9 MR. GREENE: Thank you.

10 (Discussion held off the record)

11 MR. GREENE: As Ben mentioned, this
12 project is basically the replacement and
13 improvement of certain components of the
14 sanitary sewer system in this area,
15 which is on the west side -- which is
16 east of Main Street. It's basically in
17 the parking lot areas to the west -- I'm
18 sorry, to the east of the Main Street
19 area. And its about 350 feet from the
20 harbor -- from the harbor front edge.
21 Our role at Cashin was to assist the
22 county in the engineering design of the
23 project, but also to do the
24 environmental assessment.

25 Because this is Downtown Port

Jefferson, it's a very highly used area, there's a lot going on in this area, we did an EAF and we did an expansion of the EAF, just so we made sure we went through the various issues -- environmental issues that could be associated with the project.

Basically, I think our finding was that this work would have positive impacts on the environment because it's replacing a portion of the sewer system that is very old, that is really not operating properly, as Ben explained, and that has probably deteriorated quite a bit since it was installed in the mid-1900s and maybe even early 1900s. The infrastructure in Port Jefferson, in many cases, is very old.

Three main components is the replacement of a gravity sewer, an eight-inch line from here (indicating), about 650 feet. There's an existing line here that's going to be replaced with a new line (indicating).

Construction of a lift station -- a pump station in this area (indicating), and then the construction of about 250 feet of force main to tie that lift station into the existing sewer system on Main Street, Route 25A.

We felt the environmental benefits are pretty clear. The system is -- it is deteriorating, there could be backups since probably infiltration from the groundwater, and it's a situation that will only get worse with time.

As far as environmental impacts, the most obvious one is construction-related impacts. This area is intensely used in the summer for parking, pedestrian use -- Port Jefferson is popular in the summertime. So the impacts associated with -- with construction here, with excavation, could disrupt those activities. So we felt that could be mitigated pretty well by doing the work in the off-season. Port Jefferson is still popular in the

winter but not at all as much as it is in the summertime. So we felt those construction-related impacts could be controlled by doing the work in the off-season and also by implying, you know, standard workplace safety procedures, making sure everything is -- meets health and safety requirements and other typical construction-related mitigations.

As far as other impacts, this is an area of shallow groundwater. The elevation in this -- in this work area ranges from about 12 up here to about six feet here above sea level (indicating). The groundwater is -- is shallow, maybe four feet below groundwater -- four feet below land surface. So for much of this work, dewatering may be required.

Because of that, a dewatering permit will be applied for with the Department of Environmental Conservation -- New York State

2 Department of Environmental
3 Conservation. They're responsible for
4 issuing that permit and -- and making
5 sure that that dewatering complies with
6 their regulations.

7 CHAIRMAN SWANSON: And where do you
8 plan on pumping it to?

9 MR. GREENE: That will depend on
10 some further investigation that the
11 county is now doing. The one thing we
12 wanted to make sure of is that the water
13 is not contaminated.

14 As you know, about a mile north is
15 the Lawrence Aviation facility, which is
16 the Superfund site. It's been subject
17 to a lot of investigation by the DPA and
18 the DEC. Those agencies have completed
19 a remedial investigation and they have a
20 plan for remediating the contamination
21 that's emanating from that site.

22 There's been quite a lot of
23 research on that site to date, and it
24 has been shown that there is a plume of
25 contaminated groundwater that extends

2 from the site northward, probably all
3 the way to Port Jefferson Harbor. The
4 data seems to indicate that there's --
5 there's a plume of volatile organic
6 compounds, VOCs; primarily
7 dibenzoylmethane and tetrafluoroethane.

8 VICE CHAIRMAN KAUFMAN: That stuff.

9 Write it down as "that stuff."

10 MR. GREENE: We've reviewed the EPA
11 and Suffolk County data that's
12 available, and it shows that that plume
13 is to the west. It's actually on the
14 west side of -- of Main Street.

15 So this project site is not in the
16 defined plume as we know it is now.
17 However, it's close enough that we felt
18 it is a concern, we wanted to make sure
19 that this site is not in that plume, and
20 if it was, by some chance, that the --
21 the groundwater dewatering be mitigated.

22 As a double check to make sure that
23 the groundwater here is not affected,
24 the county will be putting in some test
25 wells in the actual work zone, a deep

well and shallow well. Those wells would be tested ahead of time to confirm the earlier findings that the plume is, in fact, to the west. And also, those wells will be available to sample periodically immediately before the construction phase, and, if necessary, during construction to make sure there's no draw effect of the dewatering -- to make sure it doesn't pull any contamination in the direction of the dewatering activities.

So, to answer your question, typically, the DEC will allow dewatering to enter into stormwater sewers that are nearby. That's a typical method of disposal. If the water is clean, the DEC may allow that. In which case, it would enter the stormwater system which does eventually enter Port Jefferson Harbor. Again, they'll review the water quality data that we will -- we'll provide, they'll make that decision.

2 As a worse case, if there is some
3 contamination, mitigation will be
4 employed. That mitigation will be
5 constructing in such a manner that --
6 that minimizes the need for dewatering.
7 And as a worse case, there could
8 possibly be treatment of the dewatering
9 effluent if necessary. But that will --

10 CHAIRMAN SWANSON: It could be rich
11 in nitrogen.

12 MR. GREENE: It could be rich --
13 it's not only the Lawrence Aviation
14 site, there's a number of spill sites in
15 the Port Jefferson watershed. There's
16 some gasoline spills, some underground
17 tank leaks. It could be high in
18 nitrogen nutrients. So that will depend
19 on what the water -- the water quality
20 testing shows.

21 VICE CHAIRMAN KAUFMAN:

22 (Indicating)

23 CHAIRMAN SWANSON: Mike.

24 VICE CHAIRMAN KAUFMAN: One thing
25 I'm not a hundred --

2 CHAIRMAN SWANSON: Oh, were you
3 through?

4 MR. GREENE: Um, yes.

5 (Laughter)

6 VICE CHAIRMAN KAUFMAN: One thing I
7 want to put on the record because I'm
8 not a hundred percent sure about it, I
9 did speak with Ben a couple of minutes
10 ago.

11 Essentially, the replacement of
12 pipe right now is not going to be a
13 straight flush to the harbor, it is
14 going to go to the Port Jefferson STP
15 via the -- the lift station?

16 MR. GREENE: Yes.

17 VICE CHAIRMAN KAUFMAN: Okay.

18 MR. GREENE: It ties into the
19 existing sanitary sewer system, which
20 goes to the sewer treatment --

21 VICE CHAIRMAN KAUFMAN: Right.

22 MR. GREENE: -- plant. It will tie
23 in on Main Street.

24 VICE CHAIRMAN KAUFMAN: Okay.

25 Because I was looking at the maps and I

could not figure a hundred percent out what was going on. Whether it was going into the stormwater sewers in the area --

(WHEREUPON, there was an interruption in the proceeding, after which the following transpired:)

VICE CHAIRMAN KAUFMAN: Making sure that the pipe that you will be replacing does go to the Port Jefferson STP, there will be no straight flush of the contents of the pipe into the harbor. So that's the first --

MR. GREENE: Yeah, that's --

VICE CHAIRMAN KAUFMAN:
-- question.

MR. GREENE: -- a certainty.
That's -- that's one hundred percent certain.

VICE CHAIRMAN KAUFMAN: Okay.

Second off, this area used to be marshland. It's been heavily filled. I know that there are spills to the east of there from the old Mobil terminal,

1 supposedly mostly cleaned up, et cetera.
2
3 You'll be -- I think you said a couple
4 of minutes ago that you'll be checking
5 for lateral transport.

6 Do you expect to see much lateral
7 transport in the area given the fill
8 that has been occurring in the area?

9 MR. GREENE: I think not. I think
10 the plume is to the west of Main Street.
11 I think it's -- there's a fairly good
12 gradient from Lawrence to the harbor, I
13 think it's travelling in that direction.
14 It's probably moving in that direction
15 fairly rapidly by groundwater standards,
16 but when you do dewater- -- oh, and
17 it's -- it's separated by several
18 hundred feet -- hundreds of feet.

19 VICE CHAIRMAN KAUFMAN: Yeah, also
20 there's --

21 MR. GREENE: Dewatering is a
22 temporary drawdown, it's not a long-term
23 effect on groundwater. So I -- I
24 think it's doubtful that there could be
25 a -- a pullover to that direction, but

given that it is a groundwater plume and you're not sure of the boundaries, you know, the right thing to do is to check it out.

VICE CHAIRMAN KAUFMAN: Do you anticipate much dewatering?

I know the parking lot fairly well. I go to the Steamroom, I go to Danfords, et cetera. I'm familiar with the area. You're only talking about a couple hundred feet over here.

How long do you think the project will last? That's more --

MR. GREENE: I'm not sure that -- the anticipated construction duration.

Ben, do you --

MR. WRIGHT: I think we indicated four months in the EAF. You know, but that won't be continuous dewatering. And also, the dewatering process hasn't been defined yet. The zone of influence from dewatering may be relatively shallow, so we're not pulling in, you know, much from the lateral areas.

MR. BAGG: (Indicating)

CHAIRMAN SWANSON: Jim.

VICE CHAIRMAN KAUFMAN: Thank you.

MR. BAGG: Yeah, there's a creek
that runs to the west of that area;
right?

MR. GREENE: Mill Creek.

MR. BAGG: I mean, that's a cutoff,
too. I mean, that -- that --

MR. GREENE: Actually, the --

MR. BAGG: -- that's an outflow
area.

MR. GREENE: A lot of the -- the
groundwater and the effluent -- the
plume from Lawrence Aviation is entering
into the -- into the Mill Creek -- in
the Mill Pond system. That's why, if
you notice in Port Jefferson, those
ponds have warning signs that you
shouldn't swim in them, it's because of
the contaminants that are coming from
the Lawrence Aviation site.

So you're right, that -- that acts
as a drainage way -- as a conduit of

1 those -- of that groundwater flow.

2 VICE CHAIRMAN KAUFMAN: Yeah, that
3 looks to be --

4 MR. BAGG: It's a natural block. I
5 mean, you wouldn't be anticipating
6 dewatering enough to draw water from
7 that creek back into the groundwater.

8 MR. GREENE: No. No. That is a
9 natural block and a natural conduit.

10 MS. GROWNEY: (Indicating)

11 CHAIRMAN SWANSON: Eva.

12 MS. GROWNEY: If I understood you
13 correctly, you said something to the
14 effect that, if need be, there'd be
15 testing. So --

16 MR. GREENE: No, we're definitely
17 testing. We're putting in --

18 MS. GROWNEY: But during the -- the
19 whole construction process is what
20 I'm --

21 MR. GREENE: Yes.

22 MS. GROWNEY: -- referring to.

23 So you will be constantly checking
24 it to see if the plume -- if the
25

contamination is becoming --

MR. GREENE: The actual testing schedule isn't really set yet, but I think we'd probably test when the wells are ready to be tested in several weeks. We'll test those wells again prior to the construction activities, and I think it would probably be wise to test them again during.

MS. GROWNEY: During, that's what I'm getting at. Yes, the during is important I -- I believe.

MR. GREENE: And that will be the decision of the county -- DPW.

MR. MACHTAY: (Indicating)

CHAIRMAN SWANSON: Rich.

MR. WRIGHT: No, I think that's something we certainly want to do.

MS. GROWNEY: Yeah, we want to do. Yeah.

MR. MACHTAY: Question for Jim.

Jim, for the purposes of SEQRA, how would you classify this project?

MR. BAGG: Well, when I originally

1 looked at it, I mean, except for the
2 contaminations, a replacement, you
3 know --

4 MR. MACHTAY: Replacement, in kind.

5 MR. BAGG: -- in kind, on the same
6 site.

7 Now, putting in the pump station as
8 well as the other -- what would be the
9 square footage involved with that,
10 because I think it's less than 4,000
11 square feet; is that correct?

12 MR. WRIGHT: Yeah, I mean, 200- --
13 if you consider the 250 foot of force
14 main, and the existing -- the open
15 trench is going to be less than ten-foot
16 wide, so that -- that would be
17 2,500 square feet. The pump station
18 itself is a submersible station, that's
19 probably going to be eight-foot
20 diameter.

21 MR. BAGG: I mean, so -- so, to
22 me --

23 MR. WRIGHT: So it's less --
24 certainly less than 4,000 square feet.
25

MR. BAGG: -- SEQRA says that a Type II Action on the Type II list could be replacement, rehabilitation, reconstruction of a structure or facility, in kind, on the same site, or construction, expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet.

In addition, if you look at the rules and regulations, number 11 also states that you could put in a whole -- you could extend utility distribution facilities, which includes sewers -- all right -- to existing subdivisions, and that be a whole new project.

MR. MACHTAY: My -- my point here is -- in asking that question was, there are obvious environmental issues out here. However, as far as SEQRA is concerned, I think this is a Type II Action.

MR. BAGG: I -- I would concur with that. It's up to DE- --

2 MR. MACHTAY: But, nevertheless,
3 the -- the environmental issues must be
4 of concern and must be addressed as
5 they're doing them.

6 MR. BAGG: Right.

7 VICE CHAIRMAN KAUFMAN: That's why
8 I think it goes to an Unlisted. Because
9 of the potential environmental concerns
10 and potential contamination and
11 potential additions, that's why I think
12 it flips from a Type II into an
13 Unlisted. We have an EAF here,
14 et cetera, we're considering those
15 issues. There are threshold questions,
16 that's why --

17 MR. MACHTAY: But SEQRA doesn't
18 make provision for that, what you're
19 saying.

20 MR. BAGG: Yeah, it doesn't. I
21 mean, also, in addition --

22 MR. MACHTAY: I mean, it may be a
23 slip of SEQRA, but, nevertheless, it
24 doesn't make provision for that.

25 VICE CHAIRMAN KAUFMAN: I don't

1 have the regs in front of me. I
2 would --

3 MR. BAGG: That's part of the
4 responsibility --

5 VICE CHAIRMAN KAUFMAN:
6 -- disagree.

7 MR. BAGG: -- of DEC, too, in their
8 permit operation, is to make sure that,
9 you know --

10 MR. MACHTAY: Well, they're not
11 going to use SEQRA.

12 MR. BAGG: -- there aren't any kind
13 of contaminations.

14 VICE CHAIRMAN KAUFMAN: Yeah.
15 Well, they'll just do a dewatering
16 permit and they'll --

17 MR. MACHTAY: DEC will rely on
18 whatever the county does. If the county
19 calls it a Type II Action, or if the
20 county says it's a Neg Dec -- you know,
21 Unlisted Neg Dec, then DEC will rely on
22 that. They're not going to do their own
23 SEQRA review. They don't do it. Okay.

24 So, nevertheless, the environmental
25

2 issues have to be addressed, and they
3 are addressing them in spite of the
4 SEQRA regulations not requiring it. And
5 I think that's -- you know, the
6 resolution that goes to the legislature,
7 I think, has to say it's a Type II
8 Action, however, all these issues have
9 to be addressed aside from SEQRA.

10 CHAIRMAN SWANSON: Are you making
11 that a motion?

12 MR. MACHTAY: I'll make that
13 motion.

14 MS. SPENCER: Second.

15 MR. MACHTAY: Jim, is that okay
16 with you? I mean, you --

17 VICE CHAIRMAN KAUFMAN: Well, I
18 think it could be accomplished either
19 way.

20 I mean, if we do it as a Type II
21 and put the conditions on as consultant
22 Greg from Cashin and Ben Wright have
23 been talking about, that covers us, it
24 identifies it to the legislature.

25 We would do the same type of thing

1 with an Unlisted.

2 I, again, personally feel safer
3 with an Unlisted. I think it -- there
4 is criteria --

5 MR. MACHTAY: Well, Unlisted --

6 VICE CHAIRMAN KAUFMAN: -- in SEQRA
7 to put that --

8 MR. MACHTAY: -- if you put
9 conditions on it, you've got a --

10 VICE CHAIRMAN KAUFMAN: CND.

11 MR. MACHTAY: -- Conditional Neg
12 Dec --

13 VICE CHAIRMAN KAUFMAN: Yeah, I
14 know.

15 MR. MACHTAY: -- and then it
16 becomes a Pos Dec if it's not acted on
17 in a certain amount of time. So
18 you're --

19 VICE CHAIRMAN KAUFMAN: Yeah.

20 MR. MACHTAY: -- you're putting an
21 extra threshold in there that maybe you
22 don't want to do.

23 MR. BAGG: I would concur with what
24 Rich --

2 CHAIRMAN SWANSON: Okay. So we
3 have a motion.

4 Do we have a second?

5 MS. SPENCER: I second.

6 CHAIRMAN KAUFMAN: And I have
7 another question for you.

8 In looking at your EAF, I guess it
9 was, it says that the village does not
10 require to be in the approval process;
11 why is that, Ben?

12 MR. WRIGHT: Well, we met with them
13 and they're -- they're in support of
14 this.

15 CHAIRMAN SWANSON: Okay.

16 MR. WRIGHT: There's really no
17 permit that is necessary, you know, it's
18 just the concurrence that the project is
19 worthy of proceeding. And I -- and I
20 believe Mariners Way, where the line is,
21 is not village-owned; is that --

22 MR. GREENE: I believe it's all
23 county.

24 MR. WRIGHT: Yeah, so --

25 CHAIRMAN SWANSON: Okay.

2 VICE CHAIRMAN KAUFMAN: Oh, so I
3 should be able to park there for free
4 then and not have to pay Port Jefferson
5 any money for parking in that parking
6 lot.

7 MR. WRIGHT: There's no spots right
8 over there.

9 CHAIRMAN SWANSON: But the sewage
10 treatment plan is for the Village of
11 Port Jefferson only.

12 MR. WRIGHT: No -- no.

13 CHAIRMAN SWANSON: No?

14 MR. WRIGHT: There are contractees
15 that -- that are outside the village
16 area that are also -- you know, treated
17 at the -- at the site, and only half the
18 village is served by the plant.

19 CHAIRMAN SWANSON: Okay.

20 Okay. Any further discussion?

21 (WHEREUPON, there was no response.)

22 CHAIRMAN SWANSON: All in favor?

23 (WHEREUPON, the members voted.)

24 CHAIRMAN SWANSON: Opposed?

25 (WHEREUPON, there was no response.)

CHAIRMAN SWANSON: Motion carries.

Thank you.

MR. WRIGHT: Okay. Thank you.

VICE CHAIRMAN KAUFMAN: Thanks,
Ben.

CHAIRMAN SWANSON: All right.

Amendment of Introductory
Resolution 1609, acquisition of the
partial interest in the John Cohalan
Court Complex, constituting the portion
of the facility not currently owned by
the county.

Is somebody here to talk about
that?

MR. BAGG: I am.

I think the resolution speaks for
itself. Basically, the county wants to
acquire the rest of the existing
facility and grounds that they do not
own. It's being acquired strictly to
save money over time. I believe
Mr. Levy has said that over the next
year, the county could save
approximately \$10 million in costs

2 associated with -- with the project
3 instead of paying the state agency, if
4 the county takes over the property and
5 funds it through municipal bonds. And
6 that's the whole purpose. There's no
7 proposed changes to the site or anything
8 else. It's simply an acquisition of the
9 remaining interest in the property.

10 And SEQRA says that the acquisition
11 of land cannot be considered a Type II
12 Action, so therefore it would have to be
13 considered an Unlisted Action.

14 MR. MACHTAY: How many acres is it?

15 MR. BAGG: 30- --

16 MR. MACHTAY: Less than a hundred
17 acres; right?

18 MR. BAGG: 33 or 35.

19 MR. MACHTAY: So it's an Unlisted
20 Action.

21 MR. BAGG: Yes, Unlisted Action
22 with a Proposed Neg Dec.

23 CHAIRMAN SWANSON: Do we have a
24 motion?

25 MR. MACHTAY: Motion.

2 CHAIRMAN SWANSON: We have a
3 motion.

4 Do we have a second?

5 MS. GROWNEY: Second.

6 CHAIRMAN SWANSON: We have a
7 second.

8 And any further discussion?

9 (WHEREUPON, there was no response.)

10 CHAIRMAN SWANSON: Motion -- all in
11 favor?

12 (WHEREUPON, the members voted.)

13 CHAIRMAN SWANSON: Opposed?

14 (WHEREUPON, there was no response.)

15 CHAIRMAN SWANSON: Motion carries.

16 And I think that's the end of our
17 agenda.

18 (Discussion held off the record)

19 CHAIRMAN SWANSON: Michael.

20 VICE CHAIRMAN KAUFMAN: All right.
21 Very quickly. A couple of years ago,
22 a -- for all intents and purposes,
23 something called an Open Water Marsh
24 Management program was instituted at
25 Wertheim Federal Wildlife Preserve under

2 the aegises of the county and the
3 federal government. The objective was
4 to increase bird habitat over there and
5 also try and preserve marshes.

6 It was a demo project --
7 demonstration project for certain
8 techniques that the federal government
9 was interested in looking at, again, for
10 increasing habitat for migratory water
11 fowl and things like that, and also
12 preserving the marshes.

13 At the time, it was subject to a
14 lot of storm and fury, and a lot of
15 controversy, and DEC requested that at
16 least a five-year program be instituted
17 of monitoring the program and the
18 construction that occurred in the marsh
19 itself.

20 Essentially, OWMM, Open Water Marsh
21 Management, opened up some channels in
22 there, closed off some other stuff, dug
23 out some ponds, removed a little bit of
24 marshland here and there, et cetera.

25 What it boils down to is a lot of

the fears that were expressed four years ago as to potential problems with the project have not come to fruition, and there will be a report coming out relatively soon showing that this particular project was, so far, four years in, pretty successful. Again, none of the problems that were predicted occurred, and most of the benefits that were anticipated have also occurred. There's been no collapse of marshland, there's been no expansion of channels, there's been no dead zones created from construction, et cetera.

That report, again, will eventually be coming to CEQ. There's an actual paper on it right now that's being peer reviewed and will be published in the literature someplace. I'm not sure where. So that's the good thing.

We'll probably get a photo array on certain things associated with it. But the federal government right now essentially considers it to be a

successful project, four years in
admittedly, not five. And Suffolk
County and DEC have not seen any -- that
results from it.

Nonetheless, the EIS that the
county put together and that we reviewed
back in 2006, et cetera, discourages
OWMM projects in and of themselves.
Some of the techniques that are out
there might be applicable, might be
useable, but I'm not sure that a project
like this would be performed on county
land without a number of different
reviews. So that's what we're talking.

The second thing is just to update
everyone. A couple years ago, as part
of this marsh wetland and vector control
EIS, the county put together a generic
EIS and also parts of a master plan, and
eventually got it through the
legislature. Essentially called for
equal weight being placed upon mosquito
control and also the health of the
marsh, and it established a number of

techniques that might be useable in the future, but it did not come up with a full plan.

MR. BAGG: (Inaudible)

VICE CHAIRMAN KAUFMAN: I'm -- I'm sorry, health -- marsh health came first, that was one of the things I worked on.

You're right, Jim. Marsh health came first, vector control was simply an ancillary aspect to marsh management.

A full plan was not put together a couple of years ago for how to deal with individual marshes. The county has now, finally, I believe, signed a contract with LKB Associates from, I believe, Syosset, wherein LKB is going to try and establish criteria for how to examine a marsh, what criteria to analyze and use in decision-making in the future, and try and see how we're going to either repair marshes, stabilize them where they're being lost, because we apparently have marsh damage in the

county, and also possibly try to establish an arch type of marsh, what our marshes should look like.

There will be a whole range, hopefully, of options that are created. There will also be, hopefully, a historical compendium made of what our marshes looked like a long time ago, say, back in the 1930s, before we did -- before marsh ditching occurred and mosquito ditching occurred.

So they're trying to do -- go the historical look at things, and try and establish what our marshes used to be, and where the county is going to be going in the future.

That comes to us eventually in perhaps a year, or something like that, because we still retain review powers over the EIS and ancillary documents prepared as part of the EIS process. So you can anticipate in about a year a lot of this stuff coming up.

There will be a lot of meetings on

1 all of this. There's some technical
2 advisory groups being set up. There's
3 some stewardship groups being set up.
4 There's a consultant working away right
5 now on all of it. We'll probably have
6 some initial results in about six months
7 of where they're trying to go.

8 I was at the kick-off meeting a
9 couple weeks ago. And, again, there's a
10 great amount of interest in it, and this
11 will eventually be popping up on our
12 radar screen. So I just wanted to let
13 everyone know that this is out there at
14 this point in time, and hopefully we'll
15 be able to go forward with establishing
16 a real plan and getting some work
17 underway.

18 If everyone remembers, back in
19 2006, the county undertook a three-year
20 process, and we're in year two right
21 now. The county, basically, was going
22 to try and establish an actual plan with
23 criteria before anything was actually
24 undertaken. And that's what we're
25

basically talking about at this point in time.

So that's what I got.

CHAIRMAN SWANSON: So --

VICE CHAIRMAN KAUFMAN: Rebuttal?

CHAIRMAN SWANSON: -- I would say --

Yes. I would not buy into the success story at this point, and for a number of reasons.

One, I haven't seen the actual report, photographs. They're very -- actually sort of meaningless, because that's not where you really see the changes in the marsh. Secondly, changes in marsh health function and structure probably won't actually be seen until ten, 20 years down the road. So I wouldn't jump on the bandwagon that this is a success.

Secondly, I think that we all have -- all recognize that this is coming, and we have to be a little bit cautious. The last thing, I would

2 think, that anyone of us want to do is
3 to jump in and try to force our will in
4 the development of the report so that
5 then when it comes here, we are unable
6 to take an objective look at what the
7 report actually says. So I've been
8 stewing on whether I actually will go to
9 the meetings or not, because I'm not
10 sure if I went to the meetings whether I
11 could have a -- be able to review the
12 final report objectively.

13 On the other hand, there's perhaps
14 some advantage to trying to steer them a
15 little bit. But you got to remember
16 that the final analysis we'll be looking
17 at is not only the SEQRA issues with
18 regard to this report, but whether or
19 not the science is meaningful and what
20 they come up with.

21 VICE CHAIRMAN KAUFMAN: Larry, I
22 would say the following.

23 I got a great education in
24 attending a lot of TAC meetings from the
25 previous incarnation of all of this. I

1 saw where all the sides were coming
2 from, and I understood the science a lot
3 better. And I think that it was -- it's
4 valuable if members can attend. You'll
5 see where everyone is coming from,
6 you'll see the objections, you'll see
7 the -- the good stuff, and you'll see
8 which way the consultant is trying to
9 deal with things. It's -- it's
10 instructive, if nothing else, just to
11 observe and see.

12
13 CHAIRMAN SWANSON: Well, going and
14 listening is one thing.

15 VICE CHAIRMAN KAUFMAN: Yeah.

16 CHAIRMAN SWANSON: Going and
17 participating and trying to steer them
18 in one direction or the other is quite
19 another thing.

20 VICE CHAIRMAN KAUFMAN: Yeah, I
21 don't think it should be steered.

22 MR. BAGG: I think it's very
23 important here, though, that -- at this
24 point in time, the county has to develop
25 a procedure. The council has said that

each individual marsh area is unique in and of itself. And a procedure has to be established as to how the county plans to proceed to develop these various projects.

The (inaudible) stage was done by Dominick Ninivaggi and a couple people in the back room, to some extent.

And -- and in the future, we have to develop a procedure as to how you want these projects developed and what needs to be done in the review process. It just can't be thrown on a table and everybody come in here.

VICE CHAIRMAN KAUFMAN: Yeah.

MR. BAGG: There has to be a procedure.

VICE CHAIRMAN KAUFMAN: I think that's where they're trying to go. That's the only way, and that was something that's been discussed previously with the first incarnation with the EIS. That was something no one could really agree upon, the criteria to

1 look at and how to assess all of this
2 stuff so that decisions could be made.
3 That was what stymied everyone.
4

5 If you have, you know, say, ten or
6 15 -- there might be a hundred criteria
7 that you have to look at. There may be
8 ten primary criteria, but we -- that's
9 got to be put down on paper as to -- if
10 you're going to do something to a marsh.
11 To restore it, repair it, bring it back,
12 whatever, you have to have that in
13 writing, set up as a formalized process.

14 One, that's the only way that it
15 could be done under SEQRA and under
16 the -- the conditions of the EIS that
17 was previously passed. That was
18 mandated in.

19 Two, just in terms of lawsuits and
20 everything like that, it's got to be set
21 up that way so that there are
22 identifiable criteria that a judge can
23 look at. I mean, remember, this kind of
24 stuff has been subject to lawsuits in
25 the past.

2 MR. BAGG: And -- and -- I mean,
3 you have to --

4 VICE CHAIRMAN KAUFMAN: But I take
5 your point.

6 MR. BAGG: -- establish a baseline
7 of the marsh that they want to do a
8 project in, as well as what they're
9 proposing on doing the criteria. But,
10 also, I believe that the CEQ at the time
11 said that because this was subject to a
12 GEIS, that any marsh restorations
13 projects would be subject to a
14 supplemental?

15 VICE CHAIRMAN KAUFMAN: I believe
16 that was part of it. And that's why we
17 were --

18 MR. BAGG: So --

19 VICE CHAIRMAN KAUFMAN: -- I
20 stated we retained jurisdiction.

21 MR. BAGG: -- establishing this
22 procedure as to what that -- a
23 supplemental will include --

24 VICE CHAIRMAN KAUFMAN: Uh-huh.

25 MR. BAGG: -- and everything is

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2 very important.
3 VICE CHAIRMAN KAUFMAN: Yup.
4 CHAIRMAN SWANSON: Okay. Anything
5 else?
6 (WHEREUPON, there was no response.)
7 CHAIRMAN SWANSON: Do we have a
8 motion to adjourn?
9 VICE CHAIRMAN KAUFMAN: Motion to
10 adjourn.
11 MS. GROWNEY: Second.
12 CHAIRMAN SWANSON: Okay.
13 All in favor?
14 (WHEREUPON, the members voted.)
15 CHAIRMAN SWANSON: Opposed?
16 (WHEREUPON, there was no response.)
17 CHAIRMAN SWANSON: Thank you very
18 much for attending.
19 MS. GROWNEY: Thank you.
20 MR. BAGG: Yes.
21 (WHEREUPON, the meeting of the
22 Suffolk County Council on Environmental
23 Quality adjourned at 10:49 a.m.)
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C E R T I F I C A T E

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

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That the foregoing is a true and accurate
transcription of the stenographic notes taken
herein.

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

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IN WITNESS WHEREOF, I have hereunto set my
hand this 15th day of July 2009.

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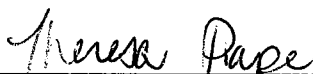
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THERESA PAPE